**SUBJECT**

**INTRODUCTION TO LAW**

ECTS CREDITS: 6.00

**SUBJECT CODE:** IINTDR

**LANGUAGE IN WHICH IT IS GIVEN:** Catalan  Spanish  English

**STUDIES**

<table>
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<th>CODE</th>
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<td>GRIN</td>
<td>Grau en Relacions Internacionals</td>
<td>Basic</td>
<td>First</td>
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**PREREQUISITES**

None

**PREVIOUS KNOWLEDGE**

None

**SUBJECTS TO BE TAKEN SIMULTANEOUSLY**

None

**SUBJECT DESCRIPTION**

**Professor:** Farid Benavides

**Core group:**

This course seeks to introduce students in the study and research of law, by analyzing its definition and structure and role within the complex social, political and economic context of contemporary societies.

The central idea is that the law is not a self-funded system or isolated from the context in which it operates; therefore, we need to address its analysis in close connection with ethical concepts that are expressed through it, and in parallel with the study of social, political and economic conditions within which it develops. The analysis of ethical concepts that have been at the center of the discussion and definition of what is "law" and the relationship between legal institutions and the degree of equality or political, social and economic inequality in a given society are, therefore, central axes of the course.

It is also at the center the discussion on the scope and limits of those concepts that have contributed to the characterization of law, such as the validity, effectiveness, validity and fairness. Overall, the course aims to introduce students in the analysis of three fundamental problems of law: i) What is law?; ii) How is the law?; and finally iii) How should the law be? The first question refers to the definition of law; the second, to its internal structure, and third, the role law plays in society and its relationship to justice.

In connection with the academic skills they develop in this course, students will be responsible for reading and analysis of legal texts and the duty to participate actively in class discussions, arguing technically and accurately their positions and interpretations regarding readings and, in general, the suggested topics.

**Learning Unit 1: International Human Rights and Cultural Diversity.**

**Professor:** Yvonne Donders

This LU addresses the relationship and interaction between cultural diversity and human rights. It addresses the general human rights framework, including the debate on universality or cultural relativity of human rights and the link between cultural diversity and equality. It will further focus on cultural human rights and on the possible tension between the protection of cultural rights and the existence of harmful cultural practices.

**Learning Unit 2: Indigenous Peoples’ legal status under international law.**

**Professor:** Joshua Cooper

Indigenous peoples are important actors in the world today. Some constitutions recognize them as Nations, like the Constitutions of Ecuador and Bolivia, and therefore these states are considered as plurinational states. Other constitutions, like the Colombian one, recognize their right to the territory and to their own system of justice, as long as they respect universal human rights.
Indigenous peoples have different rights that recognize their differential identity and therefore the need to grant them special rights. These rights are in the UN and OAS Declarations on the Rights of Indigenous Peoples.

COMPETENCES

1. An understanding of the most important concepts in different areas of Law.
2. Knowledge of the impact of international and regional law on domestic legal systems.
3. The ability to use the principal legal terminology and to interpret laws and judgements.
4. Comprehensive knowledge of the Spanish Legal System.
5. Knowledge of the main characteristics of the American Legal System.

These competences will be evaluated based on the criteria and instruments specified below.

Students are expected to achieve the following learning outcomes by the end of the course:

1. To know the conceptual framework on which the law is based in order to understand the legal problem in general, and the practice of law in a particular international context.

CONTENTS

Core group:

Session 1. Introduction: What is Law?
Movie: A Civil Action.

Session 2. Going to Court.

Session 3. Legal Actors: Judges, Lawyers and Clients

Session 4. What do we think of lawyers?

Session 5. Legal Education
Corey Shdaima. What is in a name? Cause lawyers as a conceptual category. https://www.researchgate.net/profile/Corey_Shdaimah/publication/228146853_What's_in_a_Name_Cause_Lawyers_as_Conceptual_Category/links/0deec5c7b45c0a73a000000.pdf

Session 6. How do judges decide?

Session 7. The sources of law

Session 8. Jurisprudence and stare decisis.

Session 9. Law and everyday life.

Session 10. Homo Sacer and the Law


**Session 11. Alternatives to Law**


Film viewing. The City of God (2003).

**Session 12. Law as an Instrument of Power.**


**Session 13. The Police: Zero Tolerance and Control of Immigrants.**


Movie: A day without Mexicans.

**Session 14. Gender and Law: Do norms have sex?**


**Session 15. Law and Sex in Court**


Benjamin G. Bishin et al. “Opinion backlash and public attitudes: are political advances in gay rights counterproductive?”. American Journal of Political Science 60:3 (July 2016).


Movie: Philadelphia.

**Session 16. The Victim in the Criminal System: women as victims of the system**


Movie: Accused.

**Session 17. The Prison: a just measure of Pain?**


Movie: Shawshank Redemption.

**Session 18. Death Penalty: the best punishment of all?**


Movie: *The Last Dance (2003).*

**Session 19. Internet and Crime**


**Session 20. Surveillance, Privacy, and technology**


Felix Stalder. Privacy is not the antidote to surveillance. Surveillance and Society 1(1). (2002).

Movie: *1984.*

**Session 21. Law and Identity**


**Session 22. Animal Rights**


**Session 23. International Justice**


Movie: *Judgement at Nuremberg.*

**Session 24. Globalization and Law**


**Session 25. The Spanish Legal System.**

Main institutions within the Spanish Constitution
The Spanish Constitutional Court
The judiciary and the constitutional review
Fundamental rights in the 1978 Spanish Constitution

**Session 26. Judicial Power**

Organization of the court structure
New challenges: domestic jurisdiction and universal jurisdiction

**Learning Unit 1: International Human Rights and Cultural Diversity.** Prof. Yvonne Donders. University of Amsterdam.

The link between human rights and cultural diversity was clearly established by the Universal Declaration on Cultural Diversity, adopted by the Member States of UNESCO in 2001, which holds that “the defence of cultural diversity is...inseparable from respect for human dignity” and that it “…implies a commitment to human rights and fundamental freedoms”. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted in 2005, states that “cultural diversity can be protected and promoted only if human rights and fundamental freedoms...are guaranteed” (Article 2(1)). International bodies supervising the implementation of human rights treaties also underline the value of cultural diversity in a pluralistic society for democracy and the promotion and protection of human rights. The precise relationship and interaction between cultural diversity and human rights, remains, however, to be further explored. To what extent does international human rights law provide a suitable framework to promote and protect cultural diversity? Or the other way around: to what extent does cultural diversity provide a good and/or necessary ground for the promotion and protection of international human rights standards? Different elements of the relationship and interaction between international human rights law and cultural diversity will be discussed, with a special focus on cultural rights.
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Cultural rights have always been part of the human rights discourse, being one of the so-called categories of human rights, the others being civil, economic, political and social rights. However, for a long time, cultural rights received less attention and, consequently, they are conceptually and legally less developed than civil, political, economic and social rights. There has been discussion on the place of cultural rights in the human rights discourse. Can the promotion and protection of cultural rights be consistent with the idea of the universality of human rights? Furthermore, by emphasising differences, are cultural rights inherently in contradiction with the human rights principles of equality and non-discrimination? Another issue is that there is no clear consensus on which rights fall within the category of cultural rights. Are those only the ones explicitly referring to culture or do they include all human rights that have a link with culture? Apart from identifying and analyzing specific cultural rights, the cultural dimension of human rights is an important avenue to link cultural diversity and human rights. Although some human rights, at first glance, may not have a direct link with culture, most of them have important cultural implications. What is the precise content of these rights and what are the state obligations? A more contentious issue is the fact that while cultural rights promote and protect cultural diversity, they cannot be used as an excuse to justify harmful (cultural) practices that are in conflict with or limit the enjoyment of human rights. Examples are FGM, child and forced marriages, polygamy and honour crimes. The legal issues playing a role here are conflicting human rights and limitations of human rights. Cultural rights, just as other human rights, cannot be enjoyed unlimitedly. They can be restricted to protect the rights of others or a general interest of society. It should however also be noted that even if harmful cultural practices are formally prohibited by law, they may be practised. This shows that law alone cannot solve all issues and cannot by itself change cultural practices. Changes in cultural practices are most successful if they arise within the cultural community itself and are not imposed from outside, by law or by the state. This does of course not relieve states from the responsibility to find ways to promote such changes, in close cooperation with cultural communities.

The LU is built up in three parts. The first session will outline the general human rights framework and deal with the different categories of human rights (civil, cultural, economic, political and social), including the differences in terms of content of the rights, state obligations and monitoring. The session will also discuss two issues related to cultural rights within the general human rights framework, namely the debate on universality or relativity of human rights and the link between cultural diversity and equality.

The second session will introduce cultural human rights in more detail, including the different forms of cultural rights and the cultural dimension of human rights. Specific attention will be paid to the right to take part in cultural life (Article 15(1)a ICESCR) and the right to freedom of religion.

The third session will address the tension between the protection of cultural rights and the existence of harmful cultural practices. It will focus on possible limitations of cultural rights in order to protect the rights of others or a general interest of society and will also discuss the role of the cultural communities themselves in eliminating harmful cultural practices.


I.- From the League of Nations to the United Nations: History of Indigenous Peoples in International Law

II.- The UN Working Group on Indigenous Populations to the UN Expert Mechanism on the Rights of Indigenous Peoples

III.- The United Nations Permanent Forum on Indigenous Issues: 15 Years in the Family of Nations


VI.- Implementation of Indigenous Peoples Rights in Public International Law: From the UN Declaration on the Rights of Indigenous Peoples to the UN World Conference on Indigenous Peoples

VII.- The UN Sustainable Development Goals & Indigenous Peoples: Development in the Post 2015 Agenda

METHODOLOGY

1. Lectures
2. Individual and group activities: text readings and comments, research, presentations and debates
3. Exam (for core-group classes)

LU 1. Students are required to read the materials before coming to class. During the first part of the sessions, the main lines of the theory and the materials will be presented by the lecturer and students are invited to ask questions clarifying issues that they do not understand. The second part of the sessions will be more interactive whereby the lecturer will ask questions to the students and encourage them to discuss specific situations, issues and cases.


EVALUATION

The overall grade for this course is based on the coursework completed during the core-group and the final exam (60%) and two learning units (20% each LU) sessions.
Lecture class and learning units must be passed separately in order to pass the course.

**Core group:**

**First sitting:**

**EXAM. 40%**

The first call will count for 40% of the Core Class’ grade.

**INDIVIDUAL EXERCISES: 10%**

Text readings and comments and assignments to be completed during the course. This evaluation will have the following items:

- Summaries of assigned readings
- Pop quizzes

A minimum mark of 3.5 in each of the three evaluation concepts is required to pass the above-mentioned percentages.

**GROUP EXERCISES: 10 %**

**Second sitting:** The second sitting will count as 40% of the class. The work done in the first sitting will be taken into account.

**Learning Unit 1.**

**First sitting:**

The last hour of session three will include a written exam, composed of 8 MC questions (40%) and 3 short-answer open questions (60%). The questions are based on the compulsory reading materials of all three sessions.

**Second sitting:**

In case students fail the first sitting, they will be given a retake exam in the form of a short paper of 800 words. The topic of the paper and instructions will be sent to the students by email two weeks after the LU. The paper has to be submitted via email to the lecturer (Professor Yvonne Donders: y.m.donders@uva.nl) within 7 days.

**Learning Unit 2:**

**First sitting:**

The grade is determined on the basis of:

- Active participation in class
- Individual final exercise in class

Attendance to all sessions is compulsory. Evaluation will be based on the student’s performance in the various LU activities, *inter alia*, group or individual exercises, in take-home or in-class written assignments and active participation in class.

**Second sitting**

**VERY IMPORTANT:** Lecture class and learning units must be passed separately in order to pass the course. In the second sitting, the student will be entitled to retake only the failed part in the first sitting (with the same percentages), but not the one in which he or she was “no-show”; in that case, he or she will fail the whole course and will have to repeat it.

**CRITERIA OF EVALUATION OF RESULTS**

The following criteria will be considered to determine the fulfillment of each evaluation item:

- Good understanding and use of key concepts and ideas about Law.
- Ability to connect the course’s key ideas with broader issues of international relations.
- Ability to present your own ideas on the basis of the guidelines given.
- Active participation in class and meeting of deadlines.

**BASIC BIBLIOGRAPHY**

**Core group:**

Learning Unit 1:

Session 1:

Reading materials:


Reference materials:

- Universal Declaration on Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)

Session 2

Reading materials:

- European Court of Human Rights, Mann Singh v France, 13 November 2008 (Appl.no. 24479/07) (decision in French, summary in English).

Reference materials:

- Committee on Economic, Social and Cultural Rights, General Comment No. 21, The Right to Take Part in Cultural Life (article 15(1)a), 21 December 2009.

Session 3

Reading materials:


Reference materials:

- Convention on the Elimination of All Forms of Discrimination Against Women (1979)

Learning Unit 2:


BIBLIOGRAPHY AND MATTER COMPLEMENTARY


