
COURSE:	LAWS 3602 International Human Rights
TERM:	FALL 2020
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: Please check Carleton Central for current Class Schedule.
	Room: All Courses in the Fall 2020 term are offered online. Lectures/seminars in this course will be delivered asynchronously using pre-recorded videos and other relevant materials. Material will be uploaded onto CU Learn on a weekly basis as relevant to the goals of the course.
PROFESSOR:	Name: Ratna Rueban Balasubramaniam
CONTACT:	Office: D587
	Office Hrs: Tuesdays 2:30pm – 4:30pm by appointment only. Email me to book a time-slot during office hours and I can send you a Zoom link.
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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. Precludes additional credit for LAWS 4604 (no longer offered).

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 relevant materials will be uploaded to CU Learn.

SUPPLEMENTARY TEXTS

N/A

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.

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 CU Learn 10 days before the work will be due.

Due Dates:

Assignment 1: Due on October 7, 2020 at 12pm.

Assignment 2: Due on November 1, 2020 at 12pm.

Assignment 3: Due on December 1, 2020 at 12pm.

Submission of Work: All papers are to be submitted to the electronic drop box on CU Learn by the stipulated dates. No work will be accepted by email.

Extension Policy

Penalties: Subject to the granting of an extension, any paper submitted after the stipulated deadline will lose one letter grade per day.

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 Cu Learn.

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.

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 7-11 – Introductory Video

2) September 14- 18 – 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 21- 25 – A Primer on Carl Schmitt

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

4) September 28 – October 2 – The Extra-Legal Measures Model

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

5) October 5 – 9 – A Primer on the Rule of Law

- Please watch the applicable video lecture.

6) October 12- 16 – 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 19- 23 – 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 26-30 – Reading Week

9) November 2- 6 – 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 9-13 – The Immorality of Torture

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

11) November 16 – 20 – 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 23- 27 – Concluding Video

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

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/>

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 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/studentssupport/svpolicy/>

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

For more information on academic accommodation, please contact the departmental administrator or 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/current-students/>

Diversity Declaration

I identify as a person of colour and non-citizen of Canada. I bring an inherently different perspective to bear on how I conduct lectures and seminars, especially in the way that I highlight concepts, questions, and problems that tend to inform structural problems of inequality, domination, and subordination of vulnerable groups.