

San Jose State University
Justice Studies
JS171- Human Rights, Fall 2021

Course and Contact Information

Instructor: Elizabeth Tejada

Class Time/Location: Tues/Thurs. 12:30-1:45PM
 MacQuarrie Hall 523

Email: All contacts for this course should occur via Canvas

Office Hours: Online via Zoom Mondays, 10:30AM. I also can be available by telephone, and live-chat.

And for questions regarding general course policies, schedule, and assignments, post your question for the class on the “Discussion” link in Canvas. For contacts specifically regarding you (not the course generally) including your grade, etc. contact me via Canvas “mail.” Allow 24-hours for my response.

Course Description

“The United States of America is the greatest nation on earth, or so it is said. This expression reflects homage to the visionary founders and the democratic innovation they implanted, a fundamental faith in the country’s political and economic system, and celebration of a common ethos of liberty and equality that is understood to mark American identity.” (*Walter R. Echo-Hawk, In the Light of Justice, vii*)

Yet, “it is simply a matter of fact, with which Americans must contend, that the claim to exceptional greatness is wed to historical processes that defy it.” (*Id.*) Yet, few discuss it, and fewer work to resolve it. Instead, the legacy of conquest and colonialism is implanted “into the American mindset, institutions, and legal regime so deeply that we are blinded to its presence.” (*Id.* at 105.)

“While most acutely felt by the indigenous peoples of the country, these wounds are also afflictions on the country as a whole.” (*Id.*) This course helps us understand why the achievement of human rights requires that we, as a nation, confront the combined injustices of the past and present.

While this course explores these issues through the indigenous framework, you will discover the themes of oppression apply across all settings.

This course explores:

- How courts create and implement concepts of “human rights”?
- Can human rights be considered “inalienable” when history reveals the denial of the rights to specific members in society

- What the barriers are to achieving universal human rights for all
- What human rights campaigns tell us about the solutions to achieve human rights

At its core, these questions center on the role of “rights” in society and how the government implements it. Most often, courts are equated with justice. But a review of courts through its own words reveals how the law can, and has, been used to oppress. Centered on detailed case study reviews, you will see how Courts recognize, if not create rights.

The course is divided into learning modules with each highlighting aspects of the development and implementation of human rights in society. Each case reveals the question facing all nations: to what extent should indigenous peoples be secure in their land, cultural integrity, political and economic rights. Fundamentally, this inquiry depends on recognizing the existence of inalienable and indivisible rights afforded to all humans. If rights exist simply for being human, then the US violated Native’s natural/human rights; its legitimacy comes under challenge.

Thematically, the case study review begins with the first US Supreme Court cases – collectively known as the “Marshall Trilogy” (Johnson v. M’Intosh, Cherokee Nation v. Georgia, and Worcester Georgia). Through these cases, the Court set the framework that has shaped human rights through the indigenous context for centuries. The cases reveal the Court’s strategy of using legal fictions to justify, if not command, the denial of human rights.

Rooted in doctrines of “discovery,” “conquest,” and “just wars,” the state through the courts implemented campaigns of oppression. The case studies examine the legality of genocide and the Indian Wars; taking of the land and treaties; plenary powers and guardianship of natives.

Having developed this historical and analytical framework, then you will examine the consequences as illustrated in controversies regarding the taking of native children, religion, holy places, and indigenous habitat.

Ultimately, having critically examined the bias and cultural injustices that can underlie U.S. policies, you will consider whether human rights can ever be achieved for *all*. You end the course on a hopeful note. You will discover the successes of those that persevere to achieve human rights and justice. You explore varying views of “advocacy,” largely through everyday people and efforts. By doing so, you discover the avenues to continue mining this new-found interest in advocacy and human rights.

Required Textbooks

The concept of “human rights” involves a kaleidoscope of socio-legal, economic, and political considerations. So, you are given a variety of materials that span these issues: podcasts, articles, law reviews, research studies, and videos on Canvas. These will complement the texts below.

- Human Rights: A Short Introduction, by Andrew Clapham, ISBN-13: 978-0198706168
- ISBN-10: 0198706162, approx. \$6
- In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples, by Walter R. Echo-Hawk, ISBN 978-1555916633, approx. \$15
- An Indigenous Peoples' History of the United States, by Roxanne Dunbar-Ortiz. ISBN 9780807000403, approx. \$10

You can use print or electronic copies of the textbook. For those that prefer paper copies, there should be plenty of used copies at the bookstore and online. Since these are not traditional "textbooks," highlights and student notations in a used book should not affect the material.

Course Learning Objectives

In this course, you will:

- Analyze how the U.S.'s position as leaders of "human rights" can be reconciled with its history and treatment of natives
- Explain UNDRIP's role within the context of human rights and international doctrines
- Identify and assess the narratives used to justify the unequal application of human rights
- Explain the role of culture in human rights discourse
- Using specific examples in Native history, explain the strategies of institutional oppression in the human rights framework
- Apply the language of "human rights" to develop a framework for healing historical wrongs through reparative and restorative justice

Grading/Assessment Opportunities

- The final course grade is based on:

Course Grade	Collective total points possible
Before/After Reflection	10 points/%
Explore Further: Research and Report (choose 4 only)	20 points/%
Peer Discussion/Analysis (choose 4)	40 points/%
Final Essay (due uploaded by Wed. 12/8 10PM)	30 points/%
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Total points offered for course	100pts/%

- **Grading Scale**

Your final grade is based on the final points earned from a point scale of **100pts/%**:

	A 100 – 92 points	A- 91– 89 points
B+ 88– 86 points	B 85– 82 points	B- 81– 79 points
C+ 78– 76 points	C 75– 72 points	C- 71– 69 points
D+ 68– 66 points	D 65– 62 points	D- 61– 59 points
F 58 points or below		

- **Grading Criteria:**

The goals and objectives vary depending on the submission/assignment. So, each has its own grading criteria provided in the instructions. The assignments range in difficulty level and due dates/times. So consider your options carefully.

Contact me immediately with questions or if you would like to discuss. Various ways exist to contact us. General questions or clarifications are posted on the course Question & Answer discussion board on Canvas. Private messages are sent using the email/message function of Canvas and assignment-specific comments can be made using the “comment box.”

Your grade scores are listed and readily available in the “Gradebook” of Canvas. Scores will not be negotiated. But track your progress with the corresponding detailed feedback explaining your score. Notify us immediately of any errors, and let us know if you have questions or need clarification. You must inform me of any errors no later than Thurs. 12/2.

Assignment Categories

❖ Participation/Contribution

This course requires you to critically analyze the issues as specifically supported by the course lessons and discussions. You cannot benefit from these lessons and discussion if you are not monitoring Canvas and actively participating in the in-person discussion.

The first date of the fall session is 8/19 and the last is Thurs. 12/2. Throughout this period, except for the scheduled academic holidays, you are expected to actively participate in class and Canvas and respond to all inquiries.

Classes involve discussion, group workshop, and exercises. So you must do more than be physically present; you must contribute to a collaborative learning environment. You already must understand the material and be up-to-date on your reading.

- Your contribution includes:
 - Have Canvas notifications set as “on” according to the course instructions “Setting Up Course Canvas”
 - Log on to Canvas/Canvas at least weekly.
 - Have the learning module reviewed before the meetings. Canvas calendars the review and reading prior to the session it is discussed in.
 - Have the materials open and available to review during all course meetings.
 - Arrive on-time and stay for the duration.
 - Show you are engaged and actively contributing to the session’s discourse that day. You must voluntarily participate with relevant and thoughtful contributions. You are assessed in your ability to answer questions as much as you ask them. And you must be prepared to specifically reference the materials that serve as the basis for your understanding.
 - You must maintain professionalism and respect to the University, the instruction, and your fellow students.
 - **Comply with all SJSU health and safety protocols.** The University provides guidance on the hours required to meet its residency requirements and any accommodations made due to health and safety protocols. (see for example, the [Health Advisories](#) and [Medical Services](#).)

- Even though this is an online course, attendance and active participation is still required. According to University policy: “Students are expected to attend all meetings for the courses in which they are enrolled as they are responsible for material discussed therein, and active participation is frequently essential to ensure maximum benefit to all class members. In some cases, attendance is fundamental to course objectives; for example, students may be required to interact with others in the class. Attendance is the responsibility of the student.” <http://www.sjsu.edu/senate/docs/F15-3.pdf>
- So, you are responsible for complying with the reporting requirements so that accommodations can be made to ensure your continued participation.
- Failing to attend without ensuring the university made the accommodations, can affect your participation and grade. This course requires you to critically analyze the issues as specifically supported by the course lessons and discussions. You cannot benefit from these lessons and discussion if you are not monitoring Canvas and actively participating in the activities. Failure to login to Canvas, timely and/or meaningfully participate in the activities will result in reduced grade and even result in being dropped from the class.
- So, it is your responsibility to check with SJSU to ensure I am informed the accommodations you need. If attending the course in-person poses a safety risk to you or your peers, I will need to be notified of the accommodations you need, including remote access. **Maintain your privacy and do not give me medical or doctor’s notes.** Instead, comply with the formal university reporting protocol. The University follows strict confidentiality. Unless it is part of your University accommodations, it is your responsibility to work with a classmate and arrangements to get the notes, handouts, and any assignments from any missed session.
- Difficulties compound as time goes by. So ask me questions as they arise. And if you are having difficulty with the material, ask me for help. I can suggest refresher courses to get you up to speed

❖ **Before/After Reflection**

You are presented an introductory topic that provides you an overview of each of the topics we will address this semester. This introduction connects the history we will explore to current conditions in native communities. You will post a "before" and "after" post to see how your perspective changes from the beginning of the course as compared to the end. While you may already have had strong opinions regarding the injustices, after having taken this course, you now should be able to provide a substantive assessment to explain your position.

❖ **Explore Further/Research and Report**

Each learning module includes a topic that challenges you to reflect on from that learning module. You are given brief assignment options that offer you the chance to develop your analysis by applying it to a real-world controversy.

Rather, since the analyses papers require you form an opinion on the topic and explain it using the course materials, I offer a variety of supplemental materials. Not all of the topics you are exposed to will be tested or requires you review it in detail. For those materials noted as “supplemental,” you will review it in the detail you need to help form your opinion.

Still, the material might have exposed you to a topic of particular interest to you. You all come to this course with different interests and employment goals. In this critical analysis course, the goal is to encourage your continuing curiosity.

So, in this category, you can earn points for exploring further a topic that was mentioned but not taught in detail. You are given brief assignment options that offer you the chance to develop your analysis by applying it to a real-world controversy. Using the framework I provided you, you will conduct brief research (internet or books is fine) to further learn about the topic. You will then demonstrate what you learned by connecting it to the topics in our lessons. You are offered several assignment options from which you choose to submit only four (4) based on your interest and availability.

These are not intended to be extensive research projects or detailed analyses papers. Rather, in about 2-4 pages, you are graded on your ability to show your interest in the topic, your efforts to research and explore it further, and the thoughtfulness of explaining it.

The assignments help you assess honestly whether you understood the lesson material. It also helps identify questions you have and to get clarification from your peers before you must submit big-point assignments.

❖ **Peer Discussion/Analyses**

Each learning module includes a discussion topic that challenges you to reflect on the course materials. These assignments allow you to assess honestly whether you understood the lesson material. Rather than just another paper, this assignment offers you an opportunity to collaborate with your peers: it enables you to test your understanding and get benefit from the ideas and feedback of your classmates.

You are given several assignment options in this category, but only choose four (4) to participate/submit. Each Study/Peer Analysis is framed around a controversy from that learning module. On Canvas, you are given a variety of materials as background on the controversy. You will review these materials. You are not expected to gain expertise on it, the goal is to skim the material well enough to get an overview to form an opinion on it.

You will go through each instruction to decide what interests you. After you choose the three options you want to do this session, you sign up on the sign-up sheet based on your schedule preference. You then will self-sign up for a peer group by clicking on the "People" tab on Canvas. You will join a small peer group of those with a similar schedule that week as you.

Then, you will email those peers in your group to coordinate a day and time that works for you all. One person will facilitate setting up a Zoom meeting. The group then will review the question prompts and record the Zoom session. Each student must identify themselves at the beginning of the session. After your meeting, you must upload a copy or a hyperlink to your recorded session.

This essentially replaces what you traditionally are asked to do on a discussion/chat board. But the format is much more conducive to actual discussion and it saves you from more typing.

There is no "correct" answer. Rather, you are assessed on your ability to show you reviewed the materials, thought critically about it, and that you meaningfully engage and discuss your views on it with your peers. You must log in on time and stay for the duration. Your groupmates do not have to reschedule and there are no reassignments; so if you miss the group you signed up for it counts as zero points.

On Canvas, you will see a copy of an illustrative example of a real student submission for the Peer Discussion. As you see, your grade includes your ability to: show you read the material, explain your opinion on the topic, and your use of specifically cited examples from your reading and classmates' recitations to support your position.

❖ **Final Analysis**

The goal of this course is not for you to memorize isolated incidents of oppression. Rather, in this critical analysis course, you are challenged to explore themes of oppression as reflected in the case studies.

As you progress through the course, you must step back to see the big picture of how one account or incident fits into the larger strategy of oppression. Various institutions of oppression exist: slavery, economic, political, legal, and religious. The oppression is described, if not perpetuated, in case law. And while the motivations, tactics, and institutions that drive the different colonial powers differ, the resulting oppression may be the same.

The final exam is a take-home analysis paper. The question prompt **opens Fri. 12/3**, and your answer must be uploaded by **Wed. 12/8 10PM**. Avoid late submission. You may be presented with a hypothetical fact pattern you must prepare a response to. Your paper serves as each:

- (a) Analysis Essay:** you are presented with a question you must write an expository analytical essay with your course materials.
- (b) Case Study:** you are presented with a case study that poses a problem you must prepare an explanatory advice by using your course materials as your support.
- (c) Advocate's Argument:** You are presented with a dilemma you must write a responding argument with supporting evidence from your course materials.

You are graded on your analysis and use of the course materials. It tests your comprehension of the fundamental ideas, key terms, basic historical events, and important concepts from the course. The clarity of your answer and the examples you use shows you understand the course concepts and their relationship to one another. Irrelevant, inaccurate, and/or loosely-related excerpts will result reduced or no points.

Course Format

Course Structure

We meet synchronously in person each Tuesday and Thursday 8/19-12/2.

This course is administered entirely through Canvas. The course topics are divided into "learning modules" sections in Canvas. All handouts, supplemental materials, and communications are in Canvas.

Reading

This course covers a complex historical issue largely unfamiliar to most students. It challenges you to think critically about the issues, and thus, it is heavily-based on reading and analysis. You are presented with varying views and theories on the topic. You are not expected to memorize or retain the reading in detail. The reading, instead, gives the history and theories you use to support your analyses in the discussion, assignments, and final report.

Since the course is cumulative, your success depends on your ability to keep up with the reading. If you do not keep current with the reading, you will not have the framework for the course lectures and discussion. So try to get ahead and read as much as possible during the first weeks.

To help budget your time, the schedule lists a page count for each session. The reading schedule accounts for the complexity of the corresponding reading and subject. Not all the reading is to be closely and meticulously reviewed; some text is assigned as background to be skimmed as designated in Canvas. Also notice that some reading is labeled as “optional.”

Students know their study needs. But suggested approaches are provided and discussed in Canvas. You also will find links to student supports and resources.

Course Materials-

In addition to your textbook, updates and supplementary course materials -such as syllabus, handouts, notes, assignment instructions, readings, etc. – are posted frequently for the course. The document will either be uploaded to Canvas or in a hyperlink accessible through Canvas.

The module will list the reading that corresponds to the related assignments. The course builds on itself. None of the materials are reviewed in alone; they each provide a different perspective on the controversy you must address in your assignment. You will not get the full perspective of the issue by just reading and/or watching the lessons. You must do both.

You must regularly check Canvas and the email address associated with your bMail account. Any difficulty accessing the materials must be reported to me before the deadline.

Course Communication –

All communication with me must be sent through Canvas. My announcements will be sent to you in Canvas. Make sure Canvas has your current contact information and that you set Canvas to send you immediate notifications of updates.

Various ways exist to contact me. General questions or clarifications are posted on the course Question & Answer discussion board on Canvas. Private messages are sent using the email/message function of Canvas and assignment-specific comments can be made using the “comment box.”

Programs

You need a computer and reliable internet connectivity to run Canvas and its programs. Assignments, quizzes, and/or exams require that the submission be in word-processing software (.doc or .docx), and software and hardware requirements that meet Canvas platform needs.

You must also have the related software and hardware requirements to access and download readings from the University, library, and related websites, including but not limited to Adobe Acrobat Reader or equivalent.

Course lessons and videos require that you have access to mp4 and media player, Youtube, Zoom and other conferencing programs. So you must have access to computer microphone and speakers.

Course Assignment Submissions

Class assignments and exams are submitted in Canvas; no email submissions accepted. Submissions must be completely uploaded to Canvas by the due date and time, subject to the late policy below.

Technical difficulties are your responsibility (e.g. personal computer glitches, poor internet connection, software compatibility, etc.). So you must have a computer and reliable internet connectivity to run Canvas and its programs.

If a Canvas outage occurs, students must do each of: 1) take a screen shot to document the difficulty 2) submit a request to Canvas for help (keep written request of the request), and 3) immediately send me an email of the issue. I must receive notice of the Canvas outage before the due date and time.

This course's Canvas page has information and links to Canvas/Canvas guides and tutorials. You also can access guides and video tutorials online at <https://community.canvaslms.com/docs/DOC-10701-canvas-student-guide-table-of-contents>.

- **Late Assignment**

Since the course is cumulative, late submissions strictly follow this policy. Varying reasons come up for students (work, family, illness, etc.), so I will not decide “worthy” vs. “unworthy” causes. **For your privacy, I need not know the reason it is late. Do not email me any medical or other private records.**

“Late submission” means the due date and time that applies to you; this means it is respectful of any applicable AEC approved accommodations.

For consistency and fairness, late-submissions, regardless of reason, are subject to a grade reduction from what could have been earned. This reduction applies:

Before/After, Explore Further-Research and Report, Final Analysis: These assignments usually serve as the foundation for the next assignment task, so they must be done on time to be meaningful. But these are given an automatic 24-hour grace-period. No request or approved extension is needed. Just upload your answer within the 24 hours for credit.

Peer Discussion: Since this exercise requires there be postings for your peers to actually respond to. For this reason, all submissions (initial post and responses) must be on time by the date/times set. But, if all the members of the group agree in writing to a meeting time that is within days of the due date/time, an extension might be approved. The extension does not apply until you received my confirmation in writing; follow up with me to check the status of your request.

Ethical Conduct and Integrity

Your assignments require you examine and discuss viewpoints from various sources. Some are from course materials; others ask you to conduct research. As explained in each instruction, referring to the

sources can be acceptable. The key is that anytime you use an idea or material you did not create, you must cite the source.

Academic misconduct occurs according to University policy. Academic misconduct includes cheating, fabrication, plagiarism, violating course rules, and facilitating academic dishonesty. Violations can be unintentional or inadvertent.

So ask if you are in doubt. Plagiarism includes but is not limited to:

- presentation of another's words or ideas as one's own without attributing the proper source
- copying material from books and journals
- taking material from the internet
- privately purchasing or obtaining papers from others, which one then presents as one's own
- Any material taken word-for-word from another source must be placed in quotation marks and footnoted or cited.

Even those ideas and information from other authors that are not a direct quote must be acknowledged with a citation.

Submissions are processed through Turnitin. So I discover when you use other's information even if you paraphrase it. If you cite the source, not only do you comply with ethical requirements, but it even shows the depth of your analysis (i.e., you did not just make it up) and could help your score.

If you do not cite the source you cause difficulties for both of us. Faculty members must report infractions. Academic misconduct could cause failure for an assignment or course, and even in expulsion from the university.

So, this course requires: any information in your paper from a source that is not you must have a corresponding citation. No specific citing style (APA, MLA, etc.) is required. **But all citations be contained within the text (immediately following the sentence it belongs to); a "work cited" list at the end of the paper is ambiguous and will not suffice.**

Failure to follow these citing requirements will: at minimum, reduce your grade for failing to follow instructions, and could be considered plagiarism.

Student Resources

Summer Tutoring at the Writing Center

The SJSU Writing Center will be open for tutoring this summer. You can visit them in their library location (on the second floor) starting on June 6th and ending on August 10th. They are open M-F, 10:00-3:00. Students can schedule appointments on our website. See Canvas for its flier.

Student Technology Resources

This course's Canvas page has information and links to Canvas guides and tutorials.

Computer labs for student use are available in the Academic Success Center located on the 1st floor of Clark Hall and on the 2nd floor of the Student Union. Additional computer labs may be available in your department/college. Computers are also available in the Martin Luther King Library. A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112. For more information on student resources see the course's module on Canvas has links and information to assist you with this.

Academic Liaison Librarian

Higgins, Silke: Silke.Higgins@sjsu.edu; (408) 808-2118; <http://libguides.sjsu.edu/justicestudies>

Add and Drop:

Students must add or drop the class by the University deadline. Check the university calendar for the last day to drop the class without a “W” grade. Students must know of the deadlines and penalties for dropping classes.

More information can be found at: Refer to the current semester’s Catalog Policies section at <http://info.sjsu.edu/static/catalog/policies.html>.

Add/drop deadlines can be found on the current academic year calendars document on the Academic Calendars webpage at http://www.sjsu.edu/provost/services/academic_calendars/. The Late Drop Policy is available at <http://www.sjsu.edu/aars/policies/latedrops/policy/>. Information about the latest changes and news is available at the Advising Hub at <http://www.sjsu.edu/advising/>.

Disabilities

The winter session is on an accelerated schedule. So any student who has needs academic accommodations for a disability must contact without delay the Accessible Education Center (AEC) (at <http://www.sjsu.edu/aec>) to register and get assistance. Telephone: 408-924-6000; email: aec-info@sjsu.edu. See Presidential Directive 97-03 (at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf)

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. is available on Office of Graduate and Undergraduate Programs’ [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>”

CASA Student Success Center

The Student Success Center in the College of Applied Sciences and Arts (CASA), on the 5th floor of MacQuarrie Hall, provides advising for undergraduate students majoring in or wanting to major in programs offered in CASA. All CASA students and students who would like to be in CASA are invited to stop by the Center for general education (GE) advising, help with changing majors, academic policy related questions, meeting with peer advisors, and/or attending various regularly scheduled presentations and workshops. If you are looking for academic advice or even tips about how to navigate your way around SJSU, check out the CASA Student Success Center. Location: MacQuarrie Hall (MH) 5331. Contact information: 408.924.2910. Website: <http://www.sjsu.edu/casa/ssc/>. **The CASA Student Success Center also provides study space and laptops for checkout.**