

University of California at Berkeley  
Peace and Conflict Studies 127A

Summer 2004 - Session A

Instructor: RITA MARAN, Ph.D.

SYLLABUS: HUMAN RIGHTS – LAW AND POLITICS

This course is an introduction to the developing systems, laws, and norms for the promotion and protection of human rights in the world today. The course supplies a foundation for understanding legal, political, social, cultural and economic aspects of human rights. We will discuss ideological and cultural perspectives; sources of violations; the United Nations, regional, and national systems; women's human rights; and the role of non-governmental organizations. Overall, we will be looking at prevailing concepts, institutions, rules, procedures, problems, and potentialities.

This course seeks to help students:

- distinguish between formal human rights and the rhetoric commonly surrounding human rights;
- develop intellectual skills to question and analyze human rights policies and practices at the international and national levels;
- perceive improvements;
- discern ambiguities and contradictions;
- draw useful conclusions about the theory and practice of human rights in general.

Students will be expected to demonstrate increasingly critical skills with respect to the assigned readings. Classroom discussions will reflect the ideas and facts of the readings and students' critical interpretation of them. Every student is required to participate in classroom discussions, and to submit one question or comment on Monday of each week concerning the readings for the week.

Two books are required for this course: The Course Reader, and Twenty-five+ Human Rights Documents. The Course Reader, which also contains a print-out of the Syllabus, is required reading. Both books will be used in class virtually every day. Students need to bring both books to class every day.

This Syllabus covers each of the six weeks of this class. In all, the course has 45 class hours, which are completed in six weeks rather than in the usual semester of fifteen weeks. You must keep up with the readings and the required papers in order to succeed in this course.

The Syllabus headings for each of the six weeks correspond to the headings in the Reader. In the Syllabus, several questions are listed for each week. They are intended to guide your thinking in preparing that week's topic. In addition, students are expected to become

familiar with books and journals listed in the in the Syllabus under Suggested Optional Readings.

Students need to become familiar with Twenty-five+ Human Rights Documents, an invaluable reference document, which furnishes texts of the human rights documents that we will discuss and refer to throughout the course.

Other relevant writings and articles will be distributed in class as hand-outs.

#### A. Assignments

Throughout the course: Every student is required to hand in a short question or comment on Monday of every week concerning the current week's readings. It need be no more than a paragraph or two. It must be printed out.

##### Assignment 1: Think-piece and In-class Presentation - **due end of Week 2**

Each student is to choose a research topic and hand in a one-page "Think-piece." The written Think-piece identifies the chosen topic and is the basis for the student's ongoing research and writing. For this assignment, you can work independently or in groups. You are encouraged to form interest-groups and to make joint class presentations; however, every student is required to hand in her/his own one-page Think-piece. You are encouraged to discuss your topic with me at my office hours. In choosing your topic, please bear in mind that you are encouraged to continue working on the same topic throughout the semester, for the second and third writing assignments. You will receive written and/or oral comments from me to guide the progress of your work.

##### Assignment 2: Short Paper - **due end of Week 4**

A short essay (2-3 pages) is due on the same research topic as Assignment 1. If you are considering changing the research topic, please consult with me before proceeding.

##### Assignment 3: Final Paper - **due on Monday of Week 6**

A 10-12 page final paper is due. Students' research topics will in most cases be the same as in the two previous papers. The final paper must demonstrate substantive research, a wider range of readings, and an increasingly critical analysis of the topic. You are expected to refer substantively to at least three new readings, none of which may come from the Course Reader, and to discuss their relevance to your framing of the topic. The paper must have a title page, a table of contents, approximately 10 pages of original writing, and a bibliography.

To assist in the preparation of the final paper, I have made available a select group of final papers from previous classes. The "A" papers are available in the IAS Office, 101 Stephens Hall, in two binders that are marked "Human Rights Anthology." The binders are to the left of the door as you enter. Please ask the receptionist if you don't see them. The papers may not be removed from the IAS office.

Papers will be more eligible for a grade of "A" if they draw upon diverse but relevant readings. Readings may include those named in the Syllabus under Suggested Optional Readings. Paper grading will be determined by students' use of primary sources in the research, skill demonstrated in grouping topics, writing in a coherent, focused manner, and overall development of analytical skills.

Late papers will result in a lowered grade if indeed they are accepted late.

Course Reader materials may not be used as a citation, reference, or resource in either the Short Paper or the Final Paper. However, texts that are referred to in the writings and footnotes in the Course Reader may be used.

B. Optional: In addition to the three required assignments, you may at any time during the semester write a short (1-2 pages) paper and/or schedule a class presentation based on any relevant readings other than those in the Course Reader. Students are encouraged to make joint presentations on a chosen topic. A presentation may be based on works listed in the Suggested Optional Readings below. Excerpts from some of these books are in the Course Reader. Presentations may not be based on writings that are in the Course Reader. The excerpted portions may not be used as original research.

C. Exam: The Final Exam will be held during the University's Exam period.

D. Office Hours: Office is in the IASTP-PACS office, 101 Stephens Hall, room 130. Office hours will be announced in class. Please feel free to schedule an appointment with me directly: phone is **540-8017**; e-mail is ritam@berkeley.edu.

#### E. Review Sessions and/or Other Questions

A Review Session may be held at the end of the semester, if the class requests it.

If you have any questions at all about: choosing a topic; the topic you have chosen; the curriculum; or the assignments in general; please do not hesitate to request a meeting with me.

#### F. Grading

1. Assignment 1: Think-piece, will count for 5% of the grade.
2. In-class presentations, questions, and comments: will count for 20%.
3. Assignment 2: the Short Paper, will count for 15%.
4. Assignment 3: the Final Paper, will count for 30%.
5. The Final Exam will count for 30%.
6. Optional writings and presentations will be counted towards improving the grade.

The REQUIRED BOOKS are:

1. Course Reader. On sale at Cal Copy, 1748 Shattuck Avenue (x-street Francisco) Berkeley.
2. Twenty-five+ Human Rights Documents, Center for the Study of Human Rights, Columbia University, New York, 2001. On sale at Ned's Bookstore and/or ASUC.

#### Week 1 - HUMAN RIGHTS TODAY

What is a human right? How do you recognize it?

Do all rights have the same force?

What is the status of the individual in international human rights law?

Are governments legally bound to observe human rights?

What is an NGO (Non-Governmental Organization)?

What kinds of rights are the concern of human rights NGOs?

To what use do governments and international organizations put the reports and critiques of NGOs?

Suggested Optional Readings

- Andreopoulos, George J., and Richard Claude. 1997. Human Rights Education for the Twenty-First Century, U. of Pennsylvania Press.
- Brownlie, Ian. 1993. Basic Documents on Human Rights, Third Edition. Clarendon Press, Oxford.
- Buergethal, Thomas. 1988. International Human Rights in a Nutshell, West Publishing, St. Paul.
- Claude, Richard Pierre & Burns Weston. 1992. Human Rights in the World Community, U. of Pennsylvania Press, Philadelphia.
- Donnelly, Jack. 1993. International Human Rights, Westview Press, Boulder CO.
- Drinan, Robert F. 1987. Cry of the Oppressed, Harper & Row, NY.
- Forsythe, David P. 1989. Human Rights and World Politics, U. of Nebraska Press.
- Glendon, Mary Ann 1993. Rights Talk: The Impoverishment of Political Discourse. The Free Press/Macmillan, New York.
- Hall, Katherine 1993. International Human Rights Law: A Resource Guide, The Aspen Institute - Justice and Society Program, NY.
- Ishay, Micheline R. 1997. The Human Rights Reader. Routledge, New York.
- Lauren, Paul Gordon, The Evolution of International Human Rights: Visions Seen. U. of Pennsylvania Press, Philadelphia, 1998.
- Leary, Virginia. "The Right to Health in International Human Rights Law," Health and Human Rights" vol. 1(1), 1994.
- Lutz, Ellen *et al.* 1989. New Directions in Human Rights, U. of Pennsylvania Press, Philadelphia.
- Mann, Jonathan; Lawrence Gostin, Sofia Gruskin *et al.* "Health and Human Rights," Health and Human Rights, Vol. 1(1) 1994.
- Meron, Theodor 1992. Human Rights in International Law, Clarendon Press: Oxford.
- Newman, Frank and David Weissbrodt. 1996. International Human Rights: Law, Policy, and Process 2d Edition, Anderson Publishing, Cincinnati, Ohio.
- Raworth, Kate. "Measuring Human Rights," Ethics & International Affairs, 2001 Volume 15 Number 1.
- Schulz, William F. 2000. In Our Own Best Interest: How Defending Human Rights Benefits Us All. Beacon Press, New York
- Shestack, Jerome J. "The Philosophic Foundations of Human Rights," Human Rights Quarterly, Vol.20 No.2 May 1998.
- Simma, Bruno (Editor). 1995. The Charter of the United Nations: A Commentary. Oxford U.Press, NY, 1995.
- Steiner, Henry, and Philip Alston 1996. International Human Rights in Context: Law, Politics, Morals. Oxford U. Press, Oxford, NY.
- The United Nations and International Law 1998. Christopher C. Joyner (Ed.), ASIL and Cambridge U. Press, New York.

Weston, Burns H. and Stephen P. Marks (Eds). 1999. The Future of International Human Rights, Transnational Publishers, Ardsley, New York.

**In addition - Check :**

Human Rights Quarterly (also available on-line), The Johns Hopkins University Press, MD.

Human Rights Tribune (a quarterly publication), Human Rights Internet, Ottawa, Ontario

Human Rights Review, Transaction Publishers, Somerset, NJ.

Human Rights & Human Welfare, U. of Denver Graduate School of International Studies.

**Week 2 - THE U.N.; THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

What is the importance of the Universal Declaration of Human Rights (UDHR) in nations' theory and practice with respect to human rights?

Does the UDHR have legally-binding status?

How does the UDHR specify rights that are to be promoted and rights that are to be protected?

What are the authoritative sources of the UN's mandate on human rights?

What UN organs and machinery are in place for promoting and protecting human rights?

What are the treaty committees that protect human rights?

**Suggested Optional Readings**

Bulletin of Human Rights, Special Issue, 40th Anniversary of the UDHR, 1988. United Nations, NY.

Bruno, Simma 1994. The Charter of the United Nations: A Commentary (Ed.) Oxford University Press. (UCB Library: KJ 63 C436)

Bossuyt, Marc. 1987. Guide to the "travaux preparatoires" of the International Covenant on Civil and Political Rights. Dordrecht; Boston: M. Nijhoff

Conforti, Benedetto. c1996. The Law and Practice of the United Nations. The Hague, Boston:

Kluwer Law International.

Danieli, Yael; Elsa Stamatopoulo & Clarence J. Dias (Editors). 1999. The Universal Declaration of Human Rights: Fifty Years and Beyond. Baywood Publishing ,

Amityville,

New York.

Davies, Peter. 1988. Human Rights, Routledge, Chapman & Hall.

Donnelly, Jack. 1989. Universal Human Rights in Theory and Practice. Cornell U. Press, Ithaca.

Eide, Asbjorn, *et al.* (Editors) 1993. The Universal Declaration of Human Rights: A Commentary, Oxford U. Press, NY.

Gibson, John S. 1996. Dictionary of Human Rights The Scarecrow Press, Inc. 4720 Boston Way, Lanham MD 20706 ISBN 0-8108-3118-X

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

International Council on Human Rights. 1999. Taking Duties Seriously: A Commentary. International Council on Human Rights Policy, Versoix. Switzerland.

- Nowak, Manfred. 1993. The United Nations Covenant on Civil and Political Rights, Kehl [Germany] Arlington, Va.  
Report of the Secretary-General on the Work of the Organization. Annually, United Nations, NY  
UN Chronicle: 40th Anniversary of the UDHR. March 1988. United Nations, Dept. of Public Information, NY.
- Wagner, Teresa R. Esq and Leslie Carbone, 2001. Fifty Years After the Declaration. University Press of America/Rowman & Littlefield, Lanham, MD.
- Waltz, Susan. February 2001. "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," Human Rights Quarterly Vol.23 No.1

### Week 3 - THE THREE REGIONAL HUMAN RIGHTS SYSTEMS

- What are each regional system's human rights mechanisms and treaties?  
 What are some of the distinctive similarities between and among the regional organizations?  
 What are some of the distinctive differences between and among the regional systems?

#### Suggested Optional Readings

- Arab Human Development Report 2002. 2002. U.N. Development Programme & Arab Fund for Economic and Social Development; United Nations; National Press, Amman, Jordan
- Baah, Richard Amoako. 2000. Human Rights in Africa: The Conflict of Implementation. University Press of America/ Rowman & Littlefield, Lanham, MD.
- Buergenthal, Thomas, Robert Norris, Dinah Shelton. 1986. Protecting Human Rights in the Americas, Engel Publishers, Kehl.
- Delmas-Marty, Mireille (Editor). 1992. The European Convention for the Protection of Human Rights, Kluwer/Nijhoff, Dordrecht.
- Forsythe, David. "Human Rights, The United States and The Organization of American States," Human Rights Quarterly, Vol. 13, No.1 Feb. 1991.
- Gomien, Donna, David Harris, Leo Zwaak. 1996. Law and Practice of the European Convention on Human Rights and the European Social Charter, Council of Europe Publishing, Strasbourg, France.
- Medina Quiroga, Cecilia. 1989. The Battle of Human Rights: Gross, Systematic Violations and the Inter-American System, Martinus Nijhoff, Dordrecht.
- Odinkalu, Chidi Anselm, and Camilla Christensen. "The African Commission on Human and Peoples' Rights," Human Rights Quarterly, Vol.20 No.2, May 1998.
- Robertson, A.H. Human Rights in Europe, 3d ed., 1993. Manchester Univ. Press/St. Martin's Press NY.
- Welch, Claude E., Jr. 1995. Protecting Human Rights in Africa. U. of Pennsylvania Press, Philadelphia, 1995.

**Also Generally:** Reports from or concerning the European human rights system; the African human rights system; and the Inter-American human rights system.

#### **Week 4 - U.S. GOVERNMENT'S COMMITMENT TO HUMAN RIGHTS**

In what ways is the U.S. government committed to international human rights in domestic and foreign policy?

What mechanisms are in place for U.S. implementation of human rights obligations?

What obstacles appear to hamper implementation of U.S. human rights obligations?

##### Suggested Optional Readings

First Report of the U.S. to the U.N. Human Rights Committee under the International Covenant on Civil and Political Rights, 1994. U.S. State Dept., Superintendent of Documents, Washington, D.C.

Forsythe, David P. 1983. Human Rights and World Politics, University of Nebraska Press.

Human Rights Documents: Compilation of Documents Pertaining to Human Rights.

September 1983. House of Representatives, Committee on Foreign Affairs; Supt. of Documents, Washington, D.C.

Country Reports on Human Rights Practices for 2000. Annual. U.S. Gov't. Printing Office, Washington, D.C., February 2001.

United States of American: Rights for All. 1998. Amnesty International Publications, London.

#### **Week 5 - WOMEN'S HUMAN RIGHTS, and NON-GOVERNMENTAL ORGANIZATIONS**

What are some of the UN structures established in connection with women's human rights?

What kinds of violations of woman's human rights can be considered as political? economic? cultural?

Why, if indeed they do, do women's human rights require special protection?

Is a different lens needed for examining the rights of Muslim women?

##### Suggested Optional Readings

Afkhami, Mahnaz (ed.), 1995. Faith and Freedom: Women's Rights in the Muslim World, Syracuse University Press.

Bassiouni, M. Cherif & Marcia McCormick, Sexual Violence: An Invisible Weapon of War in the Former Yugoslavia. Occasional Paper No.1, International Human Rights Law Institute, DePaul Univ. College of Law, Chicago, 1996.

Bornstein, David. The Price of A Dream - The Story of the Grameen Bank. Simon & Schuster, NY, 1996

Bunch, Charlotte and Roxanna Carrillo, 1991. Gender Violence: A Development and Rights Issue, Center for Women's Global Leadership, New Jersey.

Claiming Our Place: Working the Human Rights System to Women's Advantage

Institute for Women, Law and Development, Washington, D.C. 20005, 1993.

- Cook, Rebecca J. 1994. Human Rights of Women, U. of Pennsylvania Press, Philadelphia.
- Cook, Rebecca J. and Valerie L. Oosterveld, "A Select Bibliography of Women's Human Rights" The American University Law Review, Vol. 44, 1995; pp. 1429-1471
- Declaration on the Elimination of Violence Against Women, U.N. Doc. A/RES/48/104, 23 February 1994.
- Engle, Karen. "From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947-1999," Human Rights Quarterly Volume 23 Number 3 August 2001.
- Heise, Lori L., "Violence Against Women: The Missing Agenda," The Health of Women: A Global Perspective, Marge Koblinsky, Tayman and Gay, Westview, Boulder, Colo. 1993.
- Mertus, Julie, with Mallika Dutt and Nancy Flowers. Local Action Global Change. Published by the United Nations Development Fund for Women (UNIFEM), and The Center for Women's Global Leadership NY, 1999.
- Newsletter, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, PO Box 3001, Addis Ababa, Ethiopia; periodical.
- Ours by Right: Women's Rights as Human Rights, Joanna Kerr (Ed.), Zed Books, London/Atlantic Highlands NJ, 1993.
- Reports Submitted by the Special Rapporteur on Violence Against Women, Ms. Radhika Coomaraswamy, UN Commission on Human Rights, UN, Geneva. (Example: Doc. E/CN.4/1995/42, 1994. See also more recent reports)
- Platform for Action and the Beijing Declaration; UN Fourth World Conference on Women, Beijing, China, September 1995, United Nations Dept. of Public Information 1996.
- Peters, Julie and Andrea Wolper (Eds.), Women's Rights Human Rights: International Feminist Perspectives, Routledge, NY. London, 1995.
- Rights of Women. International Women's Tribune Centre. Women, Inc., New York, 1998.
- Strategies for Confronting Domestic Violence: A Resource Manual. United Nations Office at Vienna, Centre for Social Development and Humanitarian Affairs, United Nations, New York, 1993
- Weiss, Thomas G. and Leon Gordenker (Editors). NGOs, The UN, & Global Governance, Lynne Rienner, Boulder 1996.
- Wollstonecraft, Mary, 1967. A Vindication of the Rights of Women, W.W. Norton, NY.
- Women and Human Rights: The Basic Documents. 1996. Center for the Study of Human Rights, Columbia University, New York.

## **Week 6 - THE AMBIGUOUS ROLE OF CULTURE AND IDEOLOGY**

- Are there ideological arguments that tend to favor upholding human rights?
- Are there ideological arguments that tend to lead to violations of human rights?
- What are some of the impacts of cultural or religious customs on the definition and practice of human rights?
- What arguments support and what arguments oppose the notion that human rights are imposed by the West on non-Western underdeveloped societies?

### **Suggested Optional Readings**

- Afshari, Reza. 1994. "An Essay on Islamic Cultural Relativism in the Discourse of Human Rights," Human Rights Quarterly Vol.16 No. 2, May 1994.
- An-Na'im, Abdullahi (Editor). 1992. Human Rights in Cross-Cultural Perspectives: A Quest



- for Consensus, U. of Pennsylvania Press.
- "Human Rights in the Arab World: A Regional Perspective," Human Rights Quarterly  
Volume 23 Number 3 August 2001.
- Cassin, Rene. 1985. "The liberal Western tradition of human rights," Human Rights Teaching,  
UNESCO Vol. IV.
- Cerna, Christina M. "Universality of Human Rights and Cultural Diversity," Human Rights  
Quarterly Vol. 16, No.4, 1994.
- Donnelly, Jack. 1984. "Cultural Relativism and Universal Rights," Human Rights Quarterly  
Nov.1984:400.
- Downing, Theodore E., and Gilberg Kushner (Editors), Human Rights and Anthropology.  
Cultural Survival, Cambridge Mass, 1988
- Dwyer, Kevin. 1991. Arab Voices. The Human Rights Debate in the Middle East, U. of  
California Press, Berkeley.
- Lee, Wei-Chin. 1991. "Heaven Can Wait? Rethinking the Chinese Notion of Human Rights,"  
Asian Thought and Society, 16:46, 1991:28.
- Lawyers Committee for Human Rights. Islam and Justice: Debating the Future of Human  
Rights, NY, 1997. (<http://www.lchr.org>)
- Montgomery, John D. (ed.), Human Rights: Positive Policies in Asia and the Pacific Rim.  
Soka  
University of America, 1998.
- Renteln, Alison Dundes. 1990. International Human Rights: Universalism versus Relativism.  
Newbury Park: Sage Publications.
- Tibi, Bassam. 1994. "Islamic Law/Shari'a, Human Rights, Universal Morality and  
International Relations," Human Rights Quarterly Vol.16 No.2, May 1994.
- World Conference on Human Rights: The Vienna Declaration and Programme of Action, June  
1993. UN Department of Public Information, DPI/1394-39399-August 1993.