

Honors Seminar

143:060. Winter-Spring 2006, 3 s.h.

Andrew R. Willard

Time & Location: 10:30-11:20 MWF 234 BHC

**HUMAN RIGHTS AND WORLD PUBLIC ORDER:
UNDERSTANDING AND SHAPING LAW**

The international human rights program is described, analyzed, and evaluated in this course. The relationship between human rights and international law is given special emphasis due to international law's capacity to shape shared expectations among peoples from around the planet of what constitutes appropriate and permissible conduct. These shared expectations also bear importantly on the quality of life worldwide.

The primary goals of the seminar are for students to learn how to clarify or bring into better focus the features and dynamics of the international human rights program, and to develop their ability to evaluate and offer suggestions for improving the program and/or specific facets of it. To address the latter task, students will explore ways in which international law can be modulated to help bring about more desirable futures.

In addition to providing an overview of how human rights are established, maintained, and changed, we will examine and analyze a range of particular topics, including issues that pertain to self-determination, education, national security and individual freedom, humanitarian intervention, post-conflict reconstruction, health, and so on. Students are welcomed to raise subjects of interest that are not included in the course syllabus.

Students are encouraged to contact me if they have questions, comments, or issues they would like to discuss. Office hours are 11:30 to 12:30 on Monday, Wednesday, and Friday, or by appointment. My office is Room 413 BHC. Moreover, I can be reached by phone at 335-3227 (with voice mail), or by email at andrew-willard@uiowa.edu.

Course Policies

Evaluation of Student Performance/Course Requirements

Students are expected to read all assignments, and should be prepared to discuss them during class sessions. There will be three substantial writing assignments. Grades in the course are based primarily on the quality of the written work. Participation in class discussion is strongly encouraged. Regardless of how you choose to participate, you have a responsibility to help create a classroom environment where all may learn. At the most basic level, this means you will respect the other members of the class and the instructor, and treat them with the courtesy you expect to receive in return.

Attendance Policy

Attendance at every class session is expected because the classroom discussion and experience generates important knowledge and helps to develop valuable skills. If you must miss a class, please borrow notes from the missed class from a classmate.

Policy on Accommodation of Students with Disabilities

If you have a disability that may require some modification of seating, testing, or other class requirements, please let me know so that appropriate arrangements may be made. Please contact me after class or during office hours.

Plagiarism and Cheating Policy

You are expected to be honest and honorable in your fulfillment of assignments and in test-taking situations. Plagiarism and cheating are serious forms of academic misconduct. Examples of them are given in the Student Academic Handbook. www.clas.uiowa.edu/students/academic_handbook//ix.shtml. If you have any questions about proper use and citation of scholarly texts, come to office hours and we will discuss the matter. Cheating or plagiarism can lead to a reduced grade for the course.

Complaint Policy

If you have a complaint with the course, please bring the matter to my attention so that we can work together to resolve the problem. If you remain unsatisfied, you may contact the Assistant Director of the University Honors Program, Dr. Robert Kirby, at 335-1684. If your concerns still have not been resolved, you may submit a written complaint to the Associate Dean for Academic Programs, 120 Schaeffer Hall (335-2633).

Assigned Reading

The majority of the assigned reading is included in the course pack, which can be ordered through me and picked up at the copying center in the IMU. Online articles are assigned as well, and the URL for each of these items is listed in the course schedule below.

Course Schedule

Week 1: January 18 and 20

“Human Rights,” by Burns Weston

“The Recent History of Human Rights,” by Kenneth Cmiel

Week 2: January 23 through January 27

“Human Rights as Politics,” by Michael Ignatieff

“Sovereignty and Human Rights in Contemporary International law,”
by Michael Reisman

“You, the People”: Pro-Democratic Intervention in International Law,”
by Michael Byers and Simon Chesterman

“Normativity in International Law: The Case of Unilateral Humanitarian Intervention,”
by Daphne Richemond
(<http://islandia.law.yale.edu/yhrdlj/html/archive/vol6/vol6contents.htm>)

Week 3: January 30 through February 3

“Assessing the Lawfulness of Nonmilitary Enforcement: The Case of Economic Sanctions,” by Michael Reisman

“Humanitarian Safeguards in Economic Sanctions Regimes: A Call for Automatic Suspension Clauses, Periodic Monitoring, and Follow-Up Assessment of Long-Term Effects,” by Robin Geiss
(<http://www.law.harvard.edu/students/orgs/hrj/iss18/index.shtml>)

“Stay the Hand of Vengeance: The Politics of War Crimes Tribunals,” by Gary Bass
(excerpt from Introduction)
(<http://www.pupress.princeton.edu/chapters/s6925.html>)

“Evaluating the Role of the International Criminal Court as a Legal Response to Terrorism,” by Richard Goldstone and Janine Simpson
(<http://www.law.harvard.edu/students/orgs/hrj/iss16/index.shtml>)

“Good Fences Make Good Neighbors?: The ‘Wall Decision’ and the Troubling Rise of the ICJ as a Human Rights Court,” by Adam Smith
(<http://www.law.harvard.edu/students/orgs/hrj/iss18/index.shtml>)

Week 4: February 6 through February 10

“Scenarios of Implementation of the Statute of the International Criminal Court,”
by Michael Reisman

“Learning to Deal with Rejection: The International Criminal Court and the United States,” by Michael Reisman

“The Pitfalls of Universal Jurisdiction,” by Henry Kissinger

“The Case for Universal Jurisdiction,” by Kenneth Roth

“The Promise of Hybrid Courts,” by Laura Dickinson

“Unspeakable Truths: Confronting Past Crimes,” by Priscilla Hayner

“Justice without Punishment: Guaranteeing Human Rights in Transitional Societies,”
by Paul van Zyl

“Institutions and Practices for Restoring and Maintaining Public Order,”
by Michael Reisman

Week 5: February 13 through February 17

”Religion, Rights, and Terrorism,” by John Shattuck
(<http://www.law.harvard.edu/students/orgs/hrj/iss16/index.shtml>)

“International Legal Responses to Terrorism,” by Michael Reisman

“Assessing Claims to Revise the Laws of War,” by Michael Reisman

“Al Qaeda, Terrorism, and Military Commissions,” by Ruth Wedgwood

“The Case against Military Commissions,” by Harold Koh

Week 6: February 20 through February 24

“Torture” Memo and Response, by Alberto Gonzalez and Colin Powell, respectively

“Torture,” online discussion

“The International Law of Torture: From Universal Proscription to Effective Application and Enforcement,” by Winston P. Nagan and Lucie Atkins
(<http://www.law.harvard.edu/students/orgs/hrj/iss14/index.shtml>)

“Upsetting Checks and Balances: The Bush Administration’s Effort to Limit Human Rights Litigation,” by Beth Stephens
(<http://www.law.harvard.edu/students/orgs/hrj/iss17/index.shtml>)

“Finding the Balance between Liberty and Security: The Lords’ Decision on Britain’s Anti-Terrorism Act,” by Alexander Chirinos
(<http://www.law.harvard.edu/students/orgs/hrj/iss18/index.shtml>)

“Aftershocks: Reflections on the Implications of September 11,” by Michael Reisman

Week 7: February 27 through March 3

“A United States Human Rights Policy for the 21st Century,” by Harold Koh

“The United States and International Human Rights Protection, by HumanRightsFirst
(http://www.humanrightsfirst.org/us_law/loss/imbalance/powers_chp5.pdf)

“Human Rights and National Security: The Strategic Connection,”
by William Burke-White
(<http://www.law.harvard.edu/students/orgs/hrj/iss17/index.shtml>)

“The United States and International Institutions,” by Michael Reisman

Week 8: March 6 through March 10

“The Human Right to Development: Between Rhetoric and Reality,” by Stephen Marks
(<http://www.law.harvard.edu/students/orgs/hrj/iss17/index.shtml>)

“Fighting the Axis of Illness: HIV/AIDS, Human rights, and U.S. Foreign Policy,”
by David Fidler
(<http://www.law.harvard.edu/students/orgs/hrj/iss17/index.shtml>)

Week 9: Spring Break

Week 10: March 20 through March 24

“Promoting Universal Human Rights: Dilemmas of Integrating Developing Countries,”
by Mahmood Monshipouri
(<http://islandia.law.yale.edu/yhrdlj/html/archive/vol4/vol4contents.htm>)

“Public Enemy Number Two? Rising Crime and Human Rights Advocacy in Transitional Societies,” by James Cavallaro and Mohammad-Mahmoud Ould Mohamedou
(<http://www.law.harvard.edu/students/orgs/hrj/iss18/index.shtml>)

“World Health Organization: 25 Questions & Answers on Health and Human Rights
(<http://www.who.int/hhr/NEW37871OMSOK.pdf>)

“Pathologies of Power: Health, Human Rights, and the New War on the Poor,”
by Paul Farmer (Chapter 1: On Suffering and Structural Violence; Social and Economic Rights in the Global Era)
(<http://www.ucpress.edu/books/pages/9875/9875.ch01.html>)

“Championing Health Care as a Human Right: An Interview with Paul Farmer”
(<http://www.ucpress.edu/books/pages/9875/9875.auint.html>)

Week 11: March 27 through March 31

“A Positive Right to Protection for Children,” by Tamar Ezer
(<http://islandia.law.yale.edu/yhrdlj/html/archive/vol7/vol7contents.htm>)

“The Protection of Children in Peacemaking and Peacekeeping Processes,” by Ilene Cohn
(<http://www.law.harvard.edu/students/orgs/hrj/iss12/index.shtml>)

“Ratcheting Labor Standards: Regulation for Continuous Improvements in the Global Workplace,” by Charles Sabel, Dara O’Rourke, and Archon Fung
(<http://www.archonfung.net/papers/RLS21.pdf>)

Week 12: April 3 through April 7

“Globalizing Decency: Responsible Engagement in an Era of Economic Integration,”
by Craig Forcese
(<http://islandia.law.yale.edu/yhrdlj/html/archive/vol5/vol5contents.htm>)

“Rhetoric and Reality: Human Rights and the World Bank,” by Korinna Horta
(<http://www.law.harvard.edu/students/orgs/hrj/iss15/index.shtml>)

“Application in Tibet of the Principles on Human Rights and the Environment,”
by Laura Ziemer
(<http://www.law.harvard.edu/students/orgs/hrj/iss14/index.shtml>)

Week 13: April 10 through April 14

“Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations,” by Hilary Charlesworth

“Inequality before the Law: Holding States Accountable for Sex Discriminatory Laws Under the Convention on the Elimination of All Forms of Discrimination against Women and Through the Beijing Platform of Action,” by Jessica Neuwirth

“The Definition of ‘Gender’ in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?”
by Valerie Oosterveld

(<http://www.law.harvard.edu/students/orgs/hrj/iss18/index.shtml>)

“Refugee Law, Gender, and the Human Rights Paradigm,” by Deborah Anker
(<http://www.law.harvard.edu/students/orgs/hrj/iss15/index.shtml>)

Week 14: April 17 through April 21

“Rights and Status of Indigenous Peoples: A Global Comparative and International Legal Analysis,” by Siegfried Wiessner
(<http://www.law.harvard.edu/students/orgs/hrj/iss12/index.shtml>)

“Autonomy, Interdependence, and Responsibility,” by Michael Reisman

“International Law and the Inner Worlds of Others,” by Michael Reisman

“Civilizational Imprisonments: How to Misunderstand Everybody in the World,”
by Amartya Sen

Week 15: April 24 through April 28

“Future Systems of Identity in the World Community,” by Harold Lasswell

“Revisiting Self-Determination as an International Law Concept: A Major Challenge in the Post-Cold War Era,” by Ved Nanda
(<http://www.tamilnation.org/selfdetermination/96nanda.htm>)

“Human Rights and Asian Values,” by Amartya Sen

“Universality of Human Rights: An Islamic Perspective,” by Abdullahi An-Na’im
(<http://people.law.emory.edu/~abduh46/pdffiles/dwnld33.pdf>)

“Democracy as a Universal Value,” by Amartya Sen
(<http://muse.jhu.edu/demo/jod/10.3sen.html>)

Week 16: May 1 through May 5

“Human Rights as Idolatry,” by Michael Ignatieff

“Human Rights and the Dialogue among Civilizations,” by Jack Donnelly
(<http://www.du.edu/~jdonnell/papers/dialogue.pdf>)

“The Universality of Human Rights in a Multicultural World: Toward Respectful
Decision-Making,” by Burns Weston

Week 17: May 8 through May 12

Final Exam