COURSE OUTLINE

LAWS 2105 Sections A & B - Social Justice and Human Rights

PREREQUISITES: one of LASWS 1000 [1.0], HUMR 1001 [1.0], PAPM 1000 [1.0], PSCI 1000 [1.0], (PSCI 1001 and PACI 1002).

TERM: Fall 2011

SECTION A: Day & Time: Monday, 11:35-2:25
Room: Check with Carleton Central for current room location

SECTION B: Day & Time: Thursday, 11:35-2:25
Room: Check with Carleton Central for current room location

INSTRUCTOR: Dr. Amy Bartholomew

CONTACT: Office: Loeb D 581
Email: Amy.Bartholomew@carleton.ca
Telephone: 613 520-2600 x. 3696
Please use my email address, above, to contact me rather than webct or telephone messages, when possible.

COURSE DESCRIPTION

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?

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 some key historical, political and legal developments: (1) In the post World War II era; (2) Under conditions of contemporary globalization, in general, and more particularly with regard to the end of the Cold War; and (3) Post 9/11. Focusing on the latter, we will pose the question: what forms of global legal justice are possible under conditions of American empire and global inequality? What are the possibilities and dangers of cosmopolitanism? What role might law and legality play in securing the enforcement of human rights and protecting them against abuse and instrumentalization by powerful states? These questions are examined in the context of American empire, in general, the ‘global war on terror’, in particular, and in relation to humanitarian intervention, the invasion of Iraq, and legal challenges to American empire and the rise of ‘empire’s law’. 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, and consider some aspects of the Nuremberg Trials. Both of these raise a question that will pervade our considerations: How should we think about, and what should we do about, law under conditions of...
domination, exploitation and imperialism if our aim is to develop human rights and work toward global justice, social and otherwise?

As part of our consideration of the ‘enforcement’ of human rights, we will consider universal jurisdiction as a way to ‘litigate against empire’ and the role of social movements in pressuring states to live up to human rights commitments. We will consider a case study ‘close to home’ of the use of human rights by a student group to pressure a state – in this case Israel – to live up to its human rights obligations.

REQUIRED TEXTS

Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe):


Not at Octopus Books (but you may order through them) but required:

3. Hessel, Stephane. 2011. “Indignez Vous!” Available in English in the 7 March 2011 issue of *The Nation*. To access it, you require a subscription to *The Nation* which you can get online (well worth having for $18!). Or, the pamphlet, *Time for Outrage: Indignez Vous!* with identical content to *The Nation’s* version can be purchased for $8-11. I leave it to you to sort out how to get your hands on this stirring pamphlet. We read it for week 11.

Please Note:

Most readings besides Falk, Arendt, and Hessel are available on the web. It is important that you know how to and can access journal articles through the Macodrum website. If you anticipate any problems, please consult the library.

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 WebCT.

Supplementary readings are listed by week. They are there for your information, for future research etc. They are idiosyncratic, not exhaustive, and I do not expect you to read supplementary material for 2105.

Supplementary Texts:


Web CT

It is important that you have access to Carleton Connect and use a connect email address. Students are responsible for checking the course page on WebCT and checking their WebCT email.

If there is an important notice regarding a class meeting, a reading, or some other important note, I will try to post it on Web CT at least the evening before the relevant class meeting.
A discussion list is available for you on WebCT. I will not monitor it.

To log into WebCT go to https://webct.carleton.ca and enter your username and password.

EVALUATION

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>Analytical Essay</td>
<td>40%</td>
<td>October 27 (Section B), October 31 (Section A)</td>
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<tr>
<td>Final Exam</td>
<td>60%</td>
<td>Regular exam period</td>
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The final examination will be given during the regular examination period. You will be permitted to bring 1 sheet of 8x11 paper into the exam with you with notes permitted on both sides. Nothing else may be brought into the examination.

The assignment is an analytical essay of 3000 words or less (under 10 double spaced pages) on Hannah Arendt’s *Eichmann in Jerusalem*. More information will be provided later in the term. Please note the following:

1. **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-). Each weekend day will count as one day. *The professor has final say over the submission date, not the Department of Law stamp.* Any exception to the deadline must be cleared through me before 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 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.

2. **Plagiarism will not be tolerated.** Please refer to the Departmental Course-Related Policy and Procedure Statement ([http://www.carleton.ca/law/policy.htm](http://www.carleton.ca/law/policy.htm)). Plagiarism means passing off as one’s own ideas or product the work of another, without giving credit to the source. *My position is that students who plagiarize should be expelled from university and I will work toward that end should I find you have plagiarized.*

Note on Class Participation: Although no mark is assigned for class participation, lectures are designed to leave time for questions and the opportunity for students to discuss and debate course readings and topics. Consistently informed participation, reflecting regular, close reading of the assigned texts is expected. Consistently excellent participation may result in the course mark being increased by 1 mark (e.g. from B- to B).

**NOTE ON ACADEMIC ACCOMMODATIONS:** "Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www2.carleton.ca/pmc/students/accommodations](http://www2.carleton.ca/pmc/students/accommodations). If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by 11 November 2011 for December exams and 7 March 2012 for April exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)."
COURSE SCHEDULE:

1. Sept 8/12  Administrivia and Introduction

2. Sept 15/19  Human Rights, Globalization and Post September 11: Overview of Developments in, and Contemporary Challenges to, the Post WW II Regime of Human Rights and International Law

Required reading:

Falk, Richard. 2009. Achieving Human Rights. “Introduction” (pp. 1-10), Ch. 6, “The Holocaust and the Emergence of International Human Rights,” (pp. 83-96), and Ch. 9, “A Descending Spiral,” (pp. 129-143).


Supplementary reading:


3. Sept 22/26 Human Rights, Globalization and Post September 11 Continued: Focusing on “Global War on Terror” and Torture

Film: “Ghosts of Abu Ghraib” and section 3 of “Blueprint for Accountability” may be shown in class.

Required reading:


Supplementary reading:

Rovics, David. Song for Bradley Manning http://www.youtube.com/user/pisquethethird#p/


Mark Danner, “Into the light of Day: Torture, Human Rights and Bush’s State of Exception” video available on youtube at: http://www.youtube.com/watch?v=0gbMJUrWeMA&feature=channel

Weiner AS. 2009. The Torture Memos and Accountability. ASIL Insights 13


4. Sept 29/Oct 3 Nuremberg and its Legacy

Required reading:


Supplementary reading:


THURSDAY OCTOBER 6 CLASS IS CANCELLED.

MONDAY OCTOBER 10 UNIVERSITY HOLIDAY – THANKSGIVING

5. Oct 13/17 After Nuremberg: *Eichmann in Jerusalem*

   Film: “The Specialist: Portrait of a Modern Criminal” (1999) – will be screened in class.

   **Required reading:**


   **Supplementary reading:** See the following week

6. Oct 20/24 After Nuremberg: Arendt’s Analysis

   **Required reading:**


   **Supplementary reading:**


7. **Oct 27/31 The Nuremberg Effect: Cosmopolitan Law and Universal Jurisdiction**

**Required reading:**


**Required reading for class discussion:**


**Supplementary reading:**


Listen on line.


Lobe, Jim. “Give Rumsfeld the Pinochet Treatment, says US Amnesty Chief” Znet 27 May 2005 [www.zmag.org/content/showarticle.cfm?SectionID=1&ItemID=7948](www.zmag.org/content/showarticle.cfm?SectionID=1&ItemID=7948)

Center for Constitutional Rights, “Background Brief on the Case Against Rumsfeld, Gonzales and Others Filed in Germany On November 14, 2006.

Center for Constitutional Rights, “Rumsfeld War Crimes Case in Germany Focus of United Nations Special Rapporteur on Independence of Judges and Lawyers: Attorneys File Motion for Reconsideration of Complaint with German Federal Prosecutor

http://www.ccrny.org/v2/print_page.asp?ObjID=ACMRxLuuyb&Content=1054

Roth, Ken, “The Case for Universal Jurisdiction,” *Foreign Affairs*


http://web.amnesty.org/library/index/engIOR530011999


8. Nov 3/7 Global Justice and/or American Empire? Between Empire, Cosmopolitan Morality and Law

**Required reading:**


**Required reading for Class Discussion:**


http://query.nytimes.com/gst/fullpage.html?res=9B03E6DA143FF936A35752C0A9659C8B63

**Supplementary reading:**


http://www.nytimes.com/2007/08/05/magazine/05iraqt.html?ex=1186977600&en=74b1f238b681b2da&ei=5070&emc=eta1


9. Nov 10/14 Just War, or Just Other Wars? The Bush Doctrine, the Invasion of Iraq and the ‘Global War on Terror’: Challenges to global responsibility, justice and legality. Or, the rise of empire’s law.

**Required reading:**


**Supplementary reading:**


International Criminal Court, Office of the Prosecutor (Luis Ocampo), Letter dated 9 February 2006


“Forward” and “United States of America” all in Amnesty International Report 2005.


10. Nov 17/21 The ‘Global War on Terrorism’: Challenges to Human Rights and Legality

**Required Reading:**


**Supplementary reading:**

See readings listed under weeks 2 and 3.


Gregory, Derek. 2004. ‘Palestine and the ‘War on Terror’.” Comparative Studies of South Asia, Africa and the Middle East 24:182-95
Project HSR. 2008. Human Security Brief 2007 (Dying to Lose: Explaining the Decline in Global Terrorism), Simon Fraser University
Sassoli M. 2004. Use and Abuse of the Laws of War In the 'War on Terrorism'. Law and Inequality 22:195-221
Stohl M. 2008. Old Myths, New Realities and the Enduring Realities of Terrorism. Critical Studies on Terrorism 1:5-16
Tamanaha B. 2009, March 5. The Collapse of the 'Good Faith' Excuse for Yoo (Bybee, Delahunty). In Balkanization, ed. Balkanization, p. 7
http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer
http://jurist.law.pitt.edu/forum/2006/05/guantanamo-exported-illegal-combatants.php
Byers. Michael. In Worlds in Collision
11. Nov 24/28  Human rights and political struggles today: A case study

**Required reading:**

Hessel, Stephane. 2011. “Indignez Vous!” Available in English in the 7 March issue of *The Nation*. To access it, you require a subscription to *The Nation*. (Well worth having for $18!) Or, the pamphlet, *Time for Outrage: Indignez Vous!* with identical content to *The Nation*s version can be purchased as a pamphlet for $8-11. I leave it to you to sort out how to get your hands on this stirring pamphlet.

Students Against Israeli Apartheid-Carleton. 2010 (2 November). *Carleton University Pension Fund: Complicity in Violations of Human Rights and International Humanitarian Law in the Occupied Palestinian Territories*. Available at: [http://carleton.saia.ca/pension-divestment-campaign.html](http://carleton.saia.ca/pension-divestment-campaign.html) Click on “divestment report” link on that site.

Introducing the BDS Movement [http://www.bdsmovement.net/bdsintro](http://www.bdsmovement.net/bdsintro)


**Supplementary reading:**


12. Dec 1/5  Denying and asserting human rights accountability today: The role of intellectuals and movements

**Film:** Michael Walzer’s Dewey Lecture will be shown in class. You can also read his lecture at: Walzer, Michael. 2010 (21 May). “Trying Political Leaders: Why George W. Bush is not like Louis XVI” *The New Republic*. (available on Macodrum website)

**Required Reading:**


[If this address doesn’t work, google “Jean-Paul Sartre Inaugural Statement Bertrand Russell War Crimes Tribunal”]

**Supplementary reading:**

Watch “Blueprint for Accountability” at [http://fora.tv/2010/06/07/Blueprint_for_Accountability](http://fora.tv/2010/06/07/Blueprint_for_Accountability) esp. 3, 4, 5, 9, 19, 20, 23, 25, more, if possible.


We will not focus on the role of Canada in the ‘war on terror’ this year. Below are some readings if you are interested:


Bell C. 2006. Subject to Exception: Security Certificates, National Security and Canada's Role in the 'War on Terror'. *Canadian Journal of Law and Society* 21:63-83


**Other Sources:**

**News/Websites I like for these sorts of subjects:**
Websites:

The Real News  www.therealnews.com  (Canadian produced, international scope)
Democracy Now  www.democracynow.org
Center for Constitutional Rights  http://ccrjustice.org  (New York-based; US Arar cases, extraordinary rendition, Guantanamo, torture cases etc.)
Cageprisoners  www.cageprisoners.com
ALJAZEERA  http://english.aljazeera.net  (news)
  See “Empire” series etc.
Prism Magazine online (founded and edited by Maher Arar)  http://prism-magazine.com/
(You can sign up for weekly email updates on matters concerning civil liberties, the Canadian security state etc.)

Print Media (often with websites)

Daily Newspapers:

Globe and Mail
Toronto Star
New York Times
Washington Post  (very good on Guantanamo, US Supreme Court etc.)
Los Angeles Times
The Guardian

Others, both print and websites:

Znet
Counterpunch
Walrus
Ad Busters
Canadian Dimension
Harpers
Le Monde Diplomatique  (in English as well as French)
The Nation
Foreign Policy in Focus
Middle East Report  (watch for Lisa Hajjar)
The New Yorker  (esp. Seymour Hirsch, Jane Mayer)
The New York Review of Books
London Review of Books
Cageprisoners (online)
ACLU
Amnesty International
Human Rights Watch
Council of Canadians
Open Democracy
The Hindu
Scholarly Journals:

*Ethics and International Affairs
*European Journal of International Law
*Constellations
*Indiana Journal of Global Legal Studies
*Journal of Human Rights
*International Journal of Human Rights
*Leiden Journal of International Law
*Human Rights Quarterly
*Human Rights Review
*Millennium
*Alternatives
*Muslim World Journal of Human Rights
*New Left Review
*Peace Review
*German Law Journal
*South Atlantic Quarterly

Columbia Journal of Transnational Law
Harvard Human Rights Journal
Citizenship Studies
Journal of Political Philosophy
Review of the International Red Cross
Wisconsin Law Review
Ethics
Cambridge Review of International Affairs
International Journal of Constitutional Law
Journal of International Criminal Justice
Journal of Global Ethics
Ratio Juris
European Journal of Philosophy
European Journal of Social Theory
Political Theory
Philosophy and Public Affairs
Philosophy and Social Criticism
Vanderbilt Journal of Transnational Law
Buffalo Human Rights Law Review
Journal of Social Philosophy
Netherlands International Law Review
Political Studies
Modern Law Review