

Course Outline

COURSE:	LAWS 4701A
TERM:	Summer 2013
PREREQUISITES:	Fourth Year Honours Standing
CLASS:	Day & Time: Tues. & Thurs., 6 - 9:00 pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Chris McNaught
CONTACT:	Office: B442 LA Office Hrs: (best contact method - phone or email) Telephone: 613-236-8026 Email: ckmcnaugh@gmail.com

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://www2.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://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: 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*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

“The lesson for the twenty-first century is that the fight for security, prosperity and justice can no longer be won on any one nation’s ground. It is international.” (Will Hutton)

This course will critically examine American isolationism, paradoxically reflected in international adventurism, inconsistent Canadian foreign policy, and the ubiquitous and festering politics of faith/ideology, in order to examine our moral and practical capability to champion sound and effective

responses to key global issues. How can the full rule of law and the tolerant values of democracy be maintained while confronting these issues.

Especially as we engage Al Qaeda, terrorism (foreign or 'home-grown'), the unfolding 'Arab spring', African war-lords and genocidal dictatorships, we cannot afford to wear blinders towards the lessons of the 20th Century: will the Nuremburg 'legacy' of holding state officials accountable for war crimes inform and inspire the fledgling ICC; will the U.S. ratify the ICC, or discontinue Guantanamo; will Canada clarify its adherence to the international protocol against the use of children in armed conflict?

Consider whether our moral compass settings are skewed, when, in the 21st century, for example, the regulation of torture is publicly debated, and Canada's position is that it is acceptable to accept and use information obtained by torture?

Can we avoid normalizing violent state intervention (the seductive appeal of *drones*, etc.) without bankrupting both the moral high ground and our economies?

REQUIRED TEXTS

There are *no required* texts. There is an eclectic, broad, reading list below, which students are encouraged to explore. Assigned weekly reading will either be handed out in class or posted on cuLearn for the course.

EVALUATION

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

Research essay (15-20 pp.) - 60% - student choice of topic with Instructor approval; **Due in class at final lecture.**

Seminar presentation - 25% - very informal, approx. 15 mins.** Topic *not* to be a duplicate of essay topic – though may be a specific or related aspect of such topic

Participation - 15%.

SCHEDULE

**** student class presentations will commence in Week Two and will augment the schedule of topics below each week**

Week One

Origins of our democratic value system : ancient (Greek) political/ethical --the city state, democracy, Magna Carta, rule of law, *habeas corpus*, our Charter, freedom of speech & dissent.

Assessing the state of our existing polity (national & international), interpreting ' the American Dream', clues to contemporary western political ethics and political will. Lessons learned ? The 'Red

scare', McCarthyism, the Cold War, the Irish 'troubles', the FLQ ? We inhabit an era of 'entitlement', state-abetted paranoia, ideological factionalism, and abstract advocacy – in Canada and the U.S., political groupings have grown more tribal than parliamentary.

Week Two

'**Terrorism**': truly a new phenomenon ? Why such resonance so suddenly/obsessively? - role of media (dominant discourse, political exploitation of societal insecurity)

Week Three

The Nuremberg 'legacy' (war crimes) of holding state officials accountable and the fledgling ICC; will the U.S. ratify the ICC, discontinue Guantanamo; will Canada become less hypocritical in adhering to the international protocol against the use of children in armed conflict ? Are we 'cherry-picking' regimes to intervene on, or is there a coherent approach to criminal behaviour internationally?

Week Four

Series of **topical videos/debates, interviews**

Week Five

Necessary evil: how dirty must our hands get (Ignatieff) without killing civil liberties-- surveillance, privacy, detention, rendition, **torture** (serious consideration in the 21st century ?!), 'child soldier(s)' or 'teen terrorist' (*Omar Khadr, Ishmael Beah*); Abu Ghraib, Gitmo, erosion of citizen trust in authority - Watergate, sponsorship scandals, Bush admin. moral crumbling, Geneva Conventions & rule of law expressly ignored ; religious fundamentalism hampering more unified effort ?

Week Six

Have **politics and morality** become mutually exclusive? The global community faces new and immediate challenges, moral, logistical, ecological, structural (evolving spheres of influence – China, India, crumbling EU).

What **ethical criteria** should apply in the emerging new politics of international 'policing' by western democracies, NATO, the EU ? The 'end justifies the means' rationale, extremism in the defence of liberty is no evil, extraordinary exception, etc.? Can we avoid normalizing violent state intervention (the seductive appeal of *drones*, etc.) without bankrupting both the moral high ground and our economies?

ECLECTIC READING LIST

Ayoob, Mohammed. 2001. "**Humanitarian Intervention and International Society.**" *Global Governance* 7(3), 225-230.

Bellamy, Alex. 2005. **“Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq.”** *Ethics and International Affairs* 19(2), 31-53.

Brownlie, Ian. 1963. **International Law and the Use of Force by States**. Oxford: Clarendon Press.

Burkhart, Ford. **“Sudan,”** New York Times Online, May 31, 2007.
<http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html?inline=nyt-geo>

Clinton, Bill. (2005). Keynote Address presented at the Campus Progress National Student Conference. Swarthmore College, Swarthmore, PA. [CampusProgress.org Online transcript](http://campusprogress.org/online-transcript): <http://campusprogress.org/common/388>

Dyer, Gwynne. 2004. **Future: Tense**. Toronto: McClelland and Stewart Ltd.

Farer, Tom et al. 2005. **“Roundtable: Humanitarian Intervention after 9/11.”** *International Relations* 19(2), 211-250.

Harsch, Ernest. 2004. **“The world reflects on Rwanda genocide”**, *Africa Recovery*, United Nations, New Releases.
<<http://www.un.org/ecosocdev/geninfo/afrec/newrels/rwanda.htm>>

Holzgrefe, J. L. and Robert O. Keohane, eds. 2003. **Humanitarian Intervention: Ethical, Legal and Political Dilemmas**. New York: Cambridge University Press.

Johnson, Chalmers. 2004. **The Sorrows of Empire**. New York: Metropolitan Books.

“The Responsibility to Protect”, International Commission on Intervention and State Sovereignty, December 2001. <<http://www.iciss.ca/report2-en.asp>>

Roth, Kenneth. 2005. **“War in Iraq: Not a Humanitarian Intervention”** in Richard Ashby Wilson, ed., Human Rights in the ‘War on Terror’. Cambridge: Cambridge University Press.

“The UN Responds to the Crisis in Darfur: A Timeline”, United Nations
http://www.un.org/News/dh/dev/scripts/darfur_formatted.htm

Williams, Ian. 2002. **“Righting the Wrongs of Past Interventions: A Review of the International Commission on Intervention and State Sovereignty.”** *International Journal of Human Rights* 6(3), 101-113.

Youngs, Tim. **“Sudan: Conflict in Darfur,”** Research Paper 04/51, House of Commons Library, June 23, 2004

(re Terrorism & global insecurity, etc.)

A Bright Shining Lie: John Paul Vann and America in Vietnam, Neil Sheehan, Vintage, 1988

Augusto Pinochet and International Law, Wedgewood, R., (2000) 46 McGill Law Journal 241

Beyond Jihad vs McWorld, Benjamin Barber, *The Nation*, 2002 Issue, January 21

“Canadian Politics: Critical Approaches.” Dyck, Rand. 2004, Fourth Edition. Nelson Thomson Canada Limited.

Christians and War: Thomas Aquinas refines the "Just War" Theory

http://olympia.anglican.org/churches/B/stdunstan/Beliefs/Christians_War/Christians_War_2.htm

Dark Days: The Story of Four Canadians Tortured in the Name of Fighting Terror, Kerry Pither, Penguin, 2006

Global Organized Crime and International Security. Viano, E, ed. Vermont: Ashgate Publishing Co, 1999.

{ **Global Policy Forum** }, *read various topics there, including Defining Globalization, and Globalization of Law* www.globalpolicy.org/globaliz/index.htm

Human Rights and Terrorism, Paul Hoffman, *Human Rights Quarterly*, vol. 26, Number 4, Nov. 2004, pp.932-955

Human Rights as Politics and Idolatry, Ignatieff, Michael (2001) Princeton & Oxford: Princeton University Press. ISBN 0691088934

In Defense of Human Rights: A Non-Religious Grounding in a Pluralistic World, Kohen, Ari (2007). Routledge. ISBN 0415420156 , ISBN 978-0415420150

International Human Rights in Context: Law, Politics, Morals, Steiner, J. & Alston, Philip. (1996).. Oxford: Clarendon Press. ISBN 019825427X

International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law, Bruce Broomhall, Oxford Monographs, 2003

Islam: The Straight Path, Esposito, John L. (2005).. Oxford University Press. ISBN 0195182669

Jihad vs McWorld, How Globalism and Tribalism are Reshaping the World, Benjamin R. Barber, New York, Ballantine, 1996

Media Ethics: Cases and Moral Reasoning, Christians, Clifford G.; et al. (2004). *7th edition*. Allyn & Bacon. ISBN 0-205-41845-7.

Nemesis: The Last Days of the American Republic, Chalmers Johnson, Metropolitan Books, 2007

Non-State Actors and Human Rights, Alston, P. (Ed) OUP 2005

Nuremberg and Vietnam: an American Tragedy, Telford Taylor, New York Times Books, 1970
(also) Quadrangle 1970

Philosophy and the Mirror of Nature, Richard Rorty, Princeton University Press, 1980

Principles of International Law, Brownlee, I., OUP (Oxford University Press) 2003

"**Principles, Publicity, and Politics: Notes on Human Rights Media**", McLagan, Meg (2003)
American Anthropologist. Vol. 105 (No. 3). pp. 605-612

"**Private authority: Non-State Actors and Global Governance**" Hall, Rodney Bruce. *Harvard International Review*, 27.2 (Summer 2005): 66-70.

Reflections on the Prosecution of War Crimes by International Tribunals, Meron, T., American Journal of International Law, July 2006, Vol. 100, No. 3

September 11: Consequences for Canada, Kent Roach, Queen's/McGill U. Press, 2003

"**Sudan**," Burkhart, Ford. New York Times Online, May 31, 2007.

<http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html?inline=nyt-geo>

"**The Economics of Organized Crime and Optimal Law Enforcement**" Garoupa, Nuno December 1997. <http://www.econ.upf.es/deehome/what/wpapers/postscripts/246.pdf>

The Globalization of World Politics: An introduction to international relations, Baylis, J., S. Smith. Second Ed. New York: OUP, 2001.

The Just War Theory: A traditional Catholic moral view, Benson, Richard, The Tidings (2006).

The Lesser Evil: Political Ethics in an Age of Terror, Michael Ignatieff, Princeton University Press, 2003

The Retreat of the State: The Diffusion of Power in the World Economy. Strange, Susan, Cambridge: Cambridge University Press, 2004.

The Return of History and the End of Dreams, Robert Kagan, Random House, 2008

The Sun Climbs Slow: Justice in the Age of Imperial America, Erna Paris, Random House, 2008

The Trial of Henry Kissinger, Hitchens, Christopher (2002) Verso. ISBN 1859843980

The United States and the International Criminal Court: The ICC's Jurisdiction Over the Nationals of Non-Party States: A Critique of the US Position, Scharf, M., 64 Law & Contemporary problems 67 (2001) (also internet) <http://www.law.duke.edu/journals/lcp/>

“Transnational Criminal Organisations and International Security” In In Athena’s Camp: Preparing for Conflict in the Information Age, Williams, Phil
http://rand.org/pubs/monograph_reports/MR880/MR880.ch14.pdf

Uncle Sam and Us, Globalization, Neoconservatism, and the Canadian State, Stephen Clarkson, U. of Toronto Press, 2000,

Universal Jurisdiction: Clarifying the Basic Concept, O’Keefe, R., Journal of International Criminal Justice, 2004 2 (3): 735 http://www.oxfordjournals.org/jicjus/awards_jnlannual.html

Vietnam, A History, Stanley Karnow, Viking Press, 1983; Penguin 1997

Weapons of Mass Persuasion : Marketing the War Against Iraq, Paul Rutherford, U. of Toronto Press, 2004

(documents / materials)

Draft united Nations Convention Against Transnational Organized Crime . Ad Hoc Committee on the Elaboration of a Convention Against Transnational Organized Crime. United Nations General Assembly, First Session, January 1999.
<http://www.uncjin.org/Documents/Conventions/dcatoc/4e.pdf>

Extradition Act (Canada)

Geneva Convention relative to the Treatment of Prisoners of War Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August, 1949, entry into force 21 October 1950

General Assembly Resolution 95 Affirming the Principles of International law Recognized by the Charter of the Nuremburg Tribunal

(International Criminal Court site; note under ‘Highlights’ that some hearings are streamed video...)
<http://www.icc-cpi.int/home.html&l=en>

London Charter of the International Military Tribunal (Nuremburg)

Rome Statute of the ICC

The National Security Strategy of the United States of America, White House Washington, Sept. 2002,
<http://www.whitehouse.gov/nsc/nss.html>

United Nations Charter

Cases

A-G of the Government of Israel v Eichmann (1961) 36 International Law Reports 5

US v Calley 22 USMCA 534 (1973)