



SCHOOL OF SOCIAL AND CULTURAL STUDIES

Te Kura Mahinga Tangata

CRIMINOLOGY

CRIM 423

Liberties, Rights and Justice

Course Outline

CRN 10440 : 30 POINTS : TRIM 1, 2010

Teaching dates: 1 March to 4 June 2010

Study/Examination Period: 7 June to 4 July 2010

Mid-trimester break: 5 April to 18 April 2010

COURSE COORDINATOR: DR ELIZABETH STANLEY

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LECTURES: MONDAY & WEDNESDAY 4 – 6 PM : EA 004

Institute of Criminology

CRIM 423 – 2010

Liberties, Rights and Justice

		Mondays and Wednesdays 4.10 – 6.00pm
1	1 March	Emergence and Consolidation of Human Rights
2	3 March	Contemporary Theoretical Debates
3	8 March	The Legal and Regulatory Framework
4	10 March	Slavery and Development
5	15 March	National Security and Terrorism
6	17 March	Borders and Technologies of Control
7	22 March	Torture and Degrading Treatment
8	24 March	'Disappearances'
9	29 March	Genocide and Humanitarian Intervention
10	31 March	'Truth'
11	19 April	'Justice'
12	21 April	Developing a Critical Perspective on Rights
	26 April – 5 May	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.

Course Co-ordinator: Dr Elizabeth Stanley
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Email: elizabeth.stanley@vuw.ac.nz

Lecture Times: Mondays and Wednesdays 4 – 6pm in EA004

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 East Timor, 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, 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, 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 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 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 essay plan, presentation and research essay);
- 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 presentation and 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.

Expected Workload

Taking into account class attendance, reading, preparation for assignments and so on, students are advised 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.

The prescribed text for CRIM 423 is a set of Student notes, which is available from the Student Notes distribution Centre for \$41.20.

For the first two weeks of trimester all undergraduate textbooks and student notes will be sold from the Memorial Theatre foyer, while postgraduate textbooks and student notes will be available from the top floor of vicbooks in the Student Union Building, Kelburn Campus. After week two all undergraduate textbooks will be sold from vicbooks and student notes from the Student Notes Distribution Centre on the ground floor 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 the shop. 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 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) Essay Plan

Word Limit: 1000 words

Percentage of Final Grade: 10%

Submission Date: Wednesday 31 March, 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 issues you intend to address;
- 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.

(ii) Student Presentations

Presentation Time Limit: 15 minutes, plus question time

Percentage of Final Grade: 10%

Date: Monday 26 April – Wednesday 5 May

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: 80%
Submission Date: Wednesday 23 June, by 4pm

Further details on the essay will be given at a later 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.

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 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)

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.

Course Withdrawal Procedures

If you decide for ANY reason at ANY stage to withdraw from CRIM 423 (or any other course) please see the Faculty of Humanities and Social Sciences office on the 4th floor of the Murphy Building for an Add/Drop Course form. Failure to do so may have consequences for enrolment, student grants, allowances, loans, etc., i.e. you will get credited with a fail, not a withdrawal on your record if you do not act promptly. Information on withdrawals and refunds may be found at <http://www.victoria.ac.nz/home/admisenrol/payments/withdrawalsrefunds.aspx>

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: Dr Allison Kirkman, MY1013
Tel: 463 5676 E-m: allison.kirkman@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 Trevor Bradley
Tel: 463 5432 E-m: trevor.bradlye@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, Allison Melling, Heather Day, MY921

Tel: 463 5317, 463 5258, 463 5677 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)