

Course Outline

COURSE:	LAWS 2105 C – Social Justice and Human Rights		
TERM:	Winter 2009-10		
PREREQUISITES:	Second year standing		
CLASS:	Day & Time:	Tuesday – 1135-1425	
	Room:	Please check with Carleton Central for current room location	
INSTRUCTOR:	Dr. Zoran Oklopčic		
CONTACT:	Office:	D483 LA	
	Office Hrs:	Tuesday – 2:40-4:10 pm	
	Telephone:	613-520-2600 x 1282	
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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 . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE OUTLINE

Justice requires us to ask: What do we owe the people around us? But who are "we", and what is "around us"?

Until recently, conceptions of justice assumed a bounded political community—a sovereign state—as their natural starting and ending point. Born into a political community, we owe duties of justice to our fellow compatriots. However, over the last couple of decades, maintaining this conception of justice has become increasingly difficult. The phenomena of globalization, secessionism and military intervention challenge our, often unreflectively accepted, assumptions about political boundaries, state sovereignty, and the organization of the international legal order. Depending on how we 'frame' these antecedent questions, our accounts of justice may appear radically different.

This course aims to further your awareness of the interaction between accounts of political justice and the conceptual framing of political demands. Starting from Rawls's canonical text, *The Law of the Peoples*, we will look at how justice challenges the unitary conception of a nation-state, as well as how questions of democratic theory affect the existence of political structures which are tasked to bring that justice about. Finally, we will situate debates about justice in a larger context by asking whether justice requires reforming the international order, and if it does, how would such an order look like from a theoretical perspective.

EVALUATION

Class attendance—To encourage your attendance and participation, each class you attend will be valued by **0.15 percentage-points**, on top of other evaluation components.

Response papers—For each class there are two or more readings assigned. You are required to read all of them. However, you are required to write a response paper about **one** article, and **post it on WebCT**, summarizing the argument, and/or analyzing an issue or an argument you find compelling or problematic (min. 500 to a max. 1200 words). You are required to post your submissions **by the preceding Friday, 5:00pm**. For each submission you will be awarded **four percentage points**, unless your submission is below the standard of a cogent summary or is plagiarized. Additional points may be given for compelling analysis of the article or a particular issue raised in it.

Please keep in mind that:

- While late submissions will be accepted, they will be penalized by deducting one percentage point per day. That means that if you submit your response paper on Sunday, you will receive 1 percentage point, while submitting it on Monday will result in a zero.
- You are expected to come prepared to discuss the reading you've covered in your response paper you've prepared for that session. If you are invited to discuss, and you are not present, or your answer obviously shows that you didn't engage with the article's argument, I reserve the right to **waive** the 4 percentage points awarded for your submission.

Final exam—A 3-question, 3-hour **open book exam** requiring you to critically engage the readings covered in class; **worth in total, 60%**

EMAIL CORRESPONDENCE

I will strive to answer your emails **within 24 hours**; I may, or may not respond to your emails over the weekend. Please limit your emails to administrative matters regarding the course. I will not explain or discuss course material over email. For all substantive questions I ask that you schedule an appointment or see me during my office hours.

CLASS DESCRIPTION [some readings may change]*.**Class** **Date**

1. **Jan 5** **Logistics. Introduction to the course.**

2. **Jan 12** **From Domestic to International Justice: Rawlsian argument**

John Rawls, *Law of Peoples with "The Idea of Public Reason Revisited"* (Harvard University Press, 2001). 10-121.

3. **Jan 19** **Whose Justice? Multiculturalism and ethnonational justice**

Will Kymlicka, "Justice and Minority Rights" in *Multicultural Citizenship* (Oxford and New York: Oxford University Press, 1995) 107-131

Brian Barry, "The Politics of Multiculturalism" in *Culture and equality: an egalitarian critique of multiculturalism* (Polity Press, 2001) 292-329

* All readings will be available on WebCT.

4. Jan 26 International Minority Rights

Will Kymlicka, "The Shifting International Context: from Post-War Universal Human Rights to Post-Cold War Minority Rights" in *Multicultural Odysseys* (Oxford and New York: Oxford University Press, 2007)

Patrick Macklem, "Minority rights in international law", (2008) 6: 3-4 *International Journal of Constitutional Law* 531

Benedict Kingsbury, "Reconciling Five Competing Conceptual Structures of Indigenous Peoples' Claims In International And Comparative Law"

5. Feb 2 Self-determination: legal perspective

Erez Manela, "Self-Determination for Whom? in *Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford and New York: Oxford University Press, 2007)

Secession Reference, Reference re Secession of Quebec, [1998] 2 S.C.R. 217, paras 109-46.

Iris Marion, Young, "Two Concepts of Self-Determination" in *Global challenges: war, self determination and responsibility for justice* (London: Polity, 2007) 41-76

6. Feb 9 The Legitimacy of a democratic unit

Robert Dahl, *After the Revolution*, (New Haven and London: Yale University Press, 1970) 59-67

Frederick Whelan, "Democratic Theory and the Boundary Problem," in *Nomos XXV: Liberal Democracy*, ed. J. R. Pennock and J. W. Chapman (New York: New York University Press, 1983), 13-47

Feb 16 Winter Break – Classes Suspended**7. Feb 23 Self-determination (or not): theoretical perspective**

Jeremy Waldron, *Proximity and Community* [working paper]

Christopher Wellman, "Valuing Self-Determination" in *A Theory of Secession: the case for political self-determination* (Cambridge: Cambridge University Press, 2005) 34-65

8. Mar 2 All-affected interests principle

Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives." (2007) 35: 1 *Philosophy & Public Affairs* 40

Genevieve Nootens, "Democracy and legitimacy in plurinational societies", (2009) 8:3 *Contemporary Political Theory* 276

9. Mar 9 A right to immigration? The porosity of a democratic unit

Linda Bosniak, "Being Here: Ethical Territoriality and the Rights of Immigrants", (2007) 8:2 *Theoretical Inquiries in Law*

Arash Abizadeh, "Democratic Theory and Border Coercion No Right to Unilaterally Control Your Own Borders" (2008) 36:1 *Political Theory* 37

10. Mar 16 Cosmopolis and Justice: In favour and against I

Omar Dahbour, "Advocating Sovereignty in an Age of Globalization", (2006) 37:1 *Journal of Social Philosophy* 108

Lea Ypi, "Statist Cosmopolitanism", (2008) 16:1 *The Journal of Political Philosophy* 48

11. Mar 23 Cosmopolis and justice: In favour and against II

Eric Cavallero, "Federative Global Democracy", (2009) 40:1 *Metaphilosophy*

Jean Cohen, "Whose Sovereignty? Empire Versus International Law" (2006) 18:3 *Ethic & International Affairs* 1

12. Mar 30 Wrap-up. Discussing your essay projects.