
COURSE:	LAWS 2105A/B – Social Justice and Human Rights
TERM:	Winter - 2018
PREREQUISITES:	LAWS 1000 [1.0], or HUMR 1001 [1.0], or PAMP 1000 [1.0], or PSCI 1100 and PSCI 1200
SECTION B:	Day & Time: Tuesdays 2:35pm – 5:25pm Room: Please check with Carleton Central for current room location
SECTION A:	Day & Time: Mondays 2:35pm – 5:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Amy Bartholomew
CONTACT:	Office: Loeb D 585 Office Hrs: Tuesdays 12:00 – 1:30 pm or by appointment Telephone: 613 520-2600 x. 3696 Email: Amy.Bartholomew@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

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? What is meant by cosmopolitan law?

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 several key historical, political, and legal developments: (1) In the post-World War II era; (2) Under conditions of contemporary globalization and the post-Cold War era; and (3) in light of 11 September 2001 and its aftermath, the 'war on terror' and the global 'refugee crisis'. Focusing on the latter two issues, we will pose

the following questions: What is happening to human rights and legality in the age of the ‘war on terror’? What role might human rights, law, and legality play in securing human rights and protecting them against abuse and instrumentalization by powerful states, if any? How should we address the ‘refugee crisis’ that is afoot today?

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*, a crucial chapter out of her equally important book, *The Origins of Totalitarianism*, and consider some key aspects of the International Military Tribunal at Nuremberg. These raise general questions that will pervade our considerations: How should we think about, and what should we do about, law and human rights under conditions of domination, exploitation, and imperialism if our aim is to develop human rights and work toward global justice, social and otherwise? To deepen and ground our considerations, we will also consider the concept of “cultural genocide” as the Canadian Commission on Truth and Reconciliation has concluded Canada is guilty of in the context of residential schools.

Discussion Groups: We will have discussion groups in 2105 approximately six times during the term. They will take place during the allotted class time. You will be assigned to a discussion group early in the course. Discussion group tasks are indicated in the relevant week of the schedule, below, in green.

REQUIRED TEXTS

Available at Octopus Books, 116 Third Avenue (just west of Bank Street in the Glebe. See <http://octopusbooks.org> for hours etc.). (Please take the course number and professor’s name with you along with the title of the book.)

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin.

The rest of the reading is available through MacOdrum library, on the internet, or has been provided to you on culearn. **Readings that have been posted on culearn are marked with a “*” before the reading, below.**

Please Note:

You are expected to bring the required readings to lecture and discussion groups every week.

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-line.

Cu Learn and Carleton Connect

It is important that you have access to Carleton Connect and **use a connect email address**. You must also have access to **CuLearn**.

If there is an important notice regarding a class meeting, a reading, or some other important matter, I will try to post it to CuLearn at least the evening before the relevant class.

Very useful resources:

The *Stanford Encyclopedia of Philosophy* available electronically through MacOdrum. See for concepts like “sovereignty,” “human rights,” “the rule of law,” or “cosmopolitanism.”

Film: Hannah Arendt. Available on itunes.

EVALUATION

You have 2 options for evaluation. Please read this carefully:

1. If you choose to participate in discussion groups:

Participation in Discussion Group:	15%	
Analytical Essay	40%	
Final Exam (2 hours)	45%	Regular exam period

2. If you choose *not* to participate in ***and formally opt out of*** discussion groups:

Analytical Essay	40%	
Final Exam (2 hours)	60%	Regular exam period

Choosing whether to participate in discussion groups:

If you wish to *opt out* of discussion groups and thereby have your mark assigned as in option 2., above, **you must send Professor Bartholomew an email by 22 January (section B) or 23 January (section A) with the subject line: “2105 [A or B] opting out”**. If you do *not* opt out in this manner, and by this date, you will automatically be treated as having chosen to take part in discussion groups. You cannot change your mind later in the term, so please consider your options carefully.

Even if you choose to opt out of discussion groups, you will be assigned a TA for the purposes of the writing assignment and marking. Please note who your TA is.

If you choose to participate in discussion groups, you are expected to be present and to actively participate in discussion group activities that will be assigned throughout the term. **Your TA will assign this portion of the mark.** It is crucial that you attend the discussion group to which you are assigned.

Analytical Essay:

Section B (Mondays): Due at the end of lecture/in discussion group March 5.

Section A (Tuesdays): Due at the end of lecture/in discussion group March 6.

The essay is due as set out, above. It should be **handed to your TA** (which you will be assigned whether or not you participate in discussion groups). Should you choose to deposit your essay in the Law Dept. Drop Box or submit it in any other manner, *you* assume the responsibility for it. If we do not find it the Drop Box, we will assume you have not submitted it, or if we find it after the due date, we will assume it was submitted late.

The assignment is an analytical essay of 2000 words or less (under 8 double-spaced pages written in Times New Roman 12 point font) on Hannah Arendt's *Eichmann in Jerusalem*. More information will be provided later in the term. Please note the following:

- 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-). Any essay received after 4pm on the due date will be treated as at least one day late. *Each* weekend day will count as one day. Any exception to the deadline must be cleared through *your TA before* the due date. An extension will only be granted if a student has medical or other official documentation that your TA or I judge to be convincing or for 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.

Final Exam:

The final exam will be given during the regular examination period. It is a two-hour exam. You will be permitted to bring 1 sheet of 8x11 inch paper into the exam with you, with notes permitted on both sides. The notes may be handwritten or computer generated.

GENERAL RULES:

Failure to complete any aspect of the requirements may result in failure in the course.

Plagiarism will not be tolerated. There is a zero tolerance policy on plagiarism which means that any act of plagiarism – whether intentional or inadvertent – will be taken directly to the Dean.

The OED (Oxford English Dictionary) defines plagiarism as follows: “The action or practice of taking someone else's work, idea, etc., and passing it off as one's own; literary theft.”¹

Plagiarism includes failing to use quotation marks around quoted material, even if one provides a citation, or providing an inadequate citation such as failing to provide a page number for quoted material.

In addition to the Carleton website information, see the useful guide at <http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

“Standing in a course is determined by the course instructor subject to the approval 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 Dean.”

SCHEDULE: Please note: this schedule is subject to revision during the term. Any revisions made will be announced in lecture.

1. Introduction to state violence today and accessing readings January 8 and 9

In this first, introductory class we will review the syllabus, introduce the main themes of the course, and discuss using the library with an emphasis on accessing e-books and e-journals. I will show you how to access the required readings that are available on-line through the library. This is an important skill for you to learn early on, as we will rely on e-journals and e-books throughout the term.

Please complete the required reading (below) *prior to class*. It is all readily available and will give you a sense of where we are headed this term.

Required reading:

Review the syllabus posted on CuLearn *and bring a copy with you* (or your computer) to lecture.

Engelhardt, Tom. “Mapping a World From Hell,” TomDispatch.com 4 January 2018
http://www.tomdispatch.com/post/176369/tomgram%3A_engelhardt%2C_seeing_our_wars_for_the_first_time/#more

¹ “Plagiarism, n,” *Oxford English Dictionary*. Third Edition, June 2006.

Cole, David. "The Drone Presidency." *New York Review of Books*, 18 August 2016. <http://www.nybooks.com/articles/2016/08/18/the-drone-presidency/>

Dearden, Lizzie. "Refugee Crisis: 2016 on Course to be Deadliest Year on Record as Thousands of Asylum Seekers Drown in the Mediterranean," *Independent (UK)*, 30 July 2016. <http://www.independent.co.uk/news/world/europe/refugee-crisis-2016-on-course-to-be-deadliest-year-on-record-as-thousands-of-asylum-seekers-drown-in-a7164271.html>

Page, Tiffany. "Self-Immolation and Asylum in Australia: 'This is how tired we are'." *Open Democracy* 18 August 2016. <https://www.opendemocracy.net/5050/tiffany-page/self-immolation-and-asylum-in-australia-this-is-how-tired-we-are>

Grenier, Elizabeth, "Why the World is Turning to Hannah Arendt to Explain Trump," *Deutsch Welle* 2February 2017, <http://www.dw.com/en/why-the-world-is-turning-to-hannah-arendt-to-explain-trump/a-37371699>

Supplementary:

Geltzer, Joshua A. "Is Closing Guantanamo Still Conceivable?" *The Atlantic* 19 July 2017. <https://www.theatlantic.com/international/archive/2017/07/trump-guantanamo-terrorism-obama-resettlement/534009/>

Amnesty International, "Q and A: Guantanamo Bay, US Detentions, and the Trump Administration." 4 May 2017. <https://www.hrw.org/news/2017/05/04/qa-guantanamo-bay-us-detentions-and-trump-administration> .

"Trump Looking to Loosen Obama Limits on Drone Strikes," *Al Jazeera*, 22 September 2017. <http://www.aljazeera.com/news/2017/09/loosen-obama-limits-drone-strikes-170922141205178.html> .

Stonebridge, Lyndsey. "No Place Like Home: A Concise History of Statelessness," *Eurozine*, <http://www.eurozine.com/articles/2015-12-01-stonebridge-en.html>

Ditmar, Hadani. "Canada Joins Failing War on Terror," 24 July 2015. *Al Jazeera*. <http://www.aljazeera.com/indepth/opinion/2015/07/canada-joins-failing-war-terror-bill-c51-150724092110473.html>

2. Human Rights and State Sovereignty: An Introduction

January 15/16

Discussion Groups Meet for the First Time: In this first discussion group you will discuss how to read theory, the benefits of a good, properly cited reading summary, and how to read a lot. Prepare and bring a reading summary of the Hunt reading (below) with you to the DG. Your reading summary must have your name and section, proper citations to the reading throughout it, a description of the main points of the reading (indicating page numbers where you find the argument you are summarizing), and one quotation from the

reading (properly cited) that you think sums up the author's main argument well. The summary should not be longer than 1.5 pages, single-spaced. Be prepared to discuss your summary and the Hunt reading, whether you had difficulty accessing the other, short readings, and how you approached reading them.

You will submit your reading summary to your TA at the end of the DG.

Required reading:

*Hunt, Lynn. 2007. *Inventing Human Rights*. New York: WW Norton. Read "Introduction," 15-34, and 200-214.

Hirsh, David. 2003. *Law Against Genocide: Cosmopolitan Trials*. London: Cavendish/Glasshouse Press. Read pp. 1-20. Available as an electronic source on the MacOdrum Library website.

The United Nations, "The Foundation of International Human Rights Law," <http://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

Cabrera, Luis. 2018. "Ambedkar and Du Bois on Pursuing Rights Protections Globally," global-e, 4 January. <http://www.21global.ucsb.edu/global-e/january-2018/ambekar-and-du-bois-pursuing-rights-protections-globally>

Nickel, James W. 2006: "Are Human Rights Mainly Implemented by Intervention?" in *Rawls's Law of Peoples: A Realistic Utopia?* Rex Martin and David A. Reidy, eds. (Malden, MA: Blackwell), 263-277. **JUST READ p.270** (which shows as p. 288 on the online portal page box) for the list of "political roles" human rights might play. Available as an eBook from MacOdrum (4 persons at a time).

Skim over the *Universal Declaration of Human Rights*. Available online, just "google" it.

Supplementary:

Fine, Robert. "Cosmopolitanism and Human Rights: Radicalism in a Global Age." *Metaphilosophy* 40, no. 1 (2009): 8-23.

Cmiel, Kenneth. "The Recent History of Human Rights." *American Historical Review* 109, no. 1 (2004): 117-135.

Moyn, Samuel. 2009. *The Last Utopia*.

Alston, Philip. "Does the Past Matter? On the Origins of Human Rights." *Harvard Law Review* 126 (2013): 2043-18. (Critique of Moyn)

Koh, Harold Hongju. "How Is International Human Rights Law Enforced?" *Indiana Law Journal* 74 (1999): 1397-417; JUST READ 1397-1399, and 1408-1411.

Sloss, David L. "How International Human Rights Transformed the US Constitution." *Human Rights Quarterly* 36, no. 2 (2016): 426-449.

Merry, Sally Engle. 2003. "Constructing a Global Law: Violence against Women and the Human Rights System." *Law and Social Inquiry* 28, no. 4: 941-977; JUST READ 941-946. Available on MacOdrum.

Levy, Daniel, and Natan Sznaider. "Sovereignty Transformed: A Sociology of Human Rights." *British Journal of Sociology* 57, no. 4 (2006): 657-76.

3. Human Rights, Globalization, and Post September 11: Focusing on the "Global War on Terror" and Torture January 22/23

"Many liberal warriors are so eager to fight anti-democratic fundamentalism that they end up dispensing with freedom and democracy if only they may fight terror. If the 'terrorists' are ready to wreck this world for love of another, our warriors against terror are ready to wreck democracy out of hatred for the Muslim other. Some of them love human dignity so much that they are ready to legalise torture to defend it."

Slavoj Žižek, "Save us from the Saviours," *London Review of Books* 34, no. 11 (7 June 2012), <http://www.lrb.co.uk/v34/n11/slavoj-zizek/save-us-from-the-saviours>.

Film: "Ghosts of Abu Ghraib" will be screened and discussed in class. (1:22)

Required reading:

*Waldron, Jeremy. 2005. "Torture and Positive Law: Jurisprudence for the White House. *Columbia Law Review*" 105: 1681- 1750. **JUST READ** "Introduction", 1681-1691; "The Bybee Memo", 1703-1717; 1723; 1726-1728; 1734-1735; 1737-1738; and "An Archetype of International Law" and "Conclusion" 1743-1750. Note: **We will re-read this later in the term.**

*Scheuerman, William. Summary on rule by law or rule of law. One page on webct.

Lewis, Paul. 1 August 2014. "Obama Admits CIA 'Tortured some Folks' but Stands by Brennan Over Spying" *The Guardian* <http://www.theguardian.com/world/2014/aug/01/obama-cia-torture-some-folks-brennan-spying>

Supplementary:

Scheuerman, William E. "Carl Schmitt and the Road to Abu Ghraib." *Constellations* 13, no. 1 (2006): 108-24.

Perkel, Colin. "Ex Guantanamo Bay captive suing Canada for \$50M for alleged complicity

in torture,” <https://globalnews.ca/news/3844536/ex-guantanamo-bay-captive-suing-canada-for-50m-for-alleged-complicity-in-torture/>

Shane, Scott. 19 April 2009. “Waterboarding Used 266 Times on Two Suspects.” http://www.nytimes.com/2009/04/20/world/20detain.html?_r=0

Siems, Larry. Inside the CIA’s Black Site Torture Room, *The Guardian*, 9 October 2017. <https://www.theguardian.com/us-news/ng-interactive/2017/oct/09/cia-torture-black-site-enhanced-interrogation>

Greenberg, Karen J. 2014 “Abu Ghraib Never Left Us,” 27 April <http://www.tomdispatch.com/dialogs/print/?id=175836>

Andersson, Hilary. 2015. “Ex-CIA Boss Admits to BBC Panorama that it Tortured,” <http://www.bbc.com/news/world-us-canada-33739480> 3 August.

Lucy Westcott. 18 August 2016. 17,000 People have Died in Syrian Prisons Since Start of [Syrian] War: Report, *Newsweek* on line at: europe.newsweek.com/syrian-prison-custody-death-amnesty-491226 Watch the 10 minute video.

4. Nuremberg and its Legacy January 29/30 Start time, 3:30.

NOTE: LECTURE WILL BEGIN AT 3:30 TODAY, WITH DISCUSSION GROUPS TO FOLLOW DIRECTLY AFTER LECTURE AT 4:30.

Discussion Group: Is Nuremberg an important component in the development of human rights and international criminal law or is it merely victor’s justice? Can it be viewed as both? What do Zolo and Kirchheimer suggest? Prepare short reading summaries of Kirchheimer and Zolo and bring them with you to the discussion group to discuss. You will then hand them in to your TA’s.

Required reading:

*Falk, Richard A., Gabriel Kolko and Robert Jay Lifton eds. 1971. *Crimes of War: A Legal, Political-Documentary, and Psychological inquiry into the responsibility of leaders, citizens, and soldiers for Criminal Acts in Wars*. New York: Random House. pp. 76-109.

*Kirchheimer, Otto. 1961. “Trial by Fiat of the Successor Regime” Pp: 323-341 in *Political Justice: The Use of Legal Procedure for Political Ends*. Princeton: Princeton University Press.

*Zolo, Danilo. 2009. *Victors’ Justice: From Nuremberg to Baghdad*. London: Verso, 138-147; and 165-166.

Fine, Robert. (2010). “Dehumanizing the Dehumanizers: Reversal in Human Rights Discourse.” *Journal of Global Ethics* 6, no. 2: 179-190; JUST READ 179-181.online

Bass, Gary Jonathan. 2000. "Nuremberg." Pp. 147-205 in *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*. Princeton, NJ: Princeton University Press. JUST READ p. 175 for Stimson's Memo. This can be found on Google Books. <http://books.google.com/books>

[To find, google "Stimson's memo crimes against humanity"]

Supplementary:

Short, useful recap of a classic debate:

Rehaag, Sean. "Review of *The Hart-Fuller Debate in the Twenty-First Century*, ed. by Peter Crane," *Osgood Hall Law Review*.

Meron, Theodor. "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law*, Vol. 100, No. 3 (Jul., 2006), pp. 551-579.

History Channel documentary, "Nuremberg Trials World War II Documentary" <https://www.youtube.com/watch?v=K5lsb1gjAds> [A liberal/conservative but informative documentary. 45 minutes.]

Film shown at Nuremberg. Note: There are VERY upsetting images
"Nazi Concentration Camp – Film Shown as Nuremberg War Crimes Trials"
https://www.youtube.com/watch?v=_pQJ42ONPDo

5. After Nuremberg: *Eichmann in Jerusalem* February 5/6

Discussion Group: Fundamentals of university writing, the importance of proper citation, and discuss paper topic.

Film: "The Specialist: Portrait of a Modern Criminal" (1999) (1:28) will be screened in class.

Required reading:

*Jaspers, Karl. 2006. "Who Should Have Tried Eichmann?" *Journal of International Criminal Justice* 4: 853-858. (Originally, 1962).

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin. **You are responsible for reading the entire book, but concentrate on pp. 3-150; 206-298.**

Supplementary:

*Muller, Ingo, *Hitler's Justice: The Courts of the Third Reich* (Cambridge: Harvard University Press, 1991), esp. ch. 9, "Nazi Jurisprudence," 68-81.

Meron, Theodor. "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law*, Vol. 100, No. 3 (Jul., 2006), pp. 551-579.

Connolly, Kate. 2016. "Joseph Goebbels 105 Year Old Secretary: 'Nobody Believes Me Now, But I Knew Nothing'," *The Guardian* 16 August 2016
<https://www.theguardian.com/world/2016/aug/15/brunhilde-pomsel-nazi-joseph-goebbels-propaganda-machine>.

6. After Nuremberg: Arendt's Analysis February 12/13

Discussion Group: Discuss Arendt's arguments and the paper topic. Bring your thesis statement to discuss. Be prepared to discuss what sort of textual evidence you will use to support your thesis.

Required reading:

Arendt, Hannah. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin. Continued.

Convention on the Prevention and Punishment of the Crime of Genocide 1948. Available at: <http://www.preventgenocide.org/law/convention/text.htm>

*Marrus, Michael R. 2001. "Eichmann in Jerusalem: Justice and History," in Steven L. Aschheim, ed. *Hannah Arendt in Jerusalem* (Berkeley: University of California Press), 205-213.

7. Reading Week: No class February 19/20

8. Arendt's Analysis Continued February 26/27

Required Reading:

Benhabib, Seyla. 2009. "International Law and Human Plurality in the Shadow of Totalitarianism: Hannah Arendt and Raphael Lemkin," *Constellations*, 16, no. 2 (2009): 331-350.

Supplementary:

Felman, Shoshana. 2001. "Theaters of Justice: Arendt in Jerusalem, the Eichmann Trial and the Redefinition of Legal Meaning in the Wake of the Holocaust." *Critical Inquiry*, 27, no.2: 201-238.

9. Genocide, Cultural Genocide and Aboriginal Peoples in Canada March 5/6

ESSAY DUE

Discussion Group: What are the implications of the conclusion that Canada committed "cultural genocide" against Aboriginal peoples? How might you apply Arendt's analysis of crimes against humanity/genocide to this case? How might you argue it amounts to

genocide under the Genocide Convention? How might you argue it does *not* amount to genocide?

Required reading:

Convention on the Prevention and Punishment of the Crime of Genocide 1948. Available at: <http://www.preventgenocide.org/law/convention/text.htm>

*Canada, Truth and Reconciliation Commission of Canada, *What we Have Learned: Principles of Truth and Reconciliation*, 2015. Also available at www.trc.ca. Pages to be announced.

10. International Human Rights, Sovereignty, and Cosmopolitanism March 12/13

Required reading:

Eleftheriadis, Pavlos. 2003. "Cosmopolitan Law," *European Law Journal*, 9, no. 2 (April): 241-263; **just read** 241-246; 249-257; and 260-263.

Cohen, Jean L. "Sovereign Equality vs. Imperial Right: The Battle over the 'New World Order'." *Constellations* 13, no. 4 (2006): 485-505; **just read** 485-491.

Kant, Immanuel. 1795. *To [or Toward] Perpetual Peace: A Philosophical Sketch*. Just read "Third Definitive Article of a Perpetual Peace: Cosmopolitan Right Shall be Limited to Conditions of Hospitality." About 2pp long. <https://www.mtholyoke.edu/acad/intrel/kant/kant1.htm> Or, you can find this by googling it.

Taub, Ben. 2016. "Does Anyone in Syria Fear International Law?" *The New Yorker*, 31 August. <http://www.newyorker.com/news/news-desk/does-anyone-in-syria-fear-international-law>

Glance at:

http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/cases/Pages/cases%20index.aspx

Rome Statute http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf Read Preamble and Articles 5-9, 77. More if possible.

Supplementary:

Fine, Robert. "Cosmopolitanism and Human Rights: Radicalism in a Global Age," *Metaphilosophy* 40, no. 1 (2009): 8-23.

Levy, Daniel and Natan Sznaider, "The Institutionalization of Cosmopolitan Morality: The Holocaust and Human Rights," *Journal of Human Rights* vol. 30, no. 2 (2004): 143-157.

11. Post 9/11: Torture, War Crimes, Indefinite Detention: What is Happening to Human Rights and the Rule of Law? March 19/20

Required Reading:

(Review) Waldron, Jeremy. 2005. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review*, 105: 1681- 1750, just read "Introduction", 1681-1688; "The Bybee Memo", 1703-1714; "An Archetype of International Law" and "Conclusion" 1743 -1750. [This is the same essay we first read in week 3]

Sanders, Lynn. 2011. "(Im)plausible Legality: The Rationalisation of Human Rights Abuses in the American 'Global War on Terror,'" *The International Journal of Human Rights* 15, no. 4: 605-626. JUST READ 605-610, and 615-621.

Chamayou, Grégoire. 2011 "The Manhunt Doctrine," *Radical Philosophy* 169 (Sept/Oct). To access, enter Macodrum website, type in Radical Philosophy into the Journal title, click on "online access," this takes you to Radical Philosophy. Then, in the search box, type in Chamayou. Or, go to:
<http://www.radicalphilosophy.com/commentary/the-manhunt-doctrine>

Frakt, David J.R. "Direct Participation in Hostilities as a War Crime: America's Failed Efforts to Change the Laws of War." *Valparaiso University Law Review* 46 (2013): 729-764. JUST READ: 729-734, 737-742, 744-755, and 762-764.

Glazier, David W. "Still a Bad Idea: Military Commissions under the Obama Administration." *Loyola Law School*, no. Legal Studies Paper No. 2010-32. Just read 1-5, 31, and 67-76. [note: "Before attending law school, Glazier served 21 years as a US Navy surface warfare officer".]
<http://www.lls.edu/aboutus/facultyadministration/faculty/facultyliste-g/glazierdavid/>

Samir Naji al Hasan Moqbel, "Gitmo Is Killing Me" 14 April 2013 *New York Times*,
http://www.nytimes.com/2013/04/15/opinion/hunger-striking-at-guantanamo-bay.html?_r=0

Supplementary:

Waldron, Jeremy. "Targeted Killing," *London Review of Books*, 7 May, 2011.

Mitchell, JWT. "Review of Chamayou, *A Theory of the Drone*." *Critical Inquiry* 2017, no. Summer (2017): 907.

Sanders, Rebecca. "Human Rights Abuses at the Limits of the Law: Legal Instabilities and

- Vulnerabilities in the 'Global War on Terror'." *Review of International Studies?* ONLINE FIRST? (2017): 1-22.
- Smith, Clive Stafford. "Who's Getting Killed Today?". *Times Literary Supplement*, no. June 28 (2017).
- Brooks, Rosa Ehrenreich. "War Everywhere: Rights, National Security Law, and The Law of Armed Conflict in the Age of Terror." *University of Pennsylvania Law Review* 153, no. 2 (2004): 675-761.
- Brooks, Rosa. *How Everything Became War and the Military Became Everything: Tales from the Pentagon*. New York: Simon and Schuster, 2016.
- Heyns, C., Akande, D., Hill-Cawthorne, L., & Chengeta, T. "The International Law Framework Regulating the Use of Armed Drones." *International and Comparative Law Quarterly* 65, no. 4 (2016): 791-827.
- Dowdeswell, Tracey. "How Atrocity Becomes Law: The Neoliberalisation of Security Governance and the Customary Laws of Armed Conflict." *Journal of Critical Globalisation Studies* 6 (2013): 30-56.
- Allinson, Jamie. "The Necropolitics of Drones." *International Political Sociology* 9 (2016): 112-27.

12. Statelessness, Rightlessness, and the "Right to have Rights" March 26/27

[Discussion Group: Understanding Arendt on rightlessness, statelessness, and the "right to have rights."](#) Bring your reading summary of the Arendt reading and be prepared to discuss it.

Required reading:

*Arendt, Hannah. 1951. "The Decline of the Nation-State and the End of the Rights of Man," in *The Origins of Totalitarianism*, 267-302 (**read 290-302 most closely**), and **intro p. ix**. San Diego/New York: Harvest/Harcourt.

Supplementary: Helpful but not required reading:

Benhabib, Seyla. 2004. "The Right to Have Rights: Hannah Arendt on the Contradictions of the Nation-State," in *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press. 49-69. [electronic book, Macodrum]

Marrone, Stephanie. 1993. "Whither the Nation-State?" *Origins* (November): 17-22.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New Edition. New York: Verso, 2006).

Waldman, Morris D. "A Bill of Rights for all Nations," *New York Times*, November 19, 1944.

13. Citizenship, Human Rights, Contemporary Statelessness, and the "Right to have Rights" April 2/3

Discussion Group: Bring in a recent example of statelessness, the current “refugee crisis,” or “global apartheid” in the context of migration. Examples might include the Rohingya, China’s stateless children, Europe’s response to the refugee crisis in 2015-2018, Canada’s revocation of citizenship and deportation, Canada’s use of migrant detention, asylum seekers streaming into Canada in the age of Trump, or, refugees in Turkey or Greece, Palestinian statelessness/ refugees, American detention of immigrant families, etc. How might you analyze the case you have chosen *through Arendt’s framework*? Does Hayden add anything to your analysis?

Required reading:

Review Arendt reading and your summary of it from last week.

Hayden, Patrick. “From Exclusion to Containment: Arendt, Sovereign Power, and Statelessness,” *Societies Without Borders* 3 (2008): 248-269.

Wintour, Patrick. “Donald Trump pulls US out of UN global compact on migration.” *The Guardian* 3 December 2017. https://www.theguardian.com/world/2017/dec/03/donald-trump-pulls-us-out-of-un-global-compact-on-migration?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA+-+Collections+2017&utm_term=255077&subid=8009772&CMP=GT_US_collection

Supplementary:

Amnesty International, “Rohingya Crisis,” <https://www.hrw.org/tag/rohingya-crisis> .