

Course Outline

COURSE:	LAWS 2105B Social Justice and Human Rights
TERM:	Winter 2019
PREREQUISITES:	1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200 or HUMR 1001 [1.0] or PAPM 1000 [1.0]
CLASS:	Day & Time: Mondays 11:35-2:25 Room: Southam Hall 306
PROFESSOR:	Dr. Amy Bartholomew
CONTACT:	Office: D585 Loeb Building Office Hrs: Tuesdays 2:30-4:00 Telephone: 510-2600 x. 3696 Email: Amy.Bartholomew@carleton.ca Please use my email address, above, to contact me rather than leaving telephone messages, when possible. Please be sure to put "LAWS2105" in the subject line.

CALENDAR COURSE DESCRIPTION

Theories and practices of law and social justice. Issues examined may include: civil democracy and repression; global governance and the rule of law; democratic movements and social power; human rights instruments, regimes and remedies; armed conflict; and humanitarian intervention.

COURSE DESCRIPTION FOR THIS SECTION:

How should human rights obligations be conceptualized, institutionalized, and enforced? What are the bounds of global justice? What role does and what role should international law play in securing human rights and justice? How do international law and domestic law interact in the context of human rights? What is meant by cosmopolitan law?

In this course, we will consider these sorts of questions by examining the extent to which there has been a shift away from the traditional statist paradigm of international law and human rights toward a more cosmopolitan conception of morality, human rights, and law. We will ask whether any shift that may be discernible is desirable in terms of enhancing global justice and the protection of human rights. We will do so by considering several key historical, political, and legal developments: (1) In the post-World War II era; (2) Under conditions of contemporary globalization and the post-Cold War era; and (3) in light of 11 September 2001 and its aftermath, the 'war on terror' and the global 'refugee crisis'. Focusing on the latter two issues, we will pose the following questions: What is happening to human rights and legality in the age of the 'war on terror'? What role might human rights, law, and legality play in securing

human rights and protecting them against abuse and instrumentalization by powerful states, if any? How should we address the ‘refugee crisis’ that is afoot today?

An important dimension of the course will be our attempt to situate current controversies, challenges, and conflicts in the emergence and consolidation of moral, political and legal responses to crimes against humanity, war crimes, and genocide following World War II. To this end, we will read Hannah Arendt’s important book, *Eichmann in Jerusalem*, a crucial chapter out of her equally important book, *The Origins of Totalitarianism*, and consider some key aspects of the International Military Tribunal at Nuremberg. These raise general questions that will pervade our considerations: How should we think about, and what should we do about, law and human rights under conditions of domination, exploitation, and imperialism if our aim is to develop human rights and work toward global justice, social and otherwise?

REQUIRED TEXTS:

Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe. See <http://octopusbooks.org> for hours etc.). (Please take the course number and professor’s name with you along with the title of the book.)

Arendt, Hannah.1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin.

The rest of the reading is available through MacOdrum Library, on the internet, or has been provided to you on culearn. **Readings that have been posted on culearn are marked with a “*” before the reading, below.**

Please Note:

You are expected to bring the required readings to lecture every week.

Adjustments may be made to the required readings during the term. If any are to be made, I will announce them in class and on-line.

EVALUATION:

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

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.

Essay: 40% Due February 27, 2019 by 4pm in Law Department Dropbox.

The assignment is an analytical essay of 2000 words or less (under 8 double-spaced pages written in Times New Roman 12 point font) on Hannah Arendt’s book *Eichmann in Jerusalem*. More information will be provided later in the term. Please note the following:

- The **late penalty** for the assignment is **1 mark per day late** (e.g. 1 day late reduces an essay mark from A to A-). Any essay received after 4pm on the due date will be treated as at least one day late. *Each* weekend day will count as one day. Any exception to the deadline must be cleared through *the professor prior to* the due date. An extension will only be granted if a student has medical or other official documentation that I judge to be convincing or for an otherwise compelling reason. Late essays will also be marked last and returned after the essays that are submitted on time. Finally, late essays will receive less feedback than those submitted on time.
- **Plagiarism** of any sort will not be tolerated.

Exam: 60% Two hour final exam. You may bring in one page of notes to the exam. The final exam will be given during the regular examination period. It is a two-hour exam. You will be permitted to bring 1 sheet of 8x11 inch paper into the exam with you, with notes permitted on both sides. The notes must be handwritten by you.

Participation: The course is too large to assign a formal participation mark. However, I will take into account if you participate well in class and in our “discussion groups” in an informed manner based on the required readings by reserving the right to increase your final mark by one mark (e.g. B+ to A-).

Cu Learn and Carleton Connect

It is important that you have access to Carleton Connect and **use a connect email address**. You must also have access to **CuLearn**.

If there is an important notice regarding a class meeting, a reading, or some other important matter, I will try to post it to CuLearn at least the evening before the relevant class.

Very useful resources:

The *Stanford Encyclopedia of Philosophy* available electronically through MacOdrum. See for concepts like “sovereignty,” “human rights,” “the rule of law,” or “cosmopolitanism.”

Democracy Now and The Real News (both online news), The New York Review of Books, The London Review of Books, and Jacobin for contemporary human rights, war, Trumpism etc.

<https://www.democracynow.org>

<https://therealnews.com>

<https://www.nybooks.com>

<https://www.lrb.co.uk>

<https://www.jacobinmag.com>

SCHEDULE Subject to revisions during the term**1. Introduction to the course, and how to access online readings January 7****Required:**

Review the syllabus posted on CuLearn *and bring a copy with you* (or a copy on your computer) to lecture.

Englehardt, Tom. "Mapping a World From Hell." TomDispatch.com 4 January 2018. http://www.tomdispatch.com/post/176369/tomgram%3A_engelhardt%2C_seeing_our_wars_for_the_first_time/#more

Pilkington, Ed. "US Halts Cooperation with UN on Potential Human Rights Violations." *The Guardian*. 4 January 2019. https://www.theguardian.com/law/2019/jan/04/trump-administration-un-human-rights-violations?utm_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVUy0xOTAxMDQ%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUS&CMP=GTUS_email

Page, Tiffany. "Self-Immolation and Asylum in Australia: 'This is how tired we are'." *Open Democracy* 18 August 2016. <https://www.opendemocracy.net/5050/tiffany-page/self-immolation-and-asylum-in-australia-this-is-how-tired-we-are>

"UN report sheds light on 'unimaginable horrors' faced by migrants and refugees in Libya, and beyond." *UN News*. 20 December 2018. <https://news.un.org/en/story/2018/12/1029031>

Supplementary:

Perkin, Beth and Charlotte England. "Stansted 15: Activists Who Stopped Deportation Charter Flight Convicted of Terrorism Charge." Novara Media, 10 December 2018. <https://novaramedia.com/2018/12/10/stansted-15-activists-who-stopped-deportation-charter-flight-convicted-of-terrorism-charge/> [Published on human rights day!]

2. Human Rights and State Sovereignty: An Introduction January 15**Required reading:**

*Hunt, Lynn. 2007. *Inventing Human Rights*. New York: WW Norton. Read "Introduction," 15-34, and 200-214 ("The World Wars and the Search for New Solutions").

Hirsh, David. 2003. *Law Against Genocide: Cosmopolitan Trials*. London: Cavendish/Glasshouse Press. Read pp. 1-20. Available as an electronic source on the MacOdrum Library website.

The United Nations, "The Foundation of International Human Rights Law," <http://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

Cabrera, Luis. 2018. "Ambedkar and Du Bois on Pursuing Rights Protections Globally," *global-e*, 4 January. <http://www.21global.ucsb.edu/global-e/january-2018/ambedkar-and-du-bois-pursuing-rights-protections-globally>

Nickel, James W. 2006: "Are Human Rights Mainly Implemented by Intervention?" in *Rawls's Law of Peoples: A Realistic Utopia?* Rex Martin and David A. Reidy, eds. (Malden, MA: Blackwell), 263-277. **JUST READ p.270** (which shows as p. 288 on the online portal page box) for the list of "political roles" human rights might play. Available as an eBook from MacOdrum (4 persons at a time).

Skim over the *Universal Declaration of Human Rights*. Available online, just "google" it. Look especially at Articles 5, 9, 13, 14, and 28.

Pilkington, Ed. "UN Special Rapporteur Demands Inquiry into Death of Guatemalan Girl Held in US." *The Guardian*. 24 December 2018. <https://www.theguardian.com/us-news/2018/dec/24/jakelin-caal-un-special-rapporteur-demands-inquiry-death>

Supplementary:

"Sovereignty," in the *Stanford Encyclopedia of Philosophy*
Pop, Valentina. "U.N. Pact on Migration Sows Dissent," *The Wall Street Journal*, 8 December 2018. <https://www.wsj.com/articles/u-n-pact-on-migration-sows-dissent-1544281200?mod=searchresults&page=1&pos=1>

Fine, Robert. "Cosmopolitanism and Human Rights: Radicalism in a Global Age." *Metaphilosophy* 40, no. 1 (2009): 8-23.

Cmiel, Kenneth. "The Recent History of Human Rights." *American Historical Review* 109, no. 1 (2004): 117-135.

Moyn, Samuel. 2009. *The Last Utopia*.

Alston, Philip. "Does the Past Matter? On the Origins of Human Rights." *Harvard Law Review* 126 (2013): 2043-18. (Critique of Moyn)

Koh, Harold Hongju. "How Is International Human Rights Law Enforced?" *Indiana Law Journal* 74 (1999): 1397-417; JUST READ 1397-1399, and 1408-1411.

Sloss, David L. "How International Human Rights Transformed the US Constitution." *Human Rights Quarterly* 36, no. 2 (2016): 426-449.

Merry, Sally Engle. 2003. "Constructing a Global Law: Violence against Women and the Human Rights System." *Law and Social Inquiry* 28, no. 4: 941-977; JUST READ 941-946. Available on MacOdrum.

Levy, Daniel, and Natan Sznaider. "Sovereignty Transformed: A Sociology of Human Rights." *British Journal of Sociology* 57, no. 4 (2006): 657-76.

3. Nuremberg and its Legacy: War, crimes, institutions

January 21

Required reading:

*Falk, Richard A., Gabriel Kolko and Robert Jay Lifton eds. 1971. *Crimes of War: A Legal, Political-*

Documentary, and Psychological inquiry into the responsibility of leaders, citizens, and soldiers for Criminal Acts in Wars. New York: Random House. pp. 76-109.

*Kirchheimer, Otto. 1961. "Trial by Fiat of the Successor Regime" Pp: 323-341 in *Political Justice: The Use of Legal Procedure for Political Ends*. Princeton: Princeton University Press.

*Zolo, Danilo. 2009. *Victors' Justice: From Nuremberg to Baghdad*. London: Verso, 138-147; and 165-166.

Fine, Robert. (2010). "Dehumanizing the Dehumanizers: Reversal in Human Rights Discourse." *Journal of Global Ethics* 6, no. 2: 179-190; JUST READ pp. 179-181.

*Bass, Gary Jonathan. 2000. "Nuremberg." Pp. 147-205 in *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*. Princeton, NJ: Princeton University Press. JUST READ p. 175 for Stimson's Memo.

Supplementary:

Short, useful recap of a classic debate:

Rehaag, Sean. "Review of *The Hart-Fuller Debate in the Twenty-First Century*, ed. by Peter Crane," *Osgood Hall Law Review*.

Krever, Tor. "Dispensing Global Justice." *New Left Review* 85, no. Jan-Feb (2014): 67-97.

Meron, Theodor. "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law*, Vol. 100, No. 3 (Jul., 2006), pp. 551-579.

History Channel documentary, "Nuremberg Trials World War II Documentary"

<https://www.youtube.com/watch?v=K5lslbjgAds> [A liberal/conservative but informative documentary. 45 minutes.]

Film shown at Nuremberg. Note: There are VERY upsetting images

"Nazi Concentration Camp – Film Shown as Nuremberg War Crimes Trials"

https://www.youtube.com/watch?v=_pQJ42ONPDo

4. After Nuremberg: Eichmann in Jerusalem

January 28

Film: "Hannah Arendt" will be screened in class.

Required reading:

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin.

You are responsible for reading the entire book, but concentrate on pp. 3-150; 206-298.

*Jaspers, Karl. 2006. "Who Should Have Tried Eichmann?" *Journal of International Criminal Justice* 4: 853-858. (Originally, 1962).

Supplementary:

Film: "The Specialist: Portrait of a Modern Criminal" (1999) (1:28)

*Muller, Ingo, *Hitler's Justice: The Courts of the Third Reich* (Cambridge: Harvard University Press, 1991), esp. ch. 9, "Nazi Jurisprudence," 68-81.

Meron, Theodor. "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law*, Vol. 100, No. 3 (Jul., 2006), pp. 551-579.

Connolly, Kate. 2016. "Joseph Goebbels 105 Year Old Secretary: 'Nobody Believes Me Now, But I Knew Nothing'," *The Guardian* 16 August 2016

<https://www.theguardian.com/world/2016/aug/15/brunhilde-pomsel-nazi-joseph-goebbels-propaganda-machine>.

5. After Nuremberg: Arendt's Analysis**February 4****Required reading:**

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin. Continued.

*Marrus, Michael R. 2001. "Eichmann in Jerusalem: Justice and History," in Steven L. Aschheim, ed. *Hannah Arendt in Jerusalem* (Berkeley: University of California Press), 205-213.

Convention on the Prevention and Punishment of the Crime of Genocide 1948. Available at: <http://www.preventgenocide.org/law/convention/text.htm>

6. Arendt's Analysis Continued**February 11**

Discussion Groups: Discuss Arendt's arguments and the paper topic. Bring your thesis statement to discuss. Be prepared to discuss what sort of textual evidence you will use to support your thesis.

Required reading:

Benhabib, Seyla. 2009. "International Law and Human Plurality in the Shadow of Totalitarianism: Hannah Arendt and Raphael Lemkin," *Constellations*, 16, no. 2 (2009): 331-350.

Davidson, Helen. "Australia subjected refugees to crimes against humanity, class actions allege." *The Guardian* 10 December 2018. https://www.theguardian.com/australia-news/2018/dec/10/australia-subjected-refugees-to-crimes-against-humanity-class-actions-allege?CMP=tw_t_gu

TBA

Supplementary:

Luban, David. "Hannah Arendt as a Theorist of International Criminal Law." *International Criminal Law Review* 11 (2011): 621-641.

7. Reading Week: No class February 18

8. Statelessness, Rightlessness, and the “Right to have Rights” February 25

Required reading:

*Arendt, Hannah. 1951. “The Decline of the Nation-State and the End of the Rights of Man,” in *The Origins of Totalitarianism*, 267-302 (read 290-302 most closely), and intro p. ix . San Diego/New York: Harvest/Harcourt.

Supplementary:

Grenier, Elizabeth, “Why the World is Turning to Hannah Arendt to Explain Trump.” *Deutsch Welle* 2February 2017. <http://www.dw.com/en/why-the-world-is-turning-to-hannah-arendt-to-explain-trump/a-37371699>

Benhabib, Seyla. 2004. “The Right to Have Rights: Hannah Arendt on the Contradictions of the Nation-State,” in *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press. 49-69. [electronic book, Macodrum]

Marrone, Stephanie. 1993. “Whither the Nation-State?” *Origins* (November): 17-22.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New Edition. New York: Verso, 2006).

February 27 Essay Due

**9. Citizenship, Human Rights, Contemporary Statelessness, and the “Right to have Rights”
Today March 4**

Discussion Group Questions:

1. Hayden argues that only freedom of movement would respect what Arendt calls a “right to have rights.” Why? What does he mean? What is your evaluation his argument?
2. Saunders provides examples of how migrant/refugee movements demand human rights, argues these demands may be considered under A. 28 of the UDHR, and suggests these point to political responsibility for addressing the current migrant “crisis.” What is our political responsibility for addressing the migration “crisis,” according to Saunders? Try to connect this argument to “cosmopolitan” conceptions of human rights, on the one hand, and Arendt’s critique of human rights, on the other.

View in class: “Refugees on Lesbos,” DW Documentary. 19 December 2017.
<https://www.youtube.com/watch?v=bltWKd82tzE> (12 minutes)

Required reading:

Review Arendt reading from last week and Page from week 1.

Hayden, Patrick. "From Exclusion to Containment: Arendt, Sovereign Power, and Statelessness." *Societies Without Borders* 3 (2008): 248-269.

Saunders, Natasha. "Beyond Asylum Claims: Refugee Protest, Responsibility, and Article 28 of the Universal Declaration of Human Rights." *The International Journal of Human Rights* 22, no. 7 (2018): 847-868.

Supplementary:

Brown University. "Open Borders? Immigration, Citizenship, and Nationalism in the 21st Century | Janus Forum Series." 22 March 2018.

https://www.youtube.com/watch?v=Pl5_JOy3lSU&t=2s

Sciurba, Alessandra and Filippo Furri. "Human Rights Beyond Humanitarianism: The Radical Challenge to the Right to Asylum in the Mediterranean Zone." *Antipode* 50, no. 3 (2018): 763–782.

Johnson, Heather L. "To Make Live: Representing and Protesting Refugee Agency." *Localities* 6 (2016): 59-92.

"The worst refugee camp on earth," BBC News. 28 August 2018.

<https://www.youtube.com/watch?v=8v-OHi3iGQI>

Mezzadra, Sandro, and Michael Hardt. "We've Launched a Migrant Rescue Ship to Resist the Racist Right in Italy." *The Guardian* 9 October 2018.

<https://www.theguardian.com/commentisfree/2018/oct/09/migrant-rescue-ship-racist-politics-italy-us>

Amnesty International, "Rohingya Crisis," <https://www.hrw.org/tag/rohingya-crisis>.

Wintour, Patrick. "Donald Trump pulls US out of UN global compact on migration." *The Guardian* 3 December 2017. [https://www.theguardian.com/world/2017/dec/03/donald-trump-pulls-us-out-of-un-global-compact-on-](https://www.theguardian.com/world/2017/dec/03/donald-trump-pulls-us-out-of-un-global-compact-on-migration?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA++Collections+2017&utm_term=255077&subid=8009772&CMP=GT_US_collection)

[migration?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA++Collections+2017&utm_term=255077&subid=8009772&CMP=GT_US_collection](https://www.theguardian.com/world/2017/dec/03/donald-trump-pulls-us-out-of-un-global-compact-on-migration?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA++Collections+2017&utm_term=255077&subid=8009772&CMP=GT_US_collection)

Hernanz, Clara. "When Helping a Refugee Gets You Threatened with a Prison Sentence." 8 Jun 2018 *Broadly*. https://broadly.vice.com/en_us/article/zm8wa5/europe-migrant-refugee-activists-jail-threat

Hope Border Institute, El Paso, Texas. <https://www.hopeborder.org> And, see interview with it's director on *Democracy Now*, 27 December 2018

https://www.democracynow.org/2018/12/27/without_notifying_anyone_ice_dumps_hundreds

10. International Human Rights, Sovereignty, Empire, and Cosmopolitanism: Life under the "unpredictable superpower"* March 11

- David Miliband on "Fareed Zakaria GPS," CNN, 6 January 2019.

"In the transition from nation-states to a cosmopolitan order, it is hard to say which poses the greater danger: the disappearing world of sovereign subjects of international law, who lost their innocence long ago, or the ambiguous mish-mash of supranational institutions and conferences, which can grant a dubious legitimation but which depend as always on the good will of powerful states and alliances."

Habermas, Jürgen. "Remarks on Legitimation through Human Rights." *Philosophy and Social Criticism* 24, no. 2/3 (1998): 157-171, 162.

In class viewing: Ben Taub. "Iraq's Post-ISIS Campaign of Revenge." 24 and 31 December 2018. *The New Yorker*. https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge?fbclid=IwAR0yVDOdNuC0LQoMusLGZzSUApVsHXIkV3dOOyc-kZ_phEcd4fns86_TooY (about 12 minutes)

Required reading:

Eleftheriadis, Pavlos. 2003. "Cosmopolitan Law," *European Law Journal*, 9, no. 2 (April): 241-263; **just read** 241-246; 249-257; and 260-263.

Krever, Tor. "Dispensing Global Justice." *New Left Review* 85, no. Jan-Feb (2014): 67-97.

Cohen, Jean L. "Sovereign Equality vs. Imperial Right: The Battle over the 'New World Order'." *Constellations* 13, no. 4 (2006): 485-505; **just read** 485-491.

Taub, Ben. 2016. "Does Anyone in Syria Fear International Law?" *The New Yorker*, 31 August. <http://www.newyorker.com/news/news-desk/does-anyone-in-syria-fear-international-law>

Supplementary:

Taub, Ben. 24 and 31 December 2018. "Iraq's Post ISIS Campaign of Revenge." *The New Yorker*. https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge?fbclid=IwAR0yVDOdNuC0LQoMusLGZzSUApVsHXIkV3dOOyc-kZ_phEcd4fns86_TooY

Fine, Robert. "Cosmopolitanism and Human Rights: Radicalism in a Global Age," *Metaphilosophy* 40, no. 1 (2009): 8-23.

Kant, Immanuel. 1795. *To [or Toward] Perpetual Peace: A Philosophical Sketch*. Just read "Third Definitive Article of a Perpetual Peace: Cosmopolitan Right Shall be Limited to Conditions of Hospitality." About 2pp long. <https://www.mtholyoke.edu/acad/intrel/kant/kant1.htm> Or, you can find this by googling it.

Krever, Tor. "Dispensing Global Justice." *New Left Review* 85, no. Jan-Feb (2014): 67-97.

Levy, Daniel and Natan Sznaider, "The Institutionalization of Cosmopolitan Morality: The Holocaust and Human Rights," *Journal of Human Rights* vol. 30, no. 2 (2004): 143-157.

11. Post 9/11: Torture, War Crimes, Drones: What is Happening to Human Rights and the Rule of Law? March 18

Required Reading:

Sanders, Rebecca. "Human Rights Abuses at the Limits of the Law: Legal Instabilities and Vulnerabilities in the 'Global War on Terror'." *Review of International Studies*, Vol. 44, part 1, (2018): 2-23.

Waldron, Jeremy. 2005. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review*, 105: 1681- 1750, just read "Introduction", 1681-1688; "The Bybee Memo", 1703-1714; "An Archetype of International Law" and "Conclusion" 1743-1750.

Chamayou, Grégoire. 2011 "The Manhunt Doctrine," *Radical Philosophy* 169 (Sept/Oct). To access, enter Macodrum website, type in Radical Philosophy into the Journal title, click on "online access," this takes you to Radical Philosophy. Then, in the search box, type in Chamayou. Or, go to:

<http://www.radicalphilosophy.com/commentary/the-manhunt-doctrine>

Frakt, David J.R. "Direct Participation in Hostilities as a War Crime: America's Failed Efforts to Change the Laws of War." *Valparaiso University Law Review* 46 (2012): 729-764. JUST READ: 729-734, 737-742, 744-755, and 762-764.

Glazier, David W. "Still a Bad Idea: Military Commissions under the Obama Administration." *Loyola Law School*, no. Legal Studies Paper No. 2010-32. Just read 1-5, 31, and 67-76. [note: "Before attending law school, Glazier served 21 years as a US Navy surface warfare officer".]

<http://www.lls.edu/aboutus/facultyadministration/faculty/facultyliste-g/glazierdavid/>

Worthington, Andy. "The Unending Punishment of Former Guantánamo Prisoner Omar Khadr." 23 December 2018. <http://www.andyworthington.co.uk/2018/12/23/the-unending-punishment-of-former-guantanamo-prisoner-omar-khadr/>

Supplementary:

Sanders, Rebecca. 2011. "(Im)plausible Legality: The Rationalisation of Human Rights Abuses in the American 'Global War on Terror,'" *The International Journal of Human Rights* 15, no. 4: 605-626. JUST READ 605-610, and 615-621.

Waldron, Jeremy. "Targeted Killing," *London Review of Books*, 7 May, 2011.

Mitchell, JWT. "Review of Chamayou, *A Theory of the Drone*." *Critical Inquiry* 2017, no. Summer (2017): 907.

Sanders, Rebecca. "Human Rights Abuses at the Limits of the Law: Legal Instabilities and Vulnerabilities in the 'Global War on Terror'." *Review of International Studies?* ONLINE FIRST? (2017): 1-22.

Smith, Clive Stafford. "Who's Getting Killed Today?". *Times Literary Supplement*, no. June 28 (2017).

Brooks, Rosa Ehrenreich. "War Everywhere: Rights, National Security Law, and The Law of Armed Conflict in the Age of Terror." *University of Pennsylvania Law Review* 153, no. 2 (2004): 675-761.

Brooks, Rosa. *How Everything Became War and the Military Became Everything: Tales from the Pentagon*. New York: Simon and Schuster, 2016.

Heyns, C., Akande, D., Hill-Cawthorne, L., & Chengeta, T. "The International Law Framework Regulating the Use of Armed Drones." *International and Comparative Law Quarterly* 65, no. 4 (2016): 791-827.

Dowdeswell, Tracey. "How Atrocity Becomes Law: The Neoliberalisation of Security Governance and

the Customary Laws of Armed Conflict." *Journal of Critical Globalisation Studies* 6 (2013): 30-56.
 Allinson, Jamie. "The Necropolitics of Drones." *International Political Sociology* 9 (2016): 112-27.

12. Human Rights, Globalization, and Post September 11: Focusing on the "Global War on Terror" and Torture March 25

"Many liberal warriors are so eager to fight anti-democratic fundamentalism that they end up dispensing with freedom and democracy if only they may fight terror. If the 'terrorists' are ready to wreck this world for love of another, our warriors against terror are ready to wreck democracy out of hatred for the Muslim other. Some of them love human dignity so much that they are ready to legalise torture to defend it."

Slavoj Žižek, "Save us from the Saviours," *London Review of Books* 34, no. 11 (7 June 2012),
<http://www.lrb.co.uk/v34/n11/slavoj-zizek/save-us-from-the-saviours>.

Film: "Ghosts of Abu Ghraib" will be screened and discussed in class. (1:22)

Required reading:

*Waldron, Jeremy. 2005. "Torture and Positive Law" from last week.

*Scheuerman, William. Summary on rule by law or rule of law. One page on webct.

Lewis, Paul. 1 August 2014. "Obama Admits CIA 'Tortured some Folks' but Stands by Brennan Over Spying" *The Guardian* <http://www.theguardian.com/world/2014/aug/01/obama-cia-torture-some-folks-brennan-spying>

Supplementary:

Rosenberg, Carol. "About the war crimes trial of the alleged al-Qaida commander." *The Miami Herald*. 11 November 2016. <https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article114204098.html>

Scheuerman, William E. "Carl Schmitt and the Road to Abu Ghraib." *Constellations* 13, no. 1 (2006): 108-24.

Harte, Julia. "The Immunity Doctrine." *Harpers* (2017).

Perkel, Colin. "Ex Guantanamo Bay captive suing Canada for \$50M for alleged complicity in torture," <https://globalnews.ca/news/3844536/ex-guantanamo-bay-captive-suing-canada-for-50m-for-alleged-complicity-in-torture/>

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Siems, Larry. "Inside the CIA's Black Site Torture Room", *The Guardian*, 9 October 2017. <https://www.theguardian.com/us-news/ng-interactive/2017/oct/09/cia-torture-black-site-enhanced-interrogation>

Greenberg, Karen J. 2014 "Abu Ghraib Never Left Us," 27 April <http://www.tomdispatch.com/dialogs/print/?id=175836>

Andersson, Hilary. 2015. "Ex-CIA Boss Admits to BBC Panorama that it Tortured,"

<http://www.bbc.com/news/world-us-canada-33739480> 3 August.

Lucy Westcott. 18 August 2016. 17,000 People have Died in Syrian Prisons Since Start of [Syrian] War: Report, *Newsweek* on line at: europe.newsweek.com/syrian-prison-custody-death-amnesty-491226 Watch the 10 minute video.

13. Catch-up, Wrap-up, Reflection April 1

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

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 Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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) www.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: carleton.ca/sexual-violence-support

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: students.carleton.ca/course-outline

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.

<http://carleton.ca/law/current-students/>