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| **Course:** |  | **LAWS 2105, Section T – Social Justice and Human Rights**  |
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| **Term:** |  | **Summer 2021** |
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| **Prerequisites:** |  | **1.0 credit from** [**LAWS 1001**](https://calendar.carleton.ca/search/?P=LAWS%201001)**,** [**LAWS 1002**](https://calendar.carleton.ca/search/?P=LAWS%201002)**,** [**PSCI 1100**](https://calendar.carleton.ca/search/?P=PSCI%201100)**,** [**PSCI 1200**](https://calendar.carleton.ca/search/?P=PSCI%201200) **or** [**HUMR 1001**](https://calendar.carleton.ca/search/?P=HUMR%201001) **[1.0] or PAPM 1000 [1.0]** |
| **Class:** | **Day & Time:** | **Tuesdays and Thursdays 11:35 am to 2:35 pm** |
|  | **Room:** | **All Courses in the Summer 2021 term are offered online.****Lectures in this course will be delivered using prerecorded videos that will be made available through our course Brightspace page.Live Zoom sessions will also be held Thursdays at 1:30 to 2:30. These sessions are meant to help students who would like to further discuss the lectures and course readings.**  |
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| **Instructor:** |  | **Andrew Costa**  |
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| **Contact:** | **Office Hrs:** | **Fridays 11:00 – 12:00 (Via Zoom)**  |
|  | **Telephone:** | **N/A** |
|  | **Email:** | **andrewcosta@cmail.carleton.ca** |
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**CALENDAR COURSE DESCRIPTION**

Social Justice and Human Rights
Theories and Practices of Human Rights and Social Justice. Themes examined include the Philosophical Roots of Human Rights, Human Rights and the State, Rights to Equality, Globalization, Colonization, Social Justice Movements and Civil Disobedience.

**COURSE DESCRIPTION**

At no other time in the past several decades has the concept of human rights been challenged to this extent. Far right political parties have dismissed extending human rights to ethnic, political, and cultural minorities, while embracing ever tighter connections between their “nations” and “ideal” political communities. These parties then use these connections to exclude imagined outsiders that are held beyond the nation. Social justice activists have also questioned the value human rights bear on their own organizing and mobilization efforts. This is because human rights have been construed as Western, Euro – American imperial constructs that undermine their calls to advance group autonomy and self determination beyond western liberal value systems.

This course responds to these broader developments through assessing how human rights structure citizens’ relations to the state and to one another, impact social justice movements and are adapted to Indigenous, Transnational, Racialized and Feminist demands to achieve Self Determination. It also determines how human rights can respond to valid criticisms advanced by Anti - Racist, Anti - Colonial and transnational social justice movements. Key questions the course asks include:

How do human rights structure our relations to political states? What human rights obligations does the state owe to its citizens? How do social justice movements conceive of human rights? Why do certain social justice movements reject human rights? Is civil disobedience meant to build up human rights struggles or completely reject them? How has Canada responded to populist threats to human rights? **COURSE OBJECTIVES**Upon successful completion of this course, students should be able to:

* Identify how human rights are understood and applied at grassroots, legal, philosophical, and political levels.
* Identify how human rights and law can complement each other in certain instances and be drawn into conflict in other instances.
* Critically engage with these complex relationships through major events like colonization, globalization as well as in contemporary phenomena related to racial justice and, civil disobedience.
* Explain how human rights impact social justice movements at a national, international, and transnational level.
* Critically analyze scholarly literature.
* Synthesize conceptual and practical knowledge and apply it to contemporary events.

**REQUIRED TEXTS**

All required and supplementary readings will be posted and available on CU Learn

**EVALUATION**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.
Assignment Description Due Date Weight

 Major Paper 8 – 10 pages June 8 50%

 Final Exam On Lectures TBD 50%

 and Readings
 **Course Components**
*Major Paper (50%)*You will be required to explain whether you believe human rights can represent diverse world cultures beyond the Euro - American world. You are required to draw on the philosophical, legal, and political themes discussed in the course’s initial two sections to help develop your understanding of human rights. This assignment will be graded on its relatedness to the course, quality of the writing and the references the originality of the argument.
The major paper is due on **June 8**

*Final Exam (50%)*There will be a final exam on the courses content and readings. It will consist of ten short answer questions and one essay question. **This exam will be cumulative**. Questions will be based on the required articles throughout the entire course. It will be held during the final exam period.
 **GRADE REQUIREMENTS**Grading of assignments includes evaluation of the students’ knowledge of, and ability to discuss, information and ideas presented. Grading will also take matters of spelling, grammar, punctuation, proper citation, and clarity of expression into account.

To appeal a grade please wait 48 hours after receiving your grade to reflect on the justification given. Emails sent before the 48-hour period will not receive a response. After the 48-hour period, you must send your T.A. a detailed explanation that explains why you believe you deserve a better mark based on the required guidelines. If upon appealing to the T.A. you are still unclear or unhappy about your grade you can then contact the Instructor. The instructor will then evaluate your grade.

 **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

**Extensions for longer than 7 days will normally not be granted**. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

All assignments must be submitted via CU Learn. It is your responsibility to upload assignments BEFORE the deadline and in readable formats that are compatible with the CU Learn system (e.g. PDF, .docx).

**SCHEDULE**

*Week 1: Introduction* May 6

Syllabus Review
No Readings

*What Are Human Rights?* May 11
Required Readings:
Joel Feinberg (1992) “In Defense of Moral Rights” Oxford Journal of Legal Studies. 12 (2), 149 – 169.

Judith Jarvis Thomson (1977) “Some Ruminations on Rights” Arizona Law Review. 46 (1), 45 – 60.

*Human Rights and the State*  May 13
Required Readings:
Thomas W. Pogge (1995) “How Should Human Rights Be Conceived?” JRE. 3 (2), 103 – 120.

Amartya Sen (2006) “Human Rights and the Limits of Law.” Cardozo Law Review. 27 (6), 2913 – 2928.

*Positive and Negative Rights* May 18
Required Readings:
N.W. Barber (2015) “Constitutionalism: Negative and Positive”. Dublin University Law Journal. 38 (2), 249 – 264.

Lynn A. Idling (2003) “In a Poor State: The Long Road to Human Rights Protection on the Basis of Social Condition”*.* Alberta Law Review. 41 (2), 513 – 525.

Lawrence David (2014) “A Principled Approach to the Positive/Negative Rights Debate in Canadian Constitutional Adjudication.”Constitutional Forum. 23 (1), 41 – 46.

*Human Rights and Capabilities* May 20
Required Readings:
Martha C. Nussbaum (2011) “The Central Capabilities” In Martha Nussbaum (Eds.), Creating Capabilities: The Human Development Approach. Harvard University Press (17 – 45).

Laura Dehaibi (2015) “The Case for an Inclusive Human Right to Property: Social Importance and Individual Self Realization.” Western Journal of Legal Studies. 1 (5), 1 – 22.

*Human Rights and Inequality*  May 25
Required Readings:
Justice Claire L’Heureux – Dube (2000) “The Legacy of the ‘Persons Case’: Cultivating the Living Tree’s Equality Leaves” Saskatchewan Law Review. 63 (3), 389 – 401.

Catherine A. MacKinnon & Kimberle W. Crenshaw (2019) “Reconstituting the Future: An Equality Amendment” The Yale Law Journal Forum. 129 (3), 343 – 364. *Globalized Human Rights*  May 27
Required Readings:
Makau W. Mutua (2001) “Savages, Victims, and Saviors: The Metaphor of Human Rights” Harvard International Law Journal. 42 (1), 201 – 245.

Sally Engle Merry (2006) “Transnational Human Rights and Local Activism: Mapping the Middle” American Anthropologist. 108 (1), 38 – 51.

*Human Rights and Colonization* June 1
Required Readings:
Val Napoleon (2001) “Extinction by Number: Colonialism Made Easy” Journal of Law and Society 16 (2), 113 – 145.

James (Sakej) Youngblood Henderson (2019) “UN Declaration on the Rights of Indigenous Peoples and Treaty Federalism in Canada” Review of Constitutional Studies. 24 (1), 17 – 42.

*Human Rights and Civil Disobedience*  June 3
Required Readings:
David Lyons (2010) “Courage and Political Resistance” Boston University Law Review. 90 (4), 1755 – 1769.

A. John Simmons (2010) “Disobedience and Its Objects” Boston University Law Review. 90 (4), 1805 – 1831.

*Human Rights and Racial Justice*  June 8
Required Readings
Derrick Bell (1995) “The Triumph in Challenge” Maryland Law Review. 54 (4), 1691 – 1700.

Kimberle W. Crenshaw (2017) “Race Liberalism and the Deradicalization of Racial Reform” Harvard Law Review. 130 (9), 2298 – 2319.

Jeremy I. Levitt (2015) “’Fuck Your Breath’: Black Men and Youth, State Violence, and Human Rights in the 21st Century” Journal of Law & Policy. 49 (1), 87 – 120.

*Human Rights and Climate Change* June 10Required Readings
Amy Sinden (2007) “Climate Change and Human Rights” Journal of Land, Resources and Environmental Law. 27 (2), 255 – 271.

Harry Shue (2014) “Changing Images of Climate Change: Human Rights and Future Generations” Journal of Human Rights and the Environment. 5 (1), 50 – 64.

*The End of Human Rights?* June 15Required Readings:
Philip Alston (2017) “The Populist Challenge to Human Rights” Journal of Human Rights Practice. 9 (1), 1 – 15. Richard Rorty (1996) “Looking Backwards from the Year 2096” in Philosophy and Social Hope. Richard Rorty (ed.). London, England: Penguin Books. 243 – 252.

*Exam Review*  June 17
No Assigned Reading **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

**Pregnancy obligation**

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities**

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University’s Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

**Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentsupport/svpolicy/>

**Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

**Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department’s expectations: <https://carleton.ca/law/current-students/>

**Intellectual Property and Copyright Policy**The course materials posted on this course’s cuLearn page are designed for use as part of the LAWS 2105 course at Carleton University and are the intellectual property of the Instructor (© 2021, Andrew Costa. All rights reserved.) unless otherwise stated. Unless a users’ right in Canada’s Copyright Act covers the particular use, you may not record, copy, publish, post on an internet site, sell, or otherwise distribute this course’s content without the Instructor’s express permission.

Third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

**Time Zone**
The time zone that will be used for the purposes of all assignment submissions, synchronous class activities and so on will be Eastern Standard Time. If you are not in that time zone, you should make the appropriate adjustments to the times specified in the outline.