

Course Outline Template

COURSE:	LAWS 3602C – International Human Rights
TERM:	Winter 2023
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 1001 and PSCI 2003.
CLASS:	Day & Time: Tuesdays, 8:35-11:25am Room: Please check Carleton Central for current Class Schedule Note that this course is delivered in person. There are no online or hybrid options.
INSTRUCTOR:	Dr. Ratna Rueban Balasubramaniam
CONTACT:	Office: D587 LOEB Office Hrs: Mondays, 2-3:30pm by Zoom and by appointment only. 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

This course will approach the subject of international law from the perspective of philosophy of law. We will examine the extent to which liberal states committed to international human rights protections have the resources necessary to defend a view of the rule of law committed to such rights when confronted by a state of “exception.” The contextual focus for this course will be an examination of various models for controlling emergency powers in the post 9/11 context where liberty is said to conflict with security.

REQUIRED TEXTS

All readings will be made available online on Brightspace.

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 will be based on the average marks received for three assignments. Each assignment will comprise two parts. The first will contain a multiple-choice section while the second will contain a critical writing section. There are no exams.

Each assignment will be uploaded roughly ten days before the specified due date and all assignments are to be completed and submitted to the electronic drop box on Brightspace. Emailed assignments are not accepted.

Due Dates

Assignment 1 – February 6, 2023

Assignment 2 – March 6, 2023

Assignment 3 – April 6, 2023

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

As a rule, there are no extensions (subject to the policy stated below). Therefore, there is no such thing as a late penalty given that late work is not accepted. It is in your interests to ensure you check the deadline and to get your work done on time and appropriately submitted.

Recommended text 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

It is your responsibility to check your emails regularly since I regularly use the announcement function on Brightspace to communicate updates or changes to content or scheduling.

Note that your TA will generally be responsible for managing email interaction. Please note that every email should be professional and state your student number and reasons for the email. If the TA determines that your inquiry is one that the TA cannot answer, your email will be forwarded to me to deal with.

Typically, neither the TA nor I respond to questions that have been previously answered in class, in the outline, or via announcements. 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.

SCHEDULE

1) January 10 - Introductory Lecture

2) January 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) January 24 - A Primer on Carl Schmitt

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

4) **January 31- The Extra-Legal Measures Model**

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

5) **February 7 - A Primer on the Rule of Law**

6) **February 14- 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) **February 28 - 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) **March 7 - 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.

9) **March 14- 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.

10) **March 21- 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.

12) **March 28 – Detention without Trial**

Ratna Rueban Balasubramaniam: "Indefinite Detention: Rule of Law or Rule by Law?" in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 118-142.

13) **April 3 - International Law and the Politics of Legal Spaces**

- David Dyzenhaus, "The Legal Experience of Injustice," Julius Stone Lecture, 2022.

14) April 11 – Wrap Up Lecture**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/>.

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/>.

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.