

SOC 496: Human Rights in International Perspective

Department of Sociology, University of Alberta

Wednesday 1:00pm to 3:50pm.

Location: Tory 6-4

Course Description:

Human rights norms inform almost every social relationship. But are human rights an abstract principle or are they a product of our society? Can societies have different rights cultures? Are there limits to the transformative potential of human rights? The course will examine the history, nature and function of human rights. Students will develop an appreciation for the way in which human rights are historically and culturally specific. This course will engage with controversial debates while emphasizing comparative and interdisciplinary learning.

Professor: Dr. Dominique Clément
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Office: Tory 4-24
Office Hours: Wednesday, 4:00-5:00pm
Email: dominique.clement@ualberta.ca

Grading	
Seminar Leader OR Discussion Questions	15%
Book Review	25%
Participation	25%
Term Paper	35%

I do not discuss grades or course content by email. Contact the Teaching Assistant or attend my office hours.

eClass: Grades are posted on eClass, and there is course content on the site. All assignments should be submitted electronically on eClass and hardcopy at the Sociology office Tory 5-21 [there is a slot near the office door to deposit papers]

Department Deferred exam date: NA

The final exam cannot be rescheduled. Students who miss the final exam must apply directly to the Faculty – not the professor – for a deferral. Please note that the professor cannot approve a deferred exam.

Deferred Exams: There is a proper procedure that needs to be followed to defer a final examination. A student is required to go to his/her Faculty, with the appropriate documentation, and formally apply for a deferred exam. The student's faculty will approve or deny the request. Departments and Instructors have no authority to grant deferred exams. Once the student has gone to his/her faculty and the deferred exam has been approved, the Faculty will advise the instructor. Once this has been done the department can make arrangements to write the deferred.

Late Assignment Policy: Assignments are not accepted electronically. Late assignments will be penalized by 5% per day (10% weekends) and the evaluation for late assignments will only consist of a final grade (no comments). None will be accepted after seven days, and students will be given a grade of '0' for that assignment. Extensions will only be provided in exceptional circumstances (e.g., computer problems are not accepted).

Sick Policy: The University's policy on sickness/absence prohibits professors from requiring notes from your doctor. If you are unable to complete an assignment due to illness, write a formal letter to the professor stating why you were unable to submit the assignment (you do not need to be specific – for instance, you can simply indicate that you were ill – and please keep the letter brief, only a few sentences). Attach the letter to the paper, and submit the paper to the professor. Your formal grade will be adjusted after the paper is evaluated. Papers submitted under this policy will be returned without written comments (only a letter grade).

University Policies:

Policy about course outlines can be found in [Course Requirements, Evaluation Procedures and Grading](#) of the University Calendar.

The University of Alberta is committed to the highest standards of academic integrity and honesty. Students are expected to be familiar with these standards regarding academic honesty and to uphold the policies of the University in this respect. Students are particularly urged to familiarize themselves with the provisions of the Code of Student Behaviour (online www.governance.ualberta.ca) and avoid any behaviour which could potentially result in suspicions of cheating, plagiarism, misrepresentation of facts and/or participation in an offence. Academic dishonesty is a serious offence and can result in suspension or expulsion from the University.”

“Audio or video recording, digital or otherwise, of lectures, labs, seminars or any other teaching environment by students is allowed only with the prior written consent of the instructor or as a part of an approved accommodation plan. Student or instructor content, digital or otherwise, created and/or used within the context of the course is to be used solely for personal study, and is not to be used or distributed for any other purpose without prior written consent from the content author(s).”

Assignment #1: Seminar Participation

No marks are allocated for only attending class. Four (4) missed classes will result in a failed Participation grade.

Participation marks are based on two factors: demonstrating an understanding of the assigned readings and participating consistently in class. A strong contribution to the class discussion involves demonstrating an understanding of some of the core themes in the weekly readings, and clearly articulating your thoughts to others.

This course places a heavy emphasis on participation in class. In order to receive a strong grade in participation, students must come to class and participate consistently in the discussion. It is essential that everyone feels comfortable debating the issues raised in class, responding to the work of others, and expressing their own personal views. When criticizing others, we need to remain respectful of each other's diverse views, experiences and manners. Everyone is responsible for being sensitive to the dynamics of the seminar and to the sensibilities of everyone present. Each participant will bring to the class difference academic, cultural and personal experiences alongside myriad work histories and styles. Developing listening skills and self-criticism are important aspects of academic scholarship. In order to fully develop these skills, we must each learn to accept negative (but constructive) feedback from others.

Assignment #2: Seminar Leaders OR Discussion Questions

Developing discussion questions forces you to consider the issues from numerous points of view and to critically read the material. Questions should be broad and open-ended, rather than solicit a single response. Grades will be based on demonstrating an understanding of the readings and developing effective discussion questions that encourage discussion in class. A good discussion also links the various readings together under common themes instead of discussing each reading separately. To help prepare your discussion questions, consider first these basic issues: What is the thesis of each chapter/article? How does the author prove her/his thesis? What are the broader issues/themes for the readings as a whole for this week? How do the readings for this week relate to previous weeks? How do the readings link to the course themes?

Discussion Questions: Students who *are not* leading a seminar must submit three discussion questions relating to the readings *for each seminar week*. The questions should address themes that relate to all of the readings assigned for that week. ***The questions are to be submitted on eClass every Wednesday by 12:00pm preceding class.***

Seminar Leader: Review the Seminar Leaders tip sheet on eClass. I encourage seminar leaders to meet with me (not by email) in the week before class to review their draft questions.

Students who are leading a seminar are only required to submit discussion questions for the week that they are leading a seminar (post the questions in the same manner/time as weekly discussion questions). Seminar leaders must submit 10 discussion questions based on the readings for that week. Leading a discussion is a useful exercise in examining debates from a variety of perspectives. Seminar leaders are expected to have carefully examined the readings for that week and attend class with questions that stimulate discussion. Leaders can introduce their topic but should not lecture the class. A good leader draws out the issues through group discussion, not by lecturing the group.

Assignment #3: Book Review (4 pages)

The paper should include a title page, page numbers, endnotes (or in-text citations) and a bibliography. Use Cambria 12 font, double-spaced. Book reviews should not include direct quotes from any reading. It should be no more than 1500 words.

This is a review, not a research paper: you do **not** need to write an **introduction** or **conclusion**. Your review should address the key themes and arguments in this book. There is a particular emphasis on good writing in this assignment. Examining an entire book in four pages is a difficult task. A good writer can avoid repetition, vague comments and unnecessary detail. But the review should not be a summary of the book. Your paper should be a critical review of the author's argument. A critical review is not necessarily negative – a critical review examines the content using evidence-based research and informed analysis. *The most common error in writing a book review is basing your analysis on opinion, speculation or broad generalizations. Any analysis must be based on material drawn from the course readings.*

The evaluation for this assignment will be based on three factors: (a) is the paper well written, (b) does the paper demonstrate a sufficiently strong grasp of the book by addressing the most critical themes and arguments in the book; and (c) how does the paper draw on other course content to analyze the book.

The book assigned for the seminar is: Mary-Ann Waldron. *Free to Believe: Rethinking Freedom of Conscience and Religion in Canada* (Toronto: University of Toronto Press, 2013).

Textbooks Available at the UofA Bookstore:

Mary-Ann Waldron. *Free to Believe: Rethinking Freedom of Conscience and Religion in Canada* (Toronto: University of Toronto Press, 2013).

Most of the articles in this course are available electronically through the library catalogue. Search the title of the book or the *title of the journal* (not the title of the article) on the library website. **I strongly recommend that you download/print the articles in the first week of classes to avoid restrictions on how many people can view the reading at the same time.**

Search the title of the journal or the title of the book (**NOT** the title of the article or chapter) on the library website under “periodical title” (journal) or “title” (book). If articles are not available electronically, journals and books can be borrowed from the library.

The following required readings are not available on the internet. They are available on the shelf at the Rutherford Library Reserve for short-term loan to photocopy:

Judy Fudge and Eric Tucker, eds., *Work on Trial: Canadian Labour Law Struggles* (Toronto: University of Toronto Press, 2010): 315-54.

Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, ***Second Edition***, Princeton University Press, 1996). pp. 13-51, 91-110.

Week 1 (January 11): Introduction

No readings. Follow my postings on Twitter or Facebook. I will share current news relating to human rights and social movements:

Twitter @ HistoryOfRights

Facebook: HistoryOfRights

Week 2 (January 18): Sociology of Human Rights

Assignment: Seminar leader sign-up deadline (eClass)

M.R. Madsen and Gert Verschraegen, "Making Human Rights Intelligible: An Introduction to a Sociology of Human Rights." In Mikael Rask Madsen and Gert Verschraegen, eds., *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (Hart Publishing, 2013): 1-24.

Jack Donnelly. "The Relative Universality of Human Rights." *Human Rights Quarterly* 29, 2(2007): 281-206.

[eClass] Required Reading: Newspaper articles on eClass

Week 3 (January 25): Human Rights Law

Assignment: Discussion questions begin this week for those not leading a seminar.

Pearl Eliadis. *Speaking Out on Human Rights: Debating Canada's Human Rights System* (McGill-Queen's University Press, 2014): pp.25-29, 33-56.

[eClass] Pearl Eliadis. "The Controversy Entrepreneurs." *Maisonneuve* 29 (2010): 38-45.

[eClass] Required Reading: Read any 15 newspaper articles from the sample list on eClass on free speech (each article is approximately 1-2 pages).

[Rutherford Reserve] Judy Fudge and Hester Lessard. "Challenging Norms and Creating Precedents: The Tale of a Woman Firefighter in the Forests of British Columbia." In Judy Fudge and Eric Tucker, eds., *Work on Trial: Canadian Labour Law Struggles* (University of Toronto Press, 2010): 315-54.

Week 4 (February 1): Human Rights as Freedom

[Rutherford Reserve] Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy, Second Edition* (Princeton University Press, 1996): **pages 13-51, 91-110. NOT the first edition.**

John Christman, "Liberalism and Individual Positive Freedom." *Ethics* 101, 2 (January 1991): 343-359.

Week 5 (February 8): Women's Rights

Sally F. Goldfarb. "A Clash of Cultures: Women, Domestic Violence, and Law in the United States." In Dorothy L. Hodgson, *Gender and Culture at the Limits of Rights* (University of Pennsylvania Press, 2011): 55-80.

Lori Chambers. "In the Name of the Father': Children, Naming Practices, and the Law in Canada." *UBC Law Review* 43, 1 (2010-2011): 1-45.

Wanda Wiegers. "Gender, Biology, and Third Party Custody Disputes." *Alberta Law Review* 47, 1 (2009): 1-37.

Week 6 (February 15): (dis)Ability Rights

Aart Hendriks. "Disabled Persons and Their Right to Equal Treatment: Allowing Differentiation while Ending Discrimination." *Health and Human Rights* 1, 2 (1995): 152-173.

David Engel and Frank Munger. "Rights, Remembrance and Reconciliation of Difference." *Law & Society Review* 30, 1 (1996): 7-53.

Week 7 (February 22): Reading Week

Week 8 (March 1)

No class. Read Waldron for next week and prepare assignment.

[eclass] Trinity Western University law school case: October 2015 and June 2016.

[eclass] Quebec Human Rights Commission response to the Quebec Charter of Values

Week 9 (March 8): Book Review

Book Review Due 8 March 2017 @ 1:00pm (eClass & hardcopy @ Tory 5-21)

Mary-Ann Waldron. *Free to Believe: Rethinking Freedom of Conscience and Religion in Canada* (University of Toronto Press, 2013).

Week 10 (March 15): Human Rights and Culture

Daniel Goldstein, "Whose Vernacular?: Translating Human Rights in Local Contexts," in Mark Goodale, ed., *Human Rights at the Crossroads* (New York: Oxford University Press, 2013): 111-21.

Clifford Bob, "'Dalit Rights Are Human Rights': Untouchables, NGOs, and the Indian State," In Clifford Bob, ed., *The International Struggle for New Human Rights* (University of Pennsylvania Press, 2009): 30-51.

Madeline Baer and Alison Brysk, "New Rights for Private Wrongs: Female Genital Mutilation and Global Framing Discourses," In Clifford Bob, ed., *The International Struggle for New Human Rights* (University of Pennsylvania Press, 2009): 93-107.

Week 11 (March 22): Minority Rights

Susan Moller Okin, "Is Multiculturalism Bad for Women?" In Susan Moller Okin, ed., *Is Multiculturalism Bad for Women?* (Princeton University Press, 1999): 7-26.

Janice Gross Stein. "Searching for Equality." In Janice Gross Stein et al., *Uneasy Partners: Multiculturalism and Rights in Canada* (WLU Press, 2007): 1-22.

Will Kymlicka. "Disentangling the Debate." In Janice Gross Stein et al., *Uneasy Partners: Multiculturalism and Rights in Canada* (WLU Press, 2007): 137-156.

Week 12 (March 29): Rights in Conflict

Heather Montgomery. "Imposing Rights? A Case Study of Child Prostitution in Thailand." In Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson, eds., *Culture and Rights: Anthropological Perspectives* (Cambridge University Press, 2001): 80-101.

Rachel Sieder and Jessica Witchell. "Advancing Indigenous Claims Through the Law: Reflections on the Guatemalan Peace Process." In Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson, eds., *Culture and Rights: Anthropological Perspectives* (Cambridge University Press, 2001): 201-226.

Amalia Lucia Cabezas. "Tourism, Sex Work, and Women's Rights in the Dominican Republic." In Alison Brysk, ed., *Globalization and Human Rights* (University of California press, 2002): 44-58.

Week 13 (April 5): A Right to Die?

A.C. Grayling. "The Right to Die: The Moral Basis of the Right to Die is the Right to Good Quality Life." *British Medical Journal* 330, 7495 (9 April 2005): 799. 1pg.

[eClass] Juliana Ho. "Is Doctor-Assisted Suicide Constitutional?" *The Constitution* 7 July 2015. 3pgs.

[eClass] Council of Canadians with Disabilities. 19pgs.

[eClass] Canadian Civil Liberties Association. 9pgs.

[eClass] **Required Reading:** Read any 15 newspaper articles from the sample list on eClass on the right to die (each article is approximately 1-2 pages).

Week 14 (April 12): Term Paper

No class.

Submit a hardcopy of the Term Paper to Tory 5-21 as well as an electronic copy on eClass.

Term Paper

Submit a hardcopy of the Term Paper to Tory 5-21 as well as an electronic copy on eClass.

The paper should include a bibliography, proper citations, title page and page numbers. Use Cambria, 12 font, double-spaced. The bibliography, citations and title page are not included in the word limit. It should be no more than 3000 words.

Option A: Take Home Exam

The take home exam, which is based on the readings in the course outline and seminars, should answer the following question [Note: readings do not include the Reading List on eClass]:

What are human rights, and is it a discourse of transformative social change?

Your paper should have a clear thesis. **DO NOT SUMMARIZE THE SEMINARS AND READINGS.** This is absolutely essential. A key factor in the evaluation of your paper is if you have produced an explicit thesis and proven your argument.

The paper should be based on the seminars and readings for the entire course. A strong paper will draw on as many of the assigned readings as possible. Do not write an editorial. Any text in the paper should be written with reference or support of evidence – this is not an opinion piece.

Option B: Position Paper

Throughout this course you have been exposed to numerous debates surrounding the nature, function and implementation of human rights. Many of these debates involve competing and equally legitimate rights claims. For the term paper, you will explore one of these debates. A list of topics is available below, although you may examine another issue if the instructor approves the topic no less than four weeks before the term paper is due.

Your paper should accomplish two goals. First, you should identify the nature of the debate and the competing positions on this topic. Your paper should demonstrate a good grasp of the literature and attempt to adequately represent the competing positions. In addition to using secondary sources, there are many primary sources that might be relevant to this paper including newspapers, NGO positions papers, legal cases, etc. Secondly, your paper should adopt an explicit position on this issue. But it is also crucial that you do not write an editorial. **The position you take should be supported with evidence and with reference to your research.** Many of these topics can be linked to the broader philosophical issues we debated in the course.

A sample position paper is available on eClass.

The **course readings** are a good place to begin if any are relevant to your case study. In evaluating the paper, the professor will assume that you have (a) consulted the course readings, (b) the required readings assigned to the topic below and (c) conducted additional research.

A common error students have made in the past is to write their entire paper and make no reference to human rights. Do not get trapped in the debate by allowing the material to dictate the direction of your paper. In writing your paper, be sure to focus on how these debates are human rights issues. Any text in the paper should be written with reference or support of evidence – this is not an opinion piece.

SCR: Supreme Court Reports available at www.scc-csc.gc.ca

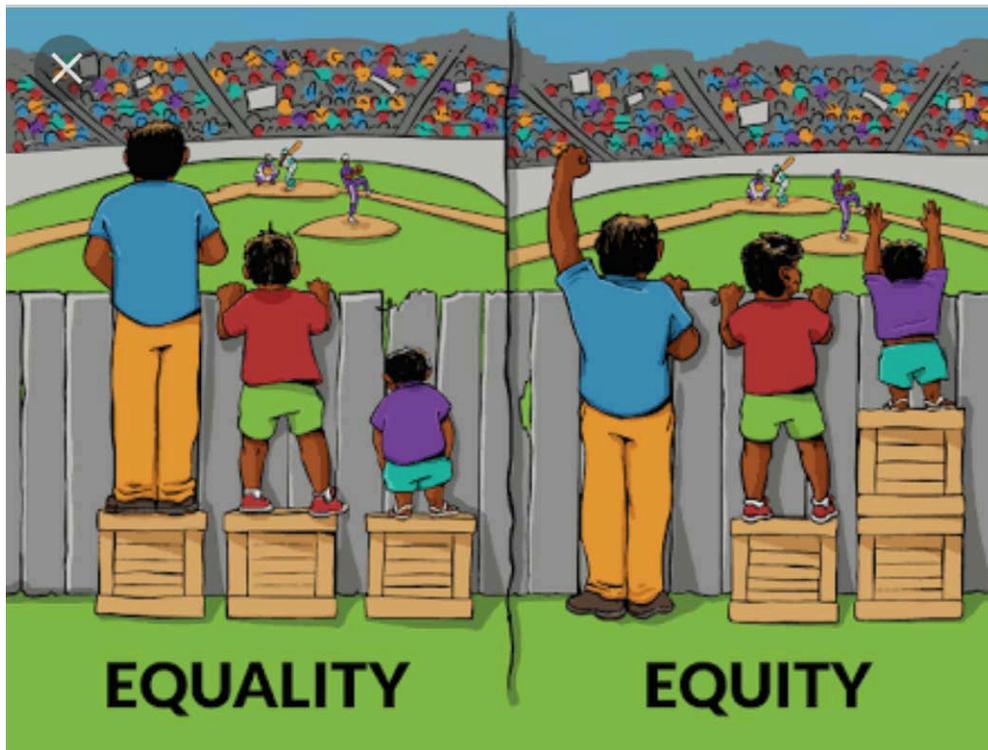
1. Should hate speech be criminalize or is it free speech?
 - a. Pearl Eliadis, "The Controversy Entrepreneurs." *Maisonneuve* 29 (10): 38-45.
 - b. Pearl Eliadis. *Speaking Out on Human Rights* (Montreal-Kingston: McGill-Queen's University Press, 2014). *Select pages*
 - c. Richard Moon. "The Attack on Human Rights Commission and the Corruption of Public Discourse." *Saskatchewan Law Review* 73, 1 (2010): 93-133.

2. Are human rights a legitimate justification for military intervention?
 - a. Henry Shue and David Rodin, eds., *Preemption: Military Action and Moral Justification* (Oxford: Oxford University Press, 2007): chapters 6 and 7.
 - b. Michael Ignatieff. *Virtual War: Kosovo and Beyond* (New York: Penguin, 2001): 71-87, 212-215.

3. Are minority rights inconsistent with Canada's liberal rights culture?
 - a. Will Kymlicka. *The New Debate Over Minority Rights* (Toronto: University of Toronto, 2008).
 - b. Susan Moller Okin. *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999).

4. Is there a human right to die?
 - a. Council of Canadians with Disabilities:
<http://www.ccdonline.ca/en/humanrights/endoflife/euthanasia>
 - b. British Columbia Civil Liberties Association:
<https://bccla.org/topics/medically-assisted-dying/>
 - c. Carter v. Canada (Attorney General) [2016] 1 SCR 13 – search case title at <http://scc-csc.lexum.com>

5. Are human rights culturally relative?
 - a. Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2002).
 - b. Kishore Mahbubani, "An Asian Perspective on Human Rights and Freedom of the Press." In Peter Van Ness, ed., *Debating Human Rights: Critical Essays from the United States and Asia* (London: Routledge, 1999): 80-97.



EXEMPLES DE SIGNES NON OSTENTATOIRES QUI SERAIENT PERMIS AU PERSONNEL DE L'ÉTAT



EXEMPLES DE SIGNES OSTENTATOIRES QUI NE SERAIENT PAS PERMIS AU PERSONNEL DE L'ÉTAT



Grade Breakdown			
Description	Percentage	Grade	Value
Excellent	90-100	A+	4.0
	85-89	A	4.0
	80-84	A-	3.7
Good	77-79	B+	3.3
	73-76	B	3.0
	70-72	B-	2.7
Satisfactory	67-69	C+	2.3
	63-66	C	2.0
	60-62	C-	1.7
Poor	55-59	D+	1.3
Minimal Pass	50-54	D	1.0
Fail	0-49	F	0.0