
COURSE:	LAWS 2105, Section D – Social Justice and Human Rights
TERM:	Winter 2021
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: Tuesdays: 6:05 – 8:55 pm Room: All Courses in the Winter 2021 term are offered online. Lectures in this course will be delivered using prerecorded videos that will be made available through our course cuLearn page. Shortened Classes will also be held live via Zoom
INSTRUCTOR: (CONTRACT)	Andrew Costa
CONTACT:	Office Hrs: Wednesdays: 11:00 am – 12:00 pm (Via Zoom) Telephone: N/A Email: andrewcosta@cmail.carleton.ca

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.

<u>Assignment</u>	<u>Description</u>	<u>Due Date</u>	<u>Weight</u>
Reading Commentary	4 – 5 pages	February 9	20%
Paper Proposal	1 – 2 pages	February 23	10%
Major Paper	7 – 9 pages	March 19	30%
Final Exam	On Lectures and Readings	TBD	40%

Course Components

Reading Commentary (20%)

Students are required to choose on week's course reading selections. You could choose either Week 2, Week 3, or Week 4. You are required to compare each articles' major points and contentions. You also need to indicate whether you agree with the key contentions advanced in each article and why. The selection you pick will include corresponding reading questions drawn from each week's lectures. Use these questions to help you develop your argument.

The commentary is due on **February 9**

Paper Proposal (10%)

Students are required to submit a paper proposal outlining your major paper's chosen topic. The Proposal will include a thesis statement. It will also include at least three readings from the course that will be used in the paper. It will refer to two other peer reviewed articles that will be included in your major paper. This assignment ensures you are prepared for your final paper prior to the due date.

The proposal is due on **February 23**

Major Paper (30%)

You will be required to select one contemporary movement related to the course topic outlined in the courses later two sections (e.g., Feminism, Globalization, Colonialism, Racial Justice) and identify how they have impacted human rights and social justice movements throughout the world. For example, you can also explain how and why they have rejected human rights discourses in their mobilization efforts. You are required to draw on the philosophical, legal, and political themes discussed in the course's earliest 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 as well as the originality of the argument.

The major paper is due on **March 19**

Final Exam (40%)

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 not be cumulative.** Questions will be based on the required articles in the courses final section (**Human Rights in a Fractured World**) 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
Syllabus Review
No Readings

January 12

SECTION 1: The Conceptual Roots of Human Rights*Week 2: What Are Human Rights?*

January 18

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.

Week 3: Human Rights and the State

January 25

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.

Week 4: Positive and Negative Rights

February 2

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.

Week 5: Human Rights and Capabilities

February 9

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.

SECTION 2: Human Rights and Their Discontents.

Week 6

February 16

Reading Week (No Assigned Reading)

Week 7: Human Rights and Inequality

February 23

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.

Week 8: Globalized Human Rights

March 2

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.

Week 9: Human Rights and Colonization

March 9

Indigenous Learning Bundles: Indigenous Law and Conceptions of Human Rights

During Class we will be viewing prerecorded online lectures delivered by John Borrows and Val Napoleon. The lectures will help to shed light key themes observed in the required articles. They can also be cited in your major papers as well.

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.

SECTION 3: Human Rights in a Fractured WorldWeek 10: Human Rights and Civil Disobedience

March 16

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.

Week 11: Human Rights and Racial Justice

March 23

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.

Week 12: Human Rights and Climate Change

March 30

Required 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.

Week 13: The End of Human Rights?

April 6

Required 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.

Week 13: Exam Review

April 13

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/studentssupport/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/>

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is a real-time, online course where the instructor and students meet via web conferencing tools, at scheduled days and times. Instructors and students share information, ideas and learning experiences in a virtual course environment.

Participation in synchronous courses requires students to have reliable, high-speed internet access, a computer (ideally with a webcam), and a headset with a microphone.

Sessions may be recorded to enable access to students with internet connectivity problems, who are based in different time zone, and/or who have conflicting commitments. If students wish not to be recorded, they need to leave your camera and microphone turned off.

You will be notified at the start of the session when the recording will start, and Zoom will always notify meeting participants that a meeting is being recorded. It is not possible to disable this notification.

Please note that recordings are protected by copyright. The recordings are for your own educational use, but you are not permitted to publish to third party sites, such as social media sites and course materials sites.

You may be expected to use the video and/or audio and/or chat during web conferencing sessions for participation and collaboration. If you have concerns about being recorded, please email me directly so we can discuss these.

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 user's 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.

Declining Online Imaging and Recording Statement

This course may include classes or sessions that use video conferencing platforms, such as Zoom, MS Teams and BigBlueButton. This raises some important privacy considerations that all students should know. You are not required to turn your camera on and may decide to turn it on or off at any time. Students are NOT PERMITTED to take photographs, screenshots, or record other students, TAs, or instructors unless they obtain explicit permission from the professor and all other students well in advance of the session.

Statement of Student Conduct Online

All students are expected to contribute towards an engaging, inclusive, and safe learning environment. During all class-related activities, whether synchronous or asynchronous, students are expected to engage in respectful and courteous communication. In accordance with the [Student Rights and Responsibilities Policy, discrimination and harassment](#) will not be tolerated. It is a violation of course policy to cut and paste, screen shot, share course content, or post the words of your classmates, TA, or Instructor outside of class without permission. All work submitted in this course must be uniquely your own. When submitting assignments and/or completing exams, you are expected to articulate responses in your own words rather than cutting and pasting from course materials without permission, which is a form of plagiarism.