

Course Outline

COURSE:	LAWS 2105 B Social Justice and Human Rights
TERM:	Fall 2024
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002, or HRSJ 1101 and HRSJ 1102, or PAPM 1001 and PSCI 2003.
CLASS:	Day & Time: Fridays, 8:35 am – 11:25am Room: Please check Carleton Central for current Class Schedule This is an in-person lecture; it is not an online or hybrid course.
INSTRUCTOR:	Dr. R. Rueban Balasubramaniam
CONTACT:	Office Hrs: Mondays 2-3pm by Zoom and by appointment only Telephone: 613-520-2600 ext 8809 Email: Rueban_Balasubramaniam@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290234

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

We will examine the relationships between different concepts of law and the advancement of human rights and social justice. We will consider the position taken by legal positivists who believe we are theoretically and practically better off embracing an amoral concept of law and reserving the pursuit of human rights and social justice to politics and morality. And we will also consider moral theories of law that integrate this pursuit into the very idea of law. Framing our concerns will be instances of legal pathology that arise in the contexts of “very unjust law” – examples where law is used to violate human rights and to practice social injustices.

LEARNING OUTCOMES

- To understand the connections between legal theory and practice, and commitments to human rights and injustice.
- To understand the essentials of different theories of law and their utility in pursuit of such commitments.
- To learn to closely read theoretical arguments and to correctly interpret and develop a critical perspective about such arguments.
- To learn the skill of working under pressure, professionalism, and the ability to submit work to a stipulated deadline.

REQUIRED TEXTS

All required texts will be made available on Brightspace.

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.

All components must be successfully completed in order to get a passing grade. Note, however, your final grade will be based on the combination of your participation mark and the best two out of three of the written assignments. There is flexibility built into this scheme of evaluation so that you have the option of “trialing” the assignment and improving without being hampered by a poor mark received in one paper.

- 1) **PARTICIPATION 20%** – To incentivize your attendance to a Friday morning lecture, there will be a participation mark. Note that attendance is mandatory to the lecture and you may find it difficult to do the assignments if you are regularly absent. I will grant you two “free” missed classes, after which you stand to lose participation marks for every missed class (roughly, 1.6 marks per missed class) If, however, absence is unavoidable you will have the option to participate in a 1 hour closed book oral exam about the material at the end of the semester to make up for lost marks (up to 3 missed classes worth)
- 2) **ASSIGNMENT 1 due on October 10 40%**: The assignment will require that you summarize a specified aspect of a given reading and make a critical observation about the summarized aspect of that reading (1000 words total).
- 3) **ASSIGNMENT 2 due on November 6 40%**: The assignment will require that you summarize a specified aspect of a given reading and make a critical observation about that aspect of the reading (1000 words total).

- 4) **ASSIGNMENT 3 due on December 2 40%**: The assignment will require that you summarize a specified aspect of a given reading and make a critical observation about that aspect of the reading (1000 words total).

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

In general, I do not easily grant extensions especially since there is already flexibility built into the course evaluations. However, 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 short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

- **Kindly note that the readings are sometimes long, complex, and span over several weeks. And that is because the problems discussed within the readings are complex and require extended discussion. I will deal with aspects of the readings during lectures, bringing to bear far more than the readings convey. Your task will be to spend the time to work through these readings over and over in light of the lectures. There is therefore no brightline division of content to read from week to week because any such distinction in this case would be wholly arbitrary and unproductive.**

1) September 6 – Introductory Lecture

2) September 13 - Legal Positivism and Wicked Law

H.L.A. Hart, "Positivism and the Separation between Law and Morals" [1958] 71:4 Harvard Law Review 593-629.

3) September 20 - The Grudge Informer

H.L. A. Hart, "Positivism and the Separation between Law and Morals" [1958] 71:4 Harvard Law Review 593-629.

4) September 27 - Legal Order and Minimum Moral Content

H.L. A. Hart, "Positivism and the Separation between Law and Morals" [1958] 71:4 Harvard Law Review 593-629.

5) October 4 - The Theory of Primary/Secondary Rules and Rights?

HLA Hart, The Concept of Law (1997), Chapters 4,5, and 6.

6) October 11 - The Sheep and the Slaughterhouse

Jeremy Waldron, "All We Like Sheep," (1999) Canadian Journal of Law and Jurisprudence 169.

7) October 18 - The Law and the Holocaust

Kristen Rundle, "The Impossibility of an Exterminatory Legality," (2009) 59:1 University of Toronto Law Journal 65-125.

8) November 1 - The Law and the Holocaust

Kristen Rundle, "The Impossibility of an Exterminatory Legality," (2009) 59:1 University of Toronto Law Journal 65-125.

9) November 8 - Dworkin's Liberal Reply

Ronald Dworkin, "The Model of Rules," (1967-1968) University of Chicago Law Review 14-46.

10) November 15 - Interpretivism and Liberal Justice

Ronald Dworkin, "Hard Cases," (1975) 88:6 Harvard Law Review 1057-1109.

11)November 22 - The Limits of Liberal Legality in Unjust Systems

R. Rueban Balasubramaniam, The Conceptual Case for Law as Integrity in Malaysia in Matt McManus ed, *Liberalism and Socialism: Mortal Enemies or Embittered Kin* (London: Palgrave MacMillan, 2022), pp 31-72.

12)November 29 - Wrap Up Lecture

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUSA_EmpowerMe_EmpowerMe
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three

(3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).