

Peace and Conflict Studies 127B
Human Rights
Spring 2005
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Office Hours: TH 11-12:30

Course Description:

After WWII we witnessed a “revolution” in human rights theory, practice, and institution building. The implications of viewing individuals as individuals, not just members of states are potentially far reaching as is the declaration that all individuals are equal with rights not overridden by state rights to sovereignty.

Yet we also live in a world of sovereign states with sovereign state’s rights. We see everyday a clash between the rights of the individual and lack of duty to fulfill those rights when an individual’s home state is unwilling or unable to do so.

How do we realize human rights in a world of states? How do we bring the issues of universal human rights and the interests of sovereign states together? Can we? Should we? Building on students' introductory knowledge of international human rights mechanisms this course will ask what post-World War II conceptions of human rights mean for a number of specific issues including humanitarian intervention, international criminal justice, US foreign policy, immigration, and economic rights. Looking in-depth at these 5 areas we will ask how ideas about human rights, laws about human rights, and institutions to protect human rights have on how states and other global actors act, and how individuals have fared.

Course requirements and grading:

Participation and attendance: 15 pts.

This course requires not only attendance but active participation. This entails doing the readings before class and section, thinking critically about them and the topics we are discussing, and coming to class prepared for discussion. Be prepared to be called on in class. Active participation in section can significantly help your grade in the course, non-participation can significantly lower your grade, and non-attendance WILL significantly lower your grade.

In-class Debate: 20 pts.

We will have a series of debates on the issues of the course. You will be assigned early in the semester to a group. Details on the format will be handed out. One week before the scheduled debate each team should provide the class with one short article that we should read in support of your argument. The articles must be available on-line or you need to hand them out in class.

Midterm paper: 30 points

There will be a 5 page take home midterm.

Final exam: 35 points

There will be an in-class final exam.

Grade Disputes:

All grade disputes must be made in writing, in not less than a paragraph, not more than a page. The dispute should outline very specifically why you feel that you received a grade in error and should not contain information about what kinds of grades you usually get, or how long you studied. You must wait at least 24 hours after receiving your grade to submit a dispute, but you must turn in your written dispute within a week of getting the grade. There are no exceptions to this policy.

Late Policy:

Assignments are all due in class. Late assignments will be docked 3% per day. Extensions or incompletes are given only to students with a *documented* emergency or illness. We know that you have other exams/papers/lives. I was an undergraduate once too. Juggling and scheduling your assignments is part of your job as students. You know your due dates in advance. Prepare and study ahead of time.

Communication by e-mail:

E-mail is an ideal form of communication for brief, usually administrative matters. For example, to schedule an appointment outside of office hours. Unless otherwise arranged, do not email me in lieu of meeting me in my office. Discussions about paper topics or substantive issues should occur in person.

Readings:

The following books are *required* and available for purchase:

Rieff, David, *Slaughterhouse*

Danner, Mark, *The Massacre at El Mozote*

The following books are *optional* and available for purchase:

Center for the Study of Human Rights. *Twenty-Five Human Rights Documents* (25)

Gutman, Roy and David Rieff, *Crimes of War: What the Public Should Know*(CoW)

In addition, a required course reader is available at Copy Central on Bancroft. All reading assignments found in the reader are marked by an asterisk. Note that some reading are out of order due to last minutes scheduling change for guest speakers. I have noted this where possible.

Course Schedule:

1/18 Introduction and overview

1/20 Philosophical Background and Pre-WWII Era

*Donnelly, *Universal Rights in Theory and Practice*, ch. 1

*Shestack, "The Philosophical Foundations of Human Rights"

**English Bill of Human Right*

**US Declaration of Independence*

**The French Declaration of the Rights of Man and Citizen*

Optional: p. 18 in CoW

1/25 Post WWII: The Core of Global Human Rights. What do they give us?

*Roosevelt, "The Four Freedoms"

*Glendon, *A World Made New*, ch. 1

*Ignatieff, "Human Rights"

*Farer, "The United Nations and Human Rights: More Than a Whimper"

Optional: Documents 1-5, 8, 9 (25)

1/27 Non-governmental organizations and human rights

*Keck and Sikkink, *Activists Beyond Borders*, pp. 8-24 and 79-120

*Bob, "Merchants of Morality"

Issue I: Humanitarian Intervention

2/1 Philosophical Debates

*Walzer, "The Rights of Political Communities"

*Luban, "Just War and Human Rights"

*Walzer, "The Moral Standing of States"

*Luban, "The Romance of the Nation-State"

Note that the above readings form a debate and should be read consecutively

Optional: Jus ad Bellum/Jus in Bello (CoW)

2/3 Pre-Cold War, Cold War, Post-Cold War: What's Changed?

*Destexhe, "The Shortcomings of the 'New Humanitarianism'"

*Luttwak, "Give War a Chance"

*Nye, "Redefining the National Interest"?

*Walzer, *Just and Unjust Wars*, preface to 3rd edition

Optional: Humanitarian Intervention (CoW)

2/8 The Former Yugoslavia

Rieff, *Slaughterhouse*

2/10 Rwanda: The Price of Non-Intervention?

*Gourevitch, *We Wish to Inform You*, ch 4

*Des Forges, "Documenting Horror: The Administration of the Rwandan Genocide"

Film: *Triumph of Evil*

Optional: Genocide, Rwanda (CoW), Doc. 7 (25)

2/15 Rwanda, cont.

- *Powers, “Bystanders to Genocide”
- *Dallaire, “The End of Innocence”
- *Leitenberg, “US and UN Actions Escalate Genocide and Increase Costs in Rwanda”
- *Albright, *Madam Secretary*, excerpt on Rwanda

2/17 Intervention in Kosovo

- *Rieff, “Kosovo’s Humanitarian Crisis”
- *Roberts, “NATO’s ‘Humanitarian War’ over Kosovo”
- *Hirsh, “At War With Ourselves”
- *Walzer, “Politics and Morality in Kosovo”

2/22 Debate: If Rwanda happens again the US, as the most powerful country in the world, should intervene to stop it. (Team A: agree. Team B: disagree)

Issue II: Justice

2/24 The issue of International Criminal Justice

- *Bass, *Stay the Hand of Vengeance*, ch. 1
- *Minow, *Between Vengeance and Forgiveness*, ch. 3

3/1 International Criminal Justice: Rwanda, Yugoslavia, and the ICC

- *Neier, “Rethinking Truth, Justice, and Guilt after Bosnia and Rwanda”
 - *Bass, *Stay the Hand of Vengeance*, ch. 6
 - *Krasner, “A World Court That Could Backfire”
 - *Helms, “We Must Slay this Monster”
 - *Richardson, “America’s Interest in an International Court”
- Optional: Jurisdiction, Universal (CoW)

3/3 Sept. 11th and International Criminal Justice.

- *Anderson, “What to do with Bin Laden and Al Qaeda Terrorists”
- *Slaughter, “Beware the Trumpets of War”

3/8 Debate: Suspects accused of being involved in the Sept. 11th attacks should be tried before an international court. (Team A: agree. Team B: disagree). **Handout take home midterm**

Issue III: Economic Rights

3/10 Which Rights? The debate over economic vs. political rights

- *Donnelly, *Universal Rights in Theory and Practice*, ch. 2
- *Economist, “The Politics of Human Rights”
- *Sen, “Freedoms and Needs”

3/15 Guest Speaker Prof. Harvey Weinstein, School of Public Health and Human Rights Center **Midterm due in class**

3/17 Free Market Ideology: Liberal Orthodoxy in Global Institutions

- *Rodrik, “A Plan to Save the World Economy”
- *Featherstone and Henwood, “Clothes Encounters”

*Time, "Rage Against the Machine"

*Stiglitz, "What I Learned at the World Economic Crisis"

3/22-3/24 Spring Break

3/29 Debate: The insistence on respect for civil and political rights, even above economic rights, is not just a western idea but rather a logical and necessary approach to betterment and development in poor states. (Team A: agree. Team B: disagree)

Issue IV: US Foreign Policy

3/31 The Role of Human Rights after WWII

*Donnelly, *Universal Human Rights*, ch. 12

*Neier, "The New Double Standard"

*Garten, "Comment: The Need for Pragmatism"

4/5 Human Rights during the Cold War

Danner, *Massacre at El Mozote*, Try to read finish this (up to pg. 161) for today

4/7 The Role of Human Rights in US Foreign Policy Today

Danner, *Massacre at El Mozote*

*Yoo, "Behind the 'torture memos'"

*Danner, "We are all torturers now"

4/12 Film: Romero. Class today will be held from 7-9pm. Room TBA

4/14 Debate: In the war on terrorism, some human rights in our allied states may have to be compromised and US policy should be to turn a blind eye. This is unfortunate but we are fighting for a world in which those rights can universally be respected. If the terrorists win, the human rights situation will be much more dire. (Team A: agree. Team B: disagree)

Issue V: Immigration

4/19 The Philosophical Debate

*Carens, "Aliens and Citizens: The Case for Open Borders"

*Carens, "Membership and Morality"

*Walzer, "Membership"

4/21 Rights for All?

*Soysal, *Limits of Citizenship*, chs. 2 and 8

*Cornelius, et al "Introduction: The Ambivalent Quest for Immigration Control"

4/26 But only if you can get in

*Andreas, "Introduction: The Wall after the Wall"

*Guiraudon and Lahav, "Comparative Perspectives on Border Control: Away from the Border and Outside the State"

*Nevins, "The Remaking of the California-Mexico Boundary in the Age of NAFTA"

4/28 Refugees-the exception?

*Mitchell, "The Political Costs of State Power: US Border Control in South Florida"

*Vachudova, "Eastern Europe as Gatekeeper: The Immigration and Asylum Policies of an Enlarging European Union"

Optional: Refoulment, Refugees (CoW), Docs. 10-11 (25)

5/3 Debate: Border control is a sovereign right of states. With the exception of refugee issues, the rights of those trying to enter our country need not play a role in determining who we let in and who we don't. (Team A: agree. Team B: disagree)

5/5 No class-**instead students should attend at least two panels of the Travers**

Conference on Fri. 5/6. This conference will examine the issue of rights (civil rights domestically and international humanitarian law internationally) in the context of the current conflicts that we face.

5/10 review and wrap-up

5/17 Final exam 8-11am