ENVISIONING RIGHTS: EUROPE AND AMERICA

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Winter 2008

COURSE DESCRIPTION

Human rights play a distinctive role as a “moral touchstone” in international life today. Human rights violations are often perceived as threats to peace, and aspirations of people to be treated with dignity are commonly framed in the capacious language of human rights. Indeed, respect for human rights is now seen as a prerequisite for harmonious relations between peoples and states, good governance, and the well-being of individuals and communities. Yet human rights violations remain widespread. And the sheer scale of the human rights problem makes the challenge to build effective human rights protections especially daunting. Today, no single powerful government stands out as the champion of human rights.

Part of the reason that both Europe and the United States are punching well below their weight in the area of human rights lies in their own differing visions. Whether conceived of as a system of transnational rules for regulating state behavior, a standard for the reform of domestic institutions, or a collection of widespread customary international norms, different concepts of rights underlie contemporary expectations about life, personal security, health, education, work, fair treatment, and systems of government. Europe and the United States, having worked together to lay some of the foundations for the protection of human rights after the Second World War, show a marked divergence in their understandings of civil, political, economic and social rights, the types of institutions they construct for safeguarding these rights, and their policy preferences for how such rights should be “exported” beyond their own borders.

This course examines some of the similarities and differences between European and American visions of rights. We will examine the construction of a human rights regime, both internationally and regionally, transitional justice and collective memory, views of reparations and cultural property from Italy to Iraq, attitudes towards national minorities/immigration, freedom of speech/press and religious expression, and perspectives on economic and social rights and human dignity. We will also look at policy similarities and differences on how human rights should be expanded to other countries, on notions of universal jurisdiction versus national sovereignty, and finally, on the conduct of the war on terror.
COURSE REQUIREMENTS

The course will meet on Monday and Wednesday from 2:00 to 3:30pm. Students will be responsible for three short papers (maximum 4 pages each), a debate, and a policy memorandum (5 pages), and very active seminar participation, based upon your knowledge and understanding of the readings. Grades will depend upon the short papers (30%), the debate (15%), and the policy memorandum (25%), and class participation (30%).
WEEK 1 – WHY HUMAN RIGHTS MATTER: AN INTRODUCTION

January 9

Movie: “The Garden of the Finzi-Continis”

Required Readings:

A Human Rights Timeline.


Recommended Readings:
Borowski, Tadeusz, This Way for the Gas, Ladies and Gentlemen.
Müller, Filip, Eyewitness Auschwitz: Three Years in the Gas Chambers.
Origo, Iris, War in Val D’Orcia: An Italian War Diary, 1943-1944.
Wiesel, Elie, Night.

WEEK 2 – THE CONSTRUCTION OF RIGHTS REGIMES

January 14: International

January 16: European

Movie: “Judgment at Nuremberg”

Required Readings:

Quickie Guide to Institutions, Agreements, and Courts


**Recommended Readings:**
Taylor, Telford, *The Anatomy of the Nuremberg Trials*
Persico, Joseph, *Nuremberg*
Tutorow, Norman, *War Crimes, War Criminals, and War Crimes Trials*
Roling and Cassese, *The Tokyo Trial and Beyond*
Andreopoulos, George, *Genocide: The Conceptual and Historical Dimensions*
Bix, Herbert, *Hirohito and the Making of Modern Japan.*
Council of Europe, *Short Guide to the European Convention on Human Rights*
WEEK 3 – TRANSITIONAL JUSTICE AND COLLECTIVE MEMORY I

January 21

January 23

Movie: “Paisà”

Required Readings:


Read either the Italian or French case below:

Italy


Vichy France

WEEK 4 – TRANSITIONAL JUSTICE AND COLLECTIVE MEMORY II

January 28

January 30

Movie: “The Lives of Others”
Required Readings:


Recommended Readings:

The most valuable single source on transitional justice is Neil Kritz’s three-volume compilation, Transitional Justice: How Emerging Democracies Reckon with Former Regimes, published by the United States Institute for Peace, which includes extracts of books and articles as well as original documents. This includes country studies of Europe after World War II, South Korea, Spain, Portugal, South America, Uganda, Russia, Central and Eastern Europe. This is an excellent place to begin country-based research. For an examination of the moral and political dilemmas involved in transitional truth and justice policies, see the 1997 issues of The Hamline Law Review and Law and Contemporary Problems and the 1995 Journal of International Affairs

Levi, Primo, The Drowned and the Saved

McAdams, James, *Transitional Justice and the Rule of Law in New Democracies*. 
Garton Ash, Timorthy, *The File* 
Rosenberg, Tina, *The Haunted Land* 

**WEEK 5 – REPARATIONS AND RESTITUTION**

**February 4**

**February 6**

**Required Readings:**


**Recommended Readings:**

**WEEK 6 –ECONOMIC RIGHTS, SOCIAL RIGHTS, AND HUMAN DIGNITY**

**February 11**

**February 23**


Daniels, Norman, “Justice, Health, and Health Care”, Ruberto, Giovanna, “Ethics, Politics, and Priorities in the Italian Health-Care System”, and Mann, Patricia S., “Health-Care Justice and Agency” in Rosamond Rhodes, Margaret P. Batting, and Anita


**Recommended Readings:**

Peters, Julia and Andrea Wolper, ed., *Women's Rights as Human Rights*


**WEEK 7 - NATIONAL MINORITIES, IMMIGRANTS AND ASYLUM SEEKERS**

February 18

February 20

**Required Readings:**


**WEEK 8 – FREEDOM OF EXPRESSION**

**February 25: Speech and Press**

**February 27: Religious Expression**

**Required Readings:**


News articles regarding Turkey’s Article 301 (Denigrating Turkishness) versus France’s draft bill on denial of the Armenian genocide:


News articles regarding the Danish Cartoons:


News articles regarding the UK and the debate over the Niqab (‘face veil’):

News articles regarding the Netherlands and the debate over the Burqa:

Recommended Readings:


**WEEK 9 – EXPORTING DEMOCRACY & HUMAN RIGHTS**

**March 3**

**March 5**

**Required Readings:**


**WEEK 10 – UNIVERSAL JURISDICTION, THE WAR ON TERROR, AND THE LINGERING ALLURE OF IMPUNITY: EUROPE AND AMERICA AT ODDS**

March 10

March 12

**Required Readings:**

Re-read the Universal Declaration of Human Rights from week 2.


Articles regarding attempts to prosecute US war crimes:
- Lindsey, Daryl, “Dead-End for War Crimes Accusations: German Prosecutor Won’t Pursue Rumsfeld Case”, *Der Spiegel* (2005.02.10), www.spiegel.de/international/0,1518,341131,00.html
- “Rumsfeld Under Fire: War Crimes Suit Filed against Former Defense Secretary”, *Der Spiegel*, (2006.11.14) www.spiegel.de/international/0,1518,448320,00.html
- “Prosecuting the US for War Crimes: Legal Fight against Rumsfeld Heads to Spain”, *Der Spiegel*, (2007.04.30) www.spiegel.de/international/europe/0,1518,480215,00.html
  http://www.guardian.co.uk/print/0,,329968101-108958,00.html

**Recommended Readings:**
The websites of United Nations, Council of Europe, Amnesty International, and Human Rights Watch have a plethora of reports on this week’s issues.

**WEEK 11 – FINALS WEEK**

**Policy Memorandum due**