

Syllabus Template

This Syllabus Template is based on Syllabus Guidelines (Annex 3 to Policy on Degree Programs)

COURSE SYLLABUS

Legal and Institutional Approaches to Minority Protection

Instructor:

Andras L. Pap, Recurrent Visiting Professor

Nationalism Studies Program

Central European University

Winter 2017

Course level: MA

4 Credits

Course e-learning site: <http://e-learning.ceu.hu/course/view.php?id=2141>

Office hours: Monday 11,00-15,10,

Course Description

The course is designed to provide a comprehensive overview of the major issues and questions within the purview of minority protection. Following a theoretical introduction and general discussions about the concept and evolution of minority rights and various rights-based approaches to recognizing minorities, such as individual rights, collective rights, self-determination, land-rights equality, discrimination and affirmative action, separate sessions are dedicated to the analysis of specific and specialized legal regimes and institutions. These include the assessment of indigenous rights, refugee protection as well as the scrutiny of legal and political dilemmas concerning hate speech, hate crimes, the legal conceptualization of minority identity and the processing of ethno-national data. There will be weekly meetings in a seminar format. Seminar discussions of the required readings will have two parts: a general discussion, in which all students are expected to participate, and individual student presentations that explore, contest, or specify the major arguments of the required readings.

Learning Outcomes

By the end of the course, students will be able to critically discuss a diverse set of topics in the purview of nationalism studies.

Course Requirements

This interdisciplinary course is designed to engage and challenge students in critical debates. The subject combines several areas of legal studies—human rights, legal theory, theory of EU law, rights of ethnic minorities—with various fields within the social sciences. Besides reading excerpts from books and academic articles, students will also become familiar with a wide range of case law dealing with the topic. Each session is designed to

Syllabus Template

combine academic articles and excerpts from books with legal texts or reports and policy recommendations by international organizations, and with the analysis of case law and jurisprudence. Students will not be given ready answers at the outset; instead, they will be encouraged to take an active part in debating and understanding the analyzed issues.

For each class, the reader contains the mandatory readings. Recommended materials are also available on the e-learning site. Readings are either directly assigned to students for presentation, or provide background information for complex issues which students need to present as a starting point for class discussions. All presenters are expected to be familiar with the recommended readings and are required to prepare send notes to the entire group by 13,00 on Sunday, the day before class. Late notes and failure to show up or present at class without prior notice will be penalized.

Given the highly intensive cooperation of students the course builds on, missing classes for students who have assignments or presentations is only acceptable for medical reasons, and a doctor's note will be required. In such cases, if absent students were to present court cases, the relevant notes need to be sent before class or other forms of subsidiary arrangements need to be made, such as for example the swapping assignments with colleagues.

Class attendance, presentations and the timely delivery of assignments will be continuously monitored.

Given the fact that the seminar builds on rigorous debates and critical assessment of the readings, it may happen that the assessment of certain topics transgresses classes and the discussion of some issues is moved to the next class. This is due to the nature of the course. Should some readings end up not being discussed by the end of the course, the students responsible for those presentations will not be penalized for this.

Students are expected to attend all seminars, read all the required readings and prepare to be active in seminar discussions. It is absolutely essential to read assigned materials prior to each session.

In addition to this, students are required to

- (i) give presentations on the assigned mandatory and recommended readings, as well as on the case studies of their chosen countries on classes 7 and 12.
- (ii) submit a final essay on a chosen case study or incorporating and critically analyzing readings discussed during the course. The last class is partially reserved for the discussion of the paper-proposals. Abstracts for the papers which are not case studies need to be submitted by the 11th class.

(i) Students will be asked to sign up for seminar presentations and national reports for classes 7 and 12. Choices will be discussed in class. The presenters will be expected to sum up the main arguments of the mandatory and recommended readings and pose some key questions for class discussion. The presentation should be supported by an outline or a response paper of 1-3 pages which discusses some of the selected themes of the reading, to be submitted via e-mail by 13,00 the day prior to the class. Unless otherwise indicated, presentations should be reactions to the readings rather than summaries. Case-presenters (either acting as plaintiffs, defendants or as the court) need to prepare notes including references to the law and important/useful quotes. The notes need to be brought to class in print and after the class, sent along.

Syllabus Template

(ii) The term paper should be either a case study (similar to those presented on class 7 and 12) or an original research paper that has at least 1000 and no more than 1500 words, double-spaced, with bibliography added. All students are expected to submit a project proposal at the 11th class. The proposal should outline the main questions asked and be discussed with the instructor. The topic should relate to the broad themes of the course and class discussions. The paper should follow the genre of a scholarly essay either as a case study or as a literature review. The last class is partly dedicated for the discussion of the paper-projects. Both the outline and final research paper are expected to be products of each student's individual effort. Evaluation will be based on the quality of research, its originality, quality of grammar, accuracy of spelling, and soundness of content. It constitutes plagiarism if a student quotes or adopts ideas from a source without appropriate attribution (for example, by failing to utilize endnotes or footnotes properly). Similarly, direct quotations must be attributed and indicated by quotation marks.

Please note that late papers submitted after the deadline will be marked down by half of a letter grade per day.

A group of students have an option to present a mock trial case instead of a final essay. The description of the case, plaintiff/defendant notes and the court's judgment need to be submitted and presented by the last class. The written documentation needs to be at least 2500 words.

The requirements and grading breakdown of the seminar are as follows: Maximum points: 20

Seminar presentation, the quality of the notes and the country reports for classes 7 and 12 (late response papers will be noted) max. 7points

Active seminar participation: max. 8 points

Final essay/mock case: max. 5 points

Grades:

0-10 – D/failed

11- C –

12 – C

13 – C+

14 – B –

15-16 – B

17 – B+

18 – A-

19 – A

At around mid-term, individual consultations will be held to discuss overall class performance and the quality of the presentations.

COURSE SCHEDULE

Date. Session title.

COURSE SCHEDULE

Class 1. January 14. 9,00-12,40 FT 608 Introduction. The concept of rights, human rights and minority rights

Class 2. January 21. 9,00-12,40 FT 608 Conflicts of individual and collective rights

Class 3. January 28. 9,00-12,40 FT 608 Equality and discrimination: The morphology of discrimination, concepts and institutional responses I.

Class 4. February 4. 9,00-12,40 FT 608 Equality and discrimination: The morphology of discrimination, concepts and institutional responses II.

Class 5. February 11. 9,00-12,40 FT 608 Reversed discrimination/Affirmative action

Class 6. February 18. 9,00-12,40 FT 608 Definition-making and data processing

Class 7. February 25. 9,00-12,40 FT 608 The fluidity of ethno-national identification:

Roundtable discussion: student presentations on national discourses, policies and frameworks for ethno-national classification and identification

Class 8. March 4. 9,00-12,40 FT 608 Special legal regimes I.: Indigenous rights, Refugee protection

Class 9. March 11. 9,00-12,40 FT 608 Special regimes II. Ethnic data collection in law enforcement, The political representation of minorities and ethnic registers, Hate crimes

Class 10. March 18. 9,00-12,40 FT 608 Special regimes III. Genocide, Hate speech

Class 11. March 18. 13,30-15,10 FT 608 Class roundtable: national case studies for political participation of minorities, hate crimes and hate speech legislation