

## Course Outline

<b>COURSE:</b>	<b>LAWS 4604A – International Human Rights</b>
<b>PREREQUISITES:</b>	<b>LAWS 2105, LAWS 3503, LAWS 33503 [1.0] (no longer offered), LAWS 3509, LAWS 3603, or LAWS 3603 [1.0] (no longer offered)</b>
<b>TERM:</b>	<b>Fall 2008-09</b>
<b>CLASS: Day &amp; Time:</b>	<b>Monday, 2:35 – 5:25</b>
<b>Room:</b>	<b>417 SP (St. Patrick's Building)</b>
<b>INSTRUCTOR:</b>	<b>Professor R. Rueban Balasubramaniam</b>
<b>CONTACT: Office:</b>	<b>D 487 Loeb</b>
<b>Office Hrs:</b>	<b>Thursdays, 3-5pm or by appointment.</b>
<b>Telephone:</b>	<b>613-520-2600 x. 8809</b>
<b>Email:</b>	<b><a href="mailto:Rueban_Balasubramaniam@carleton.ca">Rueban_Balasubramaniam@carleton.ca</a></b>

---

"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)

---

**COURSE DESCRIPTION:**

The genesis for the protection of international human rights is the desire to secure moral constraints on state power as integral to a commitment to the rule of law. But after the terrorist attacks on the Twin Towers on September 11<sup>th</sup>, 2001, some argue that rule-of-law abiding governments are entitled to take action that may impinge upon such rights in order to answer the threat of global terrorism. Post 9/11, this argument poses a very significant challenge to the impetus behind the protection of international human rights. In this course, we shall explore the relationship between international human rights and the rule of law with a view to analyzing this argument.

**COURSE STRUCTURE:**

Although advertised as a lecture, this course is a seminar. You will be involved in small group discussions and workshop settings and will be responsible for producing smaller written assignments, in addition to the one major essay. You are expected to attend every class in order to be an informed and active participant.

**COURSE MATERIALS:** All readings for this course will be posted on Web CT.

**EVALUATION:** All components must be completed to receive a grade.

- 1) **25% Informed Participation** (approximately 1% per class for informed participation in class discussion, debate, and small group discussion, 2% per in-class activity, which includes in-class writing assignments, and approximately 10% overall participation grade based on in-class evidence of completing the readings and grappling with the core ideas.
- 2) **25% Mid-term Outline for Final Term Paper** of no more than 4-5 double spaced pages, excluding bibliography due OCTOBER 6, 2008.
- 3) **50% Final Term Research Paper** of no more than 12 pages, excluding bibliography due DECEMBER 1, 2008. Note that this is an ABSOLUTE FINAL date for submitting the Final Term Paper. NO term work will be accepted beyond this date without a formal petition.

**NOTE ON ASSIGNMENTS:** Extensions are NOT given under any circumstances. All assignments are due when class begins and late assignments are deducted 2% per day (including weekends). Emailed assignments will not be accepted. Assignments handed in later than the stipulated dates above, and without formal permission from the instructor, WILL RECEIVE AN AUTOMATIC GRADE OF 0.

Please ensure that you keep electronic copies of all your assignments.

**SCHEDULE:****1. Sept 8 Introduction****2. Sept 15 Are Human Rights Immanent in the Concept of Law?**

Required reading: Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge: Cambridge University Press, 2004), Chapters Seven and Eight, 91-113.

**3. Sept 22 Human Rights, International Law, and the Concept of Law**

Required reading: Hersch Lauterpacht, 'Is International Law Part of the Law of England' (1939) 25 *Transactions of the Grotius Society* 51 – 88.

**In-Class Writing Assignment: Are Human Rights absolute moral values?**

**4. Sept 29 Are Human Rights Immanent in Canadian Law?**

**In-Class Workshop: Constructing a Thesis Outline and Abstract**

Required reading: David Dyzenhaus, 'The Rule of (Administrative) Law in International Law' (2005) 68: 3 *Law and Contemporary Problems* 127 – 166.

**5. Oct 6 Are Human Rights Universal? – MID-TERM OUTLINE DUE.**

Required reading: Michael Freeman, 'Universal Rights and Particular Cultures' in Michael Jacobsen & Ole Bruun eds., *Human Rights and Asian Values: Contesting National Identities and Cultural Values in Asia* (Surrey: Curzon Press, 2000), Chapter Two, 43-58.  
Joseph Chan, 'Thick and Thin Accounts of Human Rights: Lessons from the Asian Values Debate' in Michael Jacobsen & Ole Bruun eds., *Human Rights and Asian Values: Contesting National Identities and Cultural Values in Asia* (Surrey: Curzon Press, 2000), Chapter Three, 59-74.

**6. Oct 13 No Class - Statutory Holiday.****7. Oct 20 No Class.****8. Oct 27 Global Terrorism and International Human Rights**

**In- Class Workshop: Critical Analysis and (Poor?) Argument**

Required reading: Michael Freeman, 'Order, Rights, and Threats: Terrorism and Global Justice' in Richard Ashby Wilson ed., *Human Rights in the 'War on Terror'* (Cambridge: Cambridge University Press, 2005), Chapter One, 37-56.

**9. Nov 3 Balancing 'Off' Human Rights?**

Required reading: David Luban, 'Eight Fallacies about Liberty and Security' in Richard Ashby Wilson ed., *Human Rights in the 'War on Terror'* (Cambridge: Cambridge University Press, 2005), Chapter Twelve, 242-257.  
Jeremy Waldron, 'Security and Liberty: The Image of Balance' (2003) 11:2 *The Journal of Political Philosophy* 191- 210.

**10. Nov 10 In- Class Workshop with Piche and Larsen.**

Required reading: Mike Larsen & Justin Piche, 'Incarcerating the 'Inadmissible': KHC as an Exceptional Moment in Canadian Federal Imprisonment' (2007) *York Centre for International Security Studies Working Paper* Number 45. 1-22.

**11. Nov 17 Torture and Human Rights.**

Required reading: Jeremy Waldron, 'Torture and Positive Law: Jurisprudence for the White House' (2005) 105:6 *Columbia Law Review* 1681 – 1750.

**12. Nov 24 Are Human Rights Legal Archetypes?**

Required reading: R. Rueban Balasubramaniam, 'Detention without Trial: Rule of Law or Rule by Law?' in Victor V. Ramraj ed., *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008).

**13. Dec 1 No Class - FINAL TERM PAPER DUE.**