

COURSE SYLLABUS

**Legal and Institutional Approaches to Minority
Protection**

Instructor:

Andras L. Pap, Recurrent Visiting Professor

Nationalism Studies Program

Central European University

Winter 2015

Course level: MA

4 Credits

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

Office hours: Wednesday 16,00-17,20, FT 201

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.

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 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.

Syllabus Template

For each class, the reader contains the mandatory readings. Recommended materials are 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 Tuesday, the day before class. Late notes and failure to show up or present at class without prior notice will be penalized.

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

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 11.

(ii) submit a final essay 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 need to be submitted by the 9th class.

(i) Students will be asked to sign up for seminar presentations and national reports for classes 7 and 11. 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.

(ii) The term paper should be an original research paper that has at least 3000 and no more than 3500 words, double-spaced, with bibliography added. All students are expected to submit a project proposal at the 9th seminar. 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.

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

Syllabus Template

Seminar presentation, the quality of the notes and the country reports for classes 7 and 11 (late response papers will be noted) (30 percent);
Active seminar participation, (33 percent)
Final essay (40 percent).

At the 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. April 1. 9,00-12,40 FT 608 Class roundtable: national case studies for political participation of minorities, hate crimes and hate speech legislation