

The Politics of Human Rights
International Studies/Political Science 317
Spring 2008
Tuesdays/Thursdays 11-12:15 pm, 19 Ingraham

Professor Scott Straus
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Teaching Assistants

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* Please see Appendix One on the last page for the TA Section Schedule

Overview

Human rights constitute a central and inescapable ideal in the contemporary world. Governments around the globe routinely commit themselves to upholding human rights, and many states have signed landmark international human rights agreements. The promotion of human rights is, moreover, a fundamental principle of the United Nations and thus of the “international community,” such as it exists. This course is an introduction to the central concepts, laws, and debates in the field of international human rights. In the first half of the course, we will examine fundamental questions such as: What are human rights? What are the philosophical, religious, and historical foundations of human rights? What are the main international human rights agreements? What are some problems with those agreements? Are human rights universal? How are human rights enforced? And what role do non-governmental organizations play in this field? In the second half of the course, we will focus on two central and complex human rights issues. First, we will examine “humanitarian intervention”—the international use of military force to stop mass violations of human rights. As part of our study, we will explore several cases, including Iraq, Somalia, the former Yugoslavia, Rwanda, and Darfur. Second, we will examine various approaches to accounting for past human rights abuses, including international courts, foreign courts, domestic courts, truth commissions, and “traditional” forms of justice. Again, we will focus on particular cases, such as the former Yugoslavia, Chile, Rwanda, South Africa, and Chad—among others. A central proposition throughout the course is that human rights cannot be separated from politics. Indeed, we cannot understand either why human rights abuses happen or why international actors respond to human rights abuses in the way they do without examining the political contexts in which the abuses and policies take place.

GRADING

Section attendance and participation: 15%
Human Rights Lecture Series evaluation: 10%
Mid-term exam: 20%
Paper (6-8 pages): 25%
Final exam: 30%

REQUIRED TEXTS

Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2003).

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002).

Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2003).

The books have been ordered and should be available for purchase at the University Bookstore and Underground Textbook Exchange. There will additionally be a number of articles available on-line through the library's e-reserve system. Please note that I have provided electronic copies in order to contain course costs, but students should feel free to make hard copies of articles.

Useful Websites of International Human Rights Law and Organizations

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx> (Office of UN High Commissioner on Human Rights)

<http://www1.umn.edu/humanrts/> (laws, organizations, and much more)

<http://www.yale.edu/lawweb/avalon/diana/documents.htm> (laws)

http://www.cdp-hrc.uottawa.ca/links/hroint_e.html (human rights organizations)

<http://www.hrw.org/> (Human Rights Watch)

<http://www.amnestyusa.org/index.html> (Amnesty International)

COURSE OUTLINE

I. INTRODUCTION

January 22: Introduction and Course Overview

January 24: Theoretical Perspectives on Human Rights

Michael Ignatieff, "Human Rights as Politics," *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2003), pp. 3-52.

Thomas Laqueur, "The Moral Imagination and Human Rights," *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2003), pp. 127-139.

II. THE FOUNDATIONS OF MODERN INTERNATIONAL HUMAN RIGHTS

January 29: Religious and Political Origins

Lynn Hunt, *Inventing Human Rights* (New York: Norton and Company, 2007), pp. 15-34 and 176-213.

RECOMMENDED

Michael Perry, "Is the Idea of Human Rights Ineliminably Religious?" *The Idea of Human Rights: Four Inquiries* (Oxford: Oxford University Press, 1998), pp. 11-43.

January 31: Human Rights between the "Revolutions"

Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003), pp. 37-69.

Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge: Harvard University Press, 2005), pp. 1-11

III. LANDMARK INTERNATIONAL HUMAN RIGHTS DOCUMENTS

February 5: The United Nations Charter, the UDHR, and the ICCPR

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2002), pp. 3-34 and 173-191.

February 7: ICESCR and other "Core" International Human Rights Treaties

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2002), pp. 193-219.

Henry Steiner, Philip Alston, and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals*, 3rd Ed. (Oxford: Oxford University Press, 2008), pp. 151-159, 261-278, 283-291.

RECOMMENDED: Available at <http://www2.ohchr.org/english/law/index.htm>

International Convention on Elimination of Racial Discrimination (ICERD)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment (CAT)

Convention on the Rights of the Child (CRC)

International Convention on the Rights of All Migrant Workers and their Families (ICRMW)

IV. PROBLEMS WITH INTERNATIONAL HUMAN RIGHTS INSTRUMENTS: ENFORCEMENT, COMPLIANCE, JUSTICIABILITY, AND EXCEPTIONALISM

February 12: Treaties, Compliance, and International Law

Emilie Hafner-Burton and Kiyoteru Tsutsui, "Human Rights in a Globalizing World: The Paradox of Empty Promises," *American Journal of Sociology* 110: 5 (2005), pp. 1373-1411.

Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), pp. 1-39.

Oona Hathaway, "The Promise and Limits of the International Law of Torture," in Sanford Levinson, ed., *Torture: A Collection* (New York: Oxford University Press, 2004), pp. 199-212.

February 14: "Positive Rights," Enforceability, and Justiciability

Kenneth Roth, "Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization," *Human Rights Quarterly* 26:1 (February 2004), pp. 63-73.

Leonard S. Rubenstein, "How International Human Rights Organizations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth," *Human Rights Quarterly* 26:4 (November 2004), pp. 845-865.

February 19: U.S. Exceptionalism, Torture, and the War on Terror

Andrew Moravcsik, "The Paradox of U.S. Human Rights Policy," in Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005), pp. 147-197.

Michael Walzer, "Political Action: The Problem of Dirty Hands," in Sanford Levinson, ed., *Torture: A Collection* (New York: Oxford University Press, 2004), pp. 61-75.

John Yoo, *War by Other Means: An Insider's Account of the War on Terror*, pp. vii-xii.

RECOMMENDED

Jean Amery, "Torture," in *At the Mind's Limits: Contemplations of a Survivor of Auschwitz* (Indiana University Press, 1980), pp. 21-40.

John Yoo, *War by Other Means: An Insider's Account of the War on Terror*, pp. 18-47.

VI. REGIONAL HUMAN RIGHTS BODIES

February 21: Europe, the Americas and Africa

Shirley Williams, "Human Rights in Europe," in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York: Palgrave Macmillan, 2000), pp. 77-109.

RECOMMENDED

European Convention on Human Rights
(<http://www.yale.edu/lawweb/avalon/diana/documents.htm>)

February 26: The Americas and Africa

Juan Mendez, "The Inter-American System of Protection: Its Contributions to the International Law of Human Rights," Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York: Palgrave Macmillan, 2000), pp.111-142.

Chidi Odinkalu, "Why More Africans Don't Use Human Rights Language," *Human Rights Dialogue* (2000), pp. 3-4.

RECOMMENDED

Makau Mutua, "The Construction of the African Human Rights System," in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York: Palgrave Macmillan, 2000), pp.143-166.

Christof Heyns and Magnus Killander, *The African Human Rights System* in F. Gomez Isa and K. de Feyter, *International Protection of Human Rights: Achievements and Challenges* (Spain: 2006), pp. TBA.

VII. THE QUESTION OF UNIVERSALITY

February 26: Universal Human Rights vs. “Cultural Relativism”

Michael Ignatieff, “Human Rights as Idolatry,” *Human Rights as Politics and Idolatry*, pp. 53-98.

Amartya Sen, “Human Rights and Asian Values,” *The New Republic*, 217: 2-3 (1997), pp. 33-41.

Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), pp. 1-36

March 4: Universality and the Female Circumcision Debate

Alison Slack, “Female Circumcision: A Critical Appraisal,” *Human Rights Quarterly* 10:4 (November 1988), pp. 437-486.

VII. INTERNATIONAL HUMAN RIGHTS ACTIVISM

March 6: Human Rights Organizations

Kenneth Roth, “Human Rights Organizations: A New Force for Social Change,” in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (New York: Palgrave Macmillan, 2000), pp., pp. 225-248.

Michel Feher, “The Politics of the Governed,” in Michel Feher, ed., *Non-Governmental Politics* (New York: Zone Books, 2007), pp. 12-26.

March 11: Transnational Advocacy Networks and “The Boomerang Effect”

Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Cornell: Cornell University Press, 1998), pp. 1-38.

MARCH 13: IN-CLASS, MID-TERM EXAMINATION

VIII. THE USE OF FORCE TO STOP MASS HUMAN RIGHTS VIOLATIONS

March 25: Introduction to Humanitarian Intervention

Nicholas Wheeler, *Saving Strangers*, pp. 1-52.

David Rieff, *At the Point of a Gun: Democratic Dreams and Armed Intervention* (New York: Simon Schuster, 2005), pp. 1-9, 13-29.

Benjamin Valentino, "Still Standing By: Why America and the International Community Fail to Prevent Genocide and Mass Killing," *Perspectives on Politics* 1:3 (2003), pp. 565-576.

March 27: Iraq (1991) and Somalia

Nicholas Wheeler, *Saving Strangers*, pp. 139-207.

April 1: Rwanda

Nicholas Wheeler, *Saving Strangers*, pp. 208-241.

April 3: Bosnia and Kosovo

Nicholas Wheeler, *Saving Strangers*, pp. 242-310.

April 8: Darfur

Eric Reeves, *A Long Day's Dying: Critical Moments in the Darfur Genocide* (Toronto: Key Press, 2007), pp. 1-8, 13-18.

David Rieff, "Moral Blindness: The Case against Troops for Darfur," *The New Republic* 234: 21/22 (2006), pp. 13-16.

Jerry Fowler, "A New Chapter of Irony: The Legal Definition of Genocide and the Implications of Powell's Determination," in Samuel Totten and Eric Markusen *Genocide in Darfur: Investigating the Atrocities in the Sudan* (New York: Routledge, 2006), pp. 127-140.

April 10: The Future of Humanitarian Intervention: "R2P," Peacekeeping, and Counter-Insurgency

Gareth Evans, "From Humanitarian Intervention to The Responsibility to Protect," *Wisconsin International Law Journal* 24:3 (2006), pp. 703-722.

Sarah Sewell, "Introduction," *The Counter-Insurgency Field Manual* (Chicago: University of Chicago Press, 2007), pp. xxi-xliii.

Tom Hayden, "Harvard's Humanitarian Hawks," *The Nation On-Line*, July 14, 2007
<http://www.thenation.com/doc/20070730/hayden>

RECOMMENDED

ICISS, *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty* online at <http://www.iciss.ca/report-en.asp>.

IX. JUSTICE AND ACCOUNTING FOR THE PAST

April 15: The Promise and Limits of Justice after Atrocity

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 3-58.

April 17: The Nuremberg and Tokyo Trials

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 59-161.

April 22: The Ad Hoc International Criminal Tribunals

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 165-214.

April 24: The International Criminal Court

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 215-247.

William Schabas, *An Introduction to the International Criminal Court* 2nd Ed. (New York: Cambridge University Press, 2004), pp. 1-25.

Elizabeth Rubin, "If Not Peace, then Justice," *The New York Times Magazine*, April 2, 2006, pp. 42-76 (11 pages total).

RECOMMENDED

The Rome Statute: <http://www.un.org/law/icc/statute/romefra.htm>

April 29: Universal Jurisdiction, the CAT, and "Africa's Pinochet": The Case against Hissène Habré

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 315-350.

Reed Brody, "The Prosecution of Hissène Habré: International Accountability, National Impunity," in Naomi Roht-Arriaza and Javier Mariezcurrena, *Transitional Justice in the Twenty-First Century* (Cambridge: Cambridge University Press, 2006), pp. 278-300.

May 1: Truth Commissions

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), 351-370.

Martha Minow, "The Hope for Healing: What Can Truth Commissions Do?" in Robert Rotberg and Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000), pp. 235-260.

*****PAPERS DUE AT THE BEGINNING OF CLASS*****

May 6: Community-Based Justice: Gacaca in Rwanda

Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (New York: Picador, 2002), pp. 389-406.

May 8: Conclusion

May 13: Final Exam, 2:45-4:45 pm

**Appendix 1:
TA Section Schedule**

	Monday	Tuesday	Wednesday	Thursday	Friday
8:50 – 9:40	304: Naya	311: Naya	306: Kim	312: Kim	
9:55 – 10:45	313: Naya		314: Kim		308: Kate
11:00 – 11:50	309: Kate				
12:05 – 12:55	305: Kate				
1:20 – 2:10		302: Naya		303: Kate	
2:25 – 3:15					
3:30 – 4:20			307: Kim		