



**Lakehead**  
UNIVERSITY

**POLI 2313/CRIM 2313/INDI 2319  
Human Rights and Civil Liberties  
Winter 2023  
Tuesdays & Thursdays 1:00-2:30 pm via Zoom**

Instructor: Dr. Catherine Mathie

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Office Hours: Wednesday 11:30am - 1:30 pm (via Zoom), or by appointment

**Course Description**

As citizens in a modern democratic nation, we often think, speak, and fight, about rights. Most Canadians cherish the rights that protect us from oppression, allow us to live the lives that we choose, and help us to be treated as equals in society. Moreover, many find inspiration in the struggle to ensure that the same fundamental rights and liberties that they depend upon are extended to their fellow human beings both here in Canada and around the world. Others recognize struggles like the recent protests throughout North America over police brutality towards racial minorities or in Ottawa and other Canadian cities over restrictions to citizens' freedom of mobility or economic activity during the COVID-19 era as evidence that we have very far to go in protecting the basic human rights and civil liberties of many citizens.

In this course, we will study the meaning and importance of these rights, with a special focus on the Canadian approach to the protection of civil liberties and human rights, as it has developed and changed throughout our history. We will study the *Charter of Rights and Freedoms*, and the Supreme Court's interpretation of the freedoms protected there in many of its landmark rights decisions. We will also carefully study arguments by serious thinkers who ask how the language of rights helps us to answer the problems of our time, including some thinkers who question the impact our contemporary focus on rights has on our political life. By weighing these critical discussions of rights in theory and practice, we will deepen our understanding and our thinking about the significance of civil liberties and human rights to our political and social lives.

Since this seminar will be offered over Zoom, some necessary adjustments may be made as we go along to the format of class discussions in order to make it possible for everyone to get the most out of it.

## Course Requirements

### Required Texts:

For this course, we will not be using a textbook. All of the required readings are listed in the Course Outline and will be found on the course website in the Content section.

### Grading:

Paper: 30%

Midterm: 25%

Final Exam: 30%

Participation: 15%

**Papers:** Papers will be 8-10 pages in length. Your paper topics and instructions will be distributed through d2l on March 2nd. Papers will be due by 11:59 pm on April 3rd. Late assignments will see a grade deduction of 2% per day. Extensions may be requested well in advance of the due date, but not afterwards.

**Class Participation:** All students are expected to:

- 1) Read assigned material carefully.
- 2) **Have working Zoom cameras and turn them on throughout the entirety of our class sessions.**
- 3) Be prepared to discuss the readings and answer questions about them over Zoom.
- 4) Have printed or digital copies (on an alternate device) of the readings with them during the Zoom seminar.
- 5) Avoid: (a) excessive absences from or lateness to our seminars; (b) being or appearing inattentive to seminars; (c) engaging in conversations with others outside of the Zoom seminar during class time.

Participation marks are not free:

- Consistently meeting these expectations will earn a mark in the B range (70-79%).
- Consistently meeting these expectations AND regularly participating thoughtfully in our discussions will be required for a mark in the A range (80-100%).
- Failure to follow even one of the expectations may result in an extremely low grade.

**Academic Honesty:** Academic honesty is expected of all Lakehead University students. It should go without saying that cheating, collusion, and plagiarism will not be tolerated. Students are expected to make themselves fully familiar with Lakehead's policies in this area. Although all these policies will be enforced in full, it is worth emphasizing the following:

## **PLAGIARISM INVOLVES PRESENTING ANOTHER'S WORK, IDEAS, THEORIES, OR INTERPRETATION AS ONE'S OWN.**

To avoid plagiarism, always:

- 1) Put quotation marks around any words taken from sources.
- 2) Paraphrase material completely; do not simply rearrange words from a source or change them using a thesaurus, etc.
- 3) Whether it is being quoted or paraphrased in your work, always give accurate and complete citations for all material that comes from another source.
- 4) Avoid borrowing entire arguments or ideas from another writer. Your arguments should be original to you.

### **Academic Accommodations:**

Lakehead University is committed to achieving full accessibility for persons with disabilities/medical conditions. Part of this commitment includes arranging academic accommodations for students with disabilities/medical conditions to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student with a disability/medical condition and think you may need accommodations, you are strongly encouraged to contact Student Accessibility Services (SAS) and register as early as possible. For more information, please email [sas@lakeheadu.ca](mailto:sas@lakeheadu.ca) or visit <https://www.lakeheadu.ca/faculty-and-staff/departments/services/sas>.

### **Course Outline**

NOTE: Readings and schedule will be adjusted as necessary at my discretion. Of course, Zoom can sometimes pose special challenges to discussion, so as we proceed with the seminar, I may find it necessary to make some changes with the structure of class discussions. I greatly appreciate your flexibility and understanding.

Jan 10

Course Intro and Review of Syllabus and Course Outline

Jan 12 Rights in Classical Liberal Thought

Selections from John Locke and John Stuart Mill

Jan 17 Canada's Tradition of Civil Liberties

Dominique Clement, *Human Rights in Canada: A History* (2016), Selections from Chapters 1 & 2

Relevant Provisions of the *British North America Act*

Jan 19 Canada's Shift Towards Human Rights

*Human Rights in Canada: A History*, Selections from Chapters 3 & 4

Jan 24 *The Charter of Rights and Freedoms*

Jan 26 *Universal Declaration of Human Rights*

Jan 31 Is Consensus About Rights Necessary?

*Human Rights in Canada: A History, Conclusion*

Charles Taylor, "Conditions of an Unforced Consensus on Human Rights" (1996)

Feb 2 The Supreme Court and *Charter* Rights

Robert Sharpe and Kent Roach, *The Charter of Rights and Freedoms* (2017), "The Legitimacy of Judicial Review"

Feb 7 & 9 *Charter* Interpretation and Freedom of Conscience and Religion

Handout on Principles of Judicial Interpretation of *Charter* Rights

Selected Cases

Feb 14 Freedom of Expression under the *Charter*

Selected Cases

Feb 16 Voting & Mobility Rights under the *Charter*

Selected Cases

Feb 21-23

READING WEEK

Feb 28 Life, Liberty & Security of the Person under the *Charter*

Selected Cases

Mar 2

MIDTERM

Mar 7 Life, Liberty & Security of the Person Continued

Selected Cases

Mar 9

Michael Sandel, "The Procedural Republic and the Unencumbered Self" (1984)

Mar 14

Equality, Multiculturalism and Gender under the *Charter*

Selected Cases

Mar 16 A Critique of Western Rights Without Responsibility

Alexander Solzhenitsyn, "A World Split Apart" (1978)

Mar 21 A Feminist Critique of Rights

Susan Muller Okin, "Mistresses of Their Own Destiny": Group Rights, Gender, and Realistic Rights of Exit (2009)

Mar 23 Group Rights and Indigenous Peoples

Will Kymlicka, "The Good, The Bad, and the Intolerable: Minority Group Rights" (1996)

Mar 28 Indigenous Rights and the *Charter*

Gordon DiGiacomo and Tracie Scott, "Aboriginal Rights: The Right to Self-Government versus the Right to Self-Determination" (2016)

Mar 30

Roland Burke and James Kirby, "The Genesis and Evolution of the Postwar Human Rights Project" (2016)

Apr 4 Human Rights and the Stateless

Hannah Arendt, "The Decline of the Nation-State and the End of the Rights of Man" from *The Origins of Totalitarianism* (1951)

Apr 6

Trevor Purvis, "Human Rights and Security: Reflections on an Integral Relation" (2016)

Apr 11 Catch-up and Review