

Course Outline

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<b>COURSE:</b>	<b>LAWS 6003/LAWS 5663 - Human Rights, Citizenship and Global Justice</b>
<b>TERM:</b>	<b>Winter 2022</b>
<b>PREREQUISITES:</b>	Must be enrolled in one of the following Classifications: Graduate - Normal
<b>CLASS:</b>	<b>Day &amp; Time: Mondays 11:35am-2:25 pm</b> <b>Room: Per University policy: On-line for January; Southam Hall 409 when we are able to be in-person. Please check Carleton Central for current or changes to Class Schedule.</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Doris Buss</b>
<b>CONTACT:</b>	<b>Office: Doris.buss@carleton.ca</b> <b>Office Hrs: Office hours: via zoom: Mondays 2:45 pm – 4:00 pm or by appointment (via phone, zoom)</b> <b>Telephone: Ext 8011 (NB due to the pandemic and changing rules on accessing buildings on campus, it is better to email me)</b> <b>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.

**COURSE DESCRIPTION**

This course begins with Margaret Davies' call for a plural ethos to the study of law and legality. Davies' analysis is not about legal pluralism per se, but about tracing the limits of monistic conceptions law as a singular 'it' or system. Davies' arguments about the importance of a plural ethos underscores insights from other socio-legal scholars who point to multiple arenas, actors and practices that give rise to legality and normativities that far exceed the singular conception of a 'law' authorized and enforced through the sovereign power of the central state. A plural ethos to the study of law and legality becomes even more urgent in a globalized context in which law,

normativity, authority, right or justice, emerge in and through novel constellations of governance involving states, non-state actors like Non-governmental Organizations (NGOs) or corporations, development funders, multi-lateral agencies (United Nations, World Bank etc), but also documents, relationships, and so on.

Insisting on a plural ethos shifts focus to the different languages, strategies, coalitions, understandings of rights that might unfold (and that also might be contested, celebrated, re-framed and so on). That is, following a plural ethos leads to a more contextual examination of *what human rights, or claims to justice, might 'do'*, recognizing that the effects can be far reaching but also limiting, banal and possibly unexpected. Rights claims are often intended to shift dominant social relations to address enduring oppression, inequality, suffering. The utility of human rights as vehicle for social change has been subject to critique and we look at some of these concerns with specific reference to international human rights. The readings in this course explore different aspects of human rights as claims to transformative social change, offering close reading of specific contexts, tracing how rights claims, and the identities of those claiming rights, morph over time and across contexts, and in relation to governance assemblages.

To anchor our exploration in this course, the concept of property is threaded throughout. Property is core to the trilogy of concepts in the course title. Citizenship in western states was historically delimited by gender and property-owning capacity (or identity *as* property). Rights flowed through (propertied) citizens, and in liberal theory, are often tethered to conceptions of property, as in rights that are owned or held by individuals, and rights (civil and political) that are accorded more value than others (economic, social and cultural). The recognition of the multiple ways in which some people/s have and continue to be dispossessed of their connections to land has emerged as one of the urgent, and knotty problems of our contemporary period, linked to debates about justice for histories of colonialism defined by extraction (of lands, minerals, people, and so on). While this broad area is more complex than we can explore here, the course materials include some consideration of debates about strategies for social change/repair afforded by the language and institutions of human rights.

**The class will meet synchronously whether online or in-person.**

### **REQUIRED TEXTS**

All readings are available online through the Carleton library, or publicly available.

### **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:

	Assignment	# of marks
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1.	<p>A short introduction to yourself:</p> <p>Write a short introduction to yourself (2 – 3 paragraphs), in which you introduce your intellectual self; your area of study, and interests in this topic, pathway to doing a PhD in Legal Studies. Select one reading you did in the Fall 2021 semester (in any course). What was important about that reading for you in your graduate studies? Maybe you found something in the article resonated deeply with you, or perhaps the converse: you disagreed strongly with it; or maybe the article changed your views, your approach, or suggested a research topic. Tell me about the reading and why it has left an impression on you.</p> <p>Due: Monday 17 January, 11:20 am.</p>	3
2.	<p>Short commentaries on the readings each week (6 weeks), 3 marks each; (your commentaries should be about 800-1200 words) providing an overview of the readings, focused on distilling the main arguments. Your commentary should include:</p> <ul style="list-style-type: none"> <li>- A discussion of how the readings relate to each other;</li> <li>- an excerpt or concept from at least two of the readings that you found interesting, unclear, or provocative;</li> <li>- one question you think one reading/author poses for another reading in that week OR another reading from the course.</li> </ul> <p>You chose which weeks you will write on but you MUST write at least three short commentaries before we break for reading week (ie 14 February is the last day you can submit a third reading commentary).</p> <p>Submit commentaries online (Brightspace) by the start of the class for which the readings are scheduled.</p>	18
3.	<p>Re-read and re-write one of your short commentaries. You choose which one BUT this re-read/re-write assignment is due: Monday 28 February 11:20 a.m.</p> <p>Instructions: Select one of your commentaries and re-read the articles on which you wrote a commentary (you pick the commentary/week), reflecting on the class discussion and any subsequent readings, as relevant. Re-write your commentary as outlined in the commentary assignment instructions. Add an additional paragraph about the process of re-reading and re-writing. This should mostly focus on the process of re-reading:</p> <ul style="list-style-type: none"> <li>• What did you read this time that you may have missed the first time? What issues arose in class discussion that helped you to reflect on the articles differently (ie you may have disagreed with an insight or comment made in class, or the discussion may have</li> </ul>	5

	<p>highlighted an argument developed in the article that you now see differently?).</p> <ul style="list-style-type: none"> <li>Finally, reflect on the questions you posed about the article and/or the questions you would now pose.</li> </ul>	
4.	<p>You have a choice to do either a:</p> <p><b>Book Review: Book Review:</b> Select one of the books, the chapters of which have been included as some of the course required readings, and write a review of the whole book. Your review should cover both the substantive nature of the book: the author's objectives in writing the book; the bodies of literature/theory with which they are engaging, the topics covered, and the main arguments advanced. The review should then reflect on the book as a piece of scholarship and the product of a scholarly project. How does the author delimit, or reign in, their project (what limits do they set to make this manageable)? How do the different chapters fit together? Does the book – the different chapters, arguments, lines of inquiry- fit together for you as a reader?</p> <p>A sign up sheet with due dates will be circulated in class time. The book review due dates are variable depending on the book and where it appears in the schedule of readings. Students can present orally (+ written overview) or by a short paper.</p> <p><b>OR</b></p> <p><b>Lead class discussion</b> on a select week (sign up in class): Students will be responsible for all readings for the week and must submit 3 discussion questions to the class by Thursday 5:00 pm the week before the class,</p> <ol style="list-style-type: none"> <li>Choose one article: submit one question that relates to the author's key arguments/lines of analysis, and invites a closer interrogation of the author's work in relation to other readings covered in this week/course;</li> <li>One question about the author's methodology /choice of theoretical framework;</li> <li>One question the explores the connections between the article and the other readings for this week.</li> </ol> <p>Students cannot submit a reading comment for the week for which they are the class lead.</p>	12
5.	<p>Participation: 15 marks for participation in class that reflects preparation (reading) and thinking;</p>	15

6	Final paper: <ul style="list-style-type: none"> <li>Paper proposal (3-5 pages): <b>DUE March 3, Brightspace 8:30 am</b> (5 marks)</li> <li>Revised paper proposal and paper outline OR Draft introduction and first section (5 pages)+ Bibliography: <b>March 31, Midnight</b> (7 marks)</li> <li>Final version of paper: April 12, <b>midnight</b> (35 marks)</li> </ul>	47
	TOTAL	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 develop; 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 journey. That said, we are in unusual times, and I will do my best to accommodate requests. (see below “Message from the FPA Dean’s Office”).

PLEASE NOTE: Assignments submitted on time will be prioritized when marking. I cannot guarantee that late submissions will be marked before the end of the semester.

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 of Readings**

*Please note the following dates:*

**January 10** Winter term begins  
**February 21** Statutory holiday  
**February 22 – 25** Winter Break

**April 12**

End winter semester

**1. January 10 – Situating Law and Legality**

- Margaret Davies. 2005. “The Ethos of Pluralism”. *Sydney Law Review* 27 (1): 87 (open access: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/SydLawRw/2005/4.html#>)

**2. January 17 –Conceptual and Legal Scaffolds of Empire and State**

- 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 1-49  
OR (if you cannot get Orientalism digitally): **Timothy Mitchell. 1988. Colonizing Egypt. Ch. 1 Egypt at the Exhibition, 16-41.**
- Antony Anghie. 2006. “The evolution of international law: colonial and postcolonial realities”. *Third World Quarterly* 27(5): 739-753.

**3. January 24 - What do human rights do? Creating rights-bearing humans and other deserving subjects**

- Marie-Bénédicte Dembour, ‘What Are Human Rights? Four Schools of Thought’ (2010) 32(1) *Human Rights Quarterly* 1.
- Talal Asad. 2000. “What do human rights do? An Anthropological Enquiry”, *Theory and Event* 4(4) 1081-1109
- Miriam Ticktin. 2014. “ A world without innocence” , *American Ethnologist*, 44, No. 4, pp. 577–590,

**4. January 31- What do human rights do? The cultural and political lives of rights**

- 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. 1997. “Global human rights and local social movements in a legal plural world” *Canadian Journal of Law and Society* 12(2): 247-272;
- Shireen Hassim. 2018. “Decolonising equality: the radical roots of the gender equality clause in the South African constitution” *South African Journal on Human Rights* 34(3): 342-358.

**5. February 7 - The limits of human rights**

- Sylvia Tamale. 2008. "The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa", *Feminist Legal Studies* 16:47-69; (or, Sylvia Tamale. 2020. "Repositioning the Dominant Discourses of Rights and Social Justice", pp. 187-220, in *Decolonization and Afro-feminism* Ottawa: Daraja Press.
- Wendy Brown. 1995. *States of injury: power and freedom in late modernity*, Ch. 6 "Liberalism's Family Values", 135-165.
- 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).

## 6. February 14 - Race and the legal 'properties' of whiteness: Grounding law and citizenship

- 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;
- 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.
  - Chapter 1: "Use"; pp. 33-75;
- Cheryl Harris. 1993. "Whiteness as Property" *Harvard Law Review* 106(8): 1707 – 1753.  
*\*NB I am not requiring you to read the whole article as Harris explores her arguments within the specificities of US law on affirmative action. She continues in these sections of her article to outline the ways in which whiteness as property continues to be "ratified and legitimated" (1711) through US law. You can, of course, read the whole article to fully work through her argument.*

## 7. \*\*\*\*Feb 21 READING WEEK – No class\*\*\*\*

## 8. February 28: Human rights in/by struggle: power and contestation

- 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;
- Balakrishnan Rajagopal. 1999. *International Law from Below: Development, Social Movements and Third World Resistance*.
  - Chapter 1 pp. 9- 36; and
  - Chapter 7: pp .171-212;
- Obi Okafor 2000. "Re-Conceiving Third World legitimate governance struggles in our time:

Emergent imperatives for rights activism” *Buffalo Human Rights Law Review* 6: 1 – 38.

### 9. March 7: Neoliberalism and the (re)configurations of state, law and citizen

- Wendy Brown. 2016. “Sacrificial Citizenship: Neoliberalism, human capital and austerity politics” *Constellations* 23(1): 3-14;
- Saskia Sassen, 2008. “Neither global nor national: novel assemblages of territory, authority and rights” *Ethics & Global Politics* 1(1-2): 61-79;
- Janine Brodie. 2007. “Reforming social justice in neoliberal times” *Studies in Social Justice* 1(2) 93-107;

### 10. March 14 – Sovereignties and the Contested Vocabularies of Recognition – Part 1

- Dorothy Hodgson. 2011. *Being Maasai, Becoming Indigenous: Postcolonial politics in a neoliberal world*, Introduction and Chapter 1 (1-61);
- Audra Simpson. 2020. “The Sovereignty of Critique” *South Atlantic Quarterly* 119 (4): 685-699.

### 11. March 21 – Sovereignties and the Contested Vocabularies of Recognition – Part 2

- Glen S Coulthard. 2014. *Indigenous Americas: Red skin, white masks: Rejecting the colonial politics of recognition*. University of Minnesota Press, 1-78

### 12. March 28– - Globalization and Citizenship

- Engin Isin, Peter Nyers. 2014. “Introduction: Globalizing Citizenship Studies” in Isin and Nyers, eds., *Routledge Handbook of Global Citizenship Studies*. Routledge, pp. 1-11.
- Megan Gaucher. 2018. *A Family Matter: Citizenship, conjugal relationships, and Canadian immigration policy*. UBC Press; 1-38.

### 13. April 4 - Make Up class (if needed)

#### 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/>

**Message from the FPA Dean's office:**

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 recorded 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](mailto: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.