

Course Outline

COURSE:	LAWS 3602 FALL 2021
TERM:	Fall 2021
PREREQUISITES:	(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.
CLASS:	Day & Time:
	Room: Please check Carleton Central for current Class Schedule. This course is delivered asynchronously once per week posted generally by 12pm each Friday.
INSTRUCTOR:	Dr. Rueban Balasubramaniam
CONTACT:	Office: D587 Loeb Office Hrs: Mondays from 2-3:30pm by Zoom and by appointment only. Please email me beforehand to make an appointment and with a brief description of the purpose for the meeting to facilitate my preparation. Telephone: Email: Rueban_Balasubramaniam@carleton.ca

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 aim of this course is to explore the relationship between the concepts of the rule of law or legality and the need to protect fundamental human rights through analyses of states of emergency occasioned by the so-called Global War on Terror. The state of emergency or “exception” poses a threat to the idea that the rule of law should regulate state power in a way that affirms the fundamental rights of those subject to legal authority, whether citizens or non-citizens. This course will focus on the state of emergency as it applies to liberal-democratic states confronted by serious threats to national security.

REQUIRED TEXTS

All materials will be posted online on Brightspace. You will not be required to purchase any new materials to successfully participate in this course.

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.

The final grade for this course will be determined by calculating the average mark from three pieces of written work. Any un-submitted work will receive the mark of 0. There are NO EXAMS.

Each piece of work will contain two parts. The first part will involve a series of multiple-choice questions focused on a specific aspect of a reading for this course. The second part will involve a short critical writing component of about 250 words. Each part of the evaluation will be worth 50% of the grade for that evaluation.

The general goal of these assignments will be to test your ability to closely read, understand, and analyze an aspect of a given text.

The relevant assignments will be uploaded to Brightspace 10 days before the work will be due.

Due Dates:

Assignment 1: Due on October 7, 2021 at midnight.

Assignment 2: Due on November 1, 2021 at midnight.

Assignment 3: Due on December 1, 2021 at midnight.

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).

Grade Appeals

Grade appeals are to be made in writing to me directly stating relevant reasons directly related to the justification given for the particular grade you received. If the reasons given are plausible, then your work will be reviewed. Please also note that upon review your grade may get worse, not better.

Email Etiquette

Please note that every email should be professional and state your student number and reasons for the email.

Please also make sure to take reasonable steps to figure out answers to questions you have may before sending an email. Often a question you may have in mind can be answered by doing a little bit of independent work, especially if these are questions related to the administration of the course. Check the course outline and regular announcements made via Brightspace.

Kindly also keep in mind that we are all working under stressful conditions generally from home during the Covid-19 pandemic. It is therefore not reasonable to expect very quick replies to your emails. I urge you to be professional and considerate if you do not receive a quick reply.

SCHEDULE

As noted, we will operate on an asynchronous schedule so you will receive pre-recorded videos and other relevant materials on a weekly basis. As a reminder, videos will be uploaded by Friday of each week.

Note that I am requiring less reading than is typical for this course when it is taught face to face. However, the readings are difficult and often long so you must take the time to work through them. Note that the readings as posted will not be linked to a specific date in the outline but will generally be ordered to reflect the ordering in the outline. However, you must be careful to use the outline as a guide to identify the correct reading for that week.

To assist you, in each video lecture, I will try to contextualize the problem, question and the kind of argument presented in the reading through contemporary examples wherever possible. This means the video lectures will not necessarily be short; the length of the video will depend on the complexity of the argument or points I want to emphasize from the reading.

Note that the dates specified below follow a weekly Monday-Friday dateline.

1) September 6- 10 – Introductory Video**2) September 13- 17 – The Business as Usual and Accommodation Models**

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

3) September 20- 24 – A Primer on Carl Schmitt

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

4) September 27– October 1 – The Extra-Legal Measures Model

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

5) October 4 – 8 – A Primer on the Rule of Law

- Please watch the applicable video lecture.

6) October 11- 15 – The Legality Model

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

7) October 18- 22 – The Moral Subject of Law

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.

8) October 25- 29 – Reading Week**9) November 1- 5 – A Realist Approach to Emergencies**

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 8- 12 – The Immorality of Torture

David Sussman, “What’s Wrong With Torture?” (2005) 33:1 Philosophy and Public Affairs 1-33.

11) November 15 – 19 – Torture and the Rule of Law

Jeremy Waldron, Torture and Positive Law: A Jurisprudence Lesson for the White House (2005) 105:6 Columbia Law Review 1681-1750.

12) November 22- 26 – Torture and Legal Archetypes

Jeremy Waldron, Torture and Positive Law: A Jurisprudence Lesson for the White House (2005) 105:6 Columbia Law Review 1681-1750.

13) November 29- December 3 – Wrap-Up Lecture

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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/>.

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: <https://carleton.ca/law/student-experience-resources/>.