

## Course Outline

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| <b>COURSE:</b>                    | <b>LAWS 2105A – Social Justice and Human Rights</b>   |
| <b>TERM:</b>                      | <b>Summer 2011</b>  |
| <b>PREREQUISITES:</b>             | <b>One of LAWS 1000 [1.0], HUMR 1001 [1.0], PAMP 1000 [1.0], PSCI 1000 [1.0] (PSCI 1001 and PSCI 1002)</b>                    |
| <b>CLASS:</b>                     | <b>Day &amp; Time: Tuesday and Thursday: 1805-2055<br/>Room: Please check with Carleton Central for current room location</b> |
| <b>INSTRUCTOR:<br/>(CONTRACT)</b> | <b>Craig McFarlane</b>  |
| <b>CONTACT:</b>                   | <b>Office: C476 LA<br/>Office Hrs: Tuesday &amp; Thursday: 5:00-5:45<br/>Email: craig_mcfarlane@carleton.ca</b>               |

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by June 10, 2011 for Spring term exams and July 29, 2011 for Summer term exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**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 focusing upon debates internal to the idea of human rights (i.e., that they are not in themselves universal), that historical circumstances render them impossible (i.e., following World War II and the Holocaust), that even those who claim to defend them do not take them seriously (i.e., the so-called Bush Doctrine following September 11, 2001), and the challenges presented to human rights by extending moral consideration beyond the species boundary (i.e., to animals). The course ends with a discussion of the idea of justice beyond rights. Most of the readings assigned in this course are historical and/or theoretical and evaluation is by four mandatory written assignments. Students are advised to keep this in mind when registering.

**REQUIRED TEXTS**

The following books are available at the campus bookstore.

Derrida, Jacques. *On Cosmopolitanism and Forgiveness*. New York: Routledge, 2001. <http://bit.ly/httCkK>

Wright, Evan. *Generation Kill: Devil Dogs, Iceman, Captain America, and the New Face of American War*. New York: Berkley, 2004.

All other readings are available on WebCT in PDF or online.

## **EVALUATION**

Assignments are due at the start of class the date they are due. Any assignments submitted after the start of class or to the drop box will be deemed late. Late assignments are penalized one mark per day late (e.g., an assignment two days late which merits a grade of A– will be given a grade of B). Extensions will not be granted under any circumstance. Please note that all assignments must be completed in order to pass this course; i.e., failure to submit all four assignments will result in a mark of FND. Plagiarism will not be tolerated and will result in the matter being referred to the Dean of the Faculty of Public Affairs and will most likely result in a failure on the assignment, if not also the course. There are no exceptions to any of these policies. While all grades are subject to approval by the Chair of the Department of Law and the Dean of the Faculty of Public Affairs, provisional marks will be posted to WebCT as they become available.

### **Short Papers (4x25%)**

Students are *required* to complete four short papers (about 1500 words). Failing to complete all four assignments will result in a grade of FND. The best way to learn theoretical concepts is to read and write about them. These papers are intended to be short exercises in which the student enquires into the logic of a particular set of concepts, discussing their strengths and weaknesses, and their potential applications. It is expected that the papers will extend beyond mere summaries of the readings and will attempt to critically engage with them. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable.

Assignments are due on the following days:

May 26 Discussion of Human Rights

June 9 Discussion of Evan Wright's *Generation Kill*

June 16 Discussion of Animal Rights

June 21 Discussion of Jacques Derrida's *On Cosmopolitanism and Forgiveness*

### **Please Note**

While the course is organized around lectures, active student participation is nonetheless expected. In order to facilitate participation—and minimize distraction—computers will not be permitted in the classroom (unless the use thereof is an accommodation approved by the Paul Menton Centre). Likewise, texting or any other use of cell phones, iPads, and the like will not be tolerated.

It is also expected that students are judicious in their use of email. Hence, when contacting the instructor via email, it is expected that you will use your Carleton Connect account (this is a legal requirement), put the course code and a brief description of the email in the subject line, and write the body of your email in coherent English (i.e., full sentences, proper spelling, grammar and punctuation). If you can't be bothered to write a proper email, I cannot be bothered to reply—after all, the email is clearly not important to you!

Finally, I cannot emphasize strongly enough how important it is to keep up with assigned readings and to attend all the lectures. The material is intentionally difficult and challenging.

## **COURSE SCHEDULE**

### **May 10 Introduction**

No assigned readings.

### **May 12 From Humanity to Human Rights**

Lefort, Claude. "The Idea of Humanity and the Project of Universal Peace." In *Writing, The Political Test*, 142–58. Durham: Duke UP, 2000.

**May 17 The Rights of Man, Citizen and Woman**

National Assembly of France. "Declaration of the Rights of Man and of the Citizen." In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 88–90. New York: Columbia UP, 2001. <http://bit.ly/excKXy>

Paine, Thomas. "The Rights of Man." In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 84–7. New York: Columbia UP, 2001. <http://bit.ly/glY4di>

Wollstonecraft, Mary. "Of the Pernicious Effects Which Arise From the Unnatural Distinctions Established in Society." In *Late Modern Philosophy: Essential Readings with Commentary*, edited by Elizabeth Schmidt Radcliffe, Richard McCarty, and Fritz Alhoff, 351–7. Oxford: Wiley-Blackwell, 2007. <http://bit.ly/eqJ2Hh>

**May 19 Criticisms of the Declarations**

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

Burke, Edmund. "Reflections on the Revolution in France." In *The Political Theory Reader*, edited by Paul Schumaker, 38–40. London: Wiley-Blackwell, 2010. <http://bit.ly/gHic3M>

Marx, Karl. "On the Jewish Question." In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 234–9. New York: Columbia UP, 2001. <http://bit.ly/fIMYBI>

Taylor, Thomas. *A Vindication of the Rights of Brutes*. London, 1792. <http://bit.ly/h8UTGn>

**May 24 The Death of Human Rights?**

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, 1985. [Chapter 9]

Douzinas, Costas. *The End of Human Rights: Critical Legal Thought at the Turn of the Century*. Oxford: Hart Publishing, 2000. [Chapter 14]

**May 26 Torture**

Waldron, Jeremy. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review* 105, no. 6 (2005): 1681–1750. <http://bit.ly/el47fn>

**May 30 Indefinite Detention**

Butler, Judith. "Indefinite Detention." In *Precarious Life: The Powers of Mourning and Violence*, 50–100. London: Verso, 2004.

**June 2 War**

Wright, Evan. *Generation Kill: Devil Dogs, Iceman, Captain America, and the New Face of American War*. New York: Berkley, 2004.

**June 7 Animals I**

Ritvo, Harriet. *The Animal Estate: The English and Other Creatures in the Victorian Age*. Cambridge, MA: Harvard UP, 1987. [Chapter 3]

**June 9 Animals II**

Singer, Peter. *Animal Liberation*. 2nd ed. New York: HarperCollins, 2002. [Chapter 1]

Francione, Gary. "Animals—Property Or Persons?" In *Animals as Persons: Essays on the Abolition of Animal Exploitation*, 25–66. New York: Columbia UP, 2008.

**June 13 Justice Beyond Rights?**

Derrida, Jacques. *On Cosmopolitanism and Forgiveness*. New York: Routledge, 2001. <http://bit.ly/httCkK>

**June 16 Conclusion/Catch-up**

No assigned readings.