

Columbia University
Department of Political Science
HR/PS V3001x, INTRODUCTION TO HUMAN RIGHTS

Fall 2005

501 Schermerhorn
TR 10:35-11:50

Prof. Andrew J. Nathan
Office Hours: Thursday, 2-3, and by appointment
714 IAB

ajn1@columbia.edu
854-6909

Teaching Fellows:
Katharine Baldwin
Pablo Kalmanovitz
Bajeera McCorkle
Alex Scacco
Radha Webley

kab2106@columbia.edu
pk2115@columbia.edu
bm414@columbia.edu
als2110@columbia.edu
rw2146@columbia.edu

Arthur Ross Teaching Fellow: Daniel Paluch

drp2002@columbia.edu

Purposes. Human rights is a powerful idea in our time, but it is also the focus of numerous controversies: it is not only an ideal but also a political tool, which different forces try to bend to their own ends. This course looks at selected intellectual controversies and political puzzles involved in human rights theory and practice. It explores the central institutions of the human rights regime. And it analyzes the challenges of contemporary human rights advocacy.

Requirements. The course grade will be based on two take-home examinations and two essays. The examinations will include identification items and essay questions. The essays should be 5-7 pages long and may be of the following kinds.

EITHER (a) A policy paper, which recommends a human rights-related policy in some specific domain or with respect to some specific issue, for some specific actor (a government, NGO, multinational organization, etc.). Here the websites listed (or others) may be useful, as may the course reading or sources that you find elsewhere.

OR (b) An explorations paper, an examination of a topic inadequately covered in the course, again using websites or outside reading. We do not want to receive merely an informational paper. You should explain why the issue is important and what conclusions you have provisionally drawn from the information you have gathered, and, as appropriate, you should criticize the biases or inadequacies of the information sources that you used.

Due dates are as follows: midterm is handed out Oct. 20 and due back Oct. 25; essays due on Oct. 6 and Nov. 22; final exam handed out Dec. 8 and due Dec. 15.

Participation in College Writing Program. The Undergraduate Writing Program sponsors a Writing Center in 310 Philosophy Hall where students enrolled in Columbia University courses can receive individual consultations about their writing. You may visit the Writing Center at any stage in the writing process. These sessions are conducted by advanced graduate students who have had significant training in helping students with their writing. These consultants have been briefed on our assignments, and we encourage you to use them as you write your papers. Several of the consultants work in fields relevant to this course. If you wish to see one of these consultants specifically, we encourage you to arrange appointments well before the papers are due. If your paper is done before the due date, we will accept early submission.

The Writing Center is open Monday-Thursday 10:00 a.m. to 8:00 p.m., and Friday 10:00 a.m. to 5:00 p.m. To see a consultant, visit the Writing Center during open hours or sign up for an appointment. For more information, please email writingcenter@columbia.edu or call 854-3886.

Readings. Books are in paperback and have been ordered at Labyrinth Books. One book (entitled *25+ Human Rights Documents*) can be purchased slightly more cheaply directly from Columbia's Center for the Study of Human Rights (11th Floor, International Affairs Building) but is also available at Labyrinth. Books are on reserve at the Lehman Library Reserve Desk and some of them at Barnard. They can also be found at the Human Rights Reading Room, about which further information can be found at www.columbia.edu/cu/humanrights/hr_reading_room.htm.

Articles and some book chapters can be found in a coursepack available for purchase from The Village Copier, 2872 Broadway (between 111th and 112th), 212-666-0600, and some can be obtained online (online addresses are indicated in the syllabus). For those students who do not wish to purchase the course pack, articles (along with copies of chapters from books not available for purchase) have also been placed on reserve and can be found by going to the Columbia University library system's online services, going to the Lehman Library website, and clicking on the instructors' names and the course.

We recommend that you subscribe to the listserv for press releases from Human Rights Watch. Go to the organization's main webpage (www.hrw.org) and in the left-hand corner, look for "Free Email Newsletter." Click on that and you'll be given a choice of lists; click on "Weekly Digest" and it will create an email message to the list serve manager. Send that and later, reconfirm it. You'll then be added to the list.

CLASS SCHEDULE

September 6. INTRODUCTION

PART I. GENERAL CONCEPTS

September 8 and 13. INTELLECTUAL HISTORY OF THE 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

September 15, 20, 22. HUMAN RIGHTS AS LAW: ENACTMENTS AND INSTITUTIONS

Guest lecturer, September 20: Dinah Pokempner, General Counsel, Human Rights Watch

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

www.columbia.edu -> Libraries-> CLIO -> Transnational Law and Contemporary Problems [online] -> Hein-On-Line)

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

Andrew Moravcsik, "Why is U.S. Human Rights Policy So Unilateralist?" in Stewart Patrick and Shepard Forman, eds., *Multilateralism and U.S. Foreign Policy: Ambivalent Engagement* (London: Lynne Rienner, 2002), pp. 345-76

Office of the United Nations High Commissioner for Human Rights: please look at the following two pages and explore some of the links to get an overview of the UN human rights system: <http://www.ohchr.org/english/law/> and <http://www.ohchr.org/english/bodies/>

Week of September 26. THE UDHR AND COVENANTS: WHAT DO THEY SAY?

Lauren, *Evolution*, Ch. 7.

Center for the Study of Human Rights, Columbia University, *25+ Human Rights Documents* (NY: CSHR, 2001) - read the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Culture Rights*

Charles Beitz, "What Human Rights Mean," *Daedalus* 132, No. 1 (Winter 2003): 36-46. (Available online: www.columbia.edu -> Libraries-> CLIO -> Daedalus [online] -> ProQuest)

Please log on to and study the website on the UDHR compiled by Peter Danchin for the Columbia Center for the Study of Human Rights:

<http://www.ccnmtl.columbia.edu/projects/mmt/udhr>

Week of October 3. HUMAN RIGHTS AND THE VALUE RELATIVISM DEBATE

- 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 and 42-51. (Available online: www.columbia.edu -> Libraries -> CLIO-> Foreign Policy [electronic resource] -> Business Source Premier)
- Martha Nussbaum, "Human Capabilities, Female Human Beings," in Nussbaum and Jonathan Glover, eds., *Women, Culture and Development: A Study of Human Capabilities* (Oxford: Clarendon Press, 1995), pp. 61-104
- Makau wa Matua, "The Ideology of Human Rights," *Virginia Journal of International Law* (Volume 36, 1996) (Available online: www.columbia.edu -> Libraries -> CLIO -> Virginia Journal of International Law [online] -> Hein-On-Line)

PART II. SPECIFIC TOPICS**Week of October 10. GLOBALIZATION AND GLOBAL JUSTICE**

- Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge, UK.: Polity Press, 2002), General Introduction, Chs. 1, 4, 8
- Michael M. Weinstein, ed., *Globalization: What's New* (NY: Columbia University Press, 2005), Chs. 2-5, 7

Week of October 17. HUMAN RIGHTS AND THE PUZZLE OF NORMS IN INTERNATIONAL POLITICS

- Lecturer**, October 20: Alexandra Scacco
- Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton: Princeton University Press, 2001), Chs. 2-3
- Harold Hongju Koh, "Jefferson Memorial Lecture Transnational Legal Process After September 11th," *Berkeley Journal of International Law* 22:337, pp. 337-354, at http://www.law.yale.edu/outside/pdf/Alumni_Affairs/psjs.pdf
- Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (Cambridge, UK: Cambridge University Press, 1999), Chs. 1, 3, 6, 7

October 25, 27, November 1. LABOR RIGHTS AND CORPORATE SOCIAL RESPONSIBILITY

- Guest lecturers**, October 25 and 27, Dr. Mila Rosenthal, Director, Business and Human Rights Program, Amnesty International USA; November 1, J. Paul Martin, Director, Center for the Study of Human Rights, Columbia
- Please go to <http://www.amnestyusa.org/business>; especially read through sections on ATCA and the UN Norms for Business, but also look at research and how human rights methodology shapes reporting on corporate related abuses and at how campaigns are designed
- Please go to <http://www.business-humanrights.org> for a general sense of the range of issues related to business and human rights, and some specific company examples

Terry Collingsworth, "The Key Human Rights Challenge: Developing Enforcement Mechanisms," *Harvard Human Rights Journal* 15 (2002), pp. 183-203. (Available on: www.columbia.edu -> Libraries -> CLIO -> Harvard Human Rights Journal [online] -> Hein-On-Line)

J. Paul Martin, website on the Chad project:
<http://www.columbia.edu/itc/sipa/martin/chad-cam/>

J. Paul Martin, "Royal Dutch Shell: How Deep the Changes?" unpublished paper
Elliot Schrage, "Emerging Threat: Human Rights Claims," *Harvard Business Review* (August 2003), pp. 16-18. (Available on: www.columbia.edu -> Libraries -> CLIO-> Harvard Business Review [electronic resource] -> Business Source Premier)

UNHCR, "Report of the Sub-Commission on the Promotion and Protection of Human Rights: Report of the United Nations High Commissioner on Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights," E/CN.4/2005/91; 15 February 2005,
http://ap.ohchr.org/documents/sdpage_e.aspx?b=1&se=59&t=9

November 3, 10, 15. TORTURE: LEGAL AND PHILOSOPHICAL ISSUES

Guest lecturers: November 10, Michael Dorf, Michael I. Sovern Professor of Law, Columbia Law School; November 15, Jeremy Waldron, University Professor and Director of the Center for Law and Philosophy, Columbia Law School

Abdullahi Ahmed An-Na'im, "Toward A Cross-Cultural Approach to Defining International Standards of Human Rights," in An-Na'im, ed., *Human Rights in Cross Cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1992), pp. 19-43

Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), Ch. 3

Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review Books, 2004), pp. 78-106, 115-177

Geneva Conventions: please access <http://www.genevaconventions.org/>; read the texts of the conventions and look around the website

Hope v. Pelzer, et al., 2002, <http://laws.findlaw.com/us/000/01-309.html>

Sanford Levinson, ed., *Torture: A Collection* (New York: Oxford University Press, 2004), Chs. 2-4, 8-9

U.S. Department of Justice, Office of Legal Counsel, "Memorandum for James B. Comey Deputy Attorney General," December 30, 2004,
<http://news.findlaw.com/hdocs/docs/terrorism/dojtorture123004mem.pdf>

United States Code, Title 18, Part I, Chapter 113C – Torture
http://caselaw.lp.findlaw.com/cascode/uscodes/18/parts/i/chapters/113c/sections/section_2340.html

November 17 and 22. WOMEN'S RIGHTS AS HUMAN RIGHTS

Guest lecturer, November 17: Charlotte Bunch, Director, Center for Women's Global Leadership

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

25+ Documents, read the *Convention on the Elimination of All Forms of Discrimination Against Women*

Julie Peters and Andrea Wolper, eds., *Women's Rights Human Rights: International Feminist Perspectives*. (N.Y.: Routledge, 1995), Chs. 1-3, 15, 21

V. Spike Peterson and Laura Parisi, "Are Women Human? It's Not an Academic Question," in Tony Evans, ed., *Human Rights Fifty Years On: A Reappraisal* (Manchester, UK: Manchester University Press, 1998), pp. 132-160

November 29. **HUMAN RIGHTS AND SEXUALITY**

Guest lecturer, November 29: Prof. Alice M. Miller, Law and Policy Project, Joseph L. Mailman School of Public Health

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

Arvind Narrain, "Human Rights and Sexual Minorities: Local and Global Contexts", *2 Law, Social Justice and Global Development* 2001, available at <http://elj.warwick.ac.uk/global/issue/2001-2/narrain.html>

Ara Wilson, "The Transnational Geography of Sexual Rights," Mark Philip Bradley and Patrice Petro, eds, *Truth Claims: Representation and Human Rights* (New Brunswick, NJ: Rutgers Univ. Press, 2002), pp. 251-265

December 1. **U.S. HUMAN RIGHTS: A LOCAL SNAPSHOT**

Guest lecturers, December 1: Ramona Ortega and Barbara Schulman, New York City Human Rights Initiative

Please visit <http://www.urbanjustice.org/> and click on "Projects," then on "Human Rights," then on the New York City Urban Justice Initiative

Review HRW's current concerns relating to the U.S. at <http://hrw.org/doc/?t=usa>

Week of December 5. **ACTIVIST DILEMMAS: HUMAN RIGHTS NGOS AND THEIR WORK**

Philip Alston, "Conjuring Up New Human Rights: A Proposal for Quality Control," *American Journal of International Law* 78 (1984), pp. 607-621. (Available on: www.columbia.edu -> Libraries -> CLIO -> American Journal of International Law [online] -> Hein-On-Line)

Carnegie Council on Ethics in International Affairs, *Human Rights Dialogue*, issue on "Human Rights for All? The Problem of the Human Rights Box," Series 2, Number 1 (Winter 2000), <http://www.carnegiecouncil.org/viewMedia.php/prmID/599>, articles by Bauer, Odalinku, Cox, Hassan, Ross

Lindsay French, "Exhibiting Terror," Mark Philip Bradley and Patrice Petro, eds, *Truth Claims: Representation and Human Rights* (New Brunswick, NJ: Rutgers Univ. Press, 2002), pp. 131-155

Ratna Kapur, "The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-Colonial Feminist Legal Politics," *Harvard Human Rights Journal* (Spring, 2002). (Available on: www.columbia.edu -> Libraries -> CLIO -> Harvard Human Rights Journal [online] -> Hein-On-Line)

Arthur Kleinman and Joan Kleinman, "The Appeal of Experience, the Dismay of Images: The Cultural Appropriation of Suffering in our Times," *Daedalus* 125: 1 (1997). (Available online: www.columbia.edu -> Library-> CLIO -> Daedalus [online] ->ProQuest)

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. (Available online: www.columbia.edu -> Libraries -> CLIO -> Human Rights Quarterly [online] -> ProQuest)

SELECTED WEBSITES

Amnesty International: www.amnesty.org
 Business and HR: <http://www.business-humanrights.org/>
 Columbia University, Center for the Study of Human Rights, “Human Rights Portal”: www.humanrights.columbia.edu
 Department of State annual human rights reports:
www.state.gov/www/global/human_rights/index.html
 Freedom House: www.freedomhouse.org
Human Rights Dialogue, Carnegie Council on Ethics and International Affairs:
www.carnegiecouncil.org
 Human Rights Working Papers: www.du.edu/humanrights/workingpapers
 Human Rights Quarterly: www.press.jhu.edu/press/journals/hrq/
 Human Rights Watch: www.hrw.org
 Human Rights in China: www.hrichina.org
 International Crisis Group: www.crisisweb.org
 International Network for Economic, Social & Cultural Rights: www.escr-net.org
 NGO Watch: <http://www.ngowatch.org/>
 Office of the High Commissioner for Human Rights: <http://www.unhchr.ch/>
 Physicians for Human Rights: www.phrusa.org
 Religious freedom: <http://www.forum18.org/>
 Universal Declaration of Human Rights website compiled by Peter Danchin for the Columbia CSHR: <http://www.ccnmtl.columbia.edu/projects/mmt/udhr/>
 University of Minnesota Human Rights Library: <http://www1.umn.edu/humanrts/>
 UN: www.un.org
 United States Commission on International Religious Freedom:
www.uscirf.gov/index.php3
 Women’s Human Rights Resource: www.law-lib.utoronto.ca/diana