

Course Outline

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COURSE:	LAWS 2105 C & V - Human Rights and Social Justice
TERM:	Winter 2017
PREREQUISITES:	One of LAWS 1000 [1.0], HUMR 1001 [1.0], PAMP 1000 [1.0], PSCI 1100 and PSCI 1200
CLASS:	<b>Day &amp; Time:</b> Wednesdays 8:35am -11:35am <b>Room:</b> In-person Section, please check with Carleton Central for current room location: <a href="http://central.carleton.ca/">http://central.carleton.ca/</a> Online Section, recorded version of section C, please check for further information with CUOL <a href="http://carleton.ca/cuol/cuol-courses/">http://carleton.ca/cuol/cuol-courses/</a>
INSTRUCTOR:	Name: Dr. Rueban Balasubramaniam
CONTACT:	<b>Office:</b> Loeb D583 <b>Office Hrs:</b> Wednesdays 1-3pm by appointment only <b>Telephone:</b> 613-520-2600 ext 8809 <b>Email:</b> Rueban_Balasubramaniam@carleton.ca

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://carleton.ca/studentaffairs/academic-integrity/>

### **Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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## **COURSE DESCRIPTION**

Is the law a mere instrument of official policy even if that policy subverts human rights and social justice? Or, is there an intrinsic connection between the concept of the rule of law or legality and the ideals of human rights and social justice? These questions have defined the principal inquiry in modern legal philosophy where the practical stakes that inform this inquiry is the fact that law has often been used to undermine human rights and to systematically wreak injustice. The aim of these lectures is to grapple with this legal-philosophical debate to better understand the status and meaning of ideals like human rights and social justice and the extent to which a commitment to the rule of law may enhance or weaken the practical pursuit of such ideals.

## **REQUIRED TEXTS**

All readings for the course will be made available on CuLearn.

## **SUPPLEMENTARY TEXTS**

All supplementary materials will generally be made available on CuLearn.

## **EVALUATION**

**Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.**

**(At least two of the three Response Papers must be completed and submitted on time to get a passing grade)**

**COURSE DEADLINES ARE ABSOLUTE:** All papers are to be handed in as an online assignment via CuLearn by 12pm on the stipulated date. **No late papers will be accepted.**

The general aim of these Response Papers is to develop and assess your capacity to closely read, interpret, and analyze text. You will be required to write a paper that follows certain rules of argumentation set out for you on [www.essayjack.com](http://www.essayjack.com) so you must acquire an EssayJack subscription.

The evaluations are as follows:

- 50% - A 1000 word critical essay analyzing any aspect of HLA Hart's essay entitled "Legal Positivism and the Separation of Law and Morals" to be **submitted on January 31, 2017.**
- 50% - A 1000 word critical essay analyzing any aspect of Jeremy Waldron's essay entitled "All We Like Sheep" to be **submitted on February 28, 2017.**
- 50% - A 1000 word critical essay analyzing any aspect of Ronald Dworkin's essay entitled "Hard Cases" to be **submitted on March 28, 2017.**

**ALL DEADLINES ARE ABSOLUTE. THERE ARE NO EXTENSIONS UNDER ANY CIRCUMSTANCES.**

**Academic Integrity:** You will be required to write a draft of your response papers on [www.essayjack.com](http://www.essayjack.com) and to enclose the EssayJack draft along with your final response paper on the date of submission.

**Oral exams:** If I have any doubts about the academic integrity of the paper (i.e. whether you in fact wrote the paper), I reserve the right to conduct an oral examination in person with you to test your knowledge of the paper submitted and to verify that the paper submitted is in fact your original work. If it is discovered that you did not write the paper, then please see the University's policies about plagiarism about the consequences that will issue.

**Grade Appeals:** To appeal a grade, you must write an email to me explaining why the reasons for the grade are mistaken. The only relevant grounds of appeal are if it can be shown that the reason for the grade is not justified. For example, if the reason given is that there is no identifiable thesis statement then you must show to the contrary that there is in fact an identifiable thesis statement. Factors external to the quality of the paper itself are not a relevant reason for an appeal such as how hard you worked or your grades (I am an A student) in other courses. Also note that upon review, your grade may get worse, not better.

**Final Advice:** The readings are few but they are long, theoretical, and difficult. You will have to

read the articles several times, take close notes, and work hard to understand the arguments made therein to effectively write about them. I advise you to start working on your response papers early even before I have lectured on the subject.

## **SCHEDULE**

1. January 11 - Introductory Lecture

2. January 18 – Legal Positivism and the Separation of Law and Morals

Required Reading: HLA Hart, Legal Positivism and the Separation of Law and Morals (1958) Harvard Law Review 71:4 Harvard Law Review 1281.

3. January 25 - The Grudge Informer Case

Required Reading: HLA Hart, Legal Positivism and the Separation of Law and Morals (1958) Harvard Law Review 71:4 Harvard Law Review 1281.

Lon L. Fuller, Positivism and Fidelity to Law – A Reply to Professor Hart (1958) Harvard Law Review 71:4 630.

4. February 1 - Hart's Legal Positivism

Suggested Reading: HLA Hart, The Concept of Law (1961), Chapters 4,5, and 6.

5. February 8 – Hart's Legal Positivism

Required Reading: HLA Hart, Legal Positivism and the Separation of Law and Morals (1958) Harvard Law Review 71:4 Harvard Law Review 1281.

Suggested Reading: HLA Hart, The Concept of Law (1961), Chapters 8 and 9.

6. February 15 - All We Like Sheep

Required Reading: Jeremy Waldron, All We Like Sheep (1999) Canadian Journal of Law and Jurisprudence 169.

7. February 22 – **No class due to Reading Week**

8. February 29 – Dworkin's Anti-Positivism

Required Reading: Ronald Dworkin, The Model of Rules 1 (1967-1968) University of Chicago Law Review 35.

9. March 8 – The Liberal Rule of Law

Required Reading: Ronald Dworkin, Hard Cases (1975) 88:6 Harvard Law Review 6.

10. March 15 – The Liberal Rule of Law

Required Reading: Ronald Dworkin, Hard Cases (1975) 88:6 Harvard Law Review 6.

11. March 22- Dworkin and Wicked Law

Required Reading: David Dyzenhaus, Law as Justification: Etienne Mureinik's Conception of Legal Culture (1998) 14 South African Journal of Human Rights 11.

12. March 29 – Concluding Lecture

13. April 5 – Class Cancelled