



SCHOOL OF SOCIAL AND CULTURAL STUDIES

Te Kura Mahinga Tangata

CRIMINOLOGY

CRIM 423

Liberties, Rights and Justice

Course Outline

CRN 10440 : 30 POINTS : 2008

COURSE COORDINATOR: DR ELIZABETH STANLEY

Room 1122, Murphy Building

Tel: (04) 463 5228

E-mail: Elizabeth.Stanley@vuw.ac.nz

LECTURES: MON 9 – 11 AM : KIRK 204

Institute of Criminology

CRIM 423 – 2008

Liberties, Rights and Justice

		Mondays 9.00 – 11.00am
1	25 February	Emergence and Consolidation of Human Rights
2	3 March	Contemporary Theoretical Debates
3	10 March	The Legal and Regulatory Framework
4	17 March	Slavery and Development
5	31 March	National Security and Terrorism
6	7 April	Borders and Technologies of Control
7	28 April	Torture and Degrading Treatment
8	5 May	'Disappearances'
9	12 May	Genocide and Humanitarian Intervention
10	19 May	Towards Accountability
11	26 May	Developing a Critical Perspective on Rights
	7 July – 28 July	Student Presentations

**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.

- Co-ordinator:** Elizabeth Stanley
Room 1122 Murphy Building
Telephone: (04) 463 5228
Email: elizabeth.stanley@vuw.ac.nz
- Course Times:** Mondays 9.00am – 11.00am in KK204
- Office Hours:** Lizzy will be available immediately after the sessions, and also by appointment.
- Notice Board:** The Criminology noticeboards are located on the 9th and 11th floors 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.
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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 and by the sanctions of the UN, 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 East Timor, Burma's use of labour camps to build a tourist industry, the consolidation of nation-state borders and 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, the erosion of rights has been increasingly 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 to a Universal Declaration the wording of the bill 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 in 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 struggles and the formulation of a critical rights theory.

Course Objectives

By the end of CRIM423 students should be able to:

- interpret and critique key theoretical and legal debates relating to human rights (assessed through book review and research essay);
- analyse and critique diverse perspectives on power, control and resistance (assessed through book review and research essay);
- critically assess human rights violations in relation to case-study material (assessed through research essay);

Course Structure

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.

Workload

Taking into account class attendance, reading, preparation for assignments and so on, students are usually recommended to spend around 12 hours per week working for CRIM423.

Course Readings

Key readings are provided for each weekly topic. These can be bought from Student Notes. *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.

Course Assessment

CRIM423 is assessed by two 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: Monday 5 May 2008, 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' overview of the main argument. You are encouraged to use other publications to develop your reflections. You must also reference this piece, as you would an ordinary essay.

(ii) Student Presentations

Presentation Time Limit: 15 minutes, plus question time

Percentage of Final Grade: 10%

Date: 7 July – 28 July 2008

These presentations will relate directly to your chosen research essay. Further details will be given at a later date.

(iii) Research Essay

Word Limit: 8000 words

Percentage of Final Grade: 70%

Submission Date: Monday 6 October 2008, by 4pm

Assessment guidelines

Coursework should be handed in on A4 paper (one side only) 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.

Extensions

The coursework 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 Lizzy **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 submissions of work without permission will be penalised by the following deductions:

One grade = period up to 24 hours past due date.

Two grades = period more than 24 hours up to 72 hours past due date.

Work that is handed more than 72 hours late without permission will not be accepted.

Mandatory Course Requirements

To fulfil the minimum course requirements, students are required to:

- Submit the book review
- Make an oral presentation on the topic of their research paper
- Submit the research essay

Plagiarism and Academic Integrity

Academic integrity is about honesty – put simply it means *no cheating*. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. The University defines plagiarism as follows:

The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other students or staff.

It is still plagiarism even if you re-structure the material or present it in your own style or words.

Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalized severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- cancellation of your mark for an assessment or a fail grade for the course
- suspension from the course or the University.

Find out more about plagiarism, and how to avoid it, on the University's website:

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

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.

General University Policies And Statutes

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the *Victoria University Calendar* available in hardcopy or under "about Victoria" on the Victoria homepage at:

http://www.victoria.ac.nz/home/about_victoria/calendar_intro.html

Information on the following topics is available electronically under "Course Outline General Information" at:

<http://www.victoria.ac.nz/home/about/newspubs/universitypubs.aspx#general>

- Academic Grievances
- Student and Staff Conduct
- Meeting the Needs of Students with Impairments
- Student Support

Other Contact Information

Head of School:	Assoc. Professor Jenny Neale, MY1013 Tel: 463 5827 E-m: jenny.neale@vuw.ac.nz
International Student Liaison:	Dr Hal Levine MY1023 Tel: 463 6132 E-m: hal.levine@vuw.ac.nz
Maori and Pacific Student Liaison	Dr David Pearson, MY1020 Tel: 463 6748 E-m: david.pearson@vuw.ac.nz
Students with Disabilities Liaison:	Dr Russil Durrant, MY1120 Tel: 463 9980 E-m: russil.durrant@vuw.ac.nz
School Manager:	Carol Hogan, MY918 Tel: 463 6546 E-m: carol.hogan@vuw.ac.nz
School Administrators:	Monica Lichti, Adam Meers, MY921 Tel: 463 5317, 463 5258, E-m: sacs@vuw.ac.nz

Referencing Guidelines

The following format for referencing is from the *Publication Manual* of the American Psychological Association (1990). We encourage you to learn and use the following format for referencing as part of the coursework done for the Institute of Criminology. The following examples are for the more common types of referencing which you will come across. However, if you need further information, please consult the latest edition of the Manual in the library.

1. Periodicals

(a) One author publication

Henderson, L.N. (1985). The wrongs of victim's rights. Stanford Law Review, 38, 937- 1021.

- In text, use the following each time the work is cited: (Henderson, 1985).

(b) Two author publication

Hawkins, J. D., & Weis, J.G. (1985). The social development model: An integrated approach to delinquency prevention. Journal of Primary Prevention, 6,(2), 73-97.

- In text, use the following each time the work is cited: (Hawkins & Weis, 1985).

(c) 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 everytime *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, pp. 34-40.

- 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 a one author book

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: Government Print.

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

(b) Government Report, corporate author

Victims Task Force. (1993). Towards equality in criminal justice, Wellington: Victims Task Force.

- In text, use the following each time the work is cited: (Victims Task Force, 1993).

(c) Report available from Government Department, private author

Brown, M.M. (1992). Decision making in district prison boards. Wellington: Policy and Research Division, Department of Justice.

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

(d) 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.

- In text, use the following each time the work is cited: (Deane, 1988).

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.

In the example given below, the author, the date, the title and publication were available supplemented by the web address and the date viewed.

Massey, M. (1997) Australia computes as base for Asia. Business Review Interactive Weekly, http://www.brw.com.au/fr_features.htm. 15 August.

In text, use the author name and date (Massey 1997) where possible. If these are not available, use the web address (http://www.brw.com.au/fr_features.htm)