

Proseminar in Social Justice and Human Rights

JHR 501, Fall 2009

Tu 6:05 – 8:55
Office: FAB S110D
Office Hours, TuTh 4:30-6:00
And by Appointment

Dr. William Simmons
Office: 602.543.6089
Class: CLCC 202
William.simmons@asu.edu

Catalog Description

Classical and contemporary theories of social justice and human rights with emphasis on criteria for identifying violations within 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.

Course Overview

“Social Justice and Human Rights” does not currently exist as a well-defined field of study, so developing a Proseminar that introduces students to the field is a bit of a challenge. How does one give an overview of a field that is not yet defined; that is seemingly without boundaries? Indeed, few agreements will be found on such issues as to what extent the field is academic or applied, what are the essential methodologies and theoretical viewpoints that every student should know, and what are the main works that make up any “canon” with which every student should be conversant.

At a more fundamental level social justice and human rights are often thought to exist in sharp tension. Since the emergence of rights discourses some prominent thinkers such as Karl Marx have held that human rights and its related ideological baggage are critical barriers to “doing justice.” Many prominent contemporary thinkers such as Alain Badiou continue to argue that human rights is yet another tool for reinforcing unjust hegemonic structures?

Concretely, the liberal state has always admitted--alongside the written law--human rights as a parallel institution. It continues to preach that within its justice there are always improvements to be made in human rights. Human rights are the reminder that there is no justice yet. --- Emmanuel Levinas

Thus, this course seeks to provide an overview of a field that doesn't exist *per se* while remaining faithful or doing justice to a series of fundamental tensions. We begin from the premise that “human rights” has been, at times, a useful tool for doing justice, but that it like all pretenses of doing justice must be continuously deconstructed. All institutions established to do justice are never just enough and thus must be continuously deconstructed and reinvigorated. Indeed, we, like all individuals that seek to do justice, must incessantly interrogate our positionality and our underlying ideologies as to whether we are actually doing justice.

Such an understanding of the need to achieve justice through a constant deconstruction of justice also underlies the pedagogy of this course. As much as practical, this will be a learner-centered course where the instructor and students are all engaged as learners. Participation and empowerment will be key themes both substantively and pedagogically

Objectives

By the end of the semester students will:

1. Have a solid overview of many of the major contemporary social justice and human rights issues.
2. Have been exposed to a number of different methodologies and theoretical perspectives that are employed to study social justice and human rights issues.
3. Demonstrate the ability to locate, evaluate, and synthesize a wide variety of primary and secondary resources in social justice and human rights (both more “traditional” and more “cutting-edge” resources such as Web 2.0 sources) and have dramatically improved their information literacy skills.
4. Develop an understanding of the roles played by IGOs, NGOs, national courts, the United Nations, and others in the advancement of global justice.
5. Have a good understanding of the burgeoning international human rights legal system both in domestic and international contexts.
6. Improve their legal reasoning and legal research skills by analyzing current cases in international human rights law.
7. Better understand how to apply domestic and international human rights remedies to human rights abuses locally, nationally, and internationally.
8. Better understand the limitations of human rights law frameworks for advancing social justice especially among marginalized populations.
9. Be exposed to recent academic work on the Other, especially the difficulties of representing or speaking for the Other, and will be more sensitive to these issues in their work.
10. Have a general understanding of current controversies in the economic development literature, especially recent debates about macro-level reforms of the traditional development paradigms and recent micro-level debates about participatory development and rights-based development.
11. Have a good understanding of the important role played by the Millennium Development Goals in framing and restricting economic development debates.
12. Better understand the ways that NGOs and others active in transnational social movements struggle to get their issues on media and public policy agendas.

Course Requirements:

Problem-Based Learning Group Assignments (55 Points): Four group assignments will be required. These might include written reports, PowerPoint presentations, debates on recent social justice controversies, and written and oral arguments for moot courts. Each group is expected to work together both inside and outside of class. The groups will be required to conduct extensive research in addition to the assigned readings.

Seminar Papers / Individual Assignments (15+ Points): Throughout the semester students will be required to complete 3 to 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 include reaction papers to films, debates on recent social justice controversies, short research papers, or short presentations on court cases.

Event Planning and SJHR Program Building (15 Points): 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 event or in several potential community building exercises for the SJHR program during the semester. A key part of this process will be students reaching out to involve additional members from the community. A short reflection paper will be due after the successful completion of the event or program building exercise.

Scavenger Hunt and Informational Literacy Assignment (15 Points): During the first class session the students will be split into small groups interested in a specific social justice and human rights abuse. They will then be responsible for conducting a scavenger hunt to gather as wide of a variety of resources on that issue as possible. They will collate their information into an annotated bibliography in RefWorks and then develop an outline for a literature review on that issue. Late in the second week of the semester the students will meet with the Instructor to review their progress. The students should be prepared to discuss or present their material in some fashion during the third week of the semester.

Attendance: Since class sessions will be conducted mostly in seminar or group format, attendance, preparation, and participation from all students are crucial for the success of this course. Students missing more than two class periods will lose ten points from their course grade. Excessive tardiness (10 minutes late) counts as an absence. Coming to class consistently unprepared can also lead to a grade reduction.

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

Smith, Rhona K.M., *Textbook on International Human Rights*. Third Edition. 2007.

Collier, Paul., *The Bottom Billion: Why the Poorest Countries are Failing and What Can be Done about It*. 2008.

Bob, Clifford: *The Marketing of Rebellion: Insurgents, Media, and International Activism*. 2005.

Recommended Book

Smith and van den Anker., *The Essentials of Human Rights*, 2005.

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

STUDENTS ARE REQUIRED TO HAVE ACCESS TO BLACKBOARD AND REWORKS!

Course Outline and Schedule

Week 1: Introduction to Social Justice and Human Rights

- Readings: Mamdani, “The Politics of Naming: Genocide, Civil War, Insurgency” or “The Genocide Myth: An interview with Mahmood Mamdani”
OPTIONAL, Simmons, “Problem-Based Learning in a Human Rights Course” (esp. p. 1-7) (www.west.asu.edu/wpsimmons)
- Assigned: Information Literacy Scavenger Hunt (Due in Week 3)

Part I: International Human Rights Law

Week 2: Introduction to International Human Rights Law

- 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, Derogation, Declarations, Treaties, Conventions, Reservations, Ratification, Universalism, Clawback Clauses, UN Treaty System, Regional Human Rights Courts, Committee Against Torture, CEDAW, Periodic Reports,
- Readings: Smith, *Textbook on International Human Rights*, Introduction and Chapters 1-5
Smith, *Texts and Materials on International Human Rights* (Selections)
“Status of Ratifications of the Principal International Human Rights Treaties” (Internet)

Week 3: Regional Human Rights Systems

- Terms: 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, Exhaustion of Domestic Remedies, Provisional Measures, Creative Reparations, Exhaustion of Domestic Remedies
- Readings: Smith, *Textbook on International Human Rights*, Chapters 6-10
Simmons, “Remedies for the Women of Ciudad Juárez through the Inter-American Court of Human Rights”
- Assigned: Presentations for Scavenger Hunt and Information Literacy Assignment

Weeks 4-6: Mock Hearing from the Inter-American Commission on Human Rights

- Readings: TBA
- Assigned: Moot Court on Violence against Women in International Law: *Jessica Gonzales v. U.S.A*

Week 5: Instructor Absent: Group Work Week

Weeks 6-8: Innovative Transnational Remedies and the Limits of Law in the Context of Aboriginal Rights Jurisprudence in Canada

- Terms: Judiciary Act of 1789, Law of Nations, *Filartiga*, Subject Matter Jurisdiction, *Sosa*, *Doe v. Unocal*, Aiding and Abetting, Acquiescence, Convention Against Torture, the

Sparrow Test, *R v. Van der Peet*, *Delgamuukw v. British Columbia*, Sui Generis Rights, Section 35(1), *Mabo*, *Haida*, Judicial Differend, Japanese-American Internment, Disembodiment of Meaning, *Korematsu*, Innu Peoples, Signifiers, Signifieds, Authoritative Signs, “The Non-Recognition of the Particular Other,” “The Disembodiment of a Meant World”, Subaltern, Gayatri Spivak, Post-Colonialism

- Readings: Pasqualucci “The Evolution of International Indigenous Rights in the Inter-American Human Rights System”
Simmons and Coplan, “Innovative Transnational Remedies for the Women of Ciudad Juárez” (Blackboard)
Simmons, “Learning to Learn from Below” (Selections)
Conklin, “The Silence of Suffering”
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”
Declaration on the Rights of Indigenous Peoples (Internet or Handout)
- Movies: *Dancing Around the Table*, Directed by Maurice Bulbulian, 1987.
Bosnia Hotel, Directed by Thomas Balmes
- Assigned: Individual or Small Group Assignment on Specific Human Rights Abuses

Weeks 8-11 Economic Development

- Terms: Poverty Traps, Foreign Aid, Direct Foreign Investment, World Bank, IMF, Globalization, Neo-Liberal Trade Policies, Military Intervention, Participatory Orthodoxy, Participation as Tyranny, Foucault, Structural Violence, Rights-Based Approaches to Development
- Readings: Peter Singer, “What Should a Billionaire Give – and What Should You?” (I)
Collier, Paul. *The Bottom Billion*
Millennium Development Goals 2008 Report (Internet)
Self Paced Online Course on Core Concepts on MDGs (www.undg.org/mdgcourse/) (Optional)
Easterly, William, *The Elusive Quest for Growth* (Selections)
Sachs, Jeffrey (Director), *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (Appendix 1)
Narayan, Deepa, et al., *Crying out for Change* (Selections, Internet)
Cooke, Bill, “Rules of Thumb for Participatory Change Agents”
Williams, Glyn, “Evaluating Participatory Development: Tyranny, Power and Re(Politicisation)”
Participation: The New Tyranny? (Selections)
Rights-Based Development (Selections)
- Movies: *Life 4* (Selected Episodes)
- Assigned: Critical MDGs in Specific Countries
Participation as Panacea or Tyranny in the Context of Specific NGOs?

We are no closer to a useable blueprint for development than we were 50 years ago. It is true that we now think we know which blueprints to avoid, but it is not always clear that we know why (Abhijit Banerjee, 2004).

Weeks 11-14: Human Rights and Social Justice NGOs

Terms: Social Movements, Transnational Activist Networks, Supply Side and Demand Side Marketing, Ogoni Peoples, MOSOP, Ken Saro-Wiwa, Zapatistas, Chiappas, Subcomandante Marcos, Matching, Marketing of Rebellion

Readings: Bob, Clifford. *The Marketing of Rebellion*
Hopgood, Stephen. *Keepers of the Flame: Understanding Amnesty International* (Selections)

Assigned: Individual or Small Group PBL Assignment on Agenda Setting and Social Movements in the U.S. Yesterday and Today