

## Course Outline

<b>COURSE:</b>	<b>LAWS 2105 A &amp; B – Social Justice and Human Rights</b>
<b>TERM:</b>	<b>Fall 2008/09</b>
<b>PREREQUISITES:</b>	<b>Second-year standing</b>
<b>CLASS:</b>	<b>Day, Time &amp; Rm.: Sec A - Wednesday - 14:35-17:25 - Rm 342 TB (Tory) Sec B - Thursday - 11:35-14:25 - Rm 342 TB</b>
<b>INSTRUCTOR:</b>	<b>Professor Bartholomew</b>
<b>CONTACT:</b>	<b>Office: D581 LA (Loeb) Office Hrs: Thursday 15:00 to 17:00 or by appointment Telephone: 613-520-2600 x. 3696 Email: <a href="mailto:Amy_Bartholomew@carleton.ca">Amy_Bartholomew@carleton.ca</a></b>

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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html)

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**COURSE DESCRIPTION**

How should human rights obligations be conceptualized, institutionalized and enforced? What are the bounds of global justice? What role does and what role should international law play in securing human rights? How do international law and domestic law interact in the context of human rights?

In this course, we will consider these sorts of questions by examining the extent to which there has been a shift away from the traditional statist paradigm of international law and human rights toward a more cosmopolitan conception of morality, human rights and law. We will ask whether any shift that may be underway is desirable in terms of enhancing global justice and the protection of human rights. We will do so by considering some key historical, political and legal developments: (1) in the post World War II era, (2) under conditions of contemporary globalization, in general, and more particularly with regard to the end of the Cold War, and (3) post 9/11. Focusing on the latter, we will pose the following sort of questions: What forms of global legal justice are possible under conditions of American empire and global inequality? What are the possibilities and dangers of cosmopolitanism? What role might law and legality play in securing the enforcement of human rights and protecting them against abuse and instrumentalization by powerful actors? These questions are examined in the context of American empire, in general, the "global war on terror", in particular, and in relation to the invasion of Iraq, the role of Canada within American empire and legal challenges to American empire and the rise of 'empire's law'.

An important dimension of the course will be our attempt to situate current controversies, challenges and conflicts in the emergence and consolidation of moral, political and legal responses to crimes against humanity, war crimes and genocide following World War II. To this end, we will read Hannah Arendt's important book, *Eichmann in Jerusalem*, and consider some aspects of the Nuremberg Trials. Both of these raise a question that will pervade our considerations: How should we think about, and what should we do about, law under conditions of domination, exploitation and imperialism if our aim is to develop human rights and work toward global justice?

**REQUIRED READING** - Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe):

1. Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin.
2. LAWS 2105 Coursepack Fall 2008.

**Please Note:** - Not all required readings are in the coursepack.

- Those that are, are marked with an asterisk (\*) are in the coursepack
- Some readings are in Arendt, *Eichmann in Jerusalem*
- Some articles are available through the Carleton library as e-journals or through the journal websites. These are marked in the syllabus with an (!). You must retrieve these yourself.  
If you do not know how to negotiate the library website in order to retrieve e-journals, please go to the library and ask for instruction in the first week of term.
- Where articles are available online, the URL is provided. These are marked with a (^)  
If you cannot access these articles with the URL provided, google the key words.

Required readings are listed first under each week. Readings labeled 'essays for discussion' are required reading, as well. Supplementary readings are listed just fyi.

### **SUPPLEMENTARY TEXTS**

Bartholomew, Amy (ed.). 2006. *Empire's Law: The American Imperial Project and the 'War to Remake the World'*. London: Pluto Press.

### **WEB CT**

We will use the course website to communicate outside of class. Therefore, it is important that you have access to Carleton Connect and **use a connect email address**. Students are responsible for checking the course page on WebCT and checking their WebCT email.

To log into WebCT go to <https://webct.carleton.ca> and enter your username and password.

### **EVALUATION**

**(All components must be completed in order to get a passing grade)**

<b>Analytical Essay</b>	<b>40%</b>	<b>Due Monday October 22nd (Sections A &amp; B)</b>
<b>Final Exam (2 hours)</b>	<b>60%</b>	<b>Regular exam period</b>

The final examination will be given during the regular examination period. You will be permitted to bring 5 sheets of 8x11 paper into the exam with you with notes permitted on both sides. Nothing else may be brought into the examination.

The writing assignment is an analytical essay of 3000 words or less (under 10 double spaced pages) on Hannah Arendt's *Eichmann in Jerusalem*. More information will be provided later in the term.

Please note the following:

1. The **late penalty** for the assignment is **1 mark per day late** (e.g. 1 day late reduces an essay mark from A to A-). *Each* weekend day will count as one day. Essays submitted after 4pm will be considered to have been submitted on the following day. *The professor has final say over the submission date, not the Department of Law stamp*. Any exception to the deadline must be cleared through me before the due date. Extensions will only be granted if students have medical or other official documentation that I judge to be

convincing. Late essays will also be marked last and returned after the essays that are submitted on time. Finally, late essays will receive less feedback than those submitted on time.

2. **Plagiarism will not be tolerated.** Please refer to the Departmental Course-Related Policy and Procedure Statement ( <http://www.carleton.ca/law/policy.htm> ). Plagiarism means passing off as one's own ideas or product the work of another, without giving credit to the source. *My position is that students who plagiarize should be expelled from university and I will work toward that end should I find you have plagiarized.*

### **Note on Class Participation:**

Although no mark is assigned for class participation, lectures are designed to leave time for questions and the opportunity for students to discuss and debate course readings and topics. Consistently informed participation, reflecting regular, close reading of the assigned texts is expected. Consistently excellent participation may result in the course mark being increased by 1 mark (e.g. from B- to B).

### **COURSE SCHEDULE**

**Please note: changes may be made to this schedule and to the assigned readings throughout the term.**

1. **Sept. 4, 10**      **Administrivia and Introduction**  
  
     **Sept. 11 - (Section B) Film and Discussion: TBA**
2. **Sept. 17/18**      **Human Rights, Globalization and Post September 11: Overview of Developments in, and Contemporary Challenges to, the Post WW II Regime of Human Rights and International Law**

\* Donnelly, Jack. 1998. "The Social Construction of Human Rights." Pp. 71-102 in *Human Rights in Global Politics*, edited by Tim Dunn and Nicholas Wheeler. Cambridge: Cambridge University Press.

\*Hirsh, David. 2003. *Law Against Genocide: Cosmopolitan Trials*, pp. 1-20.

\*Paust, Jordan J. 2005. "Executive Plans and Authorizations to Violate International Law Concerning Treatment and Interrogation of Detainees." *Columbia Journal of Transnational Law* 43:811-863. Just read the abstract and conclusion.

^Physicians for Human Rights. 2008. *Broken Laws, Broken Lives: Medical Evidence of Torture by U.S. Personnel and Its Impact*. Please read the Preface by Major General Antonio Taguba, USA (Ret.) [http://brokenlives.info/?page\\_id=23](http://brokenlives.info/?page_id=23)

^Sands, Phillippe. 2008. "The Green Light." *Vanity Fair*. May 2008.

<http://www.vanityfair.com/politics/features/2008/05/quantanamo200805?currentPage=1>

^CBC News, July 15, 2008. "You Don't Care About Me, Omar Khadr Sobs in Interview Tapes," <http://www.cbc.ca/canada/story/2008/07/15/khadr-tapes.html>

^"Palestinian village sues Canadian builders over Israeli settlement"

<http://www.cbc.ca/canada/montreal/story/2008/07/10/qc-settlementlawsuit0710.html>

### **Supplementary:**

Peirce, Gareth. 2008. "On the Treatment of Muslims in Britain." *London Review of Books* 30(7): 3. <http://www.lrb.co.uk/v30/n07/peir01.html>

Mayer, Jane. 2008. *The Dark Side*. New York: Doubleday.

Bartholomew, Amy. 2006. "Introduction." In *Empire's Law: The American Imperial Project and the War to Remake the World*, edited by Amy Bartholomew. London: Pluto Press. Pp. 1-17.

- Olshansky, Barbara. 2007. *Democracy Detained: Secret Unconstitutional Practices in the U.S. War on Terror*. New York, Seven Stories Press.
- Benhabib, Seyla. 2006. *Another Cosmopolitanism*. Oxford, Oxford University Press, chapter entitled "The Philosophical Foundation of International Norms," pp. 13-31.
- Sands, Philippe. 2006. *Lawless World: America and the Making and Breaking of Global Rules From FDR's Atlantic Charter to George W. Bush's Illegal War*. London: Penguin Books.
- Roth, Kenneth (Human Rights Watch). 2004. "The Law of War in the War on Terror." *Foreign Affairs* January/February 2004: [www.foreignaffairs.org](http://www.foreignaffairs.org).
- Duffy, Helen. 2005. *The 'War on Terror' and the Framework of International Law*. Cambridge, Cambridge University Press.
- Kaplan, Amy. 2005. "Where is Guantanamo?" *American Quarterly* 57(3): 831-858.
- Donnelly, Jack. 1998. "The Social Construction of Human Rights." Pp. 71-102 in *Human Rights in Global Politics*, edited by Tim Dunn and Nicholas Wheeler. Cambridge: Cambridge University Press.
- Neuman, G. L. (2003). "Human Rights and Constitutional Rights: Harmony and Dissonance." *Stanford Law Review* 55: 1863.
- Klug, Heinz. 2005. "Transnational Human Rights: Exploring the Persistence and Globalization of Human Rights." *Annual Review of Law and Social Science* 1: 85-103.
- Borelli, Silvia. 2005. "Casting Light on the Legal Black Hole: International Law and Detentions Abroad in the 'War on Terror'." *International Review of the Red Cross* 87: 39-68.
- Cole, David. 2006. "Are We Safer?" *New York Review of Books* 53(4): [www.nybooks.com/articles/18752](http://www.nybooks.com/articles/18752).
- Dubose, Lou. 2007. "Disappeared: Five Years in Guantanamo" *The Washington Spectator*, July 7, [www.alternet.org/story/55993](http://www.alternet.org/story/55993)
- Sands, Phillippe. 2008. *The Torture Team: Rumsfeld's Memo and the Betrayal of American Values*. New York, Palgrave MacMillan.
- Nickel, James W. 2002. "Is Today's International Human Rights System a Global Governance Regime?" *The Journal of Ethics* 6:353-371.
- Chinkin, Christine. 1998. "International Law and Human Rights." Pp. 105-129 in *Human Rights Fifty Years On: A Reappraisal*, edited by T. Evans. Manchester: Manchester University Press.

### 3. Sept. 24/25 **The Nuremberg Legacy**

- \*Bass, Gary Jonathan. 2000. "Nuremberg." Pp. 147-205 in *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*. Princeton, NJ: Princeton University Press.
- \*Hirsh, David. 2003. *Law Against Genocide: Cosmopolitan Trials*, pp. 38-49.
- \* Falk, Richard A., Gabriel Kolko and Robert Jay Lifton eds. 1971. *Crimes of War: A Legal, Political-Documetary, and Psychological inquiry into the responsibility of leaders, citizens, and soldiers for Criminal Acts in Wars*. New York: Random House. pp. 76-109.
- \* Kirchheimer, Otto. 1961. "Trial by Fiat of the Successor Regime" Pp: 323-341 in *Political Justice: The Use of Legal Procedure for Political Ends*, Princeton: Princeton University Press.

#### **Supplementary:**

- Benhabib, Seyla. 2006. *Another Cosmopolitanism*. Oxford, Oxford University Press, chapter entitled "The Philosophical Foundation of International Norms".
- Taylor, Telford. 1992. *The Anatomy of the Nuremberg Trials*. New York: Alfred A. Knopf.

Neumann, Franz. *Behemoth: The Structure and Practice of National Socialism 1933-1944*. New York: Harper and Row, 1966 [1944] esp, 440-458 on nazi law

Zolo, Danilo. 2007. "Who Is Afraid of Punishing Aggressors?" *Journal of International Criminal Justice* 5(4): 799-807.

Zolo, Danilo. Forthcoming. *Victor's Justice*.

The Nuremberg Trials: The Justice Trial

<http://www.law.umkc.edu/faculty/projects/ftrials/nuremberg/Alstoetter.htm>

#### 4. Oct. 1 /2 **After Nuremberg: *Eichmann in Jerusalem***

\*Hirsh, David. 2003. *Law Against Genocide: Cosmopolitan Trials* 23-24, 27-31, 33-35.

Film: "The Specialist: Portrait of a Modern Criminal" (1999) – will be screened in class.

#### 5. Oct. 8/9 **After Nuremberg: Arendt's Analysis**

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin. **You are responsible for reading the entire book, but concentrate most closely on pp.3-150; 206-298.**

\*Arendt, Hannah. [1966] (New Edition) San Diego/New York: Harvest/Harcourt. *The Origins of Totalitarianism*, "The Decline of the Nation State and the End of the Rights of Man," pp. 267-302.

#### **Supplementary:**

Bernstein, Richard J. 2005. "Hannah Arendt on the Stateless." *Parallax* 11:46-60.

Fine, Robert. 2000. "Crimes Against Humanity: Hannah Arendt and the Nuremberg Debates." *European Journal of Social Theory* 3:293-311.

Bernstein, Richard J. 2002. *Radical Evil: A Philosophical Interrogation*. Cambridge, UK: Polity.

Fraser, Nancy. 2004. "Hannah Arendt in the 21st Century." *Contemporary Political Theory* 3:253-261.

Kohler, Lotte and Hans Saner—. 1992. *Hannah Arendt Karl Jaspers Correspondence 1926-1969*. New York: Harcourt Brace Jovanovich.

May, Larry and Jerome Kohn. 1997. *Hannah Arendt: Twenty Years Later*. Cambridge, Ma.: The MIT Press.

Mertens, Thomas. 2005. "Memory, Politics and Law -- The Eichmann Trial: Hannah Arendt's View on the Jerusalem Court's Competence." *German Law Journal* 6:407-424.

Osiel, Mark J. 2000. "Why Prosecute? Critics of Punishment for Mass Atrocity." *Human Rights Quarterly* 22:118-147.

Schaap, Andrew. 2001. "Guilty Subjects and Political Responsibility: Arendt, Jaspers and the Resonance of the 'German Question' in Politics of Reconciliation." *Political Studies* 49:749-766.

Cohen, Jean L. 1996. "Rights, Citizenship and the Modern Form of the Social: Dilemmas of Arendtian Republicanism." *Constellations* 3:164-189.

Benhabib, Seyla. 2004. *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press.

Parekh, Serena. 2004. "A Meaningful Place in the World: Hannah Arendt on the Nature of Human Rights." *Journal of Human Rights* 3:41-53.

**6. Oct. 15/16 The Nuremberg Effect: Cosmopolitan Law and Universal Jurisdiction**

\*Eleftheriadis, Pavlos. 2003. "Cosmopolitan Law," *European Journal of Law*, Vol. 9, No. 2.(April): 241-263; read 241-246; 249-257; and 260-263.

! Wilke, Christiane. 2005. "A Particular Universality: Universal Jurisdiction for Crimes Against Humanity in Domestic Courts." *Constellations* 12 (1): 83-102.

^ Henry Kissinger, "The Pitfalls of Universal Jurisdiction: Risking Judicial Tyranny," <http://www.globalpolicy.org/intljustice/general/2001/07kiss.htm>

**Essays for Discussion:**

^ Lobe, Jim. "Give Rumsfeld the Pinochet Treatment, says US Amnesty Chief Znet 27 May 2005 [www.zmag.org/content/showarticle.cfm?SectionID=1&ItemID=7948](http://www.zmag.org/content/showarticle.cfm?SectionID=1&ItemID=7948)

^ Center for Constitutional Rights, "Background Brief on the Case Against Rumsfeld, Gonzales and Others Filed in Germany On November 14, 2006.

^ Center for Constitutional Rights, "Rumsfeld War Crimes Case in Germany Focus of United Nations Special Rapporteur on Independence of Judges and Lawyers: Attorneys File Motion for Reconsideration of Complaint with German Federal Prosecutor [http://www.ccrny.org/v2/print\\_page.asp?ObjID=ACMRxLuuyb&Content=1054](http://www.ccrny.org/v2/print_page.asp?ObjID=ACMRxLuuyb&Content=1054)

**Supplementary:**

Roth, Ken, "The Case for Universal Jurisdiction," *Foreign Affairs*

Steiner, Henry J. 2004. "Three Cheers for Universal Jurisdiction -- Or is it Only Two?" *Theoretical Inquiries in Law* 5:199-236.

Amnesty International. 1999. "Universal Jurisdiction: 14 Principles on the Effective Exercise of Universal Jurisdiction." (AI Index: IOR 53/01/99) <http://web.amnesty.org/library/index/engIOR530011999>

Nash, Kate. 2007. "Pinochet: Cosmopolitanism and Intermestic Human Rights." *British Journal of Sociology* 58(3): 417.

Benhabib, Seyla. 2006. *Another Cosmopolitanism*, Edited by Robert Post. Oxford: Oxford University Press.

European Center for Constitutional and Human Rights (ECCHR), Ed. (2008). *CIA 'Extraordinary Rendition' Flights, Torture and Accountability - A European Approach*. Berlin.

**7. Oct. 22/23 Global Justice and/or American Empire? Between Empire, Cosmopolitan Morality and Law**

\*Panitch, Leo and Sam Gindin. 2006. "Theorizing American Empire" in Bartholomew, (ed.) *Empire's Law*. Pp: 21-43.

! Cohen, Jean L. 2004. "Whose Sovereignty? Empire Versus International Law." *Ethics and International Affairs* 18: 1-24.

**Essays for discussion:**

^ Ignatieff, Michael. 2003. "The American Empire: The Burden." *The New York Times Magazine*, January 5, 22ff.

<http://query.nytimes.com/gst/fullpage.html?res=9B03E6DA143FF936A35752C0A9659C8B63>

^ Ignatieff, Michael. "Getting Iraq Wrong." *The New York Times Magazine* <http://www.nytimes.com/2007/08/05/magazine/05iraq-t.html?ex=1186977600&en=74b1f238b681b2da&ei=5070&emc=eta1>



**Supplementary:**

Harvey, David. 2003. *The New Imperialism*. Oxford: Oxford UP.

Harvey, David. 2005. *A Brief History of Neoliberalism*. Oxford: Oxford UP.

Anghie, Anthony. 2005. *Imperialism, Sovereignty and the Making of International Law*. Cambridge, Cambridge UP.

Hardt, Michael and Antonio Negri. 2000. *Empire*. Cambridge, Harvard University Press.

Hussein, Nasser. 2003. *The Jurisprudence of Emergency: Colonialism and the Rule of Law*. Ann Arbor, University of Michigan.

Krisch, Nico. 2005. "International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order." *European Journal of International Law* 16(3): 369-408.

Kaplan, Amy. 2005. *The Anarchy of Empire in the Making of US Culture*. Cambridge, Harvard UP.

Dezalay, Yves and Brian G. Garth. 2007. "Law, Class, and Imperialism." Unpublished manu.

Dezalay, Yves and Brian G. Garth (2007). "Law, Lawyers and Empire: From the Foreign Policy Establishment to Technical Legal Hegemony". *Cambridge History of American Law* - forthcoming.

**8. Oct. 29/30****Just War, or Just Other Wars? The Bush Doctrine, The Invasion of Iraq and the 'Global War on Terror': Current challenges to global responsibility and legality. Or, the rise of empire's law**

Film: *Imperial Grand Strategy* - Noam Chomsky. 2005 May be screened in class.

^Ignatieff, Michael. "The Burden." *The New York Times Magazine* (January 5, 2003): 22ff (from week 6)

! Habermas, Jürgen. "Interpreting the Fall of a Monument." *Constellations* 10(3): 364-370.

Also in Amy Bartholomew, (ed.) *Empire's Law*, 44-51.

\*Von Sponeck, Hans. "The Conduct of the UN Before and After the 2003 Invasion." Pp 71-76 in Amy Bartholomew, (ed.) *Empire's Law*.

^ Roth, Ken (for Human Rights Watch). 2004. "War in Iraq: Not a Humanitarian Intervention." <http://www.electroniciraq.net/news/printer1354.shtml>

^ Amnesty International. 2005. "Amnesty International Press Release: Report 2005: A Dangerous New Agenda" <http://news.amnesty.org/index/ENGPOL100062005>

^ "Forward" and "United States of America" all in Amnesty International Report 2005.

<http://web.amnesty.org/report2005/message-eng> <http://web.amnesty.org/report2005/usa-summary-eng>

^ International Criminal Court, Office of the Prosecutor (Luis Ocampo), Letter dated 9 February 2006

[http://www.icccpi.int/library/organs/otp/OTP\\_letter\\_to\\_senders\\_re\\_Iraq\\_9\\_February\\_2006.pdf](http://www.icccpi.int/library/organs/otp/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf)

**Supplementary:**

Zolo, Danilo. (2007). "Who Is Afraid of Punishing Aggressors?" *Journal of International Criminal Justice* 5(4): 799-807.

Halliday, Denis. "The UN and Its Conduct in the Invasion and Occupation of Iraq." Pp 77-85 in Bartholomew, (ed.) *Empire's Law*.

Anghie, Anthony. 2005. "The War on Terror and Iraq in Historical Perspective." *Osgoode Hall Law Journal* 43:35.

Paust, Jordan J. 2005. "Executive Plans and Authorizations to Violate International Law Concerning Treatment and Interrogation of Detainees." *Columbia Journal of Transnational Law* 43:811-863.

Coates, David. "A 'Just' War? or Just Another of Tony Blair's Wars?" Pp.282-296 in Bartholomew, (ed.) *Empire's Law*.

Retort. 2005. "Blood for Oil?" *London Review of Books* 27:www.lrb.co.uk/v27/n08.

Retort. 2006. "All Quiet on the Eastern Front." *New Left Review* 41:88-91.

## 9. Nov. 5/6

### The 'Global War on Terrorism': Challenges to Human Rights and Legality

\*Bartholomew, Amy. "Empire's Law and the Contradictory Politics of Human Rights," in Pp. 161-189 Bartholomew, (ed.) *Empire's Law*.

^ Hajjar, Lisa. "From Nuremberg to Guantanamo: International Law and American Power Politics," *Middle East Report*. 22[http://www.merip.org/mer/mer229/229\\_hajjar.html](http://www.merip.org/mer/mer229/229_hajjar.html)

#### Essays for Discussion:

^Peirce, Gareth. 2008. "On the Treatment of Muslims in Britain." *London Review of Books* 30(7): 3.

^Sands, Philippe. 2008. "The Green Light." *Vanity Fair*. – from week 2

#### Supplementary:

Byers, Michael. 2002. "Terror and the Future of International Law." Pp. 118-127 in *Worlds in Collision: Terror and the Future of Global Order*, edited by K. Booth and T. Dunne. Houndsmills, Basingstoke, Hampshire: Palgrave Macmillan.

Mayer, Jane. 2007. "The Black Sites: A rare look inside the CIA's secret interrogation program" *The New Yorker*. August 13.  
[http://www.newyorker.com/reporting/2007/08/13/070813fa\\_fact\\_mayer](http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer)

Roth, Kenneth. 2004. "The Law of War in the War on Terror." *Foreign Affairs* January/February 2004: <http://www.foreignaffairs.org/20040101facomment83101/kenneth-roth/the-law-of-war-in-the-war-on-terror.html?mode=print>

Fitzpatrick, Joan. 2003. "Speaking Law to Power: The War Against Terrorism and Human Rights." *European Journal of International Law* 14:241-264.

Tisdall, Simon, Ewen MacAskill, and Richard Norton-Taylor. 2006. "America's Long War." *The Guardian*, London. February 15.  
<http://www.guardian.co.uk/frontpage/story/0,,1710030,00.html>

Borelli, Silvia. 2005. "Casting Light on the Legal Black Hole: International Law and Detentions Abroad in the 'War on Terror'." *International Review of the Red Cross* 87:39-68.

Paust, Jordan J. 2003. "War and Enemy Status After 9/11: Attacks on the Laws of War." *Yale J. Int'l L.* 28:325.

Paust, Jordan J. 2005. "Executive Plans and Authorizations to Violate International Law Concerning Treatment and Interrogation of Detainees." *Columbia Journal of Transnational Law* 43:811-863.

An-Na'im, Abdullahi Ahmed. 2002. "Upholding International Legality Against Islamic and American Jihad." Pp. 162-171 in *Worlds in Collision: Terror and the Future of Global Order*, edited by K. Booth and T. Dunne. Houndsmills, Basingstoke, Hampshire: Palgrave Macmillan.

Waldron, Jeremy. 2005. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review* 105:1681.

Wilke, Christiane. 2005. "War v. Justice: Terrorism Cases, Enemy Combatants, and Political Justice in U.S. Courts." *Politics and Society* 33:637-669.



Horton, Scott. 2007. "State of Exception." *Harper's* July: 74-81. .

Cole, David. 2006. "Are We Safer?" *New York Review of Books*

[www.nybooks.com/articles/18752](http://www.nybooks.com/articles/18752).

( ^ ) Dudai, Ron. 2006. "Guantanamo Exported: 'Illegal Combatants' and the Israeli Supreme Court" *Jurist*. May 11.

<http://jurist.law.pitt.edu/forumy/2006/05/guantanamo-exported-illegal-combatants.php>

10. Nov. 12/13  
and  
11. Nov. 19/20

**American Empire, the Global War on Terror and Canada: Renditions, Torture, Security Certificates and Legal Challenges**

\*Sanders, Doug. 2007. "A World of Maher Arar's" *Globe and Mail* February 24.

^ Weissbrodt, David and Amy Bergquist. 2006. "Extraordinary Rendition: A Human Rights Analysis." *Harvard Human Rights Journal* 9:123-160, exclude pp.138-141; 145-147.

<http://www.law.harvard.edu/students/orgs/hrj/iss19/weissbrodt.pdf>

^ Charkaoui v. Canada (Citizenship and Immigration) [2007] S.C.J. No. 9. (Headnote)

^ Byers, Michael and William Schabas. 2007. Letter to ICC "Re War Crimes and the Transfer of Detainees from Canadian Custody in Afghanistan."

<http://ceasefireinsider.files.wordpress.com/2007/05/byers-schabas-letter-to-icc-25-april-2007.pdf>

OTHER READING TBA

**Supplementary:**

- Mayer, Jane, "Outsourcing Torture," *New Yorker* 14 February 2005.  
[http://www.newyorker.com/archive/2005/02/14/050214fa\\_fact6](http://www.newyorker.com/archive/2005/02/14/050214fa_fact6)
- Arar Commission Inquiry. <http://www.ararcommission.ca/eng/index.htm>
- European Center for Constitutional and Human Rights (ECCHR)., Ed. (2008). CIA 'Extraordinary Rendition' Flights, Torture and Accountability - A European Approach. Berlin. See esp. Satterthwaite, Margaret, "Analysis of International and National Law."
- Bell, Colleen (2006). "Subject to Exception: Security Certificates, National Security and Canada's Role in the 'War on Terror'." *Canadian Journal of Law and Society* 21(1): 63-83.

ACLU, Extraordinary Rendition page <http://www.aclu.org/safefree/torture/rendition.html>

12. Nov. 26/27 **Conclusion, Wrap-up, Looking Forward**

^ Sartre, Jean-Paul, "Inaugural Statement" to the Bertrand Russell War Crimes Tribunal

<http://web.archive.org/web/20041025164511/www.911review.org/Wget/www.homeusers.prestel.co.uk/littleton/v1101sar.htm>

[If this address doesn't work, google "Jean-Paul Sartre Inaugural Statement Bertrand Russell War Crimes Tribunal"]

**News/Websites I like for these sorts of subjects:**Websites:

The Real News	<a href="http://www.therealnews.com">www.therealnews.com</a>	(Canadian produced, international scope)
Democracy Now	<a href="http://www.democracynow.org">www.democracynow.org</a>	(US produced, international scope)
Center for Constitutional Rights	<a href="http://ccrjustice.org">http://ccrjustice.org</a>	(New York-based; US Arar cases, extraordinary rendition, Guantanamo etc.)
Cageprisoners	<a href="http://www.cageprisoners.com">www.cageprisoners.com</a>	(Guantanamo)

*Print Media (often with websites)*

<u>Daily Newspapers:</u>	<u>Scholarly Journals:</u>
Globe and Mail	*Ethics and International Affairs
Toronto Star	*European Journal of International Law
New York Times	*Constellations
Washington Post (very good on Guantanamo, US Supreme Court etc.)	*Indiana Journal of Global Legal Studies
Los Angeles Times	*Journal of Human Rights
Financial Times	*Leiden Journal of International Law
The Economist	*Human Rights Quarterly
The Guardian	*Human Rights Review
<u>Others (often with websites – google to find):</u>	Columbia Journal of Transnational Law
Znet	Harvard Human Rights Journal
Counterpunch	Citizenship Studies
Walrus	Journal of Political Philosophy
Ad Busters	Review of the International Red Cross
Canadian Dimension	Wisconsin Law Review
Harpers	Ethics
Le Monde Diplomatique (in English as well as French)	Cambridge Review of International Affairs
The Nation	International Journal of Constitutional Law
Foreign Policy in Focus	Journal of International Criminal Justice
Middle East Research and Information Project (MERIP) (watch for Lisa Hajjar) <a href="http://www.merip.org/">http://www.merip.org/</a>	Journal of Global Ethics
The New Yorker (esp. Seymour Hirsch, Jane Mayer)	Ratio Juris
The New York Review of Books	European Journal of Philosophy
London Review of Books	European Journal of Social Theory
Cageprisoners (online)	Political Theory
ACLU	Philosophy and Public Affairs
Amnesty International	Philosophy and Social Criticism
Human Rights Watch	Vanderbilt Journal of Transnational Law
Council of Canadians	Buffalo Human Rights Law Review
Open Democracy	Journal of Social Philosophy
The Hindu	*Millennium
	*Alternatives
	*Muslim World Journal of Human Rights
	*New Left Review
	*Peace Review
	Netherlands International Law Review
	Political Studies
	Modern Law Review
	*German Law Journal
	*South Atlantic Quarterly