
COURSE:	LAWS 2502 C – Law, State, and Citizen
TERM:	Winter 2023
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003.
CLASS:	Day & Time: Mondays 6:05 to 8:55 PM Room: Southam Hall 304
INSTRUCTOR:	Andrew Costa
CONTACT:	Office: NA Office Hrs: By Appointment (Via Zoom) Telephone: NA Email: andrewcosta@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Law relating to the state and its relationship to individuals and groups in society, with a focus on the administrative process, basic values and the Charter.

COURSE DESCRIPTION

At no other time in the past several decades has the concept of citizenship been as contested as it is now. Attempts to challenge the colonial and racial roots of modern citizenship have caused several diverse groups to demand social and cultural rights to be recognized as minorities by their associated states. Others have also looked to expand citizenship rights to animals and various elements of the natural world.

This course also looks at future developments through assessing citizenship and its tenuous relation to the state. These matters will be explored in discussions on how Indigenous peoples throughout the Americas articulate demands to self-determination adjacent to the state. It also determines how anti statist organizing can also impact claims to citizenship past the state as well.

Key questions the course asks include:

How have racism and colonialism structured modern citizenship ideals? What is the relation between sovereign power and violence? How are citizenship rights realized among groups and other minorities? Can citizenship rights be extended to non-human entities like animals and the natural world? How do Indigenous nations and anti-statist groups conceive of citizenship?

REQUIRED TEXTS

All required and supplementary readings will be posted and available on Bright Space.

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.

<u>Assignment</u>	<u>Description</u>	<u>Due Date</u>	<u>Weight</u>
Short Essay # 1	3 to 4 Pages	February 6	20%
Short Essay # 2	3 to 4 Pages	March 20	20%
Short Essay # 3	3 to 4 Pages	April 5	20%
Final Exam	Based on Course Readings and Lectures	TBD	40%

All components must be successfully completed in order to get a passing grade

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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 extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE**Class 1: Introduction****January 9**

Syllabus Review

No Readings

PART 1: CITIZENSHIP'S RACIAL AND COLONIAL ROOTS**Class 2: Citizenship's Racial and Colonial Roots****January 16****Required Readings:**

Robert A. Williams Jr. (1991) "Columbus' Legacy: Law as an Instrument of Racial Discrimination Against Indigenous Peoples' Rights of Self-Determination" *Arizona Journal of International and Comparative Law*. 8 (2), 51 – 75.

Antony Anghie (1996) "Francisco De Vitoria and the Colonial Origins of International Law" *Social and Legal Studies*. 5 (3), 321 – 336.

Class 3: Modern Epistemologies of Citizenship**January 23****Required Readings:**

Charles Mills (1997) *The Racial Contract*. Ithaca, NY: Cornell University Press. Overview (9 – 40).

Boaventura de Sousa Santos (2018) *The End of the Cognitive Empire: The Coming Age of Epistemologies of the South*. Durham, NC: Duke University Press. Introduction (1 – 19)
https://www.dukeupress.edu/Assets/PubMaterials/978-1-4780-0015-0_601.pdf

Class 4: Citizenship, Violence and Sovereignty**January 30****Required Readings:**

Jurgen Habermas (1996) "The European Nation State. Its Achievements and Its Limitations, On the Past and Future of Sovereignty and Citizenship" *Ratio Juris*. 9 (2), 125 – 137

Eric L. Santner (2015) "What's Left After Rights?" *Law and Critique*. 26 (1), 105 – 115

Class 5: Citizenship, Rights, and Racism**February 6****Required Readings:**

Anna Spain Bradley (2019) "Human Rights Racism" *Harvard Human Rights Journal*. 32 (1), 1 – 58

PART TWO: GENERAL TOPICS IN CITIZENSHIP**Class 6: Citizenship and Group Rights****February 13**

David Miller (2002) "Group Rights, Human Rights and Citizenship" *European Journal of Philosophy*. 10 (2), 178 – 195.

Andrew Sharp (1999) "'What if Value and Rights Lie Foundationally in Groups?' The Maori Case" *CRISPP*. 2 (2), 1 – 28.

Class 7: Reading Week**February 20**

No Assigned Reading

Class 8: Sub-State Citizenship**Required Readings:****February 27**

Cindy Holder (2012) "Devolving Power to Sub-State Groups: Some Worries About the Worries" *The Monist*. 95 (1), 86 – 102.

Sarah Sargent and Graham Melling (2012) "Indigenous Self-Determination: The Root of State Resistance" *Denning Law Journal*. 24 (2), 117 – 137.

Class 9: Multicultural Citizenship**March 6****Required Readings:**

Jurgen Habermas (1995) "Multiculturalism and the Liberal State" *Stanford Law Review*. 47 (5), 849 – 854.

Will Kymlicka (2003) "Canadian Multiculturalism in Historical and Comparative Perspective: Is Canada Unique?" *Constitutional Forum* 13 (1), 1 – 8.

Cindy L. Holder and Jeff J. Corntassel (2002) "Indigenous Peoples and Multicultural Citizenship: Bridging Collective and Individual Rights" *Human Rights Quarterly*. 24 (1), 126 – 151.

Class 9: More-Than-Human Citizenship**March 13****Required Readings:**

Will Kymlicka and Sue Donaldson (2014) "Animals and the Frontiers of Citizenship" *Oxford Journal of Legal Studies*. 34 (2), 201 – 219.

Laura S. Lynes (2019) "The Rights of Nature and the Duty to Consult in Canada" *Journal of Energy and Natural Resources Law*. 37 (3), 353 – 362.

PART III: CITIZENSHIP FUTURES**Class 10: Indigenous Rights and State Citizenship****March 20**

* Aimee Craft: Knowledge Keeper Interview (Carleton University Collaborative Indigenous Learning Bundle)

Required Readings and Lecture:

Larry Chartrand (2016) "Indigenous Peoples: Caught in a Perpetual Human Rights Prison" *UNBLJ*. 67 (2), 167 – 186.

Damien Lee (2019) "Adoption Constitutionalism: Anishinaabe Citizenship Law at Fort William First Nation" *Alberta Law Review*. 56 (3), 785 – 816.

Heather Dories (2018) "Indigenous – Canada Relations" (Lecture Series) *Carleton University Collaborative Indigenous Learning Bundles*.

Class 11: Pluriversal Citizenship**March 27****Required Readings:**

Arturo Escobar (2018) *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds*. Durham, NC: Duke University Press. Introduction (1 – 21).
https://www.dukeupress.edu/Assets/PubMaterials/978-0-8223-7105-2_601.pdf

Roger Merino (2018) "Reimagining the Nation-State: Indigenous Peoples and the Making of Plurinationalism in Latin America" *Leiden Journal of International Affairs*. 31 (4), 773–792.

Class 12: Citizenship Beyond the State**April 3****Required Readings:**

Ruth Kinna, Alex Prichard, and Thomas Swann (2019) "Occupy and the Constitution of Anarchy" *Global Constitutionalism*. 8 (2), 357 – 390.

Amy J. Cohen (2013) "On Being Anti-Imperial: Consensus Building, Anarchism and ADR" *Law, Culture, and the Humanities*. 9 (2), 243 – 260.

Class 13: Exam Review**April 10**

No Required Reading

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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/>.

COVID-19 PREVENTION MEASURES

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: On the recommendation of Ottawa Public Health, Carleton will be maintaining the mandatory [COVID-19 Mask Policy](#) until further notice. The policy requires masks to be worn in all university buildings, including offices, classrooms and labs.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

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). 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/>.