COURSE OBJECTIVES & CONTENT:

This course combines discussions of theories and research methods in legal studies with the study of a theme (human rights). The emphasis is on research as a process that involves asking questions, drawing on theories, interpreting texts, questioning concepts, and assembling the outcome of this messy process in a coherent form (a research paper). We will review some basic research techniques (finding articles and documents), but mostly focus on understanding different theories, using them for asking research questions, answering these questions.

Why human rights? Why case studies from South Africa and Canada? Human rights are floating and fleeting concepts: they can point to aspirations, to practices, to legislation; they are invokes by governments, citizens, advocates, and corporations. We will study concepts of human rights as well as human rights problems and litigation in practice. In addition, we will think about what it means to do research on a notoriously complex and fleeting thing such as human rights. The course will encourage and foster creative and interdisciplinary questions and projects.

The case studies are: the recognition of same-sex marriage in South Africa and Canada, race, equality and urban infrastructure in South Africa, and questions of citizenship and belonging in Canada raised by the case of Omar Khadr. Together, these case studies will prompt us to read theories about and around human rights, asking questions about equality, sexuality, race, postcoloniality, urban space, and citizenship. It will be an exciting journey through contemporary human rights struggles.
NOTE ON ACADEMIC ACCOMMODATION

(Students with Disabilities, Religious Obligations, Pregnancy)

You may need special arrangements to meet your academic obligations during the term because of disability, pregnancy or religious obligations. Please review the course outline promptly and 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.

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that your Instructor receives your Letter of Accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the last official day to withdraw from classes in each term.

Students requiring accommodation on the grounds of religious observance must submit to their instructors a formal request with suggestions for alternate dates and/or means of satisfying any academic requirements involved. Such requests should be made during the first two weeks of any given academic term, or as soon as possible after a need for accommodation is known to exist, but in no case later than the second-last week of classes in that term.

Pregnancy accommodation may involve a temporary modification of the elements of the student’s academic program (e.g., laboratory, mid term, final exam, or field work).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at http://carleton.ca/equity/accommodation

A NOTE ON ACADEMIC FREEDOM:

In this course, we will discuss history, literature, culture and ideas in connection to human rights in South Africa. The course material might contain or convey ideas about ethics, law, and culture that will be unfamiliar and sometimes disturbing. The course material is not designed to convey a particular “conclusion” but to encourage discussion about complex issues. All participants in the course must be willing to examine the relevant texts, must make a sincere effort to understand the presuppositions of others, and be willing to discuss, verbally and in writing, the objects of study. By enrolling in this course, students accept a commitment to academic freedom for all participants, themselves, and the instructor. If you have any questions relating to this statement, please let me know.

COURSE MATERIAL:

All course materials are accessible through cuLearn.
EVALUATION:

- **Attendance**: 5%
- **Participation**: 5%
- **Paper 1**: 15%
- **Paper 2**: 20%
- **Paper 3**: 20%
- **Final Exam (take home) or research paper**: 35%

**Attendance and participation**: This class is structured around discussions and workshops on doing research. So it is important that you both do the readings that will be the basis of our discussions and group work, and that you come to class to participate in the workshops. Attendance and participation are valued at 10% combined, but regular attendance and informed participation will help you write much better assignments.

**Everyone’s active participation** is crucial for the success of the class. Participation is valued at **5 points** and presumes, of course, that you have read the texts carefully and that you attend class.

**Attendance policy**: regular attendance is the key to the success in seminar classes. Attendance counts for **5 points**. After the first class you missed, each further class that you miss without a documented excuse leads to a 1 point deduction. (Example: If you miss two classes, you will get 4 out of 5 points for attendance.)

**The short papers (5-7 pages)** are responses to essay questions/tasks that will be handed out in class in advance. You will answer one out of two or three questions. The emphasis is on applying theoretical concepts to primary material. Some of the questions/task will ask you to construct your own research question. Short paper 3 will contain the option of writing a research paper proposal.

**The three short papers are due on these dates (not in class!):**
- **Paper 1**: February 4th,
- **Paper 2**: February 25th
- **Paper 3**: March 25th

**The final exam will contain two options**: You either write a 12 page research paper building on the research paper proposal that’s an option for the third paper. Alternatively, you will answer two essay questions. **The final exam is due on April 27th.** No late final exams will be accepted without a documented emergency.

- Late penalty for short papers: 10% (2 points out of 20, or 1.5 out of 15) per day.
- All papers have to be submitted to the Law & Legal Studies Department Drop Box next to C473 Loeb before 4pm on the due date.
SCHEDULE:

1. January 10\textsuperscript{th}

   **Introduction**

2. January 17\textsuperscript{th}

   **Human Rights**

   *What are some of the most important approaches to human rights?*
   
   *What do they suggest about the promise and limits of human rights?*

   **Readings:**
   
   
   

   **Recommended:**
   
   
   
   

3. January 24\textsuperscript{th}

   **Doing Research on Human Rights**

   *How can we do human rights research? Which fields & disciplines can we draw on, and how?*

   *What can interdisciplinarity look like?*

   **Readings:**
   
   
   
   
Recommended:


4. January 31st

**Intersectionality and complex inequality in South Africa**

*How can we make sense of complex identities? How are complex identities tied to complex inequalities?*

Readings:


Recommended:

Emily Grabham et al. (eds.), *Intersectionality and Beyond: Law, power, and the politics of location* (New York: Routledge, 2009).

5. February 7th

**Sexuality, Marriage, Citizenship**

*How can complexity theories help us think about gender, sexuality, and discussions of marriage and relationships? How do legal regulations of marriage shape relationships? Which inequalities are ameliorated, shaped, or created?*
Readings:


Recommended:


6. February 14th

Two Judgments

How did the Canadian Supreme Court and the South African Constitutional Court conceptualize gender, sexuality, and marriage? How do their decisions compare? What impact did they have?

Readings:


Minister of Home Affairs and Another v Fourie and Another (CCT 60/04) [2005] ZACC 19; available online: http://www.saflii.org/za/cases/ZACC/2005/19.html.
7. February 28th

Race, Memory, Inequality

How did ideas and categories of race develop? How did they shape inequalities?

Readings:

Recommended:

8. March 7th

Law and Complex Inequalities

Which inequalities matter? Why? How? And to whom?

Readings:

Recommended:


9. March 14th

Equality, Inequality, and Discrimination: When garbage collection becomes political

*How did the South African Constitutional Court interpret equality in a context of racialized inequality? How can we think of cities and infrastructures as sites of contentions about social justice?*

Readings:


Recommended:


10. March 21st

Belonging in/to Canada

*What are the contours, frictions, and blind spots of Canadian citizenship?*

Readings:


Recommended:

Daiva Stasiulis and Darryl Ross, “Security, Flexible Sovereignty, and the Perils of Multiple Citizenship,” *Citizenship*
11. March 28th

**Human Rights, Law, and Politics: Omar Khadr's belated return**

*What can the case of Omar Khadr tell us about citizenship and human rights in Canada?*

**Primary materials:**

- **Pre-Trial Agreement, Diplomatic Notes between the U.S. and Canada.** Available online: [http://library.law.utoronto.ca/khadr-case-resources-page](http://library.law.utoronto.ca/khadr-case-resources-page).

12. April 4th

**Human Rights, and/or what else?**

*Concluding Reflections.*

**Reading:**


**Note on the assignments:** All assignments have to be original work by the student who is submitting them. Collaboration on assignments is not permitted. (The only possible exception to this rule in this course may be joint presentations of two or more students with the specific permission of the instructor.) In addition, students should note Carleton University’s policy on instructional offences, available at [www.carleton.ca/cuuc/regulations/acadregsuniv14.html](http://www.carleton.ca/cuuc/regulations/acadregsuniv14.html). Penalties for academic offences may range from a reprimand to expulsion from the university. The use of outside material without proper references is one of the most common and most easily avoidable instructional offences. Whatever language and ideas you take from other sources needs to be referenced. Make yourself familiar with different citation styles! The Carleton University library has many resources that can help you. See: [www.library.carleton.ca/howdoI/citing.html](http://www.library.carleton.ca/howdoI/citing.html).