

# POLI 4505: HUMAN RIGHTS – LEGAL ISSUES (FALL 2022, W: 14:35-17:25)

*Dalhousie University is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We are all Treaty people.*

Dr. Mikhail Bjørge

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Office Hours: Thursday 14:00 – 15:00

Marion McCain 3054

## Course Description

What are human rights and where did the notion come from? For such a contemporarily ubiquitous notion “human rights” has a complex history and rather tortured present. With a focus on law, jurisprudence, and legal regimes, this course traces the rise of rights and their discourse from the enlightenment through to contemporary legal contexts, and more specifically quasi-legal, institutionalization. A central theme of the course will be theories and approaches to justice, and their relation to the force of law and the challenges of legal systems and obligations.

## Course Location & Time

- Marion McCain 2016
- Wednesday: 14:35 (2:35) – 17:25 (5:25)

## Course Objectives

You will all have different hopes and goals for this course, but no matter where you start, you will have the opportunity in POLI 4505 to: 1) expand your knowledge and understanding of law, rights, and human rights 2) explore the significance of different interpretations or perspectives on important events and theories within this area 3) develop your individualized skills and general knowledge.

Course content, assignments, and activities are designed to work together towards these goals so that by the end of the course you are able to: 1) explain, analyze, and connect the course content 2) situate the material within its broader historical, contemporary, and theoretical context 3) recognize how this material shapes the world in which we live and 4) demonstrate and apply developed or refined skills in research, analysis, writing, and communication.

Students will lead at least one seminar each as a group, with detailed help from the instructor. Students will also present their finished work, after going through peer-review, at a mini-conference at the conclusion of the term.

## Readings

All course-necessary readings will be provided electronically or are available for free from the library.

## Office Student Hours

“Office hours” are generally underutilized by students. Some misunderstand them to be time during which the professor should not be disturbed, while others feel reluctant or ill-equipped to advocate for themselves. In reality, this is time scheduled *specifically for you*. Whether you would like to discuss a grade, clarify course material, or simply chat, you are highly encouraged to use this time to your benefit. Office hours are on Thursdays from 3:00-4:00 or by appointment. Office hours are also available online by request.

## Email Policy

You can expect a response to email inquiries within 48 hours. Please include the course code in the subject line and send all emails from your Dalhousie address.

If you require immediate assistance, include URGENT in the subject line. This is for emergencies only – it is not a way to jump the queue or a solution for questions and requests left to the last minute.

## Assignments, Due Dates, and Grade Weights

Students will be required to lead one seminar each (as a team). Sign up is on the first day on 7 September. The first two groups to lead seminar will receive a small bonus in the service of basic fairness. All students are expected and required to actively participate in class by closely and critically engaging with the assigned readings before class, and by following the questions and guidance of seminar leaders and the professor. Participation is extremely important – *however*: ensure that respect, decency, and decorum remain paramount. While these are challenging and contentious topics, intellectual rigour never means rancour nor condescension.

There are two reading responses to be done, and one can be the assigned week to lead seminar. These are to be critical and insightful contemplations on the readings, in accordance with the questions posed. Reading responses must be handed in before the date and must be bifurcated by term.

The book review is due 13 October. A list will be provided, but students are encouraged to critically review something within their field of specialization or interest.

The essay is due 3 November in rough draft form for instructor, and then peer review, then final submission. The final drafts will be presented in class on the final two dates as a class seminar. Papers will undergo peer review from students with related interests in the week before. Final drafts are then due on the final day of class following presentation

and response. Students presenting in the first week of the in-class conference will receive a small bonus mark in lieu of extra writing time for those presenting the following week.

Components	Weight
Participation	20%
Seminar Guidance	5%
Reading Responses: 2 x 7.5% (One due in each half)	15%
~1000-word Book review of a recent (last ~ten years) book or monograph on human rights and: the law, jurisprudence, or international relations (19 October)	15%
~2500 word essay on human rights (including draft due 16 November)	30%
Conference presentation & peer review (Nov. 30 & Dec. 7)	15%

### Course and Reading Schedule

🕒 Lecture Topic   📖 Readings   📅 Assignment Due   ! Reminder

#### **7 September 2022**

🕒 Course Introduction & The Idea of “Human Rights”  
! Seminar leads sign-up

#### **14 September 2022**

🕒 The State of the field: Rights, Teleology, and Context  
 📖 Micheline R. Ishay, *The History of Human Rights From Ancient Times to the Globalization Era*. Introduction & Chapter 1 & 2.  
 📖 Samuel Moyn, “Human Rights in History” in *Human Rights and the Uses of History*

#### **21 September 2022**

🕒 Understanding the individual in Common Law: Early rights discourse, Personhood, Slavery, and the *Somerset Case*  
 📖 George Van Cleve, “Somerset's case and its antecedents in imperial perspective.” *Law and History Review* 24, no. 3 (2006): 601-646.  
 📖 Stefan-Ludwig Hoffmann, *Genealogies of Human Rights*, Introduction

#### **28 September 2022**

🕒 Athenian Slavery to American Slavery: Unfree Labour, Law, and Human Rights  
 📖 Edward B. Rugemer, “The Southern Response to British Abolitionism: The Maturation of Proslavery Apologetics,” *The Journal of Southern History*, 2004, Vol. 70:2 (May, 2004), 221-248.  
 📖 Ellen Meiksins-Wood, *Democracy Against Capitalism* (Cambridge University Press, 1995), “Labour and democracy, ancient and modern” & “The demos versus ‘we, the people’: from ancient to modern conceptions of citizenship.”

## 5 October 2022

- † Colonialism, Law, and the Rise of Rights in Imperial Context
  - 📖 Ellen Meiksins-Wood, *Empire of Capital*

## 12 October 2022

- † Industrialization, the Legal State, and Internationalizing Rights Regimes (or not)
  - 📖 Micheline R. Ishay, *The History of Human Rights From Ancient Times to the Globalization Era*. Chapter 3 & 4.
  - 📖 Film: *King Leopold's Ghost* - <https://www.youtube.com/watch?v=8tSi4EZn-Kg>
    - ! Book Review due the following week

## 19 October 2022

- † Towards institutionalization: Human Rights and Inchoate International Law
  - 📖 Mark Mazower, "The strange triumph of human rights, 1933–1950." *The Historical Journal* 47, no. 2 (2004): 379-398.
  - 📖 Geoffrey Wawro, *From Nuremberg to the Hague: the future of international criminal justice* (Cambridge University Press, 2003), Chapters 2 & 3.
    - 📖 1936 Constitution of the USSR, Chapter X (1 page)
      - ⬇️ Book Review Due

## 26 October 2022

- † Human Rights in the Postwar Era
  - 📖 Mitchell Cohen, "T.H. Marshall's "Citizenship and Social Class"
  - 📖 Leszek Kolakowski, "Marxism and human rights." *Daedalus* (1983): 81-92.
  - 📖 Steven Jensen, *The making of international human rights: the 1960s, decolonization, and the reconstruction of global values* (Cambridge University Press, 2016), Introduction & Chapter 1.
    - ! Rough draft due the next week

## 2 November 2022

- † Contemporary International Human Rights Law in Context
  - 📖 William Schabas, *The Customary International Law of Human Rights* (Oxford University Press, 2021), Introduction, Chapters 1 & 2.
  - 📖 Moyn, "Of Deserts and Promised Lands: On International Courts" in *Human Rights and the Uses of History*

## 16 November 2022

- † International Human Rights Law in Practice
  - 📖 Lynn Hunt, "The Soft Power of Humanity" Why Human Rights Failed, Only to Succeed in the Long Run" in *Inventing Human Rights*.
  - 📖 Costas Douzinas, "The Poverty of (rights) Jurisprudence" in *The Cambridge Companion to Human Rights Law*
    - ⬇️ Rough draft due

## 23 November

† Whither “Human Rights?” Legal Potentials and the Way Forward

☞ Tricia Redeker Hepner and Heather Smith-Cannoy. "Introduction to human rights on the edge: The future of international human rights law and practice." *Journal of Human Rights* 21, no. 2 (2022): 118-122.

☞ Robin Blackburn, “Reclaiming Human Rights,” *New Left Review*, 69, 2011.

☞ Hakimeh Saghave-Biria, "Decolonizing the “universal” human rights regime: Questioning American exceptionalism and orientalism." *ReOrient* 4, no. 1 (2018): 59-77.

## November 30 & December 7 2022

Class Conference Presentations

δυνατά δὲ οἱ πρὸυχόντες πρᾶσσουσι καὶ οἱ ἀσθενεῖς ξυγχοροῦσιν

### Accessibility

Students with diverse learning styles and needs are welcome in this course.

The Student Accessibility Centre is Dalhousie's centre of expertise for matters related to student accessibility and accommodation.

If there are aspects of the design, instruction, and/or experiences within this course (online or in-person) that result in barriers to your inclusion please contact:

- Student Accessibility Centre ([https://www.dal.ca/campus\\_life/academic-support/accessibility.html](https://www.dal.ca/campus_life/academic-support/accessibility.html)) for all courses offered by Dalhousie with the exception of Truro
- Student Success Centre in Truro for courses offered by the Faculty of Agriculture (<https://www.dal.ca/about-dal/agricultural-campus/student-success-centre.html>)

### COVID-19

All students are required to comply with health and safety requirements on campus and should be considerate of others' health concerns. Non-compliance may be reported under the Code of Student Conduct: [https://www.dal.ca/campus\\_life/safety-respect/student-rights-and-responsibilities/student-life-policies/code-of-student-conduct.html](https://www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/student-life-policies/code-of-student-conduct.html)

### Conduct in the Classroom – Culture of Respect

Substantial and constructive dialogue on challenging issues is an important part of academic inquiry and exchange. It requires willingness to listen and tolerance of opposing points of view. Consideration of individual differences and alternative viewpoints is required of all class members, towards each other, towards instructors,

and towards guest speakers. While expressions of differing perspectives are welcome and encouraged, the words and language used should remain within acceptable bounds of civility and respect.

#### Diversity and Inclusion – Culture of Respect

Every person at Dalhousie has a right to be respected and safe. We believe inclusiveness is fundamental to education. We stand for equality. Dalhousie is strengthened in our diversity. We are a respectful and inclusive community. We are committed to being a place where everyone feels welcome and supported, which is why our Strategic Direction prioritizes fostering a culture of diversity and inclusiveness (Strategic Priority 5.2). (Read more: <http://www.dal.ca/cultureofrespect.html>)

#### Doing History at Dalhousie

It is recommended that you familiarize yourself with this exceptionally useful document in advance of the course:

[https://cdn.dal.ca/content/dam/dalhousie/pdf/fass/history/Doing%20History%20at%20Dalhousie%20September%202019%20\(003\).pdf](https://cdn.dal.ca/content/dam/dalhousie/pdf/fass/history/Doing%20History%20at%20Dalhousie%20September%202019%20(003).pdf)

#### Internationalization

At Dalhousie, ‘thinking and acting globally’ enhances the quality and impact of education, supporting learning that is “interdisciplinary, cross-cultural, global in reach, and orientated toward solving problems that extend across national borders.”

<https://www.dal.ca/about-dal/internationalization.html>

#### Fair Dealing Policy

The Dalhousie University Fair Dealing Policy provides guidance for the limited use of copyright protected material without the risk of infringement and without having to seek the permission of copyright owners. It is intended to provide a balance between the rights of creators and the rights of users at Dalhousie. (Read more:

[https://www.dal.ca/dept/university\\_secretariat/policies/academic/fair-dealing-policy-.html](https://www.dal.ca/dept/university_secretariat/policies/academic/fair-dealing-policy-.html))

#### Student Use of Course Materials

These course materials are designed for use as part of the HIST 3226 course at Dalhousie University and are the property of the instructor unless otherwise stated. Third party copyrighted materials (such as books, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law. Copying this course material for distribution (e.g. uploading to a commercial third-party website) may lead to a violation of Copyright law.

#### University Policies, Guidelines, and Resources for Support

Dalhousie courses are governed by the academic rules and regulations set forth in the University Calendar and the Senate. Important student information, services and resources are available as follows:

- Important Dates in the Academic Year (including add/drop dates)  
[http://www.dal.ca/academics/important\\_dates.html](http://www.dal.ca/academics/important_dates.html)
- Classroom Recording Protocol  
[https://www.dal.ca/dept/university\\_secretariat/policies/academic/classroom\\_recording\\_protocol.html](https://www.dal.ca/dept/university_secretariat/policies/academic/classroom_recording_protocol.html)
- Dalhousie Grading Practices Policy  
[https://www.dal.ca/dept/university\\_secretariat/policies/academic/grading-practices-policy.html](https://www.dal.ca/dept/university_secretariat/policies/academic/grading-practices-policy.html)
- Grade Appeal Process [https://www.dal.ca/campus\\_life/academic-support/grades-and-student-records/appealing-a-grade.html](https://www.dal.ca/campus_life/academic-support/grades-and-student-records/appealing-a-grade.html)
- Sexualized Violence Policy  
[https://www.dal.ca/dept/university\\_secretariat/policies/health-and-safety/sexualized-violence-policy.html](https://www.dal.ca/dept/university_secretariat/policies/health-and-safety/sexualized-violence-policy.html)
- Scent-Free Program <https://www.dal.ca/dept/safety/programs-services/occupational-safety/scent-free.html>
- General Academic Support – Advising [https://www.dal.ca/campus\\_life/academic-support/advising.html](https://www.dal.ca/campus_life/academic-support/advising.html) (Halifax)
- Student Health & Wellness Centre: [https://www.dal.ca/campus\\_life/health-and-wellness.html](https://www.dal.ca/campus_life/health-and-wellness.html)
- On Track (helps you transition into university, and supports you through your first year at Dalhousie and beyond: [https://www.dal.ca/campus\\_life/academic-support/On-track.html](https://www.dal.ca/campus_life/academic-support/On-track.html))
- Indigenous Student Centre  
[https://www.dal.ca/campus\\_life/communities/indigenous.html](https://www.dal.ca/campus_life/communities/indigenous.html)
- Elders-in-Residence (The Elders in Residence program provides students with access to First Nations elders for guidance, counsel and support. Visit the office in the Indigenous Student Centre or contact the program at [elders@dal.ca](mailto:elders@dal.ca) or 902-494-6803)  
<https://cdn.dal.ca/content/dam/dalhousie/pdf/academics/UG/indigenous-studies/Elder-Protocol-July2018.pdf>
- Black Student Advising Centre [https://www.dal.ca/campus\\_life/communities/black-student-advising.html](https://www.dal.ca/campus_life/communities/black-student-advising.html)

- International Centre [https://www.dal.ca/campus\\_life/international-centre.html](https://www.dal.ca/campus_life/international-centre.html)
- South House Sexual and Gender Resource Centre <https://southhousehalifax.ca/about/>
- LGBTQ2SIA+ Collaborative <https://www.dal.ca/dept/hres/education-campaigns/LGBTQ2SIA-collaborative.html>
- Dalhousie Libraries <http://libraries.dal.ca>
- Copyright Office <https://libraries.dal.ca/services/copyright-office.html>
- Dalhousie Student Advocacy Services <https://www.dsu.ca/student-advocacy-service>
- Dalhousie Ombudsperson [https://www.dal.ca/campus\\_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html](https://www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html)
- Human Rights and Equity Services <https://www.dal.ca/dept/hres.html>
- Writing Centre [https://www.dal.ca/campus\\_life/academic-support/writing-and-study-skills.html](https://www.dal.ca/campus_life/academic-support/writing-and-study-skills.html)
- Study Skills/Tutoring [http://www.dal.ca/campus\\_life/academic-support/study-skills-and-tutoring.html](http://www.dal.ca/campus_life/academic-support/study-skills-and-tutoring.html)