



ANTH323

Culture and Human Rights

S1 Day 2013

Anthropology

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General Information

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Credit points

3

Prerequisites

39cp or admission to GDipArts

Corequisites

Co-badged status

Unit description

This unit examines human rights across cultures, asking how human rights came to be, how they interact with different cultural contexts, and what sorts of institutions and practices support them. How can respect for cultural difference be reconciled with campaigning for universal human rights? The unit is divided roughly into five sections. The first provides some basic background on the history of human rights and anthropology. The second deals with so-called 'first generation' human rights to be free of unjust actions by the state such as torture, genocide, or denial of civic freedoms. The third section deals with 'positive' rights, or claims made on society for health, education, and economic opportunities; in this section, we deal with the 'Asian question', the idea that in developing countries, economic opportunities take precedence over political liberties. We deal with minority groups and indigenous rights in the fourth part of the unit, talking about global Indigenous Rights movements as well as the case of Australian Aborigines and the 'right to development'. Finally, in the last section, we deal with the rights of women and sexual minorities, a long-standing area of challenge in human rights.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.

Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.

Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.

Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.

Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.

Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.

Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.

Practice providing constructive feedback to other students on their presentations.

In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Assessment Tasks

Name	Weighting	Due
<u>Group presentation</u>	20%	Ongoing
<u>Tutorial</u>	10%	Ongoing
<u>Short essay</u>	10%	22 March
<u>Research essay</u>	35%	17 May
<u>Media portfolio</u>	25%	10 June

Group presentation

Due: **Ongoing**

Weighting: **20%**

See below for schedule. During weeks 4, 6, 7, 10 & 12, groups of four students will do 20 to 30 minutes of presentation (2 x 10-15 minutes for pairs), followed by discussion within the class. Topics are set in advance, but students have significant latitude for group creativity. Both sides will work together for an effective presentation, as the group will be evaluated as a whole.

Students should provide the class with a one-page outline of crucial points for each perspective (though they should NOT read this to the class—Please don't!). The class will be responsible for providing feedback as well as engaging in the post-presentation activity, whether that is debate, question and answer, or discussion of the presentation.

Students will be evaluated on the quality of the handout, the effectiveness of the presentation, the coverage of the topic, and the presentational qualities of their work (including creativity, clarity, etc.). The assessor will have some latitude to award students within the group different scores if different levels of commitment are obvious, and group members will be asked to write a self evaluation of the team and their experience.

On successful completion you will be able to:

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Tutorial

Due: **Ongoing**

Weighting: **10%**

Participation in tutorials will be both oral and written, in the form of responses to group presentations on a form provided by the tutor. Written constructive comments will be done in class (or may be returned later to the tutor) for distribution to the presenters. They are not anonymous, so students should focus on creative feedback that genuinely helps their peers.

Students are expected to participate actively in discussion. If they do not; the convenor may, after one warning, institute a short written assignment for each tutorial, for the entire group.

On successful completion you will be able to:

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- Practice providing constructive feedback to other students on their presentations.

Short essay

Due: **22 March**

Weighting: **10%**

The short essay is due early in Week Four of the semester, and is a relatively low weight assessment so that students can quickly get feedback on their writing skills before the more heavily weighted assignments follow. The short paper should be no more than 1200 words (approximately 4.5 pages maximum, depending upon formatting). All assessments must be submitted **through Turnitin by 5:00 pm on the due date**.

In this writing assignment, students will be evaluated most heavily on organization, use of data and supporting materials, clarity, and writing style. Students are not expected to do extensive outside research, but can rely heavily on the required readings and readings from the supplementary list.

This assessment task is to help the convenor, tutor, or a writing tutor at the Centre for Open Education (see below), to assist the student in honing the writing skills necessary for the Research essay assignment.

On successful completion you will be able to:

- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- In some cases, to gain work-related experience for future career in research-, advocacy-,

or policy-related work.

Research essay

Due: **17 May**

Weighting: **35%**

Students will write a research essay for evaluation as part of this unit. The essay will be a minimum of **3000 words** (maximum of 5000) and count for 30% of the final mark. The essay will be due during **Week 9**. Essays must be submitted through Turnitin.

Sample essay topics are provided below, along with, but students may also propose additional essay topics or variations on the ones offered. Students will choose their own essay topic and may do an essay on a topic related to their tutorial presentation, if they choose.

The instructor requires reading *beyond* the required readings for the topic that the student would like to investigate, and the bibliography of secondary materials is provided for that reason. No student will receive better than a passing mark if he or she has only used the required readings or webpages as additional research sources. More instructions on these essays can be found below with suggested topics.

On successful completion you will be able to:

- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Media portfolio

Due: **10 June**

Weighting: **25%**

A media watch portfolio is a collection of texts, images or notes from the media, collected over the semester, with commentary by the student. Portfolios are evaluated on the degree to which students are able to incorporate core concepts from readings and seminar discussions into analysis of news events and current events. Student marks will be assessed on the accuracy, sophistication, and rigorousness of the connections drawn between the readings from the unit and the texts found by the student.

Commentary should be typed to accompany clippings, either alone or, more commonly in groups, collected into a notebook or binder. Students will bring their portfolios, even if incomplete, to their tutorial session on 29 May, where students will exchange and discuss the resources each has collected. Over the course of the semester, the instructor would expect that a strong portfolio would contain **no more than 30 clippings and around 1200 words of commentary**, divided or arranged in any order that the student sees as fit.

A crucial set of questions to ask yourself as you write commentary is, what assumptions are the writers making about human rights, about the people who are the perpetrators and victims, about the interpretation of a specific right, and about the nature of cultural difference in these discussions.

This assessment task is intended to prepare students better for discussing and commenting upon current human rights-related issues, preparing them better for careers in policy, activism, and public service. This is a new assessment task, so more material may be forthcoming to provide assistance.

On successful completion you will be able to:

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the ‘generations’ of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on ‘cultural’ rights.
- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Delivery and Resources

All students are required to attend a two-hour lecture. This weekly lecture will include short segments of video and discussion. The lecture will be available through Echo360 and all slides will be available through the unit homepage, but any video will not be available outside the seminar unless it comes from the library’s normal holdings or can be linked to online.

Please consult the timetable to confirm locations and times of all lecture and tutorial meetings as these are subject to change by the registrar, depending on unit enrollment.

All required readings and ‘optional’ readings are included in a course reader which is available for purchase at the University’s book store. Every effort has been made to acquire copies of material on the extended supplementary bibliography, but that has not always been possible due to the library’s purchasing policy and holdings. If students are looking for additional

readings and having any difficulties, please contact the convenor.

Online resources are available through the unit's homepage: www.anth.mq.edu.au/ug/323. User name is 'Anth' and the password is 'culture.' There, you will find many of the primary documents, human rights declarations and agreements, and cases that we will be discussing, as well as links to relevant organizations and libraries.

Most resources for the unit will be available through the unit's iLearn page. You **MUST** consult this page, as it has all the links through which to submit assignments and includes handouts offering detailed descriptions of the requirements for assessment. If you have a question, please consider posting it on the bulletin board in iLearn as many students may have the same question. If you have an urgent matter, you can contact the unit convenor best through email (greg.downey@mq.edu.au). **PLEASE DO NOT** use the convenor's office phone as the voice mail is not dependable.

This unit has undergone extensive revision since it was last delivered, including a new weekly topic on asylum seekers in Australia and a redesign of the assessment and mode of assessing.

Unit Schedule

Week 1: Origins of Human Rights

1 March

After we go over the unit outline, the second hour of the seminar for the first week will explore the origins of human rights, including alternative theories for how they came about. Following the horror of the Holocaust (the *Shoah*) in World War II, leaders of many nations felt a strong need to create checks upon the sovereignty of individual states, and the emergence of the United Nations provided the context for the first 'declarations' of human rights. From the very beginning, few took seriously the ability of these early joint declarations to restrain the hand of the state—many states probably only agreed to these documents because they never felt that they would be enforced. Since that time, however, human rights concepts have seemingly taken on a life of their own, gaining solidity over the decades since the initial declarations; this lecture will explore some of the reasons why this is the case.

There will be no tutorials for this week, but the convenor of the unit asks that students please acquaint themselves with the Universal Declaration of Human Rights. This short but essential document can be found in the unit reader and on line; we will refer to it throughout the semester.

Core reading

Universal Declaration of Human Rights.

Week 2: Relativism v. Human Rights?

8 March

One continuing source of friction between anthropologists and human rights advocates has been the issue of 'cultural relativism', that is, the notion that acts always occur within particular cultures, which help us to understand the significance of those acts. Anthropologists have thought long and hard, sometimes stumbling badly, over their relationship with human rights

because they have disagreed over what 'cultural relativism' itself means.

In fact, anthropologists have long demonstrated profound respect both for cultural differences and for the marginalized peoples who most often must resort to human rights protections. Nevertheless, the universal language of human rights documents and the way that human rights interventions are carried out often leave anthropologists extremely uncomfortable. How then might we respect cultural particularity and yet pursue a global human rights agenda? And do anthropologists understand 'culture' differently than other people?

Core readings

Engle, Karen. 2001. From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947-1999. *Human Rights Quarterly* 23:536-559.

Merry, Sally Engle. 2003. Human Rights Law and the Demonization of Culture (and Anthropology Along the Way). *PoLAR Political and Legal Anthropology Review* 26(1):55-76.

Week 3: Torture & Cruel, Inhuman or Degrading Punishment

15 March

In order to think more deeply about the problems confronting any attempt to define universal values, we will examine the ban on cruel, inhuman or degrading punishment from the Universal Declaration of Human Rights. This curb upon torture and inhumane treatment of an individual is probably the most basic human rights restraint upon the power of the state. But what sorts of punishment does it actually ban? Can there, in fact, be a clear standard of what would constitute an offense, or does the wording simply defer crucial questions? Should there be a clear definition of what constitutes torture? Should any ban be unconditional, or might there be situations in which a state might legitimately punish someone in a way that other societies might find cruel? And why should this particular offense be singled out as demanding strong enforcement?

This week considers the case of torture and cruel, inhuman and degrading punishment in light of some of the most difficult cases, such as the death penalty, treatment of children, torture of terrorism suspects, *Shari'a*-based arguments for corporal punishment, and blind spots in the human rights community's attempts to address violations of this principle.

Core readings

An-Na'im, Abdullahi Ahmed. 1992. Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment. In *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Abdullahi Ahmed An-Na'im, ed. Pp. 19-43. Philadelphia: University of Pennsylvania Press.

Asad, Talal. 1997. On Torture, or Cruel, Inhuman and Degrading Treatment. In *Human Rights, Culture and Context*. Wilson, Richard, ed. Pp. 111-133. London: Pluto Press.

· Please note: This last reading by Asad is very worthwhile, but it's a bit sprawling. If a student finds some part of it either difficult to follow or understand, skip to later sections.

Week 4: Genocide and Crimes against Humanity

22 March

+Please note: Short essay is due.

Genocide is the crime that sparked the modern human rights movement, and contemporary genocides, such as in the former Yugoslavia, Rwanda, and Darfur, press the global community in the way few other crimes do. Alongside crimes against humanity, genocide and other gross violations of human rights have proved the testing ground for new institutions that might enforce global principles of justice, such as *ad hoc* tribunals and the International Criminal Court. During this week, we will consider legal arguments about genocide, the demands for an international forum to try crimes against humanity, and the objections of those who argue against the creation of a standing tribunal. More broadly, we will consider the role of institutions in the human rights movement, and how non-governmental organizations, media networks, activist groups, and expert bureaucrats form a concrete mechanism for the pursuit of human rights-based justice.

The proposed tutorial readings for this week about universal jurisdiction in human rights (specifically about the International Criminal Court) are relatively short, so please try to read both. The background reading, also included in the unit reader, is not required, but it will be referred to in the lecture and tutorials as it provides background on the 1994 genocide in Rwanda, a case study to think about the problems of determining responsibility, culpability, and how crimes might be prosecuted.

Core readings

Kissinger, Henry A. 2001. The Pitfalls of Universal Jurisdiction. *Foreign Affairs* 80 (4): 86-96.

Roth, Kenneth. 2001. The Case for Universal Jurisdiction. *Foreign Affairs* 80 (5): 150-154.

Background on Rwanda (optional)

Power, Samantha. 2001. Bystanders to Genocide. *The Atlantic Monthly*. Accessed on-line at <http://www.theatlantic.com/doc/print/200109/power-genocide>. Accessed on 15 January 2007.

Public holiday 29 March!!!

Please note that, due to the University's calendar, we do not have a meeting on 29 March.

Week 6: Seeking refuge: Asylum in Australia

5 April

In 1954, Australia was one of the first signatories of the Refugee Convention, the international document that guaranteed that refugees and asylum seekers would be treated as well as other international travelers. By 2012, however, Australia had imposed tough new laws and difficult application procedures for asylum-seekers, especially those that arrived by boats. In one of the

supreme ironies, the 'no advantage' doctrine, described to the Australian public as a way of deterring 'queue jumpers,' perversely imposes artificially long waiting periods on asylum seekers, even when they have been identified as legitimate refugees. Whereas the Refugee Convention tries to enforce a minimum standard of treatment, these 'no advantage' tests seem to seek to enforce a uniform standard of suffering on refugees, whether they are in precarious camps in Southeast Asia or in Australia.

This week, we will explore the arguments for and against Australia's treatment of asylum seekers, placing Australian policy into the context of global refugee problems and the treatment of refugees in other countries. This issue in Australia is an emotional hot-button, with opinions running very strong on both sides; we will try to discuss the rationales for different positions, requiring a level of willingness to consider even positions that we might find objectionable. This year will be the first that we discuss asylum seekers.

Core readings

Harrell-Bond, B. E., and E. Voutira. 1992. Anthropology and the Study of Refugees. *Anthropology Today* 8(4): 6-10.

McKay, Fiona, Samantha L. Thomas, and Susan Kneebone. 2012. 'It Would be Okay If They Came through the Proper Channels': Community Perceptions and Attitudes toward Asylum Seekers in Australia. *Journal of Refugee Studies* 25(1): 113-133.

Week 7: After Conflict: Truth, Reconciliation, Justice

12 April

After a society has passed through a conflict or oppressive regime, how does it go about recovering? What models exist for seeking justice, vengeance, truth, or reconciliation after massive human rights violations? There are many post-conflict strategies, including general amnesties, large-scale trials, local courts, truth and reconciliation commissions, investigations and public accountings for crimes, and other institutional models, as well as cases where societies have undergone no post-conflict processes of justice or reconciliation. While many models might make sense in abstraction, what does the experience of using different approaches tell us about the challenges and obstacles of recovery for a society as a whole?

This week, we will look especially closely at concrete experiences of societies responding in the wake of massive human rights violations, especially in Eastern Europe, Africa, and Latin America. We will discuss the various models of post-conflict accounting, their different strengths and weaknesses, as we seek to better understand the practical needs of social healing as well as the abstract demand for justice.

Core readings

Borneman, John. 2002. Reconciliation after Ethnic Cleansing: Listening, Retribution, Affiliation. *Public Culture* 14 (2): 281-304.

Kelsall, Tim. 2005. Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone. *Human Rights Quarterly* 27:361-391.

_Mid-semester Recess _

Week 8: Economic and Social Justice: The 'Asian Challenge'

3 May

Since the fall of the Soviet Bloc, one of the primary fault lines of disagreement over human rights has shifted. Whereas Eastern and Western powers once argued over the preeminence of civil or socio-economic rights, now some Asian commentators have argued that their situation demands a different approach to human rights. Called the 'Asian Challenge' by human rights scholars, this movement has argued that social and economic rights must take precedence over narrow political or civil rights when a country is undergoing development; food is more important than freedom, to put it simply.

This week we will talk about socio-economic rights, the so-called 'second generation' human rights, and their evocation by some critics of human rights advocates in Asia. We will read an interview with Lee Kuan Yew, former prime minister of Singapore, one of the leading advocates of an 'Asian' approach to human rights (along with Mohamad Mahathir of Malaysia) and critic of Western human rights discourse. This discussion will be a way of thinking specifically about the 'Asian challenge' but also more broadly about the issue of socio-economic rights.

Core readings

Zakaria, Fareed. 1994. Culture Is Destiny: A Conversation with Lee Kuan Yew. *Foreign Affairs* 73(2):109-126.

Bell, Daniel. 1996. The East Asian Challenge to Human Rights: Reflections on an East West Dialogue. *Human Rights Quarterly* 18(3):641-667.

Week 9: Indigenous Rights 1: Movement & Theory

10 May

Since the advent of the nation state, respect for minority groups within states has typically been conditioned upon those groups' willingness to conform to majority standards and to cooperate in national goals. Indigenous peoples have borne the brunt of this 'conditional' approach to citizens' rights and have suffered some of the most brutal, unrelenting campaigns of genocide, even though they have lived in some of the earliest 'liberal' democracies. Although the earliest human rights documents enshrined the right to self-determination, a tradition of considering collective rights did not really develop until the 'third generation' of human rights reforms.

Recognizing collective rights to self-determination by indigenous peoples seems to pose intractable problems for modern states: How might they atone for treaty violations, massive human rights violations, or even genocide during colonization or in generations past? What happens when the good of the minority seems to stand in the way of other goals, such as economic development? Does the right to self-determination trump other legal guarantees,

including individuals' rights, if an indigenous group wants to preserve a 'tradition'? Must respect for cultural difference extend to respect for traditional forms of discrimination or domination?

Ironically, indigenous movements today are among the strongest social movements in the world, standing up not merely to states, but also to multinational corporations and environmental degradation. As indigenous peoples throughout the world have worked for recognition, they have increasingly developed sophisticated tools, including strategic alliances with other indigenous groups, powerful symbolic politics, and savvy media branches. As they have struggled for the safety of their homes, the ability to pass on their languages and cultures to their children, control over their resources, and a hand in deciding their future, they have created vital and even innovative forms of political activity and cultural practice. In the process, though, they have raised fundamental existential questions, such as, what does it mean to be indigenous in the modern world?

Core readings

Bowen, John. 2000. Should We Have a Universal Concept of Indigenous Peoples' Rights? *Anthropology Today* 16(4):12-16.

McIntosh, Ian. 2002. Defining Oneself, and Being Defined as, Indigenous. *Anthropology Today* 18(3): 23-25, with responses.

Kenrick, Justin, and Jerome Lewis. 2004. Indigenous People's Rights and the Politics of the Term 'Indigenous'. *Anthropology Today* 20(2):4-9.

· *Please note: even though this is actually six separate pieces, they are all very short; the longest is six pages, which includes large photographs and cartoons, and four of them together are three pages.*

Background on cultural survival (optional)

Maybury-Lewis, David. 2003. From Elimination to an Uncertain Future: Changing Policies toward Indigenous Peoples. In *At the Risk of Being Heard: Identity, Indigenous Rights, and Postcolonial States*. Edited by Bartholomew Dean and Jerome M. Levi. Pp. 324-334.

Week 10: Indigenous Rights 2: Land & Rights

17 May

Please note: Research essay is due.

Throughout the world, struggles for indigenous rights have frequently centered around control over land. In many nations, including Canada, the United States, New Zealand, and Latin American countries, a long history of negotiating with indigenous peoples (including treaty violations) established legal precedents for rights to land. In Australia, however, colonial opportunism created no such precedent, officially insisting that Australia was *terra nullius*, empty land for the taking when it was settled by Europeans.

In the *Mabo v Queensland (No 2)* decision of 1992, over traditional land rights to Murray Island (Mer), a new precedent was set for Aboriginal territorial rights in Australia, one that is still being widely debated in both court and public opinion. The justices found that Aboriginal land rights

were not automatically extinguished by colonists' assertions that the indigenous Australians had no rights; instead, the courts found clear precedents in Common Law for Aboriginal land rights.

This week we will discuss the reasoning behind both assertions of land rights and their denial, the current situation of Aboriginal land rights, and the effect on the community, both Aboriginal and Australian more broadly, of the recognition for land rights. Land rights are a classic example of collective, or 'third generation', rights, linked to a community rather than to specific individuals; we will ask whether community rights make for healthy communities in part by comparing the Australian experience to others around the world.

Core reading

Reynolds, Henry. 1999. New Frontiers: Australia. In *Indigenous Peoples' Rights: In Australia, Canada, & New Zealand*. Havemann, Paul, ed. Pp. 129-140. Auckland: Oxford University Press.

Background on Mabo (optional but strongly suggested)

Hill, Ronald Paul. 1995. Blackfellas and Whitefellas: Aboriginal Land Rights, the Mabo Decision, and the Meaning of Land. *Human Rights Quarterly* 17(2): 303-322.

Week 11: Rights-based Development

24 May

One of the most important innovations in human rights thinking in the 1990s has been the rise of 'rights-based' approaches to development, or the attempt to link economic development with human rights. In some cases, the bridge has been sought because the two were at cross purposes; economic development, for example, was pursued by means that clearly violated human rights, such as non-democratic decision making, oppressive policing policies, and large-scale socially disruptive development projects without compensation for those who were disadvantaged (such as communities flooded by hydro-electric projects). In other cases, the rapprochement was sought because those involved in development sought better criteria through which to assess their projects; human rights seemed an obvious set of criteria for judging the success of development. Theorists such as Indian economist Amartya Sen helped to push human rights concepts to the center of development discourse, pointing out that development has to seek more than simply an increase in GDP per capita for people's lives to improve significantly.

The resulting 'third generation' right, a 'right to development', has influenced both the practice of economic development and the rhetoric of those seeking foreign aid. A rights-based approach shifts significantly the goals and methods that might orient development projects. In addition, discussion of the 'right to development' raises the controversial consideration of reparations for past economic and social injustice, including slavery, colonization, and exploitation during wartime. With so much of current development thinking driven by the 'free trade' framework and concerns about debt servicing, rights-based development offers an alternative set of priorities.

Core readings

United Nations Human Development Report 2000. Human Rights and Human Development. (Chapter 1 of HDR 2000.) Pp. 19-26.

Aaronson, Susan Ariel, and Jamie M. Zimmerman. 2006. Fair Trade?: How Oxfam Presented a Systemic Approach to Poverty, Development, Human Rights, and Trade. *Human Rights Quarterly* 28:998-1030.

Week 12: Women's Rights: Fourth Wave of Rights?

31 May

Women's rights are an area where the regime of individual protection attempts to extend its influence into some of the most intimate areas of social life. If the 'first generation' of rights dealt primarily with the state's treatment of individuals, this 'fourth generation' asks questions about justice that extend into the household, personal relationships, treatment of children, and culture itself. Perhaps not surprisingly, women's rights have been one area where a range of political actors have expressed reservations about human rights documents; one need only review the extremely long list of Declarations and Reservations attached to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to see the controversial nature of some basic assertions of women's equality.

As Richard Wilson and others have pointed out, feminists themselves are divided on the issue of human rights. Many feminists see the assertion of universal women's rights as fundamental in the struggle against sexism, prejudice, inequality, and domestic violence globally. For these feminists, cultural practices that they find prejudicial to women, such as the veil, female circumcision, dowries, early marriage, or prohibitions on birth control, must necessarily be opposed. Other feminists, more suspicious of claims by one group to know what another *really* needs for its liberation, are more ambivalent about these sorts of interventions from abroad.

This week, we will take as our case study the practice of female genital surgery in Africa and, to a lesser degree, in Asia. We will try to tackle some of the complex issues relating to the debate about universal feminist rights, to the complexity of changing such intimate cultural practices, and to the views of women living within societies where the practice is widespread.

Core readings

Packer, Corinne. 2003. African Women, Traditions, and Human Rights: A Critical Analysis of Contemporary 'Universal' Discourses and Approaches. In *Human Rights and Diversity: Area Studies Revisited*. David P. Forsythe and Patrice C. McMahon, eds. Pp. 159-181. Lincoln: University of Nebraska Press.

Walley, Christine J. 1997. Searching for 'Voices': Feminism, Anthropology, and the Global Debate over Female Genital Operations. *Cultural Anthropology* 12(3):405-438.

Background (optional, see online resources page)

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Supplemental, optional reading

Abu-Lughod, Lila. 2002. Do Muslim Women Really Need Saving?: Anthropological Reflections on Cultural Relativism and Its Others. *American Anthropologist* 104(3): 783-790.

Week 13: Student choice: TBA

7 June

Students will nominate on the topic of their choice, and the convenor will prepare a new lecture on that topic. The poll for voting will be set up by Week 10, and students will be able to vote through iLearn.

No reading will be assigned for the week. Students are encouraged to catch up on their portfolio assessments and their other work for university.

+Please note: Media portfolio is due 10 June.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://www.mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://www.mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://www.mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Special Consideration Policy http://www.mq.edu.au/policy/docs/special_consideration/policy.html

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Support

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: <http://students.mq.edu.au/support/>

UniWISE provides:

- Online learning resources and academic skills workshops http://www.students.mq.edu.au/support/learning_skills/
- Personal assistance with your learning & study related questions.
- The Learning Help Desk is located in the Library foyer (level 2).
- Online and on-campus orientation events run by Mentors@Macquarie.

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

Details of these services can be accessed at <http://www.student.mq.edu.au/ses/>.

IT Help

If you wish to receive IT help, we would be glad to assist you at <http://informatics.mq.edu.au/help/>.

When using the university's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students and it outlines what can be done.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- Practice providing constructive feedback to other students on their presentations.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally

and socially.

This graduate capability is supported by:

Learning outcomes

- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- Practice providing constructive feedback to other students on their presentations.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Practice providing constructive feedback to other students on their presentations.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Improve writing skills, especially structuring of argument, organization, and use of

supporting evidence and data.

- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Practice providing constructive feedback to other students on their presentations.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- Practice providing constructive feedback to other students on their presentations.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for accountability, and their development.
- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Develop a familiarity with basic documents and concepts in human rights law and practice, such as the 'generations' of human rights, international structures for

accountability, and their development.

- Understand how anthropology might be used to better protect human rights or to more effectively evaluate criticisms of human rights legislation, especially criticisms based on 'cultural' rights.
- Become better acquainted with contemporary human rights issues in Australia and around the globe, analyzing how cultural difference affects the interpretation, institution, and enforcement of human rights in different societies.
- Demonstrate in-depth knowledge about and analysis of at least one key issue in the application of human rights thought and practices in culturally diverse settings.
- Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

Changes since First Published

Date	Description
16/11/2012	The Prerequisites was updated.