

HUMAN RIGHTS
POLSCI 4HR3
Winter 2023, Term 2

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Seminar: Friday 11:30 – 14:20
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Office Hours: Tuesday 14:00-16:00 &
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Course Description

This fourth-year seminar examines and discusses the uneasy balance between progress and regression in the field of human rights; the trade-off between political expediency and human rights (especially in the context of international relations); the diminishing returns for the human rights cause resulting from globalization and neo-liberal economic hegemony, and the development of a transgressive individualism that undermines progress towards a more egalitarian society and democratic polity.

Course Objectives

By the end of the course students should be able to understand the complex relationship between politics and human rights, differentiate between normative and practical implementation of human rights, and assess the progress and regression that human rights experience domestically as well as internationally.

Required Materials and Texts

All required readings are available online and in Avenue to Learn (A2L). Online materials can be accessed through the database at the McMaster Library with students' ID card. The following journals are available online and can be downloaded through the McMaster Library. They can assist students in the preparation of the research paper, and in examining in greater detail some of the issues discussed in class:

[Harvard Human Rights Journal](#)

[Human Rights Law Review](#)

[Journal of Human Rights](#)

[Journal of Human Rights Practice](#)

[The International Journal of Human Rights](#)

Class Format

This is a fourth-year seminar and students are expected to be actively involved in class participation and class presentations. Lectures by the instructor will be given before class presentations get underway. Classes will be held in person. Attending classes is an important part of the learning and teaching process. Required readings provide a general background to issues discussed in class and they are complemented and enhanced by the instructor's and students' additional perspectives. Questions pertaining to required readings are welcome in class and during office hours. Assignments, i.e., research paper and examinations must reflect familiarity with readings and class discussions. Relevant films may be shown in class.

Course Evaluation – Overview

1. Mid-term take-home examination worth 20 % of the course grade.
2. Research paper worth 25 % of the course grade (5 + 20).

3. Class presentation worth 20 % of the course grade.
4. End-of-term take-home examination worth 25 % of the course grade.
5. Class participation worth 10 % of the course grade.

Course Evaluation – Details

Mid-term take-home exam (20%), due 19 February by 11:59 pm

The mid-term take-home examination will be delivered on 17 February noon time, and it is due 19 February by 11:59 pm. The exam will be posted in A2L by noon time on 17 February. Exam must be emailed to gallegui@mcmaster.ca. The format of this exam includes 2 parts: Part I asks students to identify, explain the meaning, and discuss the significance of 3 notions and concepts discussed in class. It counts for 45 % of the test. Part II asks students to answer an essay question. It counts for 55 % of the exam.

Research Paper (25% - 20 + 5), due 17 March by 11:59 pm

The research paper is due on 17 March by 11:59 pm. Students must submit an Outline/Proposal of the topic they have chosen for their research by 3 February and receive the Instructor's approval before pursuing their research. For more instructions go to pages 7-9.

Class Presentation (20%)

Class presentation is a group assignment. Students must choose one of the class topics scheduled in this Outline and take responsibility for presenting the topic, raising questions, and engaging the class in an in-depth discussion of the subject matter at hand. Students must indicate their choice of topic by the second week of classes, otherwise they will be assigned by the instructor to a particular group. Presentations must include additional readings, films, documentaries, and the like.

End-of-term take-home exam (25%), due 1 April by 11:59 pm

The end-of-term take-home examination will be delivered on 31 March by noon time and due back on 1 April by 11:59 pm. Exam must be emailed to gallegui@mcmaster.ca. The format of this exam includes 3 parts: Part I asks students to identify, explain the meaning, and discuss the significance of 3 notions and concepts discussed in class. It counts for 30 % of the test (10 points for each notion). Part II asks students to answer an essay question. It counts for 40 % of the test. Part III asks students to answer one essay question from several that will be posted in the test. It counts for 30 % of the test. The exam is cumulative.

Class Participation (10%)

Class participation involves regular attendance and active engagement with readings and instructor's lectures. Only one class absence will not be counted in the determination of the grade. Grades are at the Instructor's discretion.

Weekly Course Schedule and Required Readings

Week 1 (13 January)

Topic: Discussion of the course's contents, students' assignments, and McMaster University Academic Policies.

Introduction to the Course: The state of the art in Human Rights: Is there Progress and/or Regression? The loss of empathy and collective solidarity in the 'globalized world'. The development of 'transgressive individualism' and identity politics. From Islamic extremism to right-wing paramilitaries to police brutality to 'wars without end' to Covid-19 pandemic human rights limitations. The 'failure' of international and national organizations. Making the same mistake again and again. 'Ego vox clamantis deserto'.

Required readings

Professor's lecture

Week 2 (20 January)

Topic: A brief review of human rights: From the historically concrete origins of human rights to the claims and counter claims of their universality. The appropriation of the human rights agenda by its detractors. The 'excessive theorization' of human rights.

Required readings

Howard-Hassmann, Rhoda. "Historical Amnesia, Genocide, and the Rejection of Universal Human Rights" (2013), in *Human Rights at the Crossroads*, edited by Mark Goodale: Oxford University Press, NY. Ch.13: 172-182. (available in A2L)

Goldstein, Daniel. "Whose Vernacular? Translating Human Rights in Local Contexts" (2013), in *Human Rights at the Crossroads*, edited by Mark Goodale: Oxford University Press, NY. Ch. 8: 111-121. (available in A2L)

Churchill, Robert. "Debating the Universality of Human Rights" (2006), in *Human Rights and Global Diversity*, by Robert Churchill: Pearson Prentice Hall: NJ. Ch. 42-88. (available in A2L)

Week 3 (27 January)

Topic: The codification of the human rights agenda. The UN Universal Declaration of Human Rights. The International Covenant on Economic, Social, and Cultural Rights. The International Covenant on Civil and Political Rights. The organizational 'boom' on human rights.

Required readings

Vincent, Andrew. "Structures of Human Rights, Ch. 5: 130-157, and "The Political Dialectic of Human Rights", Ch. 6: 158-179, in *The Politics of Human Rights* (2011) by Andrew Vincent: Oxford University Press, NY. (available in A2L)

Week 4 (3 February)

Topic: Human Rights and Development.

Required readings

McInerney-Lankford, Siohban, "Human Rights and Development: a Comment on Challenges and Opportunities from a Legal Perspective" (2009), in *Journal of Human Rights Practice*, vol. 1, Number 1, March, 51-82. (available online)

Rajagopal, Balakrishnan. "Counter-hegemonic International Law: rethinking human rights and development as a Third World strategy" (2006), in *Third World Quarterly*, Vol. 27, No 5, 767-783. (available online)

Week 5 (10 February)

Topic: Canada and Human Rights: From Shame to Soft Power to Self-Gratification.

Required readings

Brysk, Alison. "The Other America: Canada" (2009), Ch. 4: 66-94, and "Conclusion: The World Needs More Canada", Ch. 10: 220-234, in *Global Good Samaritans: Human Rights as Foreign Policy*, by Alison Brysk: Oxford University Press: NY. (A2L)

Week 6 (17 February)

Topic: Torture: Why does it persist?

Required readings

Nowak, Manfred. "Fact-Finding on Torture and Ill Treatment and Conditions of Detention" (2009), in *Journal of Human Rights Practice*, Vol. 1, Number 1, March, 101-119. (available online)

Film: "Ghost of Abu Ghraib".

NOTE: Mid-term, take-home examination delivered today at noon and due tomorrow by 11:59 pm

Week 7 (20-26 February) Mid-term Recess. No classes held this week.

Week 8 (3 March)

Topic: Massive Human Rights Tragedy: Rwanda

Required readings

Strauss, Scott. "The Limits of a Genocide Lens: Violence Against Rwandans in the 1990s" (2019), in *Journal of Genocide Research*, Vol. 21, No 4, 504-524 (available online)

Film: "Shake Hands with the Devil: The Journey of Romeo Dallaire"

Week 9 (10 March)

Topic: Massive Human Rights Tragedy: Egypt's "democratic spring".

Required readings

Freedom House. "Egypt. Freedom in the World 2021 Country Report" (available online at <http://freedomhouse.org>)

Film: PBS Frontline: "Egypt in Crisis".

Week 10 (17 March)

Topic: (General) Pinochet and the 'new' principle of universal jurisdiction and the Instrumentalization of Human Rights.

Required readings

Bianchi, Andrea. "Immunity Versus Human Rights: The Pinochet Case" (1999), in *European Journal of International Law*, Vol. 10, No 2, 237-277. (available online)

Film: "The Obstinate Memory".

NOTE: Research Paper is due 17 March, today, by 11:59 pm

Week 11 (24 March)

Topic: Reconciliation and Truth Commissions: The Case Study of South Africa.

Required Readings

Gibson, James. "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process" (2004), in *American Journal of Political Science*, Vol. 48, No 2, April, 201-217 (available online)

Lerche, Charles. "Truth Commissions and National Reconciliation: Some Reflections on Theory and Practice" (2000), in *Peace and Conflict Studies*, Vol. 7: No 1, Article 1, May, 1-23. (available online)

Recommended readings

Minow, Martha. "Between Vengeance and Forgiveness: South Africa's Truth and Reconciliation Commission" (1998), in *Negotiation Journal*, October, 319-355. (available online)

Week 12 (31 March)

Topic: The Covid-19 Pandemic and Collective and Individual Human Rights

Required readings

Human Rights Watch (2021). Future Choices. Charting and Equitable Exit from the Covid-19 Pandemic.

NOTE: End-of-Term Examination delivered today; due tomorrow 1 April by 11:59.

Week 13 (7 April)

Topic: Review. The State of the Art in the Human Rights Field.

Lecture by Instructor.

Course Policies

Submission of Assignments

This research paper is due on 18 March 2023 by 11:59 pm. It must be submitted electronically and addressed to gallegui@mcmaster.ca. The paper should examine and discuss one of the topics listed below by using supplementary, primary and/or secondary, reading materials relevant to the argument. The essay must not be solely based on the course's required readings. This assignment has two components, and both will be reflected in the grade assigned to it. First, students must electronically submit an outline of the intended research that includes the research question, preliminary hypothesis or argument, evidence, causes, and bibliography by Friday, 3 February 2023 by 11:59 pm for the instructor's approval and feedback. The electronic outline must be addressed to gallegui@mcmaster.ca. This outline must be about three-to-four double-space typed pages. It is worth 5 % of the assignment. Next, students must submit the fully edited final version of their research paper, including all preliminary work with the instructor's comments. Papers can be submitted early. Final paper is worth 20% of the assignment.

Somewhere between 12 to 15 pages, not including title page and bibliographical references would be an adequate length for this essay. Follow the APA or the Chicago Manual of Style guidelines for the writing of academic papers. Standard use of bibliographical references is a must. The paper must be typed; have a title page; all pages numbered; lines double-spaced; and wide margins (standard word processor format) left for comments. An electronic copy of the Outline and the final paper (in Word format) must be submitted to the instructor at gallegui@mcmaster.ca. The outline and final paper should include a statement by the student that the paper is original, and that no plagiarism was committed in its development and production. Academic offences (plagiarism and else) will be penalized in accordance with the regulations set by the University Senate.

Topics: Choose one of the topics listed below to start the research process. No other topics will be allowed unless authorized by the Instructor. These are broadly stated, open-ended suggested areas of research. Proceed by designing your own research question (main and secondary ones), and state it in question form. Follow that with a declaratory sentence that states the objectives of your research; indicate the preliminary evidence you have to support your research question; include probable causes of the problem and add a tentative bibliography of the works you intend to use in the research. Approval and feedback from the instructor must be obtained before embarking on the research and writing of this assignment (nb: outline due on 3 February 2023):

1. Right-wing, conservative political regimes' claims about inventing, respecting, promoting, and entrenching individual, social, cultural, indigenous and environmental human rights are betrayed by a history that shows their early opposition to said human rights.

2. Non-Western rulers' claims that Western standards of human rights are inimical to their societies and cultures ought to be rejected as self-serving and contrary to the universality of human rights.
3. Today's freedom of religion has become freedom to practice religious intolerance as well as oppose other individual and collective human rights.
4. Entitlement claims by some interest groups, especially those reflected in so-called 'identity politics', weaken, dilute, and obfuscate the universal meaning and practice of human rights.
5. Endless wars, whether international or domestic, are the greatest threats to democracy and human rights.
6. So-called Humanitarian Intervention by Western powers, and their Third World surrogates, is a major threat to human rights.
7. Canada's claims to be a paragon in the international human rights stage are hard to reconcile with historical and contemporary evidentiary facts.
8. The enhancement of a positive human rights culture can only come about with a forceful application of international law by duly constituted international organizations through democratic representation.

Grades

Grades will be based on the McMaster University grading scale:

MARK	GRADE
90-100	A+
85-90	A
80-84	A-
77-79	B+
73-76	B
70-72	B-
67-69	C+
63-66	C
60-62	C-
57-59	D+
53-56	D
50-52	D-
0-49	F

Late Assignments

- Late submission of Outline of research paper will be penalized with one-point deduction for each day of delay. After 5 days students must still submit the outline. Late submission of research paper will be penalized with one sub-letter

grade deduction for each working day of delay, up to a maximum of one week (7 days from the due date). After one week, the Instructor may refuse to accept a late paper unless proper medical certification stating a prolonged inability to fulfil academic responsibilities is provided. Medical notes will be verified for authenticity. Marks for papers accepted by the Instructor after one week of lateness will be dropped by one letter grade. Students must talk to the Instructor with anticipation if they believe they will need a legitimate extension. Other courses' or work's responsibilities are not accepted as legitimate excuses.

- Missed take-home examinations will be re-scheduled at the Instructor's discretion and only in case of medical reasons or an exceptional emergency situation. A Dr.'s note will be verified for authenticity. No make-up examinations will be held after one week from the missed test. Students who miss a make-up examination will be assigned a Grade of Zero (0). All requests for a make-up examination must be made to the instructor immediately after the missed examination by email addressed to gallegui@mcmaster.ca. The instructor does not weight, balance, or pool missed assignments.
- No accommodation will be considered for students who fail to attend regular in-person classes. Participation marks are at the instructor's discretion.

Absences, Missed Work, Illness

McMaster Student Absence Form (MSAF): In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar "Requests for Relief for Missed Academic Term Work".

Courses with an On-Line Element

Some courses may use on-line elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, private information such as first and last names, usernames for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in a course that uses on-line elements will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure, please discuss this with the course instructor.

Online Proctoring

Some courses may use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and record their computer activities, and/or lock/restrict their browser or other applications/software during tests or exams. This software may be required to be installed before the test/exam begins.

Authenticity / Plagiarism Detection

Some courses may use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software.

All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). For more details about McMaster's use of Turnitin.com please go to www.mcmaster.ca/academicintegrity.

Copyright and Recording

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors

The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done by either the instructor for the purpose of authorized distribution, or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the [RISO](#) policy. Students should submit their request to their Faculty Office **normally within 10 working days** of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

Academic Integrity Statement

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. **It is your responsibility to understand what constitutes academic dishonesty.**

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university. For information on the various types of academic dishonesty please refer to the [Academic Integrity Policy](https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/), located at <https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/>

The following illustrates only three forms of academic dishonesty:

- plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
- improper collaboration in group work.
- copying or using unauthorized aids in tests and examinations.

Conduct Expectations

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [Code of Student Rights & Responsibilities](#) (the “Code”). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online**.

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students’ access to these platforms

Academic Accommodation of Students with Disabilities

Students with disabilities who require academic accommodation must contact [Student Accessibility Services](#) (SAS) at 905-525-9140 ext. 28652 or sas@mcmaster.ca to make arrangements with a Program Coordinator. For further information, consult McMaster University’s [Academic Accommodation of Students with Disabilities](#) policy.

Faculty of Social Sciences E-mail Communication Policy

Effective September 1, 2010, it is the policy of the Faculty of Social Sciences that all e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student’s own McMaster University e-mail account. This policy protects confidentiality and confirms the identity of the student. It is the student’s responsibility to ensure that communication is sent to the university from a McMaster

account. If an instructor becomes aware that a communication has come from an alternate address, the instructor may not reply at his or her discretion.

Course Modification

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check his/her McMaster email and course websites weekly during the term and to note any changes.

Extreme Circumstances

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.