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<b>COURSE:</b>	<b>LAWS 6003/LAWS 5663 - Human Rights, Citizenship and Global Justice</b>
<b>TERM:</b>	<b>FALL 2020</b>
<b>PREREQUISITES:</b>	<b>Must be enrolled in one of the following Classifications: Graduate - Normal</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays 8:35-11:25 am Room: All Courses in the Fall 2020 term are offered online. Please check Carleton Central for current Class Schedule.</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Doris Buss</b>
<b>CONTACT:</b>	<b>Office: Doris.buss@carleton.ca Office Hrs: Office hours: Tuesdays 1:00 – 2:00 via CU Learn chat and/or by appointment (via phone, Big Blue Button or similar) Telephone: Ext 8011 Email: Doris.buss@carleton.ca</b>

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### **CALENDAR COURSE DESCRIPTION**

The implications of law in selected issues involving human rights, citizenship and global justice. Topics may include justification and legitimation of human rights, contemporary citizenship, struggles for global justice, recognition and democracy, and post-nationalism and global economic regulation.

Also offered as LAWS 5663, with different requirements where appropriate, for which additional credit is precluded.

### **COURSE DESCRIPTION**

This course was compiled in the midst of a global pandemic and with significant shifts in public discourse on the operation of race, indigeneity, gender and violence, including the extensive impact of systemic racism in Anglo-American countries (and beyond). While this class alone cannot do justice to these important developments, the course design starts from a recognition of the important changes underway and that are central to discussions of human rights, citizenship and global justice. Taking the course title and thematics as summarized in the university calendar as a framework, the intention in this course is to introduce, however preliminarily but I hope suggestively, considerations of race, gender and colonial contexts that underpin (international) human rights, legality, and citizenship in the contexts of changing

configurations linked to the 'global'. The course presumes some familiarity in either or both international human rights and legal principles and practices of human rights in domestic legal settings. The course explores select key scholarly debates and themes around which critical investigation of transnational dimensions of human rights have unfolded. We begin with exploring some foundational work on race and coloniality shaping national and transnational modes of governance. These include the role and limits of the state as a central actor in human rights conceptualizations and enforcement, governance and operation of power in and through human rights and citizenship, knowledge production (and contestation), and concluding with an introduction to some of critical work on the epistemological moves entailed in invocations of the global in relation to human rights and citizenship.

**The class will meet synchronously on Tuesdays from 8:30 for 3 hours. We will assess the efficacy of this approach after three weeks to ensure that all students are able to connect and participate. We likely use 'Big Blue Button' if it is accessible for all class participants. We will also use CU Learn as a platform for handing in assignments, notices, and other modes of connection (forums, chats, links to Big Blue Button).**

### **REQUIRED TEXTS**

All readings are available online through the Carleton library.

### **EVALUATION - Assignments**

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.

Further information on these assignments will be provided in class:

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| 1. Short commentaries on 2 readings each week (8 weeks):                               |    |
| - 3 marks/week: students can start doing critical comments Sept 22                     | 24 |
| 2. Short Discussion paper (4-6 pages) <b>DUE 6 Oct. CU Learn 8:30 am</b>               | 12 |
| 3. Leading Class discussion (must lead one class) (further instructions in-class)      | 15 |
| • Posing guiding questions for students to inform their reading: 3 marks               |    |
| • In class: summarizing key readings; providing questions/activities 12 marks          |    |
| 4. Participation:  | 14 |
| • 12 marks for participation in class that reflects preparation (reading) and thinking |    |
| • 2 bonus marks for attending at least 2 office hours                                  |    |
| 5. Final paper:  | 35 |
| • Paper proposal (3-5 pages): <b>DUE Nov 3, CU Learn 8:30 am</b>                       | 5  |
| • Revised paper proposal and paper outline OR  |    |
| Draft introduction and first section (5 pages)+ Bibliography:                          |    |
| <b>Nov 27, Midnight</b>  | 7  |

- Final version of paper: **Dec 11, midnight** 23

Total marks: 100

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

As a rule, I do not give extensions except for serious illness or emergencies. Handing in assignments on time can be very useful habit to get into; it often leads to the best quality work, helps avoid backlogs of work (that can feel overwhelming), and is a part of learning to manage your time and your intellectual journal. That said, we are in unusual times, and I will consider extensions for undocumented illness or because of care responsibilities as needed.

Requests for extensions must be sent by email ([doris.buss@carleton.ca](mailto:doris.buss@carleton.ca)) within usual business hours (ie 8:00 – 5:00 pm), Monday to Friday. I will not consider extension requests or last minute assignment questions sent over the weekend.

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).

Late assignments without an extension will be marked if received within 48 hours. A penalty of 20% of the grade value will be deducted if the assignment is received within 24 hours of the due date, or 30% if submitted within 48 hours. Assignments received after 48 hours past the due date, will be awarded a 0.

**SCHEDULE*****Notable dates:***

<b>September 7, 2020</b>	<b>Statutory Holiday, University Closed</b>
<b>September 9, 2020</b>	<b>Fall Term Begins. Fall and Fall/Winter Classes Begin</b>
<b>October 12, 2020</b>	<b>Statutory Holiday, University Closed</b>
<b>October 26 – 30, 2020</b>	<b>Fall Break, No Classes</b>
<b>December 11, 2020</b>	<b>Fall Term Ends</b>
	<b>Last Day of Fall Term Classes</b>
	<b>Classes follow a Monday Schedule</b>

**1. September 15 – Situating and Seeing Law and Legality**

- Boaventura de Sousa Santos. 1987. "Law: A Map of Misreading. Toward a Postmodern Conception of Law", *Journal of Law and Society* 14(3) 279-302

**2. September 22 – Empire (of human rights?)**

- Anne McClintock. 1995. *Imperial Leather: Race, Gender and Sexuality in the Colonial Context*. Routledge, Chapter 1 "The lay of the land: Genealogies of imperialism", pp. 21-end of first paragraph, p. 62
- Edward Said. 1979. *Orientalism*. Vintage Books. Introduction 1-73;
- M Mamdani. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press (on line Hathi trust): Pp. 1-8; 13 (starting at 'civil society) – 33.

**3. September 29 - Race, hegemony and legal form**

- Stuart Hall. "Gramsci's relevance for the study of race and ethnicity", reprinted in Kuan-Hsing Chen, David Morley, eds. *Stuart Hall: Critical Dialogues in Cultural Studies*. Taylor & Francis, pp. 411 – 441;
- David Theo Goldberg. 2002. *The Racial State*. (Malden, MA: Blackwell Publishers). Chapter 1: States of Racial Distinction pp 12 – 35.
- Brenna Bhandar. 2018. *The Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. Durham, NC: Duke University Press. "Introduction: property, law and race in the colony", pp. 1-28.

**4. October 6 –Colonialism, international law and Human rights**

**\* short discussion paper due**

- Antony Anghie. 2005. *Imperialism, sovereignty, and the making of international law*. Cambridge University Press, chapter 4, "Sovereignty and the post-colonial state", pp. 196- 244.
- Makau Mutua. 2002. *Human Rights: A political & cultural critique*. Chapter 1 "Human Rights as a Metaphor", and Chapter 2: "Human Rights as an Ideology" (pp 10-70).
- Maldonado-Torres, Nelson. 2017. "On the coloniality of human rights" *Revista Critica de Ciencias Sociais* 114 (December) 117-136 (open-access, online).
- Diane Otto, 1999. "Everything is dangerous: Some post-structural tools for rethinking the universal knowledge claims of human rights law" *Australian Journal of Human Rights* 5(1): 17-47.

## Recommended:

- Mark Goodale, 'The Myth of Universality: The UNESCO "Philosophers' Committee" and the Making of Human Rights' (2018) 43(3) *Law & Social Inquiry* 596 – 617

**5. October 13 – Questions of power and constituting (state) governance**

- William Walters. 2012 *Governmentality: Critical Encounters*. Routledge, pp. 9-43;
- Davina Cooper. 1995. *Power in Struggle: Feminism, sexuality and the state*. New York University Press, Chapter 2, "Beyond domination?: Productive, and relational power", 8-31;
- Hannah Arendt, *Origins of Totalitarianism*, 21<sup>st</sup> ed., chapter 9, "The Decline of the Nation-State and the End of the Rights of Man", pp. 267-302;
- Miriam Ticktin. 2011. *Casualties of Care: Immigration and the Politics of humanitarianism in France*. University of California Press, "Introduction: The politics and Antipolitics of Care" 1 -25

## Recommended:

Marie-Bénédicte Dembour, 'What Are Human Rights? Four Schools of Thought' (2010) 32(1) *Human Rights Quarterly* 1.

**6. October 20: Culture (and/of) Human Rights in a Transnational Context**

- Sally Engle Merry. 2006. *Human Rights and Gender violence: Translating international law into local justice*. University of Chicago Press., "Introduction: Culture and Transnationalism" pp. 1-28;
- Sally Engle Merry. 2003. "Constructing a global law: Violence against women and the human rights system" *Law & Social Inquiry* 28(4): 941-977.
- Kapur, Ratna. 2002. "The tragedy of victimization rhetoric: Resurrecting the 'Native' Subject in International/Post-colonial Feminist Legal Politics", *Harvard Human Rights Journal* 15 (whole article).
- Talal Asad. 2000. "What do human rights do? An Anthropological Enquiry", *Theory and Event* 4(4)

\*\*\*\*October 27 READING WEEK – No class\*\*\*\*

**7. November 3 – The power of seeing and saying: Translating human rights****Paper proposal (3 pages) due**

Dr. Christiane Wilke, guest speaker

- Claire Moon. 2012. "What one sees and how one files seeing: Human rights reporting, representation and action" *Sociology* 46(5): 876-890
- T Kelly. *This Side of Silence: Human Rights, Torture and the Recognition of Cruelty*. U Pennsylvania Press 2013, Introduction and Chapter 1: Talking about Torture after the Human Rights Revolution, pp. 25-45;
- Christiane Wilke. 2019. "High Altitude Legality: Visuality and Jurisdiction in the Adjudication of NATO Air Strikes" *Canadian Journal of Law & Society* 34(2): 261-280
- S Jensena, T. Kelly, M Andersen, C Christiansen. Ad J Sharma. 2017. "Torture and Ill-Treatment under Perceived: Human Rights Documentation and the Poor, 39 Hum. Rts. Q. 393 (2017).

**8. November 10: Above/below, in and out: Human rights and struggle**

- Balakrishnan Rajagopal. 1999. *International Law from Below: Development, Social Movements and Third World Resistance*. Chapter 1 pp. 9-2; and chapter 7: pp .171-212;
- Nixon, Rob. 2011. *Slow Violence and the Environmentalism of the Poor*, Introduction, pp. 1- 44; and chapter 3: "Pipedreams: Ken Saro Wiwa Environmental Justice and Micro-Minority Rights", 103-122;
- Pooja Parmar. 2008. "TWAAIL: An Epistemological Inquiry" *International Community Law Review* 10: 363 -370.

**9. November 17– Politicization and depoliticization of Human Rights**

Guest Lecture: Dr. Firoze Manji

Readings to be confirmed.

Baxi, Upendra. 2006. "Politics of Reading Human Rights: Inclusion and Exclusion within the Production of Human Rights" in Saldin Meckled-García and Basak Çali, eds., *The Legalization of Human Rights: Multidisciplinary perspectives on human rights and human rights law*. Routledge, 176-184;

James Ferguson. 2015. *Give a man a fish: Reflections on the new politics of distribution*. "Introduction: Cash Transfers and the New Welfare State", pp. 1-19; and Chapter 1: Give a man a fish: From Patriarchal Productionism to the Revalorization of Distribution." 35-58.

**10. November 24 – Neoliberalism, human rights and Repositioning Citizenship**

- Janine Brodie. 2007. "Reforming social justice in neoliberal times" *Studies in Social Justice* 1(2) 93-107;
- Wendy Brown. 2016. "Sacrificial Citizenship: Neoliberalism, human capital and austerity politics" *Constellations* 23(1): 3-14;
- Jessica Whyte, 'Powerless companions or fellow travellers? Human rights and the neoliberal assault on postcolonial economic justice' 2(2) *Radical Philosophy* 13
- Nikita Dhawan. "Homonationalism and state-phobia: The postcolonial predicament of queering modernities" in Maria Amelia Viteri and Manuela Lavinias Picq, eds., *Queering Paradigms V; Queering narratives of modernity* Peter Lang (available academia.edu)

**11. December 01– Globalization and Citizenship**

- Saskia Sassen. 2002. "Women's burden: Counter-geographies of globalization and the Feminization of Survival" *Nordic Journal of International Law* 71: 255-274;
- Aihwa Ong. 2004. "Latitudes of Citizenship: Membership, meaning and multiculturalism" in Alison Brysk, Gerhon Shafir. *People out of place: Globalization, human rights, and the citizenship gap*. Taylor & Francis, pp 53-70.
- Saskia Sassen. 2006. *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton University press, chapter 1:

**12. December 08 – make up class****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](mailto: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/>