

Course Outline

COURSE:	LAWS 2105D - Social Justice and Human Rights
TERM:	Winter 2017
PREREQUISITES:	One of LAWS 1000 [1.0], HUMR 1001 [1.0], PAPM 1000 [1.0], PSCI 1100 and PSCI 1200.
CLASS:	Day & Time: Friday 11:35AM-2:25PM Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Craig McFarlane
CONTACT:	Office: B442 Loeb Office Hrs: Tuesday or Friday by appointment Telephone: Not applicable Email: craig_mcfarlane@carleton.ca

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 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) 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/>

COURSE DESCRIPTION

Calendar Description Theories and practices of law and social justice. Issues examined may include: civil democracy and repression; global governance and the rule of law; democratic movements and social power; human rights instruments, regimes and remedies; armed conflict; and humanitarian intervention.

Course Overview This course presents a critical examination of the concept of human rights. We will begin discussing early modern political theory, especially its conception of “man” and “his” relation to the political community. We will then turn to the French Revolution, which was the first political movement to articulate its goals in terms of humanity, rights, and citizenship. Here we still study both proponents of the Revolution, its opponents, and its critics. Then we will turn to the twentieth century looking at how devastating global wars—such as World War I and II—potentially destroyed the classical foundations upon which rights were thought to rest. We will then turn to recent debates which challenge the concept of human rights from two different directions: those which seek to subvert human rights (the War on Terror, torture, targeted killing, and indefinite detention) and those which seek to extend the concept of rights beyond the boundaries of the human to animals and the natural world. Finally, the course will consider whether human rights and social justice is beside the point: is it normatively

obligatory to plan the intentional extinction of the human species (if not all conscious species)? The readings assigned in this course are historical and/or theoretical (in other words, difficult and demanding) and evaluation is by three essays and written assignments for every class. Students are advised to keep this in mind when registering.

REQUIRED TEXTS

All required readings are available on cuLearn or the internet.

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.

Short Essays 75% (3 x 25%)
Reading Responses 25% (10 x 2.5%)

Short Essays (3 x 25%)

Students are required to complete three short essays (minimum of 1250 words and a maximum of 1500 words). These short assignments are intended to be exercises wherein the student enquires into the logic of a particular concept, argument, or passage, discussing its strengths and weaknesses, its meaning, its implications, and potential applications. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts. Students must focus on the assigned texts—i.e., those which are discussed in class—rather than relying upon secondary sources. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. The text should be set in a standard font (e.g., Times New Roman, Helvetica, Palatino) with 1” margins on all four sides. A title page is not necessary, but your name, student number, and the course code should appear in the header of all the pages. The word count for the assignment must be included. Assignments must be submitted via cuLearn in PDF format. Late assignments are penalized one grade per day (or about 0.75 marks per day late). Topics will be discussed in class closer to the due-date.

First essay on weeks two to five (inclusive) due February 17.
Second essay on weeks six to nine (inclusive) due March 24.
Third essay on weeks ten to twelve (inclusive) due April 25.

Response Papers (10 x 2.5%)

Students are required to write ten short response papers. There are eleven classes with readings, thus students can miss one week. However, because students can miss a week, this means that late response papers will not be accepted nor will extensions be granted. Response papers are to be submitted on cuLearn *before* 11:35AM the day they are discussed in class. Response papers address the readings for that week: e.g., the response paper due on January 13 discusses Hobbes and Locke. Responses should not be more than 500 words long. While it is understandable that some summary will be required in these assignments, the expectation is that students will use response papers as an opportunity to reflect

upon the readings. For instance, students might relate one set of readings to a prior set, or they might relate the concepts developed in the readings to a current event, or students might demonstrate how the readings relate to their own life experiences. Responses are marked on a pass/fail basis. If the response is submitted on time and properly completed, then the student “passes” and receives 2.5 marks. If the response paper is not submitted on time or improperly completed, then the student “fails” and receives 0 marks.

SCHEDULE

January 6, 2017 — Introduction

No assigned readings.

January 13, 2017 — Philosophical Anthropology I

Hobbes, Thomas. *The Leviathan*. Hackett, 1994.

Locke, John. “Second Treatise of Government.” In *Two Treatises of Government*, edited by Peter Laslett. Cambridge UP, 1988.

January 20, 2017 — Philosophical Anthropology II

Montesquieu. *The Spirit of the Laws*. Edited by Anne M. Cohler, Basia C. Miller, and Harold S. Stone. Cambridge UP, 1989.

Rousseau, Jean-Jacques. “Discourse on the Origin and Foundations of Inequality Among Men.” In *The Discourses and Other Early Political Writings*, edited by Victor Gourevitch, 111–222. Cambridge UP, 1997.

January 27, 2017 — The Rights of Man and Citizen

National Assembly of France. “Declaration of the Rights of Man and of the Citizen.” In *The Political Theory Reader*, edited by Paul Schumaker, 37–8. Wiley-Blackwell, 2010.

Paine, Thomas. “The Rights of Man.” In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 84–7. Columbia UP, 2001.

February 3, 2017 — Concerns About the Rights of Man and Citizen

Bentham, Jeremy. “Anarchical Fallacies.” In *The Nature and Process of Law: An Introduction to Legal Philosophy*, edited by Patricia Smith, 94–100. Oxford UP, 1993.

Burke, Edmund. “Reflections on the Revolution in France.” *The Political Theory Reader*, edited by Paul Schumaker, 38–40. Wiley-Blackwell, 2010.

Wollstonecraft, Mary. *A Vindication of the Rights of Woman*. Edited by Janet Todd. Oxford UP, 1999.

February 10, 2017 — Statelessness and the Right to Have Rights

Arendt, Hannah. *The Origins of Totalitarianism*. Harcourt, 1985.

Rancière, Jacques. “Who Is the Subject of the Rights of Man?” *The South Atlantic Quarterly* 103 (2004): 297–310.

Somers, Margaret. *Genealogies of Citizenship: Knowledge, markets, and the Right to Have Rights*. Cambridge UP, 2008.

February 17, 2017 — The State and Violence

Primoratz, Igor. *Terrorism: A Philosophical Investigation*. Polity, 2013.

Tilly, Charles. “War Making and State Making As Organized Crime.” In *Bringing the State Back In*, edited by Peter Evens, Dietrich Rueschmeyer, and Theda Skocpol, 169–91. Cambridge UP, 1985.

February 24, 2017 — No Class**March 3, 2017 — Torture and Indefinite Detention**

Bybee, Jay S. “Memorandum for Alberto R. Gonzales, Counsel to the President re: Standards for Conduct for Interrogating Under 18 U.S.C. 2340–2340A.” August 1, 2002.

Bybee, Jay S. “Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency re: Interrogation of al Qaeda Operative.” August 1, 2002.

Yoo, John. “Letter to Alberto R. Gonzales, Counsel to the President.” August 1, 2002.

Yoo, John. “Memorandum for William J. Haynes II, General Counsel of the Department of Defense re: Military Interrogation of Alien Unlawful Combatants Held Outside the United States.” March 14, 2003.

Waldron, Jeremy. “Torture and Positive Law: Jurisprudence for the White House.” *Columbia Law Review* 105 (2005): 1681–1750.

March 10, 2017 — Drones and Targeted Killing

Johnson, Rebecca J. “The Wizard of Oz Goes to War: Unmanned Systems in Counterinsurgency.” In *Killing By Remote Control: The Ethics of an Unmanned Military*, edited by Bradley Strawser, 155–78. Oxford UP, 2013.

Sparrow, Robert. “War Without Virtue?” In *Killing By Remote Control: The Ethics of an Unmanned Military*, edited by Bradley Strawser, 83–105. Oxford UP, 2013.

Strawser, Bradley. “Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles.” *Journal of Military Ethics* 9 (2010): 342–68.

March 17, 2017 — Debt and Wealth

Graeber, David. *Debt: The First 5000 Years*. Melville House, 2011.

Piketty, Thomas. *Capital in the Twenty-First Century*. Harvard UP, 2014.

March 24, 2017 — Non-Human Rights

Francione, Gary. “Animals—Property or Persons?” In *Animals as Persons: Essays on the Abolition of Animal Exploitation*, 25–66. Columbia UP, 2008.

Kymlicka, Will and Sue Donaldson. “Animals and the Frontier of Citizenship.” *Oxford Journal of Legal Studies* No. 34 (2014): 201–19.

March 31, 2017 — Extinction

Benatar, David. *Better Never to Have Been*. Oxford UP, 2006.

Overall, Christine. *Why Have Children? The Ethical Debate*. MIT Press, 2012.

April 7, 2017 — Catch-up (if necessary)