

**Course Outline**

---

<b>COURSE:</b>		<b>LAWS 3602B – International Human Rights</b>
<b>TERM:</b>		<b>FALL 2019</b>
<b>PREREQUISITES:</b>		<b>LAWS (0.5 credit from LAWS 2105, LAWS 2502, LAWS 2601 or HUMR 2001) and 0.5 credit in LAWS at the 2000 level or PAPM 1000</b>
<b>CLASS:</b>	<b>Day &amp; Time:</b>	<b>Tuesdays, 2:35pm – 5:25pm</b>
	<b>Room:</b>	<b>Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>		<b>Dr. Rueban Balasubramaniam</b>
<b>CONTACT:</b>	<b>Office:</b>	<b>Room D583 Loeb Building</b>
	<b>Office Hrs:</b>	<b>Mondays, 3pm – 4:30pm by appointment only.</b>
	<b>Telephone:</b>	<b>613-520-2600 ext. 8809</b>
	<b>Email:</b>	<b>Rueban_Balasubramaniam@carleton.ca</b>

---

**CALENDAR COURSE DESCRIPTION**

The developing international law relating to the protection of human rights. General concepts, rules and institutions. Specific issues include self-determination, aboriginal rights, the refugee problem, and torture. The inherent problems and overall potential of international law.

**COURSE DESCRIPTION**

The attempt to secure the international protection of human rights can be viewed as an attempt to internationalize a liberal model of the rule of law that takes rights seriously on the basis that each human being is possessed of equal dignity. However, post 9/11, liberal democracies like the United States and Canada have sought to claw back their commitment to protecting international human rights. Indeed, post 9/11, we have witnessed a decline of respect for fundamental rights on grounds of national security, a decline that is related to the rise of populist and authoritarian politics. This pattern raises pivotal questions about the extent to which liberal democracies and the liberal rule of law possess the conceptual resources with which to further the project of affirming international human rights norms. We will explore these questions principally through an examination of a debate between Oren Gross and David Dyzenhaus about the limits of the rule of law in states of emergencies (especially in liberal democracies).

**REQUIRED TEXTS**

All readings for this course will be made available via CU Learn.

**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.

**Course Evaluations****50% ea. - Best two of three Response Papers.**

A Response Paper is a short critical essay of about 1000 words (double spaced) designed to test your ability to closely read and analyze a chosen reading. This is not a research paper so you are not required to refer to external sources. Instead, you must develop an argument about a specific aspect of the relevant reading.

**Response Paper 1:** Analyze any aspect of Gross, “Should Violent Crises Always be Constitutional?” due on **October 1**.

**Response Paper 2:** Analyze any aspect of Dyzenhaus’s articles “The State of Emergency in Legal Theory” or “The Compulsion of Legality” due on **October 29**.

**Response Paper 3:** Analyze any article starting with Terry Nardin’s article and ending with R. Balasubramaniam’s article) due on **Dec 2**.

**Submission of Work:** All papers are to be submitted to me in class at the beginning of class. All those who take advantage of the extension provision below are to submit work at the Drop Box for the Department of Law and Legal Studies, 4<sup>th</sup> Floor Loeb Building. For the same day date-stamp you must have it in by 4:00pm.

**Lateness, Extensions, and Deadlines:** I will grant a one-time no-questions-asked 24 hour extension on the stipulated deadlines after which no papers will be accepted for marking. No other extensions will be granted for late work. I will treat the stamp on the submitted paper as definitive evidence of the time of submission.

**Friendly Advice:** Please begin work on your Response Papers in a timely manner. To help you succeed, I will make myself available to help you after every class, during designated office hours, and by email. In addition, I will conduct workshops in class to give you meaningful direction. Finally, if you are having serious problems with the course that could affect your ability to complete your work, please inform me as soon as possible.

**Grade Appeals:** Grade appeals are to be made in writing. You are required to make a case in writing as to why the paper should be re-evaluated taking into account the criteria that apply to the evaluation of the paper. These criteria will be distributed to you in class.

**Email Etiquette:** To make sure I am of most help to you, please state the subject of your inquiry in the subject heading of all your emails. Please check to make sure that any question you are asking cannot first be answered by consulting the outline or your colleagues.

**SCHEDULE****1) September 10 – Introductory Class****2) Business as Usual and Accommodation****September 18 - Oren Gross' Critique of the Models for Emergencies**

**Required reading:** Gross, Oren, "Should Responses to Violent Crises Always be Constitutional?" (2003) 112 Yale Law Journal 1011-1134.

**3) September 25 - Gross' Extra-Legal Measures Model**

**Required reading:** Oren Gross, "Should Responses to Violent Crises Always be Constitutional?" (2003) 112 Yale Law Journal 1011-1134.

**4) October 1 - David Dyzenhaus's Schmittian Critique (Response paper 1 is due in class)**

**Required reading:** David Dyzenhaus, "The State of Emergency in Legal Theory" in Victor Ramraj, Michael Hor, and Kent Roach (eds.) *Global Anti-Terrorism Law* (Cambridge: Cambridge University Press, 2005), 66-89.

**5) October 8 – David Dyzenhaus's Extra-Legal Measures Model**

**Required reading:** David Dyzenhaus, "The State of Emergency in Legal Theory" in Victor Ramraj, Michael Hor, and Kent Roach (eds.) *Global Anti-Terrorism Law* (Cambridge: Cambridge University Press, 2005), 66-89.

**6) October 15- Gross's Reply**

**Required reading:** Oren Gross, "Stability and Flexibility: A Dicey Business" in Victor Ramraj, Michael Hor, and Kent Roach (eds.) *Global Anti-Terrorism Law* (Cambridge: Cambridge University Press, 2005), 90 – 107.

**There is no class on October 22 due to Fall Break.**

**7) October 29 - Dyzenhaus' Counter Attack**

**Required reading:** David Dyzenhaus, "The Compulsion of Legality" in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 33 – 59.

**8) November 5 - Emergency Logic**

**Required reading:** Terry Nardin, “Emergency Logic: prudence, morality, and the rule of law” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 97-117.

**9) November 12 - The Political Constitution**

**Required reading:** Mark Tushnet, “The political constitution of emergency powers: some conceptual issues” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 145 - 155.

**10) November 19 - International Emergencies and Jurisdictional Politics**

**Required reading:** Kanishka Jayasuriya, “Struggle over legality in the midnight hour: governing the international state of emergency” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 360-384.

**11) November 26 - Detention Without Trial**

**Required reading:** Rueban Balasubramaniam, “Indefinite Detention: Rule by Law or Rule of Law?” in Victor Ramraj, ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 118-142.

**13) December 2 – Response Paper 3 due in Class**

**(Please note the following as it may coincide with the days you are teaching):**

September 4 – Fall term begins

October 14 – Statutory holiday

October 21 – 25 - Fall Term Break

December 6 – Last Day of Fall Term Classes

December 6 – Last Day to hand in Fall Term work.

December 6 – Last Day for Take-Home exams to be assigned

December 9 – 21 – Formally Scheduled exams take place

December 21 – Take-Home exams are due

---

---

**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: <https://carleton.ca/equity/accommodation/academic/students/>

**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: <https://carleton.ca/equity/accommodation/academic/students/>

**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](mailto: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/students/accommodations/>

### **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/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: <https://carleton.ca/equity/accommodation/academic/>

### **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/>