

Course Outline

COURSE: LAWS 1000 P – Introduction to Legal Studies

TERM: Fall/Winter 2010-11

CLASS: Day & Time: Monday: 11:35am - 1:25 pm
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Dr. Melanie Adrian

CONTACT: Office: D488 LA (Loeb) (4th floor of the Loeb Building)
Office Hrs: Tuesday: 10:00-12:00 noon (or by appointment)
Telephone: 613-520-2600 x 2085
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Teaching Assistants: Alexandra Callinan - acallina@connect.carleton.ca
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(Please note that Instructors and Teaching Assistants can only communicate with you using your connect e-mail (not hotmail, gmail etc))

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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 from the course website.

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) **Three short surprise quizzes (30%):** we will be handing out three quizzes that test the week's readings 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 that week's materials. Please read for every week - the success of our class depends on it. At the end of each term, students will be able to choose if they would like to count each quiz at 10% or the two best at 15%.
- b) **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.
- c) **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.
- d) **A Final Exam (30%):** to be written in class on December 6th.
- e) **The Extra Credit Challenge:** every week at the beginning of class there will be time for a group of students (no larger than 3) to play a song or recite a poem to the rest of the class. The song/poem should reflect a theme of the previous week or address issues of the course more generally. 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. who marked the assignment within two weeks of receiving the marked assignment. The instructor will not entertain appeals of grades that have not first been discussed with the T.A.

SOME IDEAS ON SUCCEEDING IN THIS CLASS

- Reading and Participation** This class will succeed or fail based on your commitment. You should be coming to class having done the reading 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; and bring them you must, as 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 the student.

Students or instructors 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 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

Writing Tutorial Services: www.carleton.ca/wts

Peer Assisted Study Sessions (PASS): 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 can be found at 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.

WebCT

WebCT is a software package that I will utilize as a teaching aid in this course. Specifically, it will be used to post:

- 1) The course outline and schedules of classes and readings.
- 2) Course assignments
- 3) Grades
- 4) Websites
- 5) Event announcements

Students must use a Student Computing Account (SCA) to access Carleton WebCT.

**Tentative CLASS SCHEDULE
(Fall Semester)**

1 - Sep 13 **Introduction to the Course**
 No Readings assigned for this week

Part I: Introduction to Law and Human Rights Law

2 - Sep 20 **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? [on course website].
 - Chapter 3: The Canadian Constitution [on course website].
2. Hoebel, Edward Adamson. "The Functions of Law" [on course website].
3. Llewellyn, Karl N. and E. Adamson Hoebel. "The Cheyenne Way" [On course website].

3 - Sep 27 **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. [on course website].
2. Malanczuk, Peter. *Akehurst's Modern Introduction to International Law*. 7th Edition ed. New York: Routledge, 1997.
 - Chapter 1: Introduction (to international law) [on course website].
 - Chapter 3: Sources of International Law [on course website].

4 - Oct 4 **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 [on course website].
 - Chapter 14: Human Rights [on course website].
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]

October 11 – Thanksgiving – No class – have a lovely holiday!

Part II: How Are Human Rights Protected?

5 - Oct 18 *The Protection of Rights at The United Nations*

Readings:

- 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

6 - Oct 25 *The System in Action: Protecting Children in Canada*

Readings:

- Convention on the Rights of the Child
Available at: <http://www2.ohchr.org/english/law/crc.htm>
- 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.
- 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>
[on course website as well]

Skim over the entire report, but focus on the summary conclusions on pages 5-11.
- "Not There Yet: Canada's Implementation of the General Measures of The Convention on the Rights of the Child"* [on course website]

Read Pages 1-14; 57-62
- A Paper given by Senator Landon Pearson at the *"International Child Rights Conference"* Ottawa, November 19-20, 2009. [on course website]

Please read in full

Part III: Critical Perspectives

7 - Nov 1 **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. [on course website].

8 - Nov 8 **Case Study in Relativism - Female Genital Mutilation**

Readings:

1. Dorkenoo, Edua. *Female Genital Mutilation: Politics and Prevention*. ch. 1 "What is Female Genital Mutilation"; ch. 2 "The Health Consequences"; ch. 3 "The Practice: mystification and the motives". New York: Columbia University Press, 2006. [on course website].
2. Rosen, Jeffrey. "Is Ritual Circumcision Religious Expression?". *New York Times Magazine*, February 5, 2006: 28. [on course website].
3. von der Osten-Sacken, Thomas. "Is Female Genital Mutilation an Islamic Problem?" *Middle East Quarterly*, Winter 2007: 29-36. [on course website].

9 - Nov 15 **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. [on course website].
3. Bunch, Charlotte. *Women's Rights as Human Rights: Toward a Re-Vision of Human Rights*. [on course website]
4. Khan, Ummni. *Perpetuating the Cycle of abuse: Feminist (mis)use of the Public/Private Dichotomy in the Case of Nixon v. Rape Relief*. [on course website]

10 - Nov 22 **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 [on course website].
2. Bilahari Kausikan, "Asia's Different Standard" Pgs.24-41 [on course website].
3. Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* (Fall 1993) Pgs. 42-51 [on course website].

11 - Nov 29 **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 11th: 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

12 - December 6 – FIRST TERM EXAM REVIEW

January 3rd – FIRST TERM EXAM TO BE WRITTEN IN CLASS