

# Proseminar in Social Justice and Human Rights

JHR 501, Fall 2008

Th 6:05 – 8:55  
Office: FAB N241  
Office Hours, Th 4:00-6:00  
And by Appointment

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Class: CLCC 113  
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## Catalog Description

Classical and contemporary theories of social justice and human rights with emphasis on criteria for identifying violations with local, national and international contexts. Applications to current issues of social justice and human rights with specific reference to both governmental and non-governmental organizations.

## Objectives

By the end of the semester students will be expected to:

- 1) have a better understanding of the scope of social justice and human rights issues and theories.
- 2) be able to critically evaluate classical and contemporary theories of social justice and human rights.
- 3) have a better understanding of applying domestic and international human rights remedies to human rights abuses locally, nationally, and internationally.
- 4) be aware of the benefits and limitations of legal remedies in advancing justice around the globe.
- 5) develop an understanding of the roles played by IGOs, NGOs, national courts, the United Nations, and others in the advancement of global justice.
- 6) have increased their understanding of the development and function of social movements and organizations and how they impact and are impacted by society, culture, politics, and law.
- 7) have been exposed to a number of different methodologies that are used to study social justice and human rights issues.
- 8) demonstrate the ability to locate, evaluate, and synthesize primary and secondary sources in social justice and human rights.

## Course Requirements:

**Applied Paper and Presentation** (25% of Course Grade): With the guidance of the Instructor, students will choose a specific topic in social justice and human rights that they will research throughout the semester. They will then formulate a research question and answer it with the aid of scholarly articles and books, primary sources, internet research, in-person interviews, and/or email and telephone interviews. Portions of the 20-25 page paper will be due throughout the semester. Multimedia presentations might be required during the last two weeks of the semester.

**Seminar Papers and Presentations** (40% of Course Grade): Throughout the semester students will be required to complete 4 or 5 assignments that address important issues in that week's readings. Some of these papers may be done in groups. Some may require short interviews with key stakeholders. These might result in PowerPoint presentations, debates on recent social justice controversies, short research papers, and written and oral arguments for moot courts.

**Event Planning and Community Involvement** (15% of Course Grade): Since social justice and human rights is a community-embedded discipline, students will be required to be actively involved in the planning and implementation of a campus-community or community event during the semester. As part of this process, students must reach out and involve additional members from the community. A short reflection paper will be due after the successful completion of the event.

**Take Home Final Examination** (20% of Course Grade): The final examination will require the synthesis and critical analysis of seminar material covered throughout the semester. It will most likely consist of 2 or 3 extended essays.

**WARNING!**

Cheating and plagiarism will not be tolerated. Plagiarism includes not only the exact duplication of an author's words but also an unacknowledged close paraphrase. When in doubt give a citation. Students are responsible for knowing and observing the ASU Student Life *Academic Integrity Code*. The introduction to this code states the following:

“The highest standards of academic integrity are expected of all students. The failure of any student to meet these standards may result in suspension or expulsion from the university and/or other sanctions as specified in the academic integrity policies of the individual academic unit. Violations of academic integrity include, but are not limited to, cheating, fabrication, tampering, plagiarism, or facilitating such activities. The university and unit academic integrity policies are available from the Office of the Provost and Academic Affairs and from the deans of the individual academic units.”

The rest of the code, which consists of several pages, is available at the following url: <http://www.asu.edu/studentlife/judicial/integrity.html>

**Course/Instructor Evaluation**

The course/instructor evaluation for this course will be conducted online 7-10 days before the last official day of classes for any given semester. The use of a course/instructor evaluation is an important process that allows our college to (1) help faculty improve their instruction, (2) help administrators evaluate instructional quality, (3) ensure high standards of teaching, and (4) ultimately improve instruction and student learning over time. Completion of the evaluation is not required for you to pass this class and will not affect your grade, but your cooperation and participation in this process is critical. About two weeks before the class finishes, watch for an e-mail with "ASU Course/Instructor Evaluation" in the subject heading. The email will be sent to your official ASU e-mail address, so make sure ASU has your current email address on file. You can check this online at the following URL: <http://www.asu.edu/epouupdate/>

**Grades**

Your grade will be determined as follows:

97 and above	A+	77-79	C+
93-96	A	70-76	C
90-92	A-	60-69	D
87-89	B+	Below 60	E
83-86	B		
80-82	B-		

## Reasonable Accommodations

The instructor will be happy to work with students who require reasonable accommodations for disabilities or other circumstances. Students who wish accommodations for a disability should contact DRC as early as possible to assure appropriate accommodations can be provided.

## **Required Books**

Hatzfeld, Jean. 2006. *Machete Season: The Killers in Rwanda Speak*. Picador.

Holtzman, Jon D. 2007. *Nuer Journeys, Nuer Lives: Sudanese Refugees in Minnesota*. Allyn & Bacon.

Hopgood, Stephen. 2006. *Keepers of the Flame: Understanding Amnesty International*. Cornell University Press.

Ilibagiza, Immaculée. 2007. *Left to Tell: Discovering God Amidst the Rwandan Holocaust*, Hay House.

Kassindja, Fauziya, with Layli Miller Bashir. 1998. *Do They Hear You When You Cry?* Dell Publishing.

Merry, Sally Engle. 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice*. University of Chicago Press.

Additional short readings will be required as needed.  
Information will also be regularly posted on Blackboard.

## **STUDENTS ARE REQUIRED TO HAVE ACCESS TO BLACKBOARD!**

### **Course Outline and Schedule**

#### **Week 1: Introduction to Social Justice and Human Rights**

Readings: Peter Singer, "What Should a Billionaire Give – and What Should You?" *The New York Times Magazine*, December 17, 2006 (Blackboard).

"The Universal Declaration of Human Rights" (Internet)

Beitz, Charles. "What Human Rights Mean" *Daedalus*, Winter 2003 (Blackboard)

Simmons, "What Human Rights Mean' Outline" (Blackboard)

Kennedy, David. "The International Human Rights Movement: Part of the Problem" *Harvard Human Rights Journal* (Blackboard)

OPTIONAL, Simmons, "Problem-Based Learning in a Human Rights Course" (esp. p. 1-7) (Internet)

Terms: Incomplete Theorization, Drafting of the UDHR, Human Rights and the Enlightenment, Positive and Negative Rights, Natural Rights, Cultural Relativism, Pre-Institutional Rights, Rights as Trumps, International Bill of Human Rights, Asian Values Debate, Group Rights, 1993 Vienna World Conference on Human Rights

Assigned: Interview Graduate Group Faculty and Social Justice and Human Rights Sources

### **Part I: International Human Rights Law**

#### **Module 1: Violence against Women and International Human Rights Law**

Terms: Declarations, Treaties, Conventions, Reservations, Ratification, Universalism, Clawback Clauses, UN Treaty System, Regional Human Rights Courts, Committee Against Torture,

CEDAW, Periodic Reports, Alien Tort Statute, Translating International Law into Local Justice, Femicides, Evolving Definitions of Torture, State Responsibility for the Actions of Non-State Actors, Jus Cogens Norms, Affirmative Duty, Duty to Investigate, Duty to Prevent, *Velasquez-Rodriguez*, Convention of Belém do Pará, Torture Victims Protection Act, Judiciary Act of 1789, Law of Nations, *Filariga*, Subject Matter Jurisdiction, *Sosa, Doe v. Unocal*, Aiding and Abetting, Acquiescence, Convention Against Torture, Exhaustion of Domestic Remedies, Inter-American Court of Human Rights, Provisional Measures, Creative Reparations,

Readings: “Status of Ratifications of the Principal International Human Rights Treaties” (Internet)  
 Merry, Sally Engle. *Human Rights and Gender Violence*  
 Simmons, William Paul and Rebecca Coplan, “Innovative Transnational Remedies for the Women of Ciudad Juárez” (Blackboard)  
 Simmons, William Paul. “Remedies for the Women of Ciudad Juárez through the Inter-American Court of Human Rights” or Simmons, William Paul. “Liability of Secondary Actors under the Alien Tort Statute: Aiding and Abetting and Acquiescence to Torture in the Context of the Femicides of Ciudad Juárez”  
 Nussbaum, Martha C. “Women’s Bodies: Violence, Security, Capabilities” (Library)

Speaker(?): Dr. Isatou Touray, GAMCOTRAP  
 Dr. Cynthia Bejarano, New Mexico State University

Assigned: Recent Cases in UN Treaty Bodies and Regional Courts and/or Recent ATS Cases

\*\*\*\* General topics or themes for the term paper are due \*\*\*\*

### **Module 2: Transitional Justice and the Great Lakes Region of Africa**

Topics: The International Criminal Court, Rome Statute, Child Soldiers, Universal Jurisdiction, Butare Four, *Akayesu*, Gacaca, Alternative Dispute Resolution, Interahamwe, RPF, Paul Kagame, Richard Goldstone, Carla Del Ponte, The 1996 Genocide Law, Desmond Tutu, Amy Biehl, Restorative Justice, Retributive Justice, Amnesty Committee, Stephen Biko, Faith, Kenosis

Readings: Rome Statute  
 Selected Indictments of the ICC  
 Ilibagiza, Immaculée. *Left to Tell: Discovering God Amidst the Rwandan Holocaust*  
 Hatzfeld, Jean. *Machete Season: The Killers in Rwanda Speak*

Movie: In *Rwanda We Say ... The Family That Does Not Speak Dies*, Directed by Anne Aghion, 2004.

Assigned: Essay on Legal Culpability for Human Rights Abuses and Transitional Justice

Speaker(?): Alpha Fall, International Center for Transitional Justice  
 Dr. Dwight Jackson, Food for the Hungry, Rwanda  
 Former Phoenix Councilwoman Peggy Bilsten

\*\*\*\* Research question and annotated bibliography for the term paper are due \*\*\*\*

## **Part II: Working for Social Justice**

### **Module 3: Indigenous Rights in Canada and India**

Topics: Social Action Litigation, Sardar Sarovar Dam, Adivasis, Upendra Baxi, Laches, *Narmada Bachao Andolan v. Union of India*, the Sparrow Test, *R v. Van der Peet*, *Delgamuukw v. British Columbia*, Sui Generis Rights, Section 35(1), *Mabo*, *Haida*, *Taku River Tlingit First Nation v. British Columbia*

Readings: Routledge, P. “Voices of the Damned: Discursive Resistance amidst Erasure in the Narmada Valley, India”  
 Wood, John R. *The Politics of Water Resource Development in India* (Selections)  
 “What’s Wrong with the Narmada Bachao Andolan (NBA)”:  
<http://sidshome1.blogspot.com/2006/04/whats-wrong-with-narmada-bachao.html>

Whitehead, Judith. "Submerged and Submerging Voices"  
*Narmada Bachao Andolan v. Union of India* (2000), (Excerpts)  
"The Order of the Supreme Court in the Narmada Case: Highlights, Comments,  
and Analysis"  
*Daud Committee Report* (Excerpts)  
Borrows, John. "Aboriginal Rights: Indian Agency and taking What's Not Yours"  
Borrows, John. "Frozen Rights in Canada: Constitutional Interpretation and the Trickster"  
Christie, Gordon. "A Colonial Reading of Recent Jurisprudence: Sparrow, Delgamuukw, and  
Haida Nation"

Movie: *Drowned Out*, Directed by Franny Armstrong, 2002.  
*Dancing Around the Table*, Directed by Maurice Bulbulian, 1987.

Speaker(?): Professor James Anaya or ...

Assigned: Indigenous "Law"

\*\*\*\* First complete draft of the term paper is due \*\*\*\*

#### **Module 4: Economic, Social, and Cultural Rights in South Africa**

Readings: *Government of the Republic of South Africa v. Grootboom* (2000)  
*Minister of Health v. Treatment Action Campaign* (2002)  
*Free Legal Assistance Group / Zaire* (1993)  
SERAC / Nigeria (2001)  
*Purohit and Moore / The Gambia* (2003)  
Kent, George, *Freedom from Want* (Selections)  
Yamin, Alicia Ely "Not Just a Tragedy: Access to Medications as a Right Under International  
Law"

Speaker(?): Professor Dave Holness, South Africa

#### **Module 5: The Refugee Experience and Refugee Rights in Arizona**

**Topics:** Asylum Law, Particular Social Groups, *In Re Kassinga*, Matter of Acosta, Nexus Requirement,  
Persecution, Darfur, Sudan People's Liberation Movement, Sudan People's Liberation Army,  
Kakuma, Nuer, Dinka, Lost Boys, Florence Project, "A Car is a Bad Cow", Changing Gender  
Relations

Readings: Holtzman, *Nuer Journeys, Nuer Lives*  
Kassindja, *Do They Hear You When You Cry*

Movies: *God Grew Tired of Us*, Produced by Christopher Quinn and/or  
*The Lost Boys of Sudan*, Produced by Megan Mylan and Jon Shenk

Trips: Arizona Lost Boy Center  
Florence Detention Center and Florence Immigration and Refugee Rights Project

\*\*\*\* Final draft of term paper is due \*\*\*\*

#### **Module 6: Human Rights and Social Justice NGOs**

**Topics:** Secondary Trauma, PTSD, Participatory Orthodoxy, Participation as Tyranny, Foucault,  
Structural Violence, Rights-Based Approaches to Development, Sustainable Livelihoods,

Readings: Hopgood, Stephen. *Keepers of the Flame: Understanding Amnesty International*  
*Ethics in Action* (Selections)  
*Participation: The New Tyranny?* (Selections)

Assigned: Roundtable with Directors of Local NGOs