

Columbia University

**HR/PS V3001x, INTRODUCTION TO HUMAN RIGHTS
Fall 2008**

MW 10:35-11:50
209 Havemeyer

Prof. Andrew J. Nathan
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Course overview. International human rights is a powerful idea in our time, but also the focus of numerous controversies: it not only embodies a set of ideals but also functions as a political tool, which different forces try to bend to their own ends. The result of this struggle is a process of norm contestation and norm change that the course seeks to understand. The course looks at selected intellectual controversies and political puzzles surrounding human rights theory and practice. It explores the central institutions of the human rights regime. It discusses how human rights norms change, and it analyzes some of the challenges of contemporary human rights advocacy.

Requirements. The course grade will be based on two take-home examinations and two essays. The four assignments will be weighted equally in the final grade. The essays should be 5-7 pages long and may be of the following kinds:

(a) An explorations paper, which takes a look at a topic of interest to you, based on published works and/or websites. We have in mind topics which are not adequately covered in the course reading, and on which you would like more information. We want to learn what information you have gathered, but we also want to know why you think the issue is important, what conclusions you have provisionally drawn from the information you have gathered and, as appropriate, what you think are the biases or inadequacies of the sources that you used.

(b) A policy paper, which recommends a policy in some issue area or in some country for some actor (a government, NGO, multinational organization, etc.). A policy paper should be addressed to a specific actor (e.g., president, secretary of state, members of the legislature), should propose policies that are feasible for that actor, and should appeal to that actor's motives and interests. You may wish to run your ideas past the instructor or a TF first in order to be sure that you're addressing the various aspects that a policy paper needs to address, such as a specific policy actor, consistency with that actor's motives, and feasibility.

(c) A critical book review. A critical essay addresses two books (or other items equivalent in length to a book) not on the course list, chosen in consultation with the instructor or TFs. Such an essay should avoid summarizing the material in the books, and should offer an independent consideration of the issues the books discuss and a critique of the authors' analyses.

Due dates are as follows: first essay due September 29; midterm handed out October 15 and due October 20; second essay due November 17; final exam handed out December 8 and due December 15.

Human Rights Advocates in residence. As you pursue your outside projects you may wish to get in touch with some of the Human Rights Advocates who are in residence this semester at the Center for the Study of Human Rights. They are Anbu Sengoarasi Aganezhmaivanan (India: Women's rights, agriculture, special economic zones); Carolina Delgado (U.S.A.: Labor rights and migration, agriculture, women); Roger Luhiriri (DR Congo: Health and women's rights, armed conflict); Peter Mulbah (Liberia: Environmental Justice); Amalia Pulungan (Indonesia: IFI, armed conflict); Alejandro Rivera (México: LGBT, HIV/AIDS, youth). For more information see <http://hrap.hrcolumbia.org/participants.htm>.

Readings and Materials. The following books are available for purchase in paperback at Labyrinth Books.

Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999)

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Ed. (Ithaca: Cornell University Press, 2003)

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001)

Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001)

Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge, UK.: Polity Press, 2008)

Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (NY: Cambridge University Press, 1999)

25+ Human Rights Documents (NY: Columbia University Center for the Study of Human Rights, 2001)

David Vogel, *Market for Virtue: The Potential and Limits of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2006)

Michael M. Weinstein, ed., *Globalization: What's New* (NY: Columbia University Press, 2005)

Library copies of these books are on reserve at the Lehman Library Reserve Desk and at Barnard. All other assigned readings, including journal articles and book chapters, are available for download on Courseworks (www.courseworks.columbia.edu), except for readings for which URL links are provided in the syllabus; those readings can be accessed by clicking on those links from the syllabus page of Courseworks.

Please subscribe to the Human Rights Watch weekly digest. To subscribe, go to the organization's main webpage (www.hrw.org) and look in the lower right-hand corner for "Email Newsletters." Select "Weekly Digest" and enter your email address.

The teaching fellows will offer weekly discussion sections. Attendance and participation in these sessions will not be a component of your course grade. Nevertheless, you should attend these sessions. They offer an opportunity to ask questions and engage in discussion about topics covered in lecture and in the assigned readings. Teaching assistants will also offer weekly office hours.

TOPICS & READINGS

September 3. INTRODUCTION AND COURSE OVERVIEW

PART I. FOUNDATIONS

September 8 & 10. INTELLECTUAL HISTORY OF THE HUMAN RIGHTS IDEA

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Ed. (Ithaca: Cornell University Press, 2003), Chs. 1-3

Louis Henkin, "Human Rights: Ideology and Aspiration, Reality and Prospect," in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (NY: St Martin's Press, 2000), Ch. 1

Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), Chs. 1-3

Makau Matua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42:1 (Winter 2001), pp. 201-245

September 15 & 17. HUMAN RIGHTS AS LAW

John R. Bolton, "Is There Really 'Law' in International Affairs?" *Transnational Law and Contemporary Problems* 10 (2000), 1-47

Donnelly, *Universal Human Rights*, Chs. 8, 14

Office of the United Nations High Commissioner for Human Rights: look at www.ohchr.org/english/law/ and explore some of the links to get an overview of the UN human rights system in its normative aspect

Harold Hongju Koh, "Transnational Legal Process After September 11th," *Berkeley Journal of International Law* 22 (2003-2004), pp. 337-354

Jack L. Goldsmith and Eric A. Posner, "A Theory of International Law" in *The Limits of International Law* (NY: Oxford University Press, 2005), Ch. 1

September 22. THE UDHR AND COVENANTS: WHAT DO THEY SAY?

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (NY: Random House, 2001), Chs. 1, 4, 5, 9, 10, 12, Epilogue
 25+ *Human Rights Documents* (NY: Columbia University Center for the Study of Human Rights, 2001): read the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*; please bring the texts to class

September 24 & 29. HOW DOES THE HUMAN RIGHTS REGIME WORK? – INSTITUTIONS AND PROCESSES

Terry Collingsworth, "The Key Human Rights Challenge: Developing Enforcement Mechanisms," *Harvard Human Rights Journal* 15 (2002), 183-203

Jack Goldsmith, "The Self-Defeating International Criminal Court," *University of Chicago Law Review* 70:1 (Winter 2003), pp. 89-104

Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), Chs. 1, 2, 3, 4, 7, 13

International Criminal Court, Office of the Prosecutor, "Situation in Darfur, The Sudan, Summary of the Case: Prosecutor's Application for Warrant of Arrest Under Article 58 Against Omar Hassan Ahmad Al Bashir," undated [July 2008]

Henry Kissinger, "The Pitfalls of Universal Jurisdiction," *Foreign Affairs* 80:4 (July/Aug 2001), 86-96

Juan Mendez, "National Reconciliation, Transitional Justice, and the International Criminal Court," *Ethics and International Affairs* 15, No. 1 (May 2001), pp. 25-44.

Aryeh Neier, "Economic Sanctions and Human Rights," in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (NY: St. Martin's Press, 2000), Ch. 13, 291-308

Office of the United Nations High Commissioner for Human Rights: look at www.ohchr.org/english/bodies/ and explore some of the links to get an overview of the UN human rights system in its institutional aspect

Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (NY: Cambridge University Press, 1999), Chs. 1, 3, 6, 7

Brad R. Roth, "Peaceful Transition and Retrospective Justice: Some Reservations. A Response to Juan Mendez," *Ethics and International Affairs* 15, No. 1 (May 2001), pp. 45-50.

Kenneth Roth, "The Case for Universal Jurisdiction," *Foreign Affairs* 80:5 (Sept/Oct 2001) 150-154

October 1 & 6. CULTURAL UNIVERSALISM AND CULTURAL RELATIVISM

Lecturer, October 1: Felix Gerlsbeck

Donnelly, *Universal Human Rights*, Chs. 4-7

Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999), Chs. 1-3, 5-9

Bilahari Kausikan, "Asia's Different Standard," and Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* (Fall 1993), pp. 24-41, 42-51

Makau wa Matua, "The Ideology of Human Rights," *Virginia Journal of International Law* 36:3 (Spring 1996), pp. 589-657

October 8, 13, 15 & 20. AMERICAN EXCEPTIONALISM AND U.S. FOREIGN POLICY

Guest lecturer, October 15: Steven Shapiro, Legal Director, American Civil Liberties Union

Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge: Cambridge University Press, 2003), Ch. 5

Kofi Annan, "Secretary-General presents his Annual Report to the General Assembly." September 20, 1999,

http://www.un.org/News/ossg/sg/stories/statments_search_full.asp?statID=28 (the Annan Doctrine)

Richard Betts, "The Delusion of Impartial Intervention," *Foreign Affairs* 73:6 (Nov/Dec. 1994), pp. 20-33

Robert Chesney and Jack Landman Goldsmith III, "Terrorism and the Convergence of Criminal and Military Detention Models," *Stanford Law Review* 60 (forthcoming, 2008), pp. 1-59

“Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” in *25+ Documents*

Karen J. Greenberg and Joshua L. Dratel, eds., *The Torture Papers: The Road to Abu Ghraib* (NY: Cambridge University Press, 2005), pp. 118-121, 134-135, 172-217, 229-237, 557-611

Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005), Chs. 1, 5, 6

William Korey, *NGOs and the Universal Declaration of Human Rights* (NY: Palgrave, 1998), Chs. 14, 18

Andrew J. Nathan, "China: Getting Human Rights Right," *The Washington Quarterly* 20:2 (Spring 1997), pp. 135-151

Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), Chs. 21-22

Condoleezza Rice, “Rethinking the National Interest: American Realism for a New World,” *Foreign Affairs* 87:4 (July/August 2008), pp. 2-26.

PART II. CONTESTING AND EXPANDING RIGHTS

October 22 & November 5. GLOBALIZATION AND GLOBAL JUSTICE

Lecturer, November 5: Jeffrey Lenowitz

Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge, UK.: Polity Press, 2008), Introduction, Chs. 1, 4, 8, 9

Kenneth Roth, “Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” *Human Rights Quarterly* 26 (Feb., 2004), pp. 63-74

Michael M. Weinstein, ed., *Globalization: What’s New?* (NY: Columbia University Press, 2005), Chs. 2-5, 7

October 29. BUSINESS AND HUMAN RIGHTS: AN IMPACT-TRACKING APPROACH

Guest lecturer: Joanne Bauer (SIPA '88), New York Representative, Business and Human Rights Resource Centre

Review the website, <http://www.business-humanrights.org>

November 10. WHAT OBLIGATIONS DO PRIVATE ENTERPRISES HAVE?

Amnesty International, <http://www.amnestyusa.org/business>; review sections on the UN Norms for Business and on Alien Torts Claims Act (ATCA); look at some of the campaigns Amnesty has designed and how they are focused

National Labor Committee, <http://www.nlcnet.org/>, read one of their current reports

John Ruggie, “Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Protect, Respect and Remedy: a Framework for Business and Human Rights,” <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>

Deborah Spar, “Spotlight on the Bottom Line: How Corporations Export Human Rights,” *Foreign Affairs*, 77:2 (March/April 1998), pp. 7-12

United Nations Global Compact,
<http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>, read the ten principles

UN Norms for Business, <http://www1.umn.edu/humanrts/links/norms-Aug2003.html>

David Vogel, *Market for Virtue: The Potential and Limits of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2006), Chs 1-4, 6-7

October 27 and November 12 & 19. WOMEN'S HUMAN RIGHTS, CHILDREN'S RIGHTS, AND SEXUAL RIGHTS

Guest lecturer, October 27: Charlotte Bunche, Director, Center for Women's Global Leadership, Rutgers University

Guest lecturer, November 19: Scott Long, Director, Lesbian, Gay, Bisexual and Transgender Rights Program, Human Rights Watch

Philip Alston, "Conjuring Up New Human Rights: A Proposal for Quality Control," *American Journal of International Law* 78 (1984), 607-621

Charlotte Bunche, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," *Human Rights Quarterly* 12:4 (Nov. 1990), pp. 486-498

Charlotte Bunch, with Peggy Antrobus, Samantha Frost and Niamh Reilly, "International Networking for Women's Human Rights," in Michael Edwards and John Gaventa, eds., *Global Citizen Action* (Boulder, CO: Lynne Rienner, 2001), pp. 217-229

"Convention on the Elimination of All Forms of Discrimination Against Women" and "Convention on the Rights of the Child," in *25+ Documents*

Jill Marie Gerschutz and Margaret P. Karns, "Transforming Visions into Reality: The Convention on the Rights of the Child," in Mark Ensalaco and Linda C. Majka, eds., *Children's Human Rights: Progress and Challenges for Children Worldwide* (Rowman and Littlefield, 2005), pp. 31-51

Alice M. Miller, "Sexual But Not Reproductive: Exploring the Junction and Disjunction of Sexual and Reproductive Rights," *Health and Human Rights* 4:2 (2000), pp. 69-109

Julie Peters and Andrea Wolper, eds., *Women's Rights Human Rights: International Feminist Perspectives* (Routledge, 1995), pp. 11-50, 126-134, 215-237

November 17, 24 & 26. INDIGENOUS PEOPLES' RIGHTS AND COLLECTIVE RIGHTS

Lecturer November 17: Anil G.C., Ph.D. candidate, Department of Political Science, Columbia University

S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996), Ch. 3, 4

Michael C. Davis, "The Quest for Self-Rule in Tibet," *Journal of Democracy* 18:4 (October 2007), pp. 157-171

"United Nations Declaration on the Rights of Indigenous Peoples," 13 September 2007, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007), Chs. 2-4

December 1 & 3. ENVIRONMENTAL RIGHTS

“1994 Draft Declaration of Principles of Human Rights and the Environment,”
<http://fletcher.tufts.edu/multi/www/1994-decl.html>

Robert Melchior Figueroa, “Evaluating Environmental Justice Claims,” in Joanne Bauer, ed., *Forging Environmentalism: Justice, Livelihood, and Contested Environments* (Armonk, NY: M.E. Sharpe, 2006), pp. 360-376

“Gender, Climate Change and Human Security,” by Women’s Environment and Development Organization, May, 2008,

<http://www.wedo.org/files/HSN%20Study%20Final%20May%2020,%202008.pdf>

Human Rights Dialogue, Series 2, No. 11 (Spring 2004): Environmental Rights,
http://www.cceia.org/resources/publications/dialogue/2_11/index.html/res/id=sa_File1/Human_Rights_Dialogue_Environment.pdf

Romina Picolotti and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tucson: University of Arizona Press, 2003), Chs. 1, 2, 5

December 8. ACTIVIST DILEMMAS

Shareen Hertel, “Child Labor, Child Rights, and Transnational Advocacy” in *Unexpected Power: Conflict & Change among Transnational Activists* (Ithaca: Cornell University Press, 2006), Chs. 3, 4

David Kennedy, “International Human Rights Movement: Part of the Problem?” *Harvard Human Rights Journal*, 15 (2002), 101-126

Hilary Charlesworth, “Author Author: A Response to David Kennedy” *Harvard Human Rights Journal*, 15 (2002), 127-132