

Course Outline

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COURSE:	LAWS 3908 A – Approaches in Legal Studies II
TERM:	Summer - 2018
PREREQUISITES:	LAWS 2908 and third-year honours standing
CLASS:	Day & Time: Tuesday & Thursday 8:35-11:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Meral Tan
CONTACT:	Office: B442 Loeb Building Office Hrs: Thursday 12:00-1:00 pm Email: meral.tan@carleton.ca

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy 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 Equity Services website: <http://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 Equity Services website: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact 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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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/>

**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:

<http://carleton.ca/studentaffairs/academic-integrity/>

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

### **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.

<http://carleton.ca/law/current-students/>

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## **COURSE DESCRIPTION**

This course is designed to help students develop their research skills and write strong research papers. Throughout the term, we will analyze various approaches in the study of human rights. Students will read about different themes and theoretical perspectives. There will be lectures, small group work, writing and discussion sessions.

In the first part of the course we will address the following questions: What are human rights? Why are human rights so prominent in legal and political discourses? Where does the idea of human rights come from? What is the substance or limits of human rights? How do we claim our rights? Is there/can there be a non-political agenda of human rights? We will then engage with several themes in human rights discussions and analyze the competing rights claims. We will discuss how various groups, such as indigenous peoples, religious minorities, and refugees use the language of human rights. We will also analyze geographical imaginations on human rights and how age, race, and gender complicate the rights claims.

## **REQUIRED TEXTS**

All required texts and articles will be made available through cuLearn and Ares. No purchased text book needed.

## **EVALUATION**

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.

LAWS 3908/Approaches in Legal Studies II	% of Grade	Due Date
Participation	10	-
Analytical Essay (5 pages)	30	22 May 2018
Presentation (TBD)	10	TBD
Final Paper (10 pages)	50	19 June 2018

### **Participation:**

Active participation in class discussions are expected. There are 10 lectures, and for each class, active participation will be counted as 1%.

Please note that on May 17 there will be a small group work. Students will select one regional overview from the Amnesty International 2017/2018 World Human Rights Report (see course schedule). Each group will be responsible for one region. Instructions will be posted on cuLearn.

### **Analytical Essay:**

The analytical essay will cover the course materials from May 10 and May 15. Instructions will be posted on cuLearn on May 15.

Students will hand in their essay (as hard copy) on May 22 during the individual meetings (see course schedule).

### **Presentations and Final Paper:**

Students will select their own case or subject as their final project. The projects will be related to the themes of the course, and students will present their work in progress/preliminary findings in the class and submit their paper at the end of the term. Presentations will start on May 24. Students will decide on their projects earlier in the term and there will be individual meetings on May 22 to talk about the presentations and the final paper. Instructions will be posted on cuLearn.

Students will hand in their final paper (as hard copy) on June 19.

### **Late Submissions:**

The late penalty is 1 mark per day (ex: 1 day late reduces the grade from A+ to A) for the analytical essay and the final paper. Please e-mail the instructor if you need an extension. Depending on the

situation documentation may be required.

## **SCHEDULE**

### **I. What are Human Rights? Foundations/Origins/History of Human Rights**

May 8: Introduction

No required reading

May 10: Mapping out various schools of thought in human rights studies and introduction to competing historical accounts

Dembour, Marie-Bénédicte. "What Are Human Rights? Four Schools of Thought." *Human Rights Quarterly* 32, no. 1 (2010): 1-20.

Hunt, Lynn. *Inventing Human Rights*. New York: W.W. Norton, 2007. Introduction

Moyn, Samuel. *The Last Utopia: Human Rights in History*. Cambridge: The Belnap Press of Harvard University Press, 2010. Prologue

Universal Declaration of Human Rights

[http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

May 15: Liberal evolutionism/optimism vs critical perspectives

Donnelly, Jack. *Universal Human Rights in Theory and Practice*. Ithaca: Cornell University Press, 2013. Chapters 1,2 & 3 (pp.7-54)

Brown, Wendy. "The Most We Can Hope For..." *The South Atlantic Quarterly* 103, no. 2/3 (2004): 451-463.

Mutua, Makau. "Human Rights and Powerlessness: Pathologies of Choice and Substance." *Buffalo Law Review* 56, no. 4 (2008):1027-1034

## **II. What are the contemporary human rights problems? Linking theory with contemporary issues.**

May 17: Victims, perpetrators, and saviors

Mutua, Makau. "Savages, Victims, and Saviours: The Metaphor of Human Rights." *Harvard International Law Journal* 42, no.1 (2001): 201-245.

Amnesty International Report 2017/18. Amnesty International, 2018.  
<https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

## **III. Various Themes**

May 22: \*\*No Class\*\* Individual meetings for the final research project and presentations

May 24: Gender equality and women's rights

Merry, Sally Engle. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press, 2006. Ebook. Chapters 1&6 (1-35 & 179-217)

May 29: Indigenous peoples and human rights

Speed, Shannon. *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*. Stanford; Stanford University Press, 2008. Introduction

Engle, Karen. "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights." *The European Journal of International Law* 22, no. 1 (2011):141-163.

May 31: Terrorism: Human rights abuses and the "war on terror"

Sanders, Lynn. "(Im)plausible Legality: The Rationalisation of Human Rights Abuses in the American 'Global War on Terror.'" *The International Journal of Human Rights* 15,

no 4 (2011): 605-626.

Razack, Sherene. *Casting Out: The Eviction of Muslims from Western Law and Politics*. Toronto: University of Toronto Press, 2008. Introduction (3-22).

June 5: Religious rights as human rights

Medda-Windischer, Roberta. "Militant or pluralist secularism? The European Court of Human Rights Facing Religious Diversity." *Religion, State & Society* 45, 3-4 (2017): 216-231.

Kassir, Alexandra. "Protesting Headscarf Ban: A Path to Becoming More French? A Case Study of 'Mamans toutes égales' and 'Sorties scolaires avec nous'." *Ethnic and Racial Studies*. 39, no. 15 (2016): 2683 - 2700

June 7: Refugees: The right to asylum/right to return

Hannah Arendt, "The Decline of the Nation-State and the End of the Rights of Man" in Hannah Arendt." *The Origins of Totalitarianism* San Diego/New York: Harvest/Harcourt, 1966. (267-302)

Gabiam, Nell. *The Politics of Suffering: Syria's Palestinian Refugee Camps*. Indiana: Indiana University Press, 2016. Introduction [Ebook]

June 12: Children's human rights: Child soldiers and armed conflict

Baines, Erin. "Complex Political Perpetrators: Reflections on Dominic Ongwen." *J of Modern African Studies* 47, no. 2 (2009): 163-191.

Hyndman, Jennifer. "The Question of 'the Political' in Critical Geopolitics: Querying the 'Child Soldier' in the 'War on Terror'." *Political Geography* 29 (2010): 247-255.

June 14: Representing human rights abuses: NGOs and human rights activism

Manzo, Kate. "Imaging humanitarianism: NGO identity and the iconography of childhood." *Antipode* 40, no. 4 (2008): 632-657.

Moon, Claire. "What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action." *Sociology* 46 (2012): 876-890.

Supp:

Burman, E. (1994). Innocents abroad: Western fantasies of childhood and the iconography of emergencies. *Disasters*, 18(3), 238-253.

June 19: Concluding remarks and review