

LAWS 1000P: Introduction to Legal Studies  
Know Your Rights Cluster in the ArtsOne Program

**Department of Law and Legal Studies  
Carleton University**

Fall 2012

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**Instructor:** Dr. Melanie Adrian  
**Office Hours:** Wednesdays 2-4 or by appointment; skype appointments  
also possible  
**Office:** D-488  
**E-mail:** melanie\_adrian@carleton.ca

**Teaching Assistant:** Amanda Popowicz-Soni  
**E-mail:** amandapopowiczsoni@cmail.carleton.ca

**Teaching Assistant:** Cecilia McClellan  
**E-mail:** ceciliamcclellan@cmail.carleton.ca

*(Please note that Instructors and Teaching Assistants can only communicate with you using your connect/cmail e-mail (not hotmail, gmail etc))*

**Class Time and location:** Tuesdays 11:35 am -1:25 pm  
Check Carleton Central for room assignment  
(currently UC 282)

**Tutorials:** Tuesdays 1.30-2.30; 2.30-3.30 and Wednesdays 11.30-12.30  
Check Carleton Central for the room assignment

**FYI:** Students are responsible for knowing the information contained in this outline and for following instructions on assignments. If you have any questions, please contact your Teaching Assistant or the course instructor.

**CELL PHONE POLICY:** Please turn your cell phones off while in class. Texting or playing with your phone gives others the impression that you have better and more important things to do with your time. Plus, it's just plain rude. If your cell phone rings while in class, you will be asked to stand up and sing a verse from your favorite song or recite a stanza from your favorite poem.

## REQUIRED TEXTS

1. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008.
2. Readings in ARES – please check UCLEAR.N.

*Where to buy the text?* The required text has been ordered and is available for purchase at **Octopus Books** [116 Third Ave, Ottawa, (613) 233-2589]. Copies of the text have also been placed on reserve for you in the library. You will need **MY NAME** and the **COURSE CODE** (remember that there are other sections of LAWS 1000).

For more information see: <http://octopusbooks.ca/book/course-book-faq>

## ASSIGNMENTS AND EVALUATION

a) **Four short surprise quizzes (30%)**: we will be handing out four quizzes that test your understanding of the readings of the previous week's material. These quizzes will be given at random and unannounced times during the semester. They will be handed out at the beginning of class. If you are late, you will not be given additional time to finish the quiz. The questions will consist of several multiple choice and short answer questions. These quizzes are meant to test your reading and comprehension of the material we took up in the previous week. *At the end of the term, students will be able to choose their top 3 quiz marks.* Thus, you will write 4 quizzes but only use 3 for evaluation purposes. Please read for every week - the success of our class depends on it.

b) **Two Reflection Papers (30%)**: each student is responsible for writing 2, 750 word reflection pieces that take up an idea/theme from the weekly readings. These reflection papers are intended to allow students to think about one issue or idea that was presented in the readings and elaborate on these. Each reflection paper should mention a specific idea from the readings. Please use proper citations (that is, reference the reading by title and page number. For example: Steiner, Alston and Goodman, p.345.). These assignments are *not personal reflections* but *scholarly reflections*. The difference is very important.

In a personal reflection you may say things such as, "Steiner, Alston and Goodman hold that human rights are inherently tied to the political, moral and legal worlds, but I believe they are missing the impact of human rights in the social realm. I can show this by..." This type of approach is *not* what we are looking for in this assignment. Instead, it would be wise to approach these reflections in a different manner. For example, "Steiner, Alston and Goodman hold that human rights are inherently tied to the political, moral and legal worlds, however, our readings for this week indicate that they are overlooking the social dynamic that rights entail. In our readings for this week, Khan argues that..." The point here is that the readings are being related to each other. Your point of view will come out in this process.

The reflections will be handed in to your Teaching Assistant at the beginning of the lecture class on Tuesdays. If you are late for class, we will not accept your work. This ensures that there is a fair playing field and some students are not given more time than others. Students may decide which weeks to write on, but cannot write on the same week that they are presenting in Tutorial. Student cannot hand in two reflection pieces in the same week. Papers will be graded for thoughtfulness and the citation(s) to the reading(s).

c) **Participation in the Tutorial (15%):** if you attend your tutorial, ask questions, and raise issues from the readings, this 15% should be very easy. Participation is not assessed on *how much* you speak, but the *quality* of your contribution.

d) **Presentation in Tutorial (25%):** in groups of 2-4, each student will be responsible for a presentation that covers the main conceptual ideas for that chosen week. More details will be distributed in the tutorials.

**In Summary:**

Four Quizzes	30%
Two Reflection Pieces	30%
Participation in Tutorial	15%
Presentation in the Tutorial	25%
[...and the Extra Credit Challenge]	

e) **The Extra Credit Challenge:** every week at the beginning of class there will be time for a group of students (no larger than 2) to play a song or recite a poem to the rest of the class. The song/poem should reflect a theme that we are taking up that week. This challenge works on a first come, first granted basis. If you have an idea, contact Dr. Adrian directly with the title and artist of the song or poem as well as a 2-4-sentence description of why you think this is appropriate for the class to listen to. The group needs to provide the lyrics or have the poem written out, in order to project this on the screen.

**Winners of this challenge will have their final grade boosted to the next grade range, so, if your grade is a B+ or 78% you will be boosted to an A- or 80%.**

In accordance with the Carleton University Undergraduate Calendar (p. 45), the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 56-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50	WDN = Withdrawn from the course		

ABS = Student absent from final exam

DEF = Deferred (See above)

FND = (Failed, no Deferred) = Student could not pass the course even with 100% on final exam

Students who have questions about the grade they receive on an assignment or who wish to challenge the grade must make an appointment with the T.A. within two weeks of receiving the marked assignment. Dr. Adrian will not entertain appeals of grades that have not first been discussed with the T.A.

## **SOME IDEAS ON SUCCEEDING IN THIS CLASS**

**1. Reading and Participation** This class will succeed or fail based on your commitment. You should be coming to class having done the readings and prepared to contribute to a discussion. The texts are important, but you, the students, are the most precious resource.

You all bring different perspectives and distinctive ways of thinking to the class. Remember that diversity leads to deeper understanding.

*Please note:* we will be discussing sensitive and controversial issues in this class. No doubt there will be differing ideas on right and good. Everyone must do their best to be respectful at all times. Racist, misogynist and otherwise inappropriate comments will not be tolerated.

## **2. Come Prepared, Ask Questions, Stay Tuned In**

This is your education - take an activist stand towards it.

## **ACADEMIC REGULATIONS, ACCOMMODATIONS, PLAGIARISM, ETC.**

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:  
<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

### **Requests for Academic Accommodations**

#### *For Students with Disabilities:*

Students with disabilities needing academic accommodations are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangements.

#### *For Religious Obligations:*

Students requesting academic accommodation on the basis of religious obligation should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory event.

Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. I will make accommodations in a way that avoids academic disadvantage to you, the student.

Students who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance. For more information, please see: [www.carleton.ca/equity](http://www.carleton.ca/equity)

#### *For Pregnancy:*

Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two

weeks prior to the first academic event in which it is anticipated the accommodation will be required.

## **Plagiarism**

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

### *What are the Penalties for Plagiarism?*

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

### *What are the Procedures?*

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and/or departmental chairs. The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

### *Assistance for Students:*

Student Academic Success Centre (SASC): [www.carleton.ca/sasc](http://www.carleton.ca/sasc)

Writing Tutorial Services: [www.carleton.ca/wts](http://www.carleton.ca/wts)

Peer Assisted Study Sessions (PASS): [www.carleton.ca/sasc/pass\\_home/index.html](http://www.carleton.ca/sasc/pass_home/index.html)

## **CONNECT EMAIL**

Please note that you will be able to link your CONNECT (MyCarleton) account to other non-CONNECT accounts and receive emails from us. However, for us to respond to your emails, we need to see your full name, CU ID, and the email must be written from your valid CONNECT address. Therefore, it would be easier to respond to your inquiries if you would send all email from your connect account. New students have had their Connect account created and it just requires activation.

Instructions to activate your account can be found at [connect.carleton.ca](http://connect.carleton.ca) - click on the link for "Student" under "New Accounts." Returning students may already have their Connect account set up. If you choose, you may forward your Connect account to another email address that you use regularly. However, should you not receive the transferred email due to technical or other difficulties, you will still be responsible for the information directed to your Connect account.

**Proposed CLASS SCHEDULE  
(Fall Semester)**

*Week 1 - September 11: Introduction to the Course*

**No Readings assigned for this week**

Tuesday, September 11: Joint Cluster Event - Introductions (and Pizza!)

**Part I: Introduction to Law and Human Rights Law**

*Week 2 – September 18: What is Law?*

**Readings:**

1. Wright, Barry, and Vincent Kazmierski. *Looking at Law: Canada's Legal System*. 5th ed. Markham: Butterworths, 2010.
  - Chapter 1: What is Law? [Available in Ares].
  - Chapter 3: The Canadian Constitution [Available in Ares].
2. Hoebel, Edward Adamson. "The Functions of Law" [Available in Ares].

*Week 3 - September 25: International Law and the Sources of Law*

**Readings:**

1. Wright, Barry, and Vincent Kazmierski. *Looking at Law: Canada's Legal System*. 5th Edition ed. Markham: Butterworths, 2010.
  - Chapter 2: Sources of Law in Canada. [Available in Ares].
2. Malanczuk, Peter. *Akehurst's Modern Introduction to International Law*. 7th Edition ed. New York: Routledge, 1997.
  - Chapter 1: Introduction (to international law) [Available in Ares].
  - Chapter 3: Sources of International Law [Available in Ares].

*Week 4 – October 2: What is Human Rights Law?*

**Readings:**

1. Malanczuk, Peter. *Akehurst's Modern Introduction to International Law*. 7th Edition ed. New York: Routledge, 1997.
  - Chapter 2: History and Theory [Available in Ares].
  - Chapter 14: Human Rights [Available in Ares].
2. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008.
  - Part A – Introductory Notions and Background to International Human Rights Movement, Section 1 (A): "Global Snapshots" – read any 3 out of 13 examples. Pgs. 3-16.
3. Charter of the United Nations  
Available at: <http://www.un.org/en/documents/charter/index.shtml>

4. International Bill of Rights (International Covenant on Civil and Political Rights [ICCPR], and, the International Covenant on Economic, Social and Cultural Rights [ICESCR])

- Available at: <http://www2.ohchr.org/english/law/ccpr.htm>  
<http://www2.ohchr.org/english/law/cescr.htm>

*[Please bring the Charter and Bill of Rights to class]*

## **Part II: How Are Human Rights Protected?**

*Week 5 - October 9: The Protection of Rights at The United Nations*

### **Readings:**

1. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008.

Part D - International Human Rights Organizations:

- Section 9 (A): The UN System: Charter-Based Institutions. Pgs.735-742
- Section 9 (B): Techniques for Responding to Violations. Fact Finding Pgs. 746-753; Procedure 1503 (including the case study on Saudi Arabia) Pgs. 754-758; Procedure 1235 Pgs. 759-762
- Section 9 (C): Special Procedures. Pgs.765-769. Country Fact Finding Missions Pgs.774-775; Sending Communications Pgs.782-784
- Section 9 (D): The UN Human Rights Council. Pgs. 791-792; 799-804; 806-823 (excluding the case study on Israel but including the case study on Darfur)
- Section 9 (E): The role of the High Commissioner for Human Rights. Pgs.824-829
- Section 9 (F): The Security Council and the Responsibility to Protect. Pgs.835-838
- Section 10 (A): Treaty Bodies. Pgs. 844-848; State Reporting Pgs. 850-852; General Comments Pgs.873; 877; 882-884; Individual Communications Pgs.891-892 and Mansour Ahani v. Canada Pgs.897-899
- Section 10 (B): Comment on the Overall UN Human Rights Treaty Body System Pgs. 918-923

*Week 6 - October 16: The System in Action: Protecting Children in Canada*

### **Readings:**

1. Convention on the Rights of the Child
  - Available at: <http://www2.ohchr.org/english/law/crc.htm>
2. “Not There Yet: Canada’s Implementation of the General Measures of The Convention on the Rights of the Child” [Available in Ares]
  - Read Pages 1-14; 57-62
3. A Paper given by Senator Landon Pearson at the “*International Child Rights Conference*” Ottawa, November 19-20, 2009. [Available on Course website]
  - Please read in full

4. *Concluding Observations*. Committee on the Rights of the Child. Canada (2003)  
Available at: <http://www1.umn.edu/humanrts/crc/canada2003.html>
  - Please read this report in full.
5. *Third and Fourth Reports of Canada*. Convention on the Rights of the Child.  
(Covering years 1998-2007)  
Available at: <http://www.pch.gc.ca/pgm/pdp-hrp/docs/pdf/canada3-4-crc-reports-nov2009-eng.pdf>
  - Skim over the entire report, but focus on the summary conclusions on pages 5-11.

*Week 7 – October 23: Senator Landon Pearson Visit*

**Readings:**

1. Grugel, Jean, and Enrique Peruzzotti. "The Domestic Politics of International Human Rights Law: Implementing the Convention on the Rights of the Child in Ecuador, Chile, and Argentina." *Human Rights Quarterly* 34, no. 1 (2012): 178-98.
2. A Paper given by Senator Landon Pearson at the "International Child Rights Conference" Ottawa, November 19-20, 2009. [on course website]
  - Please re-read in full

Please bring your questions for Sen. Pearson to class.

**Part III: Critical Perspectives**

*Week 8 - October 30: Universalism and Relativism*

**Readings:**

1. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008.  
Relativism vs. Universalism
  - Pgs. 476-478; 517-539.
2. Donnelly, Jack. "The Relative Universality of Human Rights." *Human Rights Quarterly* 29, no. 2 (2007): 281-306. [Available in Ares].

*Week 9 - November 6: Case Study in Relativism - Female Genital Mutilation*

**Readings:**

1. Dorkenoo, Efu. *Female Genital Mutilation: Politics and Prevention*. ch. 2 "The Practice"; ch. 3 "What are the Issues"; ch. 6 "Western Countries and Prevention".  
New York: Columbia University Press, 2006. [Available in Ares].
2. Rosen, Jeffrey. "Is Ritual Circumcision Religious Expression?". *New York Times Magazine*, February 5, 2006: 28. [Available in Ares].
3. von der Osten-Sacken, Thomas. "Is Female Genital Mutilation an Islamic Problem?" *Middle East Quarterly*, Winter 2007: 29-36. [Available in Ares].

Monday, November 12: Joint Cluster Event - Holocaust Survivor



*Week 10 - November 13: The Public / Private Divide*

**Readings:**

1. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008. The Liberal Tradition Pgs.512-516.
2. Binion, Gayle. Human Rights: A Feminist Perspective. *Human Rights Quarterly* 17, no.3 (1995). Pgs.509-526. [Available in Ares].
3. Khan, Ummni. *Perpetuating the Cycle of abuse: Feminist (mis)use of the Public/Private Dichotomy in the Case of Nixon v. Rape Relief*. [Available in Ares]

*Week 11 - November 20: An East Asian Challenge to Human Rights?*

**Readings:**

1. Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights*. Cambridge: Cambridge University Press, 1999.
  - Chapter 3: 'Human Rights and Asian Values' – Jack Donnelly [Available in Ares].
2. Bilahari Kausikan, "Asia's Different Standard" Pgs.24-41 [Available in Ares].
3. Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* (Fall 1993) Pgs. 42-51 [Available in Ares].

*Week 12 – November 27: National Security, 9-11, and Human Rights*

**Readings:**

1. Steiner, Henry J., Philip Alston, and Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. 3rd ed. Oxford: Oxford University Press, 2008.
  - Part B Section 5:
  - A) Terrorism and Human Rights: Definitions and Relationships, 375-380;
  - B) September 11<sup>th</sup>: A Turning Point Pgs.380-383;
  - C) Legal Framework: Public Emergencies, Derogations and the Laws of War Pgs.385-394;
  - Counter-terrorist Operations and the Rule of Law Pgs.453-454

Monday, December 3: Joint cluster event – please bring your 1-page presentation to class