

MACQUARIE UNIVERSITY  
FACULTY OF ARTS  
DEPARTMENT OF ANTHROPOLOGY

2013

ANTH  
323



CULTURE & HUMAN RIGHTS



## UNIT OUTLINE

CONVENOR: DR. GREG DOWNEY

[WWW.ANTH.MQ.EDU.AU/UG/323](http://WWW.ANTH.MQ.EDU.AU/UG/323)

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Cover image taken from photo of demonstrations around the Asia-Pacific Economic Cooperation (APEC) annual conference held in Sydney, 2007.

**UNIT OUTLINE ANTH 323 2011**

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**MACQUARIE UNIVERSITY**  
DIVISION OF SOCIETY, CULTURE, MEDIA AND PHILOSOPHY

**ANTH 323**  
CULTURE & HUMAN RIGHTS

Semester and Year:	<b>First Semester, 2013</b>
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Unit webpage:	<b>www.anth.mq.edu.au/ug/380</b>

Students in this unit should read this outline very carefully. Although the unit convenor reserves the right to make minor alterations during the course of the semester, most essential information for this unit is in the outline. Please contact the convenor if you have any questions.

The unit outline includes a short description of each class followed by a listing of the most essential readings for each week; these readings are included in the unit reader or available online. The end of the unit outline contains a much longer bibliography of selected readings on the topic for the week. Please do not be confused by the doubling listing.

## UNIT DESCRIPTION

In this unit, we consider human rights from an anthropological perspective, as well as how anthropologists and other social scientists might contribute to the theory and practice of international human rights. Because we will approach human rights from an anthropological perspective, we will not simply ask what these rights are, but also how they came to be, how they spring from and affect different cultural contexts, and what sorts of institutions and practices support them. We will study how human rights get deployed in particular settings and interact with local cultures in which they operate. How are individual rights affected by terrorism and fears for security in different places? Should developing economies prioritize economic over civil rights? How should minority rights or indigenous rights be defended if each group is different? How are women's rights lived in different places, and against different challenges such as domestic violence, religiously sanctioned gender relations, or traditions of sexual control? And more generally for anthropologists, how can respect for cultural difference be reconciled with campaigning for human rights?

The course is not 'normative': human rights discourse offers powerful statements about the way things 'should' be, but we will be less focused on the 'correct' interpretation of each agreement, treaty, or declaration. We will ask instead about the way human rights are lived in different settings, and what this variety teaches us about the challenges and opportunities of human rights agreements and institutions.

Some questions will unavoidably be left open, in part because human rights are still a relatively young legal concept, and most human rights institutions and organizations are still growing and changing.

The unit is divided very roughly into five sections. The first provides some basic background on the history of human rights and anthropology. The second section deals with so called ‘first generation’ human rights—‘negative’ rights to be free of unjust actions by the state such as torture, genocide, or denial of principle civic freedoms. In this section, we will confront some of the ambiguities of even basic categories (such as ‘torture’) and consider the social effects of human rights violations, such as living in violent states. The third section deals with ‘positive’ rights, or claims to be made on society for health, education, and economic opportunities. In this section, we will also begin to deal with the so-called ‘Asian question’, that is, the assertion by some scholars that, in the Asian context (and in developing countries more generally), economic opportunities must necessarily take precedence over political liberties.

Because of anthropology’s long concern with minority groups and indigenous rights, in the fourth part of the unit, we will focus on ‘collective rights’, sometimes referred to as ‘third generation’ rights. Here, we will talk generally about the rights of Indigenous Peoples and then, specifically, about land rights, taking the post-*Mabo* land cases of Australian Aborigines as a test case in comparison to other settler states (such as the United States, Canada, and New Zealand). We will also explore the ‘right to development’ or ‘rights-based development’, one of the crucial innovations of the 1990s in thinking about international justice. Finally, in the fifth section of the unit, we will deal with the rights of women, one of the most vexing areas of human rights law, especially in the contemporary political context. In this last part of the unit, we will deal with another dimension of the ‘Asian Question’, and arguments that women’s rights, as understood in the West, are incompatible with social order, religious freedom, or women’s dignity in other parts of the world.

A tension has long existed, among both anthropologists and many advocates of human rights, between respect for ‘local cultures’ and the desire to advance ‘universal’ human rights. The tension is enshrined within the foundational documents of the human rights movement, where both respect for community self-determination and the unqualified assertion of individual rights sit side by side. This unit will seek to address this tension on a range of issues, offering no single formulaic answer to how it might be resolved, but instead exploring the range of ways that these issues arrive in specific situations.

## TEACHING STAFF

Convenor: Dr. Greg Downey

Teaching Assistant: Paul Mason

Office: W6A room 714

Office hours: by appointment, best Monday or Thursday.

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## UNIT RATIONALE

Human rights law, social movements and institutions are among the most important forces for justice operating globally, but they are relatively young and still developing. Looking at how anthropological perspectives contribute to our understanding of human rights, and how anthropologists might contribute to their development and application, sheds significant light on how justice and solidarity might be pursued alongside very deep cultural divisions.

Anthropologists have had a long, ambivalent relationship with human rights; at times, we have been among their strongest critics; at other times, we have been on the front lines of the struggle for their enforcement and expansion.

## ABBREVIATED OUTLINE OF WEEKLY TOPICS

<b>Week</b>	<b>Date</b>	<b>Topic</b>
1	1 Mar	Origins of Human Rights
2	8 Mar	Relativism v. Human Rights?
3	15 Mar	Torture & Cruel, Inhuman or Degrading Punishment
4	22 Mar	Genocide and Crimes in War
5	29 Mar	NO MEETING: public holiday
6	5 April	Seeking refuge: Asylum in Australia
7	12 April	After Conflict: Truth, Reconciliation, Justice
<b>Mid-semester Recess</b>		
8	3 May	Economic and Social Justice: The 'Asian Challenge'
9	10 May	Indigenous Rights 1: Movement & Theory
10	17 May	Indigenous Rights 2: Land & Rights
11	24 May	Rights-based Development
12	31 May	Women's Rights: Fourth Wave of Rights?
13	7 June	Student choice: TBA (no reading, catch up on work)

## UNIT REQUIREMENTS

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.

## LEARNING OUTCOMES

At the end of this unit, students should be able to do the following:

- a) 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.
- b) 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.
- c) 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.
- d) Improve writing skills, especially structuring of argument, organization, and use of supporting evidence and data.
- e) 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.
- f) Appreciate better the complexity of human rights cases, prosecutions, and legislation, including the possibility that disagreement over key issues is legitimate.
- g) Produce in cooperation with other students an effective presentation about a conflict in human rights-related materials, improving presentation skills and teamwork.
- h) Practice providing constructive feedback to other students on their presentations.
- i) In some cases, to gain work-related experience for future career in research-, advocacy-, or policy-related work.

The University asks that units develop a range of general skills, including:

- j) Foundation skills of literacy, numeracy and information technology;
- k) Self-awareness and interpersonal skills;

- l) Communication skills;
- m) Critical analysis skills;
- n) Creative thinking skills.

These outcomes are linked to the assessment tasks below, in the table listing the criteria.

## ASSESSMENT CRITERIA

Task	Weight	Rationale	Date due
Tutorial participation	10%	a, b, f, h, k, l	Ongoing
Group presentation	20%	f, g, k, l, n	See schedule
Short essay	10%	d, j, m	20 March
Research essay	35%	d, e, i, j, m	8 May
Media watch portfolio	25%	b, c, j, n	10 June submission

### 1. Attendance of and participation in tutorials (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.

### 2. Group tutorial presentation (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.

### **3. Short essay assignment (10%).**

The short essay is due early in 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 between 1200 and 1500 words (approximately 4.5 to 6 pages, depending upon formatting). All assessments must be submitted **during business hours to the Faculty of Arts desk in W6A.**

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 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.

### **4. Research essay assignments (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 10 through Turnitin.**

Sample essay topics are provided below, along, 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.

### **5. Media watch portfolio (25%).**

(based on an assessment concept by Chris Houston):

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. As this is an unusual assessment task, the convenor will be making available an instructional video on how to prepare this assessable work.

## ASSESSMENT RATIONALE

To do well in this unit you will need more than just a good memory and an ability to accumulate facts. As a student you will be helped to grasp new concepts, develop analytical techniques, and improve your research skills in the field of human rights. You will be encouraged to develop your analytic capacity and your skills in written communication.

Theory and practice are considered interlinked in most units in the Faculty of Arts, but the question of linking the two is especially pressing in the field of human rights. In human rights, ideas about justice must be balanced when they come into conflict, principles must be turned into sound legislation and agreements, and good intentions must be made manifest in concrete institutions, often under extraordinarily difficult conditions.

The assessments you will be assigned in this unit are designed to mirror this real life set of challenges. In these assessments, you will be encouraged to make connections between the concerns and problems of intellectual life, and those of everyday life, both public and private. I hope that you will be encouraged to use your creativity and flexibility in problem solving when confronted by these assessment tasks, applying them to the unfamiliar and challenging environment of inter-cultural human rights. This also means, however, that you *should employ* materials from the unit in the assessments; failure to do so will be considered a sign that the student is unfamiliar with the materials from the unit. For example, a media portfolio that does not make *explicit* reference to material from both lectures and readings will be considered a sign that the student is unfamiliar with these materials, and not performing adequately to the expectations.

Respect for others and cross-cultural understanding, in both a local and international context, are the hallmarks of teaching and learning in the Faculty of Arts, but they are also a central set of issues for anyone working in human rights. In anthropology we focus on human rights in local contexts, in all their messy complexity when applied to real-world problems. This should encourage students to see cross-cultural differences, not merely as obstacles to creating a more just world, but as the source of concepts about universal justice and shared values.

As one of its goals for teaching and learning, the Division has set itself the task of helping you to improve your ability to work in cooperation with other members of a team. I must admit to some nervousness about team- or group-based assignments because I know that the demands placed upon you often make organizing a group to meet for these assignments very difficult. I will ask you to participate in “moot human rights courts” (see below) as a way of demonstrating how the different principles that we discuss might intersect, conflict, or build upon each other. Although this form of assessment is new, I will try to make sure that the work you do to produce this cooperative presentation might be made to carry over to your individual project.

Assessment tasks and feedback procedures have been extensively redesigned in this unit to provide students with more appropriate practice of their academic skills and an opportunity to prove their learning in different media. In addition, the timetable of the assessments will allow us to return feedback to students in time for them to be able to incorporate that feedback into subsequent assessments. These are all responses to teaching evaluation and critique by previous units.

(Please note: the preceding section is not original. Sections are paraphrased from several generations of statement on Learning and Teaching in the Faculty of Arts. It is not represented here as my own original ideas or framework.)

## **SCHEDULE OF TUTORIAL PRESENTATIONS (#2 ABOVE)**

Tutorial presentations will typically be structured as a ‘debate’ or set of two opposed presentations, each focusing on the merits of one side of question. Student groups will typically be composed of four individuals, and each will be given some leeway to restructure the question, the debate, or the composition of presentations.

### **Week 4: The Case for an International Criminal Court**

This week’s tutorial presentation will take the form of competing presentations by pairs of student, one in favor of a proposal to join the International Criminal Court, and the other opposed to the proposal. The two student groups will each have 10 to 15 minutes to present their case, which will then be followed by open questions, comments, and discussions among tutorial students. At the end, students will vote on whether or not they should join the ICC; presenters’ marks will in no way be influenced by the outcome of the vote.

### **Week 6: The Case for Asylum**

Perhaps one of the most challenging debates, particularly because it is so timely, the tutorial will take the form of a Parliamentary debate between two sides putting up diverging policies for the Australian government to take with respect to asylum seekers. Although the participants do not have to play the part of the contemporary Government and Opposition, please try to include some of the relevant proposals (such as off-shore processing, temporary protection visas, on-shore processing). The goal is not to defend or attack the government’s policies, but to lay out two different approaches, and then to also highlight (will criticizing the other party’s) the weaknesses of the opposing proposition.

### **Week 7: Justice or Reconciliation? A Debate**

Following a fictitious long-term civil conflict in Australia between royal loyalists and those seeking independence that broke out in 2012, competing proposals have been put forward in the legislature to create a South African-style Truth and Reconciliation Commission or to participate in a post-war tribunal. Two student groups should propose these institutions, including the specific structure that you think the institution should take. 15-minute presentations by each group will be followed by debate, discussion, and even the proposal of amendments. At the end of the session, students should vote on all proposals put forward, including amendments.

### **Week 8: Civil and Economic Rights in Conflict**

A visiting entourage has arrived in Australia from a developing East Asian country currently experiencing rapid economic growth that follows the model of East Asian ‘tigers’ like Singapore, Malaysia, and China in liberalizing economically before creating greater safeguards for individuals’ civil rights. One group of students represents the visitors and must present to the Australian assembly as persuasively as possible the reasoning for the continued restrictions on freedom of the press, on criticism of the government, on political activity such as public demonstrations, and

on free access to the Internet. The other group represents a community of exiled intellectuals from the same community that have been given the opportunity to speak before the same assembly; they must, as persuasively as possible, try to influence the visiting entourage into greater respect for human rights. (Note, this requires a diplomatic approach as public humiliation or aggression will not be effective.) Both groups have 15 minutes, and the class, afterwards, will discuss how either presentation might be made more effective.

### **Week 10: Indigenous Land Rights in Australia**

During this week, we will ‘re-enact’ the *Mabo No. 2* Case and the resulting litigation. One pair will act as the representation for Eddie Mabo and associates and present the case for Aboriginal land rights as clearly as possible; the other pair will be responsible for presenting the State of Queensland’s defense. Please note that I do not expect you to find the original court proceedings, or to follow the judges’ decisions exactly; instead, I would like you to present some of the arguments for and against native title. The wrinkle is that the group will only be given ten minutes for each side. Then, after the decision has been reached (the class will know in advance the outcome, of course, as we know the history), each group will be given five minutes to present a prepared statement to the press, expressing their hopes, frustrations, opinions about the future, and the like. Again, both groups are expected to stay in character, and the tutorial discussion will seek to enrich this understanding of the long-term effects of Mabo, including the Indigenous rights issues that it could not address.

### **Week 12: Women’s Rights**

In a fictitious country, two human rights groups have drafted what they consider to be the *most important and fundamental* first laws to apply to the rights of women. Both groups must present their legislation to the class and argue why they think that this particular piece of legislation should be considered, as the legislature only has time to consider one more bill before recessing for the summer. Each group must choose both the activist group that they represent and the issue that they believe this group will see as foremost among women’s rights; they must then argue their proposal for a general audience. In other words, they must draft the law thinking about their particular interest but ‘sell’ it to a broader constituency. Both groups have 15 minutes to present their law ‘in character’. Discussion afterwards will center on what disparities might exist between group motivation and public presentation and the diversity of women’s rights. Credit will be given for creativity and consistency in the group’s character, in addition to effectiveness of presentation.

## **FIRST ESSAY (#3 ABOVE)**

The first essay is not a research essay, although students may consult other materials outside the required readings. The total length of the assignment is 1200 to 1500 words, including a ‘References Cited’ list (including only those texts referred to in the text) as well as any footnotes or endnotes.

Please use in-text citations (sometimes referred to as the ‘Harvard method’) rather than footnotes or endnotes to reference your sources. Footnotes and endnotes are

only for tangential thoughts or additional ideas not discussed at length in the main text.

### **Cultural differences in cruelty**

What would be an acceptable exception to the prohibition on cruel, inhuman, and degrading treatment that is culturally sanctioned? How would you defend that practice if you were asked to represent the individuals involved before a human rights court? Try to anticipate what the arguments against the practice might be (especially from the relevant Covenant), and counter those arguments.

For example, you might argue that children's sports, an initiation ritual, masochistic sexual practice, debt slavery, self-mutilation for personal expression, ritual pain or blood letting (for example, Aztec practices or penitential rites in Catholicism or Islam), or similar practice.

### **Australian genocide?**

Was the Australian state's treatment of Aboriginal Australians 'genocide'?

It may help to read <http://mondediplo.com/2000/10/14abos> to spark thinking on this subject, or to download the article at: [http://www.aiatsis.gov.au/\\_data/assets/pdf\\_file/5747/DP08.pdf](http://www.aiatsis.gov.au/_data/assets/pdf_file/5747/DP08.pdf).

### **Human rights as a form of imperialism**

Many colonized and indigenous peoples see human rights as an imposition of Western ideals upon them, just as polygamy, communal ownership, different standards of dress, and other cultural practices were banned by colonial administrations in the nineteenth century. How might you make this criticism or defend against it? (You may want to focus on additional readings from Week 2).

### **Refugee rights and Christmas Island**

Is the mandatory detention policy, as currently realized in the Christmas Island processing centre, or as proposed in the East Timor regional refugee screening process, consistent with Australia's obligations under human rights law?

## **RESEARCH ESSAY (#4 ABOVE)**

The goal of the research essay is to help to train you as an advocate to write arguments and conduct research projects that take into account the particularity of different cultures' attitudes toward human rights. These topics are designed to get you to think about the intersection between a distinct way of viewing the world (a culture) and a human rights problem from the first two 'generations' of human rights.

The essays require some thought and creativity because the topics are a bit odd (intentionally). You're unlikely to find an essay on any of these topics on-line, but, if you pull together several sources, they can all be done without a tremendous amount of research. For example, you could write a defence of an Asian country's record on human rights (or a critique) from the perspective of sayings by the Dalai Lama by thinking about how what he has said about human dignity relates to the different principles in the Universal Declaration and the interview with Lee Kuan Yew.

It is not expected that you will all write arguments with which you fundamentally *agree*. In other words, your essay may not be a representation of your position on an issue. This is an exercise in taking up different perspectives and assembling evidence- and logic-based arguments from our analysis of the materials.

Essays should be approximately 3000 words (upper limit: 5000). Students need to proofread their own work before submitting it and all source should be cited in the text. You may use whatever format you like; if you have no preference, may I suggest ‘in-text’ citation (for example, after a quote...’ (Downey 2006:45). ), with an attached bibliography of ‘References Cited’ only (not everything you read; only what you directly or indirectly reference). Students should probably use *at least* four or five separate sources. Wikipedia and on-line pages may be used, but they are *not* sophisticated sources and will not help you to construct your arguments. Use Web of Science and the University library to find the most appropriate additional resources.

## **Sample topics:**

### **Liability in socio-economic rights**

Could a wealthy government be prosecuted for its treatment of its own poor, unemployed, or under-served diseased individuals, given the International Covenant on Economic, Social and Cultural Rights? How might injustice be defended or prosecuted in cases around the world? What punishment or redress could be sought, who would the case target, and how might the advocates involved make their cases?

Prepare the prosecution or defense case, or an amicus brief (that is, a report given to the court by a ‘friend’, in this case, by a human rights scholar on the applicability of human rights law to this case) on a case like the following: failure to provide adequate education, unemployment, economic inequality, under-development, child poverty, or dietary inadequacy.

### **Institutions for restitution**

In the case of former African slaves in the United States, Native Americans in Canada or the United States, Australian Aborigines, Palestinians in Israel, Basques in Spain, or other situation of unresolved conflict familiar to you, describe why you think either a truth and reconciliation-style commission or a justice tribunal would be a more appropriate way to redress past injustice. By choosing a situation that is familiar, I hope that it gives you more time to focus on the strengths and weaknesses of the types of institutions. You will not get credit for simply describing the long-standing conflict.

### **Defending ‘Asian values’**

After having read Lee Kuan Yew’s interview about ‘Asian values’ and human rights, pick an Asian country and defend that country’s record on human rights, or, from the perspective of a representative of a human rights organization from an Asian country, criticize a country’s human rights record using ‘Asian values’ as a foundation for your argument.

I am less interested in the accuracy of information about a country’s human rights record than I am about the effectiveness of your argument’s use of ideas, concepts, or textual precedents from the appropriate traditions.

### **Societies that recover**

Investigate one society that has either successfully or unsuccessfully recovered from severe, endemic violence. How did that society accomplish this, or what might have been some of the factors involved in the failure? What factors are characteristic of the place itself or the violent regime it endured, and what factors were contributed by the process of reconciliation and rebuilding that it either passed through or failed to pass through?

See the web links for possible cases, but you might consider one of the following: Guatemala, South Africa, Argentina, Sierra Leone, the former Yugoslavia, Northern Ireland, or Cambodia. I point these out simply because they will be discussed in class or are in your additional resources.

### **Child soldier legislation**

Investigate the current child soldier legislation being implemented in different countries (for example, the Child Soldiers Accountability Act recently passed in the US) to suggest whether similar legislation could be proposed in Australia. Clearly explore and explain how the legislation is supposed to work (definition of offense, enforcement, penalties, etc.), assess its strength and weaknesses, and provide some overview of its potential impact.

### **Human rights in regional crises**

Investigate how different religious worldviews affect attitudes toward human rights issues with a specific context in mind (for example, the ongoing violence in Sri Lanka, abuses in Burma, or other nearby region). Suggest how religious or cultural worldview in our region affects the perception, understanding and application of a specific human rights issue in an area of interest to Australia. Please note: In some cases, you may find that you need to explore how diverse worldviews in the same area (such as across religious difference in Sri Lanka, or varieties of Muslim attitudes toward women in Afghanistan) affects different sides in conflict.

### **Disability rights and international donors**

How might disability rights be articulated in aid, legislation, or activism, especially for disabled people in the developing world where resources to redress problems confronting disabled people are not widely available. You will need to organize the principle types of rights that are at issue and consider how donors or international organizations might influence policy or assist disabled people. Does the location of disabled people in developing world affect likely donors, how can this be addressed, and what role do you see for international organizations in disabled rights in the developing world?

### **The ethics of NGO fundraising efforts**

Explore the ethics of fundraising by NGOs, especially the ways in which NGOs depict the people with whom they work. For example, one key area of concern is the use of child sponsorship as a mechanism to attract and retain sponsors, but the possibility that this mechanism creates ethical problems, shaping who can be helped, donor expectations, and the relationship between those giving and receiving aid.

On a more general level, how does the way that NGOs advertise and attract attention to problems affect the way that global poverty, health problems and other social issues are understood by the Western public? Does the mode of addressing the public make it harder to address some sorts of problems rather than others? You might look at a number of different strategies employed by different NGOs in Australia or abroad.

**Right to food**

What is the current state of discussion of a right to food, especially in light of current food crises, use of food crops for alternative fuels, conflicts over seed patents and genetically modified crops, decrease in fish stocks, and concerns about the impact of agriculture on the environment. How might Australian organizations work constructively to advance a right to food given the current state of the world's economy, environment, and other concerns?

**Rights-based development and financial crisis**

How is a rights-based approach (RBA) to addressing social problems affected by current financial problems? You may want to consider the design of different governments' 'stimulus packages' to consider the implicit priorities that shape these programs and their relationship to various human rights principles. You may also want to investigate changes to international development aid or health aid during the same time periods proposed in the stimulus packages; in other words, looking at overall government budgets and changes, is there a significant shift away from human rights-related funding (are cuts to these programs used to offset stimulus spending?) or are rights-related programs part of economic stimulus spending? In other words, investigate how the priorities and spending of economic stimulus relate to rights-related development (for example, compare to Millennium Development Goals).

**Outcomes of rights-based research**

How does a rights-based approach to development affect development outcomes? You may have to find some examples and make some phone calls to organizations who have attempted to implement rights-based approaches to development to ask for examples where these approaches have been tested. Outcomes are likely to be mixed, but it would be helpful to find some specific examples that might help to inform the discussion about rights-based development.

**Refugee rights and self-determination**

How should refugees be handled? Do Australians have a right to determine who enters their country, and if so, how should the country handle those who arrive in Australia or its territorial waters without permission?

**WRITE YOUR OWN TOPIC!**

We actually prefer to read original papers that bring together items from the news with theoretical concepts, arguments or forms of analysis that we have learned more about in class. In conjunction with either your tutor or the unit convenor, you can devise your own research topic related to culture and human rights.

Please note that the paper submitted for evaluation must be appropriate to this unit and cannot be submitted in any other unit for credit.

**PLAGIARISM**

The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's practices and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at:

<http://www.student.mq.edu.au/plagiarism/>



The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

## GRADING POLICY

Your final mark for this unit will include a range from 'fail' to 'high distinction', along with a standardised numerical grade (SNG). Because of the various elements that go into the final mark and the weighting of each, there may be a slight difference between your raw mark for a unit, composed of the various components for each assessment item, and your final SNG. If there is a discrepancy, it will be quite small.

## STUDENT SUPPORT SERVICES

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

Students who would like individual help with essay writing (for example, if this is one of your learning goals) should submit an early essay for marking and then make an appointment with a writing skills adviser. They can be contacted at the Centre for Open Education in building X5B (9850 7470). They can arrange tutoring in person or over the phone if students cannot attend during normal hours.

Students should use the writing skills advisers with a marked essay lodged, as the Centre prefers to work on problems already identified by students' instructors. Tutoring will be better with a week of lead time for the tutor to review the material. The tutors are not an editing service, but they will provide very general writing advice or consultation on works in progress.

## INTERNET RESOURCES

Aid Watch  
<http://blogs.nyu.edu/fas/dri/aidwatch/>

AIDS and Rights  
<http://eliminateaids.blogspot.com/>

Alternet's Human Rights news  
<http://www.alternet.org/rights/>

Amnesty International  
<http://www.amnesty.org/>

Blog of Rights (American Civil Liberties Union)  
<http://blog.aclu.org/>

Derechos Human Rights  
<http://www.derechos.org/>

*The Guardian's* Human Rights page  
<http://www.guardian.co.uk/world/human-rights>

Global Issues  
<http://www.globalissues.org/>

Human Development Reports (UN)  
<http://hdr.undp.org/en/>

The Human Rights Blog  
<http://human-rights.typepad.com/>

Human Rights Digest  
<http://www.humanrightsdigest.org/>

Human Rights Now (Amnesty  
International USA)  
<http://blog.amnestyusa.org/>

Human Rights Monitor  
<http://www.humanrightsmonitor.net/>

Human Rights Watch  
<http://www.hrw.org/>

One World Net  
<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

The People's Movement for Human  
Rights Learning  
<http://www.pdhre.org/>

Third World Network  
<http://www.twinside.org.sg/>

UN High Commissioner for Human  
Rights  
<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

UN Human Rights News  
<http://www.un.org/apps/news/subject.asp?SubjectID=5>

## OUTLINE OF LECTURES & READINGS

### 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 opposed 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.**

## EXTENDED BIBLIOGRAPHY: SUPPLEMENTAL READINGS

None of the following readings is required, but I will try to assure access to them. In some cases, I will make reference to them in lectures, so I provide them to assist a student in taking notes and understanding the intellectual, historical, and political background for these topics. Students interested in a particular topic are encouraged to look for these sources. Primary documents include some of the original treaties, legislation, and cases applicable to these topics.

Please also see the unit's webpage, where you will find links to primary documents, including the primary human rights treaties, documents, and declarations that are discussed each week. In addition, there you will find links to organizations working specifically on these issues.

Many of the journal articles on this list are available online through the Macquarie University Library, including those from *Human Rights Quarterly* and the major anthropological journals. These should be relatively easy to gain access to and can be stored as electronic files to save printing costs.

### Week 1: Origins of Human Rights

#### *Supplementary Readings*

- Arat, Zehra F. Kabasakal. 2006. Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights. *Human Rights Quarterly* 28:416-437.
- Ishay, Micheline R. 2004. *The History of Human Rights: From Ancient Times to the Globalization Era*. Berkeley: University of California Press.
- Lauren, Paul Gordon. 2003. *The Evolution of International Human Rights: Visions Seen*. Second Edition. Philadelphia: University of Pennsylvania Press.
- Merry, Sally Engle. 2001. Changing Rights, Changing Cultures. In *Culture and Rights*. J. Cowan, M. Dembour and R. Wilson, eds. Pp. 31-56. Cambridge: Cambridge University Press.
- Sellers, Kirsten. 2002. *The Rise and Rise of Human Rights*. Stroud: Sutton.
- Supiot, Alain. 2003. The Labyrinth of Human Rights: Credo or Common Resource? *New Left Review* (May/June) 21: 118-136.

### Week 2: Relativism v. Human Rights?

#### *Primary documents*

- UNESCO. 1949. *Human Rights: Comments and Interpretations*. London: Allan Wingate.
- Executive Board of the American Anthropological Association. 1947. Statement on Human Rights. *American Anthropologist* 49(4):539-543.

#### *Supplementary Readings*

- Donnelly, Jack. 1984. Cultural Relativism and Universal Human Rights. *Human Rights Quarterly* 6: 400-419.

- \_\_\_\_\_. 2002. *Universal Human Rights in Theory and Practice*. 2<sup>nd</sup> Edition. Ithaca, NY: Cornell University Press.
- Geertz, Clifford. 1984. Distinguished Lecture: Anti Anti-Relativism. *American Anthropologist* 86: 263-278.
- Goodale, Mark. 2006. Toward a Critical Anthropology of Human Rights. *Current Anthropology* 47(3): 485-511.
- Hatch, Elvin. 1997. The Good Side of Relativism. *Journal of Anthropological Research* 53 (3): 371-381.
- Maybury-Lewis, David. 1999. Anthropologists, Anthropology and the Relativistic Challenge. *Interdisciplinary Faculty Perspectives on the Human Rights Movement* 29:
- Messer, Ellen. 1993. Anthropology and Human Rights. *Annual Review of Anthropology* 22:221-249.
- Renteln, Alison D. 1985. The Unanswered Challenge of Relativism and the Consequences for Human Rights. *Human Rights Quarterly* 7:514-540.
- Renteln, Alison Dundes. 1988. Relativism and the Search for Human Rights. *American Anthropologist* 90(1):56-72.
- Riles, Annelise. 2006. Anthropology, Human Rights, and Legal Knowledge: Culture in the Iron Cage. *American Anthropologist* 108(1):52-65.
- Steward, Julian H., and H. G. Barnett. 1948. Comments on the Statement on Human Rights. *American Anthropologist* 50(2):351-355.
- Sunder, Madhavi. 2003. (Un)disciplined. *PoLAR: Political and Legal Anthropology Review* 26(1):77-85.
- Zechenter, Elizabeth. 1997. In the Name of Culture: Cultural Relativism and the Abuse of the Individual. *Journal of Anthropological Research* 53(3):319-347.

## **Week 3: Torture & Cruel, Inhuman or Degrading Punishment**

### ***Primary documents***

- Forest, Duncan, ed. 1996. *A Glimpse of Hell: Reports on Torture Worldwide*. London: Cassell and Amnesty International, UK.

### ***Supplementary Readings***

- Amnesty International. 2001. *Stopping the Torture Trade*. London: Amnesty International.
- Hoffman, Paul. 2004. Human Rights and Terrorism. *Human Rights Quarterly* 26:932-955.
- McLagan, Margaret. 2005. Circuits of Suffering. *PoLAR: Political and Legal Anthropology Review* 28 (2):223-239.
- Nowak, Manfred. 2006. What Practices Constitute Torture?: US and UN Standards. *Human Rights Quarterly* 28:809-841.
- Roth, Kenneth, and Minky Worden, eds. 2005. *Torture: A Human Rights Perspective*. The New Press.

## Week 4: Genocide and Crimes in War

### Supplementary Readings

- Gourevitch, Philip. 1996. After Genocide [an interview with Paul Kagame]. *Transition* 72:162-194.
- Hinton, Alexander Laban, ed. 2002. *Genocide: An Anthropological Reader*. Oxford: Blackwell.
- Lemarchand, René. 1998. Genocide in the Great Lakes: Which Genocide? Whose Genocide? *African Studies Review* 41(1): 3-16.
- MacKinnon, Catherine A. 1994. Rape, Genocide, and Women's Human Rights. In *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Alexandra Stiglmayer, ed. Pp. 183-96. Lincoln: University of Nebraska Press.
- Mamdani, Mahmood. 2001. A Brief History of Genocide. *Transition* 10 (3):26-47.
- McLagan, Meg, ed. 2006. Technologies of Witnessing: The Visual Culture of Human Rights. Special section. *American Anthropologist* 108 (1): 191-220.
- Otto, Diane. 1996. Nongovernmental Organizations in the United Nations System: The Emerging Role of International Civil Society. *Human Rights Quarterly* 18 (1):107-141.
- Robertson, Geoffrey. 2006. *Crimes Against Humanity: The Struggle for Global Justice*. Third edition. New York: Penguin.
- Roht-Arriaza, Naomi. 1995. *Impunity and Human Rights in International Law and Practice*. New York: Oxford University Press.
- Sarkin, Jeremy. 1999. The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda. *Human Rights Quarterly* 21(3):767-823.
- Seifert, Ruth. 1994. War and Rape: A Preliminary Analysis. In *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Alexandra Stiglmayer, ed. Pp. 54-72. Lincoln: University of Nebraska Press.
- Stockman, Farah. 2000. The People's Court: Crime and Punishment in Rwanda. *Transition* 9(4):20-41.

## Week 7: After Conflict: Truth, Reconciliation, Justice

### Supplementary Readings

- Evans, Rebecca. 2006. Pinochet in London—Pinochet in Chile: International and Domestic Politics in Human Rights Policy. *Human Rights Quarterly* 28:207-244.
- Hayner, Priscilla B. 1994. Fifteen Truth Commissions—1974 to 1994: A comparative Study. *Human Rights Quarterly* 16 (4): 597-655.
- . 2001. *Unspeakable Truths: Confronting State Terror and Atrocity*. New York and London: Routledge.
- Minnow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press.
- Oomen, Barbara. 2005. Donor-Driven Justice and Its Discontents: The Case of Rwanda. *Development and Change* 36(5): 887-910.
- Popkin, Margaret, and Bhuta Nehal. 1999. Latin American Amnesties in Comparative Perspective: Can the Past Be Buried? *Ethics and International Affairs* 13:99-122.
- Rolston, Bill. 2006. Dealing with the Past: Pro-State Paramilitaries, Truth and Transition in Northern Ireland. *Human Rights Quarterly* 28:652-675.

Stower, Eric, and Harvey M. Weinstein, eds. 2004. *My Neighbor, My Enemy: Justice and Community in the Aftermath of Atrocity*. New York: Cambridge University Press.

Wilson, Richard. 2005. Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia. *Human Rights Quarterly* 27 (3): 908-942.

## **Week 8: Economic and Social Justice: The ‘Asian Challenge’**

### ***Supplementary Readings***

Barr, Michael D. 2000. Lee Kuan Yew and the ‘Asian Values Debate.’ *Asian Studies Review* 24 (3)

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## **Week 9: Indigenous Rights I: Movement & Theory**

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## Week 10: Indigenous Rights 2: Land & Rights

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

### **Supplementary Readings**

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## ADVICE ON ANTHROPOLOGICAL ESSAYS

As in other social science fields, students in anthropology are expected to read critically and not simply accept as ‘Truth’ what you read. You will soon discover that much of anthropology, and some of the key debates in human rights, are not disputes about facts; rather, the arguments are about how to balance competing principles when multiple, conflicting values are in play. Rather than detective work or one-sided diatribes, anthropological essays can often resemble legal or political discussions, with the facts not in dispute, but the weighting or relative importance of different ideas unclear and open to diverse readings. For example, the reason that so many people disagree about women’s rights is that they fundamentally disagree on ideals for being a woman and women’s needs. Even people from the same culture can disagree in good faith about some of the ideas we will be discussing.

Human rights themselves have often advanced through opposition of contrary viewpoints and argument; this has improved respect for and knowledge of human rights over their history. Students may want to write extremely strong language, dismissing any disagreement, ignoring good arguments that counter their own, and using inflammatory language. It is important to fight this tendency. Instead, recognition of other arguments, even when one disagrees with their perspective is an essential ingredient in activism, persuasion, and reasoned argument.

This openness to debate means that we expect your essays to demonstrate not just factual knowledge but also some ability to present and assess arguments and counter-arguments about particular problems. A good explanation of a disagreement is a better demonstration of a complete understanding of an issue than a one-sided, imbalanced account that ignores crucial reservations. Remember: debates haven’t been settled for a reason in scientific fields—we don’t expect you to be able to settle them definitively in a few thousand words.



## HOW WE ASSESS ANTHROPOLOGICAL ESSAYS

You will be giving copies of the specific assessment rubrics that we will use prior to the assignments being due, but in general the following principles apply:

**1. Clarity of argument and logic:** Make sure that your essay makes a clear argument—ask yourself, ‘What do I want my reader to be persuaded to think?’ And then, somewhere in your essay, make sure you state this clearly and build the case for this point. Essays are not unified by a topic or a subject; they are unified when you make a statement *about* the topic. You may find that you will need to write a bit before your argument becomes clear to you. Once your position becomes clear to yourself, make sure that you put it in your introduction and edit your essay to make it consistent with your argument.

**2. Effective use of supporting evidence and concepts:** The content of your essay should be relevant to the question or problem you’ve selected. Don’t include material not directly related to it. We will be looking at how you use evidence to

advance your argument, for example, how well you integrate authoritative sources or passages from the resources that you reference. Make sure that your evidence actually supports your argument and that you explain how it fits into your overall essay.

**3. Research skills and use of materials:** Your essay should be well-informed, reflecting your reading, research, and learning in the unit. Read as widely as possible and make use of what you read (but only if it is relevant—not everything you read this semester will be used in your essay). As a rule of thumb, essays should cite the most credible sources. That is, they should *not*, under any circumstances, be unreviewed sources of unclear validity (for example, most webpages). It is alright to read Wikipedia or unreviewed websources to get ideas, but you should use your research skills to confirm them.

**4. Creativity, cleverness or insight:** Familiarity with the literature is essential but not sufficient to earn a high mark. Your essay must be based on your own thinking. Only a small part of your essay should be direct quotations or material that is merely a modified or condensed version of another author's work. Extensive quotation or paraphrasing is not acceptable as it doesn't evidence your thinking about your reading. Quotations and paraphrasing have value only in so far as you use them, sparingly, to strengthen your discussion. On the issue of plagiarism, the Division of Society, Culture, Media and Philosophy (SCMP) states that

Plagiarism is a serious matter and will be treated as such by the Division. It is important that you understand what plagiarism is and the nature of the penalties it will incur. A full outline of the Division's policy on plagiarism can be found at: <http://www.scmp.mg.edu.au/post2rad.html>  
It is expected that every student will familiarise him- or herself with this statement.

Unfortunately, the use of word processors and on-line research practices can lead students into unethical behaviour without too much forethought or intention. To preserve the integrity of our educational programs, the University has had to adopt sophisticated technologies to deter plagiarism.

We do not expect you to come up with original insights at this stage of your studies. But we do expect a serious effort to evaluate how the readings bear on the problem. One way to proceed is by comparing and contrasting the work of different writers. Consider the implications of the arguments and data used by one author for other works you are also referring to in your essay. One author may raise questions or make points that others do not consider. Indicate this in your discussion, and try to examine the other material in the light of these points. A statement by one writer may be in conflict with those of others. Which do you think is the most plausible? Is there enough data available to you from which you could decide between the different positions? If not, what sort of additional data is needed? Try also to anticipate possible objections to your arguments and say how you might deal with them.

Think for yourself and say what you think. By this we don't mean to encourage rash, unconsidered, one-sided statements. Rather, we hope you will be stimulated by your reading and that you will make the effort to think through the issues raised. Use your readings to substantiate your arguments, and to juxtapose (place side-by-side) different emphases, different points of view, and to highlight tensions you might find in the material. Essays that are simply a series of verbatim extracts or paraphrases

from the literature are not acceptable, even if their sources are properly acknowledged. A poorly expressed essay that nonetheless shows that the writer has made some attempt to think about her or his reading has some value. One that is mainly a cut-and-paste job of undigested quote has little value and may be plagiarism.

**5. Well written and edited:** Your essay should be constructed in a way that shows the logical steps in your argument, with data from various sources being brought in as appropriate, and it should be easy to read.

Remember that paragraphs are the organisational ‘building blocks’ of an essay and that each paragraph should have a main idea or theme. Good organisation and effective writing can only be achieved by careful planning and frequent re-reading and revision of your writing as you proceed. Essays whose authors have not taken the trouble to review and edit them before submitting seldom succeed.

Begin with an introduction that foreshadows your argument. You may, if you wish, write a formal synopsis or use subheadings in the body of the essay, but this is not essential. It is more important to go back to the introduction after you have finished the body of the paper to see, for certain, that it actually represents what you have written. Too often, students write the introduction first and never bother to update it as their ideas change and develop. An overly vague introduction does not help you; if you find yourself padding the introduction with sentences that don’t work toward your argument, just delete them.

Develop your discussion progressively and coherently. This means ensuring that sentences and paragraphs follow logically from one another. A common fault is leaving out connecting thoughts that (in your mind) link the sentences you write. In addition, read what you write *out loud*; what may look fine on the screen may sound terrible to you if you read it out loud. An unfamiliar reader’s experience is more like reading out loud than seeing the text on a computer screen.

Your conclusion should draw together the threads of your argument into a summary and present a final answer to or assessment of the problem.

If there seems to be disagreement in the literature about the meaning of certain terms, mention this and state how you intend to use the term(s). Choose an appropriate place to define terms—usually where the particular term is first mentioned. Dictionary definitions are often inadequate when it comes to specialist concepts, and including a dictionary definition in an essay is usually a sign things are not going well. Instead, use a definition from the literature by preference.

Take special care to express your ideas as clearly and concisely as possible. Do not use note form. Write complete sentences and keep them as short and succinct as possible. Often students appear to think that ideas will sound more impressive if they are difficult to understand or make use of the largest possible words; this is never the case. Carelessly constructed sentences, poor choice of words and errors in punctuation and spelling obscure your meaning. We are interested in what you know and think, and will not penalise occasional errors in expression. But an essay is an attempt to communicate on paper in a formally structured way, and to succeed in this you must use writing skills. An essay with many faults in written expression rarely gains a good mark, not because we value grammar for grammar’s sake, but because the cumulative effect of such errors obscures the meaning of your discussion. Some would even say that if you can’t express your ideas clearly, then you can’t think them clearly.

The best way to find out whether your essay is well-written is to have someone read it. This can be painful, since people are likely to have the effrontery to say that parts of it aren't clear! An alternative is to read it aloud to yourself. This can help you to recognise the syntactically awkward bits, but it may not help you to see the misspellings and other errors that only a fresh eye can notice. Nevertheless, a careful reading will pay dividends. Failing that, run it through the spell-checker, but don't be surprised if the computer doesn't tell you not to use 'effected' instead of 'affected'.

N.B. The Vice-Chancellor has asked that writing skills be taken into account in the overall assessment of work, and particularly that "Markers should insist that ideas and facts should be expressed accurately and adequately, and should penalise the sort of writing which calls on them to provide a charitable interpretation of notions which have been vaguely or misleadingly expressed."

**6. Well sourced and adheres to format:** Never quote or use an author's work in any way without acknowledging it. You must always indicate where in the literature you obtained the facts, concepts and points of view which you discuss in your essay. When quoting an author verbatim always show this with quotation marks and a citation. You must also indicate where a summary of someone else's work or ideas ends and your own discussion is resumed.

To quote or paraphrase another person's work without acknowledgement is plagiarism, that is, the presentation of the words and ideas of another writer as your own. Plagiarism demonstrates that the writer has failed to think independently, and it is unjust to writers who do honest work. To the extent that work is plagiarised it loses value, and depending on the amount plagiarised, may receive no marks at all.

There are many different ways of referencing essays, but most of them are variants of either the footnote/endnote system (sometimes called the 'Oxford system') or the author and date system of in-text citations (sometimes called the 'Harvard system'). In this and other anthropology units you are expected to use the Harvard system, since it is the system employed in almost all anthropology publications. Footnote/endnote citations will not be accepted. Remember that with the Harvard system you can still use notes (preferably endnotes) for additional comments, which may in turn include further Harvard-style citations within the note.

Harvard-style citations are placed in round brackets within the text of the essay. Three different variants can be used, depending on contexts. Thus:

- 'Fox (1967) made the point that ...' or;
- 'Fox argues that incest is "not so much prevented as avoided" (1967: 72)' or;
- 'Several authors have studied somatic factors in social behaviour (e.g. Tiger 1975, Tiger & Fox 1986).'

Note that you must cite a page number whenever you quote directly. When you paraphrase or otherwise refer to or make use of a source without quoting it, the author's name and year of publication alone are sufficient.

Every citation in your essay should have a matching bibliographic entry in a 'References' list at the end. Every entry in your list should match a citation in the essay. If you really want to include references that you have not cited, you should put them in a separate 'Additional References Consulted' list, but this is not necessary.

The References list should be alphabetised by surnames. Do not number the references (as is commonly done in Psychology, e.g.). Use italics or underline the titles of books and serials. When quoting from a chapter in an edited collection, always cite the author of the chapter together with the year the collection was published, and include the editor(s) name(s) with the title of the collection in the bibliographic entry (see the Tiger reference in the following example):

### **References**

- Fox, R. 1967. *Kinship and Marriage*. Harmondsworth: Penguin
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If you have read about someone's work in another publication, e.g. Fox (1967) mentions Leach (1961), but you haven't read the original Leach article, make this clear, e.g. 'Leach's 1961 paper (cited in Fox 1967)...' If you want to quote from a secondary source, you should indicate both the original author and the secondary source, e.g. 'Fox (1967: 32) quotes Leach's point that "...'"

When quoting from a particular book or article for a second or further time in your essay when in the meantime you have not cited any other item, simply reference by the abbreviation 'ibid.', which means 'in the same place'. If you are quoting from a different page in the same work, include the page number, e.g. '... blah, blah' (ibid.: 32).

When referring again to this author's work but where citations to other works have intervened since you last cited it, revert to the standard citation form, e.g. (Fox 1967) or 'Fox (1967: 118) argues that "...'"

When referring more than once to a work by several authors there is no need to repeat all their names every time. E.g., first reference: (Tiger, Fox & Pike 1975); subsequent references: (Tiger *et al.*). 'Et al.' means 'and others'.

If there are two authors of the same surname in your bibliography, distinguish them in references by initials. If there are two items by the same author and published in the same year, distinguish both citations and bibliographic entries as, e.g., (Lyons 1981a) and (Lyons 1981b).

More general information on setting out essays are provided on the SCMP website. Click onto 'Undergraduate' and then 'Essay Writing Guide.'