

Course Outline

COURSE:	LAWS 4701A
	The ' War on Terror ': real or <i>metaphorical</i> pursuit of global justice and security?
TERM:	Summer 2009
PREREQUISITES:	Fourth year standing
CLASS:	Day & Time: Tuesday & Thursday, 6-9 pm
	Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Chris McNaught
CONTACT:	Office Hrs: Preferred route of contact due to daytime commitments is via business phone or email
	Telephone: 613-946-9993
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“Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives 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 accommodations to the Paul Menton Centre as soon as possible.” Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

An examination of whether American isolationism, paradoxically reflected in costly adventurism, our own insipid and inconsistent Canadian foreign policy, the disastrous global markets, and the festering politics of faith/ideology have rendered the west morally and practically incapable of championing sound and effective responses to key global issues. The search for leadership and an international focus of integrity.

Rationale:

“ 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)

Politicians have been tragically slow to accept and endorse the reality that clashing cultures, political chaos, poverty, the world’s resources, the climate, the industrial winds, all disdain national borders. Autocrats, organized crime, drug lords and mega-corps rule much of the world and its economy in default of a collective and corrective political will.

It is imperative to address and perceive today's great issues for what they are: unresponsive to anything less than universal resolutions which deal with obstructive jurisdiction, bilateral accords, conventions without key signatories, an impotent U.N., the viability of the ICC and any other putative international enforcement bodies -- are the Nuremburg principles and the *rule of law* alive? What can be said about a society which actively 'debates' torture? Is there a new ethic in the west (the lesser evil), or, no discernible ethics at all?

NO REQUIRED TEXTS (supplementary materials will be distributed at first session)

(Suggested broad spectrum) Bibliography

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

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

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

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

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

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

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

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 Criminal Law, Kittichaisaree, K., OUP 2001

International Law, Cassesse,A., OUP, 2004

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

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

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

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

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

‘Situation of human rights in the Darfur region of the Sudan’, Report of the High Commissioner for Human Rights, *E/CN.4/2005/3*, 7 May 2004,
[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.2005.3.En?Open document](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.2005.3.En?OpenDocument)

“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 Challenge of Imposing Human Rights on Corporate Actors De Schutter, O.,

(*Introduction*): NYU Global Law Working Paper, 2005
http://www.nyulawglobal.org/workingpapers/gl_2005.htm

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

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

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/>

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

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

"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 Nuremberg 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 (1998)

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)

EVALUATION

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

Research essay (15-20 pp.), student choice with instructor approval – **60%**; seminar presentation (topic not chosen for essay) - **25%**; participation- **15%**. **NB. essay due in class on final lecture.**

SCHEDULE (General topics to be discussed):

- terrorism is not new; terrorism as *criminality* not ideology (FLQ, IRA); identifying the *real* enemy; speaking with your ‘enemies’ is not appeasement (Bush vs Obama)
- the ‘ethics’ of terrorism, the ‘debate’ on torture; supervening the rule of law, international conventions, child soldiers, the Guantanamo legacy (seeds sown); no accountability for Arar, Khadr, Abdelrazik, no oversight evident
- the politics of fear-mongering to consolidate power while detracting from more valid humanistic/socio-political goals
- dilution of sovereignty, effective deconstruction of democracy, smart communities, mega-corps, demise of the nation-state; bilateral & jurisdictional blocks to more universal initiatives— towards a concert of liberal peoples (as opposed to blind importing of our democracy)
- religious fundamentalism colliding with modernity & ‘globalization’, faith-based ideology drawing a new iron curtain; the new crusades, as doomed & violent as the old
- isolationism, Kyoto, retreat from treaties; confronting the environment, oil ambitions/addiction, separating greed from true promotion of democratic principles; acknowledging the end of empire & the rising Indian and Sino suns, the Obama ascendancy
- the new ICC, its brief history, its future, the US factor; justice and human rights as a universal jurisdiction