



SCHOOL OF SOCIAL AND CULTURAL STUDIES

Te Kura Mahinga Tangata

Institute of Criminology

CRIM 423

Liberties, Rights and Justice

Course Outline

CRN 10440: 30 POINTS: TRIMESTERS 1&2/2012

Trimester Dates: 5 March – 17 November 2012

Teaching dates: 5 March - 19 October 2012

Mid-trimester break Trimester One: 6 - 22 April 2012

Mid-trimester break Trimester Two: 27 August - 9 September 2012

COURSE COORDINATOR: DR ELIZABETH STANLEY

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LECTURES: THURSDAY : 9 – 11AM: MY631

Institute of Criminology

CRIM 423 – 2012

Liberties, Rights and Justice

	Thursdays 9–11am, MY631
8 March	Emergence and Consolidation of Human Rights
15 March	Contemporary Theoretical Debates
22 March	The Legal and Regulatory Framework
29 March	Slavery and Development
5 April	National Security and Terrorism
	Mid Trimester Break: 6 – 22 April 2012
26 April	Borders and Technologies of Control
3 May	Torture and Degrading Treatment
10 May	'Disappearances'
17 May	Genocide and Humanitarian Intervention
31 May	'Truth' and 'Justice'
7 June	Developing a Critical Perspective on Rights
	Mid Trimester Break: 11 June – 13 July 2012

	Thursdays 9–11am, MY631
19 July	Student Presentations and Class Debate
26 July	Student Presentations and Class Debate
2 August	Student Presentations and Class Debate
9 August	Student Presentations and Class Debate
16 August	Student Presentations and Class Debate
23 August	Research Essay Supervision Meeting
	Mid Trimester Break: 27 August – 7 September 2012
13 September	Research Essay Supervision Meeting
20 September	Research Essay Supervision Meeting
27 September	Research Essay Supervision Meeting
4 October	Research Essay Hand-In

**Preamble to the 'Universal Declaration of Human Rights', adopted
and proclaimed by the General Assembly of the UN
10 December, 1948.**

Whereas recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which individuals shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas member states have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, therefore, the General Assembly:

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of the Member States themselves and among the peoples of territories under their jurisdiction.

Course Co-ordinator: Dr Elizabeth Stanley
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Lecture Times: Thursdays, 9 – 11am in MY631

Office Hours: Lizzy will be available immediately after the sessions, and also by appointment.

Notice Board: The Criminology noticeboards are located on level 9 and 11 of the Murphy Building. Further information will be posted here and via e-mail.

Support Services: The Student Services Group, at 14 Kelburn Parade, offers additional student learning support, disability support and counselling for students.

Course Overview

The dust had hardly settled on Hiroshima when the UN General Assembly, after much negotiation, debate and equivocation, adopted the 30 Articles of the Universal Declaration of Human Rights. It was the declared intention that an international bill, supported by laws and policies within member states, would set a human rights agenda for the second half of the twentieth century. Never again would the atrocities and genocide of World War II be repeated. As the ink was drying on the pages of the Declaration, the American [UN] intervention in Korea was on the horizon, Europe was about to be carved up between the allied 'super powers' and the Cold War, giving rise to a proliferation of nuclear weaponry beyond conceptualisation at the time, was a fast-emerging reality.

If the post-war period is to be typified by anything in relation to the Universal Declaration, it has been that of the spectacular failure of member states in their political action to realise the political rhetoric of the Bill. Any brief examination of recent global history and current affairs demonstrates the durability of the world-at-war. It underlines the fragility and temporary nature of peace and demonstrates the reluctance of nation states to negotiate and settle differences. The euphoria of so-called 'post-communism' has masked the reality of continuing conflict and human rights violations. Indonesia's presence in West Papua, Burma's use of labour camps to build a tourist industry, the consolidation of nation-state borders and the treatment of asylum seekers in liberal democracies, the use of rape and sexual violence as a military weapon in Bosnia-Herzegovina and Darfur, the use of torture by US-led officers in the 'war on terror' and the impunity of Pinochet are different but contemporary reminders of the typicality of human rights abuses. Each is supported by powerful western political and economic interests ranging from those held by powerful states to the international arms trade. Following the attack on September 11th 2001, the erosion of rights has been defended under the rubric of 'security' and national interests.

This is the international context in which the Universal Declaration is supposed to operate and have some effect. The principles, however, remain clear, establishing a commitment to identifiable political objectives. The first is that there should be fundamental and inalienable rights reflecting and maintaining equality of all individuals. This is connected to a second principle - that of universality. A third principle relates to the material world [freedom from fear and want] and intellectual expression [freedom of speech and expression]. Fourth, the development and progression of the collective is underpinned by equal rights of individuals, regardless of differences in politics, religion, gender, and so on. A fifth principle establishes the promotion of human rights and fundamental freedoms without interfering with the sovereignty of nation-states. But what does the 'promotion' of human rights mean in practice?

In the attempt to gain commitment of member states, the wording of the Universal Declaration was moderated. A responsibility was placed on "every individual" and "every organ" of society to "strive by teaching and education to promote respect" for rights and freedoms. This statement, however laudable, hardly carried the weight of an enforceable instruction. The Declaration called for "progressive measures, national and international" in the securing of "universal and effective recognition" in order to achieve rights and freedoms. The process of moderation was informed by a reluctance to interfere with the sovereignty of member states. Inevitably, sovereignty was, and remains, a serious issue for any international body which attempts to impose rules or laws across member states. This has become apparent not only in the turbulent history of the post-war United Nations assembly, but also in the recent debates over humanitarian intervention, the International Criminal Court and the invasion of Iraq.

Given this overview, the taught element of the course seeks to cover a number of significant 'current issues'. The first three sessions will examine the historical, theoretical and legislative foundations of the human rights debate. These sessions will highlight the legacy of liberalism and the codification of rights in addition to exploring the themes of justice, freedom, equality and difference in the maintenance of a human rights order. A number of case studies will be examined over the following weeks, which will develop ideas pertinent to the rights agenda at home and abroad. Students will be encouraged to think comparatively about how analyses of rights on interpersonal, institutional and international levels, are formulated. The course will conclude with sessions on interventions and resistance. The final session will map the formulation of a critical approach to human rights.

Course Prescription

This course critically examines international human rights law, policy and practice. Students evaluate the historical, theoretical and legislative foundations of human rights debates in relation to a number of contemporary case studies. Course topics include security and 'terrorism', slavery and development, immigration and asylum, torture, rape as a weapon of war, 'disappearance' and genocide. Throughout the course, students consider how rights analyses, on interpersonal, societal, institutional and structural levels, are formulated and developed. Finally, the course examines the issue of resistance, in relation to the dominant analytical themes of denial, 'truth' and 'justice'.

Learning Objectives

By the end of CRIM423, students should be able to:

- interpret and critique key theoretical perspectives relating to human rights (assessed through all forms of assessment);
- analyse and critique diverse political, legal and policy debates on rights, power and resistance (assessed through research essay);
- critically assess human rights violations in relation to case-study material (assessed through research essay, presentation and plan).

Course Delivery

The course combines informal lectures and class discussion in a format that aims to guide students through the major topic areas. Students will also prepare and present short talks on their research essay. Throughout the course, students are encouraged to express their views and knowledge.

Expected Workload

The workload should average 10 hours a week throughout the course. The actual workload will vary at various stages of the research process - sometimes it is likely to be more than 10 hours, at others less.

Course Readings

Student notes will be available for this course. Key readings are provided for each weekly topic. *Students will be expected to have read these in advance of the relevant class.* In addition, further suggestions on books, journals and internet sites are made. This is not an exhaustive list. Students should seek to read as much as possible and create their own reading lists for their assessed work.

All student notes will be sold from the Memorial Theatre foyer from 13 February to 16 March 2012, while student notes will be available from the top floor of vicbooks in the Student Union Building, Kelburn Campus. After week two of the trimester all undergraduate textbooks and student notes will be sold from vicbooks on Level 4 of the Student Union Building.

Customers can order textbooks and student notes online at www.vicbooks.co.nz or can email an order or enquiry to enquiries@vicbooks.co.nz. Books can be couriered to customers or they can be picked up from nominated collection points at each campus. Customers will be contacted when they are available.

Opening hours are 8.00 am – 6.00 pm, Monday – Friday during term time (closing at 5.00 pm in the holidays). Phone: 463 5515.

Course Assessment

CRIM423 is assessed by three pieces of coursework and a short presentation. Each element of assessment will allow students to: demonstrate their critical awareness of the theoretical perspectives that underpin human rights; show their understanding of the contextual nature in which human rights violations occur; and, demonstrate their knowledge of the political dynamics in which relevant rights legislation is formed and implemented. These forms of assessment will also provide students with a chance to work through, share and develop ideas relevant to all course objectives.

Remember that Lizzy can help you to plan your work in advance. Further, the University has a policy of reasonable accommodation of the needs of students with disabilities in assessment procedures. For more information on this, students should contact Lizzy.

(i) Book Review

Word Limit: 2000 words

Percentage of Final Grade: 20%

Submission Date: Thursday 26 April 2012, by 4pm

The book chosen for your review must be approved in advance by Lizzy. It must relate directly to the core subject of CRIM423. Do not choose an edited volume.

In preparing your review, you could consider some of the following issues:

- What is new or significant about the book?
- How does the book fit with the broader literature on the topic?
- What research methods are the findings based on? Are they appropriate?
- What is the theoretical basis of the book? What is argued? How does the author use different perspectives to build the argument?
- What does the book tell us about law or policy on the topic?
- What does the book tell us about political, social or economic context?
- What is the context of resistance in the book?
- What, if any, are the book's shortcomings? How could it be improved?
- What is your overall analysis?

You are expected to provide a *critical analysis*, that is, you must move further than giving a 'nuts and bolts' description. You are encouraged to use other publications to develop your reflections. You must also reference this piece, as you would an ordinary essay.

(ii) Essay Plan

Word Limit: 1000 words

Percentage of Final Grade: 10%

Submission Date: Thursday 24 May 2012, by 4pm

This essay plan is the starting point for your final research essay. The topic of the research essay must be of your own choosing but related directly to the broad

themes of CRIM423. You should ensure that your topic is approved in advance by Lizzy. It is expected that you will liaise with her on a regular basis while you are undertaking the research.

Your plan should highlight:

- A title and proposed structure to the essay;
- The main argument you intend to pursue;
- A brief analysis of relevant research material.

The proposal should be written in essay form and must be clearly referenced. The feedback from your essay plan will feed into your student presentation.

(iii) Student Presentations

Presentation Time Limit: 15 minutes, plus question time

Percentage of Final Grade: 10%

Date: 19 July – 9 August 2012 (during lecture time)

These presentations will relate directly to your chosen research essay. Further details will be given closer to the date.

(iv) Research Essay

Word Limit: 6000 words

Percentage of Final Grade: 60%

Submission Date: Thursday 4 October 2012, by 4pm

Further details on the essay will be given closer to the due date.

Assessment guidelines

Coursework should be handed in on A4 paper and should be typed. It is important that you do not exceed the word limit. Students are advised that examiners may refuse to mark that part of the assignment in excess of the word limit.

The Institute insists on a high standard of written work from students. All assessments should follow Institute guidelines for referencing. These are detailed below. You should also ensure that you check thoroughly for spelling mistakes and grammatical errors. *Careful proof reading is essential.*

The following indicate the criteria that are used in marking:

1. *Scope*: Does the work include all the facts, theories and discussions relevant to the issue? Is it comprehensive?
2. *Critical analysis*: Does the writer show an adequately critical appraisal? Is the criticism constructive? Are the arguments logically valid? Is it free from irrelevancies and unsupported generalizations?

3. *Originality*: Is there clear evidence of original thinking? Does the writer contribute new viewpoints, or marshal and categorize her/his facts in a new way?
4. *Referencing and Bibliography*: Are the references relevant, comprehensive and up to date? Are the references correctly cited according to standard convention?
5. *Communication*: Does the work communicate the writer's ideas and knowledge well? Is the work well-structured with clear introductory and concluding sections? Is it concisely written and grammatically correct? Is it legible?

All written work should be placed in the essay box on the 9th floor of the Murphy building or sent to Elizabeth Stanley at the Institute of Criminology (VUW, PO Box 600, Wellington) by courier or registered mail postmarked no later than 4pm on the due date.

Mandatory Course Requirements

To meet mandatory course requirements, students must:

- Submit the book review
- Submit the essay plan
- Make an oral presentation on the topic of their research paper
- Submit the research essay
- Attend all classes (absences on the grounds of ill-health or exceptional circumstances are acceptable)

Extensions

Assignments must be handed in by the due date. You are expected to keep to this deadline, as otherwise it is unfair to other students. Extensions will be granted only in exceptional circumstances, and should be sought from the course co-ordinator *prior to the deadline*. An example of an exceptional circumstance would be illness supported by a letter from a medical practitioner. *Please note that lack of organisation, word-processing failures and other work demands are not "good reasons"*. Late submission of work without permission will be penalised by the following deductions:

One grade	=	period up to and including 24 hours past due date.
Two grades	=	period from 24 hours up to and including 72 hours past due date.

Work that is handed in later than 72 hours without permission will not be accepted.

Submitting Work that has been Submitted for another Course

It is not acceptable for students to re-submit, in part or in whole, work that they have submitted for another course. If a student submits an essay which is textually the same, or partly the same, as that submitted for another course, then the Institute reserves the right to not accept the essay in question.

Academic Integrity and Plagiarism

Academic integrity means that university staff and students, in their teaching and learning are expected to treat others honestly, fairly and with respect at all times. It is not acceptable to mistreat academic, intellectual or creative work that has been done by other people by representing it as your own original work.

Academic integrity is important because it is the core value on which the University's learning, teaching and research activities are based. Victoria University's reputation for academic integrity adds value to your qualification.

The University defines plagiarism as presenting someone else's work as if it were your own, whether you mean to or not. 'Someone else's work' means anything that is not your own idea. Even if it is presented in your own style, you must acknowledge your sources fully and appropriately. This includes:

- Material from books, journals or any other printed source
- The work of other students or staff
- Information from the internet
- Software programs and other electronic material
- Designs and ideas
- The organisation or structuring of any such material

Find out more about plagiarism, how to avoid it and penalties, on the University's website: <http://www.victoria.ac.nz/home/study/plagiarism.aspx>

Where To Find More Detailed Information

Find key dates, explanations of grades and other useful information at www.victoria.ac.nz/home/study. Find out how academic progress is monitored and how enrolment can be restricted at www.victoria.ac.nz/home/study/academic-progress.

Most statutes and policies are available at www.victoria.ac.nz/home/about/policy, except qualification statutes, which are available via the *Calendar* webpage at: www.victoria.ac.nz/home/study/calendar.aspx (See Section C).

Other useful information for students may be found at the website of the Assistant Vice-Chancellor (Academic), at: www.victoria.ac.nz/home/about_victoria/avcacademic.

Information for Māori Students:

www.victoria.ac.nz/st_services/slss/infofor/maoristudents.aspx or
www.victoria.ac.nz/st_services/tpa/index

Information for Pasifika students:

www.victoria.ac.nz/st_services/slss/infofor/pasifikastudents.aspx or
www.victoria.ac.nz/st_services/tpa/index

Course Withdrawal Procedures

Information on withdrawals and refunds may be found at

<http://www.victoria.ac.nz/home/admisenrol/payments/withdrawalsrefunds.aspx>

Other Contact Information

Head of School:

Dr Allison Kirkman, MY1013

Tel: 463 5676

E-m: allison.kirkman@vuw.ac.nz

International Student Liaison:

Dr Hal Levine MY1023

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Maori and Pacific Student Liaison:

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Students with Disabilities Liaison:

Dr Russil Durrant, MY1120

Tel: 463 9980

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School Administrators:

Monica Lichti, Alison Melling, Helen Beaglehole
MY921, Tel: 463 5317; 463 5258; 463 5677

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Referencing Guidelines

The following format for referencing is from the 6th Publication Manual of the American Psychological Association (2009). We encourage you to learn and use the format for referencing as part of the coursework done for the Institute of Criminology. If you need further information, please consult the latest edition of the Manual in the library.

1. Journals (Periodicals)

The referencing format for the articles are identical in general and yet they slightly differ from one another depending upon the publication formats such as print articles, electronic articles with DOIs (digital object identifiers) or electronic articles without DOIs.

(a) Electronic articles - two authors

Bingham, C. R., & Shope, J. T. (2004). Adolescent problem behavior and problem driving in young adulthood. *Journal of Adolescent Research*, 19(2), 205-223. doi.: 10.1177/0743558403258269

In text, use the following each time the work cited: (Bingham & Shope, 2004). Or, Bingham and Shop (2004) have argued...

(b) Electronic Article without DOI - one author publication

Henderson, L. N. (1985). The wrongs of victim's rights. *Stanford Law Review*, 37(5), 937-1021.

In text, use the following each time the work is cited: (Henderson, 1985). Or, Henderson (1985) has suggested... (note: this style applies to all those below as well).

(c) Print only articles - Three or more author publication

Lang, A. R., Goeckner, D. J., Adesso, V. J., & Marlatt, G. A. (1975). Effects of alcohol on aggression in male social drinkers. *Journal of Abnormal Psychology*, 84(5), 508-518.

In text, use the following the first time the work is cited: (Lang, Goeckner, Adesso & Marlatt, 1975), and every time after this first citation as: (Lang et al., 1975).

(d) Journal article in press

Corcoran, D. L., & Williamson, E. M. (in press). Unlearning learned helplessness. *Journal of Personality and Social Psychology*.

In text. Use the following each time the work is cited: (Corcoran & Williamson, in press).

(e) Magazine Article

Reid, B. (1993, September 20). Looking into a child's future. *Time*, 589, 34-44.

In text, use the following each time the work is cited: (Reid, 1993).

(f) Newspaper article, no author

Jail terms vary for bank robbers (1992, November 7). *Dominion*, p. 3.

In text, use a short title following each time the work is cited: For example ("Jail Terms", 1992) or (Dominion, 7.11.92).

2. Books

(a) Reference to one author

Pratt, J. (1992). *Punishment in a perfect society*. Wellington: Victoria University Press.

In text, use the following each time the work is cited: (Pratt, 1992)

(b) Reference to a two author book, second edition

Downes, D. & Rock, P. (1982). *Understanding deviance* (2nd ed.). Oxford: Clarendon Press.

In text, use the following each time the work is cited: (Downes & Rock, 1982)

(c) Reference to a chapter in an edited book

Ford, D. A., & Regoli, M. J. (1993). The criminal prosecution of wife assaulters: Process, problems, and effects. In N. Z. Hilton (Ed.), *Legal responses to wife assault: Current trends and evaluation* (pp. 127-164). California: Sage.

In text, use the following each time the work is cited: (Ford & Regoli, 1993)

3. Research Reports

(a) Government reports

Ministerial Committee of Inquiry into Pornography. (1989). *Pornography*. Wellington: Ministerial Committee of Inquiry into Pornography.

In text, use the following each time the work is cited: (Ministerial Committee of Inquiry into Pornography, 1989).

(b) Report available from government department, private author

Brown, M. M. (1992). *Decision making in district prison boards*. Wellington: Department of Justice.

In text, use the following each time the work is cited: (Brown, 1992).

(c) University research report

Deane, H. (1988). *The social effects of imprisonment on male prisoners and their families* (Study Series No.2). Wellington: Victoria University of Wellington, Institute of Criminology.

4. The Internet

Where possible follow the format as for printed pages; that is, author, date, title, publication and so on. While this detail is not always provided, what is provided should be referenced. Additional information required is the address or location of the information and the date on which you viewed or downloaded it.

Rethinking Crime and Punishment (2010) *Restorative Justice in New Zealand*. Retrieved from: <http://www.rethinking.org.nz/restorative%20justice.htm>. 15 August 2009.

When citing a work that has no author, use the first few words of the reference list entry, usually a short version of the title: (Restorative Justice, 2010)

5. Quoting Sources

Use quotation marks (“ ”) for direct quotes and also provide a page number. For example:

Macpherson (1999: 28) defines institutional racism as “The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin”.

If the quotation is more than three lines long, it should be indented and does not require quotation marks. For example:

Macpherson (1999: 28) states that institutional racism is:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.