

Course Outline

COURSE:	LAWS 3602A - INTERNATIONAL HUMAN RIGHTS
TERM:	Summer - 2018
PREREQUISITES:	1.0 credit from: LAWS 2105, LAWS 2502, LAWS 2601, LAWS 3509
CLASS:	Day & Time: Mondays and Wednesdays, 8:35am – 11:25am Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Professor Rueban Balasubramaniam
CONTACT:	Office: Loeb D587 Office Hrs: Mondays 3-4pm by appointment only Telephone: 613-520-2600 x. 8809 Email: Rueban_Balasubramaniam@carleton.ca

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: 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: <http://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 Equity Services website: <http://carleton.ca/equity/>

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. 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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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:

<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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/>

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 the duty to take rights seriously is immanent in that model. However, post 9/11, liberal democracies like the United States and Canada have sought to claw back their commitment to protecting international human rights. This behavior 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 posted on cuLearn.

EVALUATION

The evaluation comprises:

20 marks for Participation – These marks depend on your attendance and meaningful participation in lectures, seminars, and other class activity.

80 marks for Two Critical Response Papers – Each paper comprises a 1000 word academic essay that makes an argument about a specific academic article (4-5 double

spaced pages at a 12 point font). The point of the Response Paper is to test the student's ability to closely read and analyze text. Each paper will be marked out of 40.

The final grade is calculated as a combination of your participation mark and the total marks attained for both Response Papers.

Response Paper 1 -- Due on May 23.

You may write about any article mentioned in the outline until and including the articles related to the class on May 23.

Response Paper 2 - Due on June 13.

You may write about any article mentioned in the outline until and including the articles related to the class on June 11.

PAPER SUBMISSION AND LATE POLICY – ALL PAPERS ARE TO BE SUBMITTED TO ME IN CLASS AT THE BEGINNING OF CLASS.

IF YOU DO NOT SUBMIT THE PAPER TO ME IN CLASS, YOU HAVE A 24 HOUR NO QUESTIONS ASKED GRACE PERIOD WITHIN WHICH TO SUBMIT YOUR PAPERS TO THE DROP BOX IN THE DEPARTMENT OF LAW AND LEGAL STUDIES (4TH FLOOR LOEB BUILDING).

THE RELEVANT DATE AND TIME OF SUBMISSION AS STAMPED ON THE PAPER WILL BE TAKEN AS CONCLUSIVE EVIDENCE THAT YOU HAVE SUBMITTED YOUR PAPER WITHIN THIS GRACE PERIOD.

THERE WILL BE NO FURTHER EXTENSIONS GRANTED. ANY PAPERS THAT ARE SUBMITTED AFTER THE GRACE PERIOD WILL NOT BE MARKED.

SCHEDULE

1. May 7 – Introductory Class
2. May 9 – Oren Gross' Critique of the Business as Usual and Accommodation Models for Emergencies

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

3. May 14 – **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. May 16 - **David Dyzenhaus’ Legality 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.

5. May 21 – **No Class due to Victoria Day**

6. May 23 - **Gross’ Reply Round 1 [RESPONSE PAPER 1 IS DUE IN CLASS]**

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.

7. May 28 - **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. May 30 - **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. June 4 - **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.

11. June 6 – 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.

12. June 11 – 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. June 13 – RESPONSE PAPER 2 IS DUE IN CLASS.

14. June 18 – Class cancelled.