"Diligite iustitiam qui iudicatis terram" (Love Justice, You Who Govern the World).

Lines taken from Dante's Paradise, which frame the gigantic figure of Justice painted by Ambrogio Lorenzetti in the Palazzo Pubblico of Siena

"Recordar. To remember; from the Latin word re-cordis, to pass back through the heart."

Eduardo Galeano, The Book of Embraces

"How wonderful it is that nobody need wait a single moment before starting to improve the world."

Anne Frank, Diary of a Young Girl

COURSE DESCRIPTION

Progress in human rights is one of the Twentieth Century's hallmark achievements. One hundred years ago, more than half the world lived under colonial rule; no country permitted all of its citizens to vote; and state terrorists operated with impunity, protected by the norm of non-interference in the internal affairs of other countries. Discrimination on the basis of race, ethnicity, religion, and gender were accepted official practices. A mere fifty years ago, the systematic mass murder of European Jewry by the Nazis was met with virtual silence while it was occurring. There were no strong pressures for humanitarian intervention to stop genocide, and even neutral states refused to open their borders to fleeing refugees. But today, a half century after the adoption of the Universal Declaration of Human Rights, there has been a profound transformation in the way that governments are expected to treat their people and each other – even if they often do not comply.

Expanding the scope of human rights protections has not been easy. While some important changes emerged out of religious belief and duty, compassion, or a sense of responsibility to others, most were the outcome from war, persecution, slavery, territorial conquest, state terror, torture, the exploitation of women and children, ethnic cleansings, and the mass exterminations of genocide. Furthermore, each attempt to create new visions of rights has been met with powerful opposition and enormous resistance. Sixty-five countries, for example, have not ratified the Convention Against Torture, including Angola, the Congo, Liberia, Pakistan, Iraq, Nicaragua, Thailand and Syria, and many of those that have done so stand accused of torture, including the United States and Britain. Although 191 countries (including all major European allies) have ratified the Convention on the Rights of the Child, the United States is one of only two countries that has not done so. (The other is Somalia). Winning the protection of rights continues to be a major global struggle – in a race against war and oppression.

This course examines the gradual construction of an international human rights regime and a universal culture of rights. This international regime is characterized by widely accepted norms, binding treaties with implementation mechanisms, access by individual victims to global and regional machinery, and transnational networks of activists who are both better informed through
new communications and less willing to accept the limitations of traditional claims of national sovereignty. The course seeks to understand how and why human rights standards have come into being and how they change over time. While it makes use of legal cases and understands the importance of technological change in fostering new notions of rights, it focuses primarily on understanding the political forces both propelling and opposing this rights regime.

A number of key questions will be addressed: Are human rights universal, or are they culturally bound? Are they individual or collective? Should civil and political rights take precedence over basic human needs? What should be the relationship between rights and national sovereignty? What is the role of non-governmental organizations and social movements in changing conceptions of rights and human protections? How should new democracies cope with the legacies of authoritarian rule, especially with murderers and torturers? When is humanitarian intervention justified, and when is it necessary? What are the human rights responsibilities of multinational corporations? How should conflicts between rights be resolved, for example, property rights versus environmental protections or religious freedom versus discrimination against women? What role should human rights play in U.S. foreign policy? These and other questions will be the focus of this class.

**COURSE REQUIREMENTS**

The course will meet on Tuesday and Thursday from 11:00 to 12:30 in Building 420, Room 40. Regular participation in section is required and will contribute to the determination of your grade.

**Requirements for undergraduates** include:
- a short case study to establish expertise on a human rights topic (maximum 5 pages due in class on **Jan. 30**),
- an in-class mid-term exam (**Feb. 13**),
- an in-section oral debate with one page written position (**week of Feb. 27**),
- a take-home final essay/paper, which will draw on all of the readings and lectures in the course and your case study of expertise (handed out on **last day of class and due January 20 at 10 a.m. in the main office of Political Science**).

Final grades will be based on an assessment of all of these requirements and will be given, approximately, the following weighting unless otherwise specified: final paper/essay (40% of grade), case study (20%), mid-term (20%), debate (combined written and oral), and participation and attendance in section (20%). **Make-up exams and late assignments will not be permitted unless the student notifies the TA before the regular exam is administered and later presents written documentation of illness.**

**Requirements for Ph.D. students or students preparing a written MA thesis** include class participation and a longer research paper. The topic should be discussed and approved by the instructor.

**Contacting Instructors:**
- Professor Karl’s office hours are Tuesday 2:00 to 4:00pm in Political Science, Encina West 445. There is a sign-up sheet on the door, and students with appointments will be
given first preference. Please do not email for appointments. You must sign up on the door.

- Rikhil Bhavnani office hours will be announced. Email: rbhavnani@stanford.edu
- Ed Bruera office hours will be announced. Email: bruera@stanford.edu
- Oliver Kaplan’s office hours will be announced. Email: olliek@stanford.edu

COURSE MATERIALS

The following books are required and can be purchased at the bookstore or found on reserve:

- Gourevitch, Philip, *We Wish to Inform You that Tomorrow We Will be Killed with our Families: Stories from Rwanda* (Picador, 1998).

A Reader is also required and may be purchased (in-class) from Field Copy and Printing. If you do not wish to purchase the reader, readings can be downloaded on a restricted course website at [http://coursework.stanford.edu](http://coursework.stanford.edu). Other useful sources of information are appended at the end of the syllabus in the reader.

COURSE OUTLINE

Week 1: WHY HUMAN RIGHTS MATTER:

January 9: An Introduction to the Course

January 11: The Trial of *Romagoza et al versus Garcia et al.*

Movie: Justice and the Generals

**Required Readings:**

A Human Rights Timeline, Reader and course website.

Gourevitch, Philip, *We Wish to Inform You that Tomorrow We Will be Killed with our Families: Stories from Rwanda.* (This is a very powerful book, but you may skim parts of it).

**Recommended:**
The trial transcripts for *Chavez v. Carranza, Doe v. Saravia, and Romagoza v. Garcia and Vides Casanova* can be found on the Center for Justice and Accountability’s website at http://www.cja.org/cases/cases.shtml#ElSalvador. Click on the links to any of these cases and read the testimony of Terry Karl, the generals defending themselves, or the plaintiffs, but be forewarned that the testimony of these survivors is graphic and disturbing. Also check the website of the Center for Justice and Accountability [www.cja.com](http://www.cja.com) for other country cases that might interest you. Other works that are highly recommended include: Danner, Mark, *The Massacre of El Mozote* and Ackerman and Duvall, *A Force More Powerful*.

**Week 2: CHANGING CONCEPTIONS OF RIGHTS**

January 16: The Conception of Human Rights

January 18: Are Human Rights Universal?

**Required Readings:**


In conjunction with reading this short piece, please look at the following items, available via [http://www.ohchr.org/english/law/](http://www.ohchr.org/english/law/):


**Recommended:**
Steiner, Henry and Philip Alston, *International Human Rights in Context* (Note that this is the most important single sourcebook on human rights from a legal perspective). Claude and Weston, *Human Rights in the World Community.*

* Twenty-Five Human Rights Documents
Brownlie, Ian, *Basic Documents on Human Rights*
Henkin, Louis, *The Age of Rights*
Lacquer, Walter and Barry Rubin, ed., *The Human Rights Reader*

**Week 3: WARS, HOLOCAUSTS, AND THE CONSTRUCTION OF A RIGHTS REGIME: SOVEREIGNTY VERSUS INTERNATIONAL JURISDICTION**

January 23: Human Rights before the Second World War and Decolonization

January 25: World War II and the Construction of a Human Rights Regime

**Movie: Night and Fog**

**Required Readings:**


**Recommended:**

Nino, Carlos Santiago, *Radical Evil on Trial*
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.*
Kirchheimer, Otto, “Trial by Fiat of the Successor Regime.”
Case expertise paper due on January 30. For suggestions of topics, see coursework website “examples of expertise topics” and country chapters in Power.

Week 4: CONFRONTING VIOLATIONS OF RIGHTS

January 30: The Politics of Change I

February 1: The Politics of Change:

**Required Readings:**


Note: Of the following three articles, you should read **one of the following** articles on South Africa, Chile or Eastern Europe depending on your interests.

- Thomas, Daniel C., “The Helsinki Accords and Political Change in Eastern Europe,” Reader and course website.

**Recommended:**


Falk, Richard et al., *The United Nations and a Just World Order, Human Rights Horizons*

Buergenthal, Thomas, ed., *Human Rights, International Law and the Helsinki Accord*

Mower, Alfred, *Regional Human Rights*

Beddard, R., *Human Rights in Europe*

Waltz, Susan, *Human Rights and Reform: Changing the Face of North Africa*

An-Na’im, Ahmed, and Francis Deng, *Human Rights in Africa*

Davidson, Scott, *The Inter-American Human Rights System*

Smith, Jackie et al, *Transnational Social Movements and Global Politics*

Khagram, Sanjeev, James V. Riker, and Kathryn Sikkink, Eds, *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*

Risse, Thomas, Stephen Ropp, and Kathryn Sikkink, *The Power of Human Rights*

Week 5: IMPUNITY, ACCOUNTABILITY AND TRANSITIONAL JUSTICE

February 6: International Criminal Strategies for Accountability

February 8: Truth Commissions and Other Non-Criminal Strategies
**Movie: Facing the Truth**

**Required Readings:**

Minow, Martha, *Between Vengeance and Forgiveness.*

The Debate over Trials: (Get the sense of the debate)

**Recommended:**

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*. Also see the excellent play by Ariel Dorfman (and the movie), *Death and the Maiden*. For Latin America, see Lawrence Weschler, *A Miracle, A Universe: Settling accounts with Torturers*. On Eastern Europe, see Timothy Garton Ash’s *The File* and Tina Rosenberg’s *The Haunted Land*.

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. On the conditions shaping transitional truth and justice, Jon Elster, "On Doing What One Can: An Argument against Restitution and Retribution as a Means of Overcoming the Communist Legacy," *East European Constitutional Review*, February 2000 and McAdams, James, *Transitional Justice and the Rule of Law in New Democracies*. Also see Human Rights Watch, “The International Criminal Court,” especially analysis of US, Online Only, [http://www.hrw.org/campaigns/icc/](http://www.hrw.org/campaigns/icc/)

**Week 6: CULTURAL RELATIVISM AND WOMEN’S RIGHTS**

February 13: **Midterm**

February 15: Women’s Rights as Human Rights

**Required Readings:**


Charlesworth, Hilary, “What are Women’s International Human Rights?” Reader and course website.
Steiner and Alston, “Women’s Rights” through Sen, Amartya, “More than 100 Million Women are Missing,” Reader and course website.


An Na’im, “Human Rights in the Muslim World,” Reader and course website.


Steiner and Alston, “The Debate over Female Circumcision” and “Comment on Women’s Social and Economic Conditions,” Reader and course website.


Keck and Sikkink, Activists Beyond Borders, 165-end

Recommended:

Peters, Julia and Andrea Wolper, ed., Women's Rights as Human Rights
Cook, Rebecca, The Human Rights of Women: National and International Perspectives

Sen, Gita and Caren Grown, Development, Crises, and Alternative Visions: Third World Women’s Perspectives
Brysk, Alison, From Tribal Village to Global Village: Indian Rights and International Relations in Latin America

Week 7: The Right to Development

February 20: The Growing Nexus between Development and Human Rights

February 22: Health and Human Rights

Required Readings:

Declaration on the Right to Development

Gros Espiell, Hector, “The Right of Development as a Human Right.” Reader and course website.

Sen, Amartya, “Freedom and Needs” and “Is There an Obligation to Assist.” Reader and course website.

**Week 8: RESOURCES AND RIGHTS**

February 27: The Oil Trap

March 1: Energy, The World Bank and the Rights Debate

**Movie: Trinkets and Beads**

**Required Readings:**


Karl, Terry, “Oil-Led Development: Social, Political, and Economic Consequences.” Reader and course website. (Note that these are Uncorrected Proofs).


Useem, Jerry, “Exxon’s African Adventure,” *Fortune Magazine*, Reader and course website.

Ottaway, Marina, “Reluctant Missionaries,” *Foreign Policy*, Reader and course website.

Hernandez Uriz, Genoveva, “To Lend or Not to Lend: Oil, Human Rights, and the World Bank’s Internal Contradictions,” Reader and course website.

Mallaby, Sebastian, “NGOs: Fighting Poverty, Hurting the Poor,” Reader and course website.


**Recommended:**

Karl, Terry, *The Paradox of Plenty*

Gary and Karl, *Bottom of the Barrel: Africa’s Oil Boom and the Poor*  

Ross, Michael, “Does Oil Hinder Democracy?”  

Klare, Michael, *Resource Wars*

Gedicks, Al, *Resource Rebels*

See also the websites of Shell, BP, Exxon, Chevron
Week 9: HUMAN RIGHTS AND U.S. FOREIGN POLICY

March 6: The U. S. and Human Rights

March 8: Abu Ghraib, Afghanistan, and Guantanamo

Movie: Battle of Algiers

Required Readings:

Kirkpatrick, Jeane, “Dictatorships and Double Standards,” Commentary, Reader and course website.

The ‘Salvador Option’:
   Newsweek, “Special forces May Train Assassins”
   Fuller, Max, “For Iraq the Salvador Option becomes Reality
   Hersch, Seymour, “Moving Targets”

Geneva Convention relative to the Treatment of Prisoners of War, Reader and course website.

Apostolou, Andrew, and Fredric Smoler, “The Geneva Convention is not a Suicide Pact,”

Roth, Kenneth, “Letter to Donald Rumsfeld,” Reader and course website.


De Préneuf, Flore, “Time to Torture?” Reader and course website.


Brown, Andrew, “Lessons on How to Fight Terror,” Reader and course website.

Wright, Robin, “U.S. Faces Lasting Damage Abroad: Moral High Ground Lost, Experts Say,” Reader and course website.


Recommended:
Israel Supreme Court, “Judgment on the Interrogation Methods applied by the GSS.”
International Committee of the Red Cross, “Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq during Arrest, Internment, and Interrogation.”
Human Rights Watch “Anti-Terrorism Measures in the U.S.”
Hersh, Seymour, “Torture at Abu Ghraib,” “Chain of Command,” and “The Gray Zone” from various issues of *The New Yorker* in May 2004.
“Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations” (6 March 2003).


March 13: Genocide and Humanitarian Intervention (or the lack of it)

March 15: Some Final Thoughts: What a Difference a Person Makes

**Required Readings:**

Power, Samantha, pp. 475-516.

Power, Samantha, “Dying in Darfur,” Reader and Course Website.


Bell, Daniel and Joseph Carens, “The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue Between Practitioners and Theorists.” Reader and Website.
USEFUL SOURCES OF INFORMATION

Websites:

American Association for the Advancement of Science Human Rights Program
http://shr.aaas.org/
American Civil Liberties Union
http://www.aclu.org
Amnesty International
Anti-Slavery International
http://www.antislavery.org/
Business for Social Responsibility
http://www.bsr.org/
Carnegie Council
http://www.carnegiecouncil.org
The Carter Center
http://www.cartercenter.org
Center for Constitutional Rights
http://www.ccr-ny.org/
Center for Justice and Accountability
http://www.cja.org/
Center for the Study of Human Rights at Columbia University
http://www.columbia.edu/cu/humanrights/
Center for Women's Global Leadership
http://www.cwgl.rutgers.edu/
The Coalition for International Justice
http://www.cij.org/
Committee to Protect Journalists
http://www.cpi.org/
Consortium for Health and Human Rights
http://www.healthandhumanrights.org/
Council on Economic Priorities
http://www.cepa.org/ and http://www.cepnyc.org/
Ethical Trading Initiative
http://www.ethicaltrade.org/
European Commission on Human Rights
http://www.dhcour.coe.fr/
European Court for Human Rights
http://www.dhcour.coe.fr/default.hcm
Fair Labor Association
http://www.fairlabor.org/
Foreign Affairs
http://www.foreignaffairs.org
Foreign Policy
http://www.foreignpolicy.com
Freedom House
http://www.freedomhouse.org/
Human Rights Internet (Project of the Human Rights Center of the University of Ottawa)
http://www.hri.ca
Human Rights Document Databank of the Human Rights Internet
http://www.hri.ca/doccentre/
United Nations Processes and Documentation Pages of the Human Rights Internet
http://www.hri.ca/uninfo/index.shtml
Human Rights First (formerly Lawyers’ Committee for Human Rights)
http://www.humanrightsfirst.org/
Human Rights Quarterly
http://muse.jhu.edu/journals/human_rights_quarterly/
Human Rights Watch
http://www.hrw.org/
Human Rights Information and Documentation Systems International (HURIDOCS)
http://www.huridocs.org/
    HURISEARCH is a new search engine provided by HURIDOCS
    http://www.hurisearch.org/
The International Commission of Jurists
http://www.icj.org/
International Committee of the Red Cross
http://www.icrc.org/eng/
International Court of Justice
http://www.law.cornell.edu/icj/ or http://www.icj-cij.org/
International Helsinki Federation
http://www.ihf-hr.org/
International Labour Organisation
http://www.ilo.org/
International Law and Policy Institute
http://vcilp.org/vcilp/vip/
The Internet Bibliography on Transitional Justice
http://userpage.zedat.fu-berlin.de/~theissen/biblio/
Lawyers Committee for Human Rights
http://www.lchr.org/
Physicians for Human Rights
http://www.phrusa.org/
United Nations
US Campaign to Ban Land Mines
http://www.vvaf.org/
US Institute for Peace
http://www.usip.org/
USA Watch
http://www.usawatch.org/
University of Minnesota Human Rights Library (an especially important site, including its section on Islam and Human Rights)
http://www1.umn.edu/humanrts/
War Criminal Watch
http://www.wcw.org/wcw/
Women's Human Rights Net
The Women’s Human Rights Resources at the University of Toronto
http://www.law-lib.utoronto.ca/diana/

Sites focusing specifically on Latin America include:

The Argentine Forensic Anthropology Team
http://www.eaaf.org.ar/
Derechos Human Rights
http://www.derechos.org/
and its sister organization El Equipo Nizkor
http://www.derechos.org/nizkor/
Fundación de Ayuda Social de las Iglesias Cristianas (FASIC)
http://www.fasic.org/
The Mothers of the Plaza de Mayo
http://www.madres.org/
National Coalition on Haitian Rights
http://www.nchr.org/
Washington Office on Latin America
http://www.wola.org/

On Eastern Europe:

International Criminal Tribunal for Former Yugoslavia
http://www.un.org/icty/
Radio Free Europe/Radio Liberty
http://www.rferl.org/

On Africa:

International Criminal Tribunal for Rwanda
http://persubveb.francenet.fr/~intermed/
The Truth and Reconciliation Commission (South Africa)

Key Human rights Reports: See especially the excellent annual reports of Human Rights Watch, Amnesty International and the Lawyers Committee on Human Rights (links to these sites are listed above). Also see the formal reports of governments, including the U.S. Department of State’s Human Rights page (http://www.state.gov/g/drl/hr/). The formal reports of Truth Commissions and other commissions of inquiry are essential for various cases. These include: Para Creer en Chile: Sintesis del Informe de la Comision Verdad y Reconciliacion; Las Massacres en Rabinal (Forsensic Anthropology Team of Guatemala, 1997), The Report of The Commission of Inquiry into violations of Human Rights: Findings, Conclusions, and Recommendations (1994), Argentina: Nunca Mas, Report of the Argentine Commission of the Disappeared; From Madness to Hope: The Twelve Year War in El Salvador, as well as many other reports that can be found in the excellent three volume study, edited by Neil Kritz, on Transitional Justice: How Emerging Democracies Reckon with Former Regimes.
**Films:** All students are encouraged to use films and novels in your papers and your exams. Some **required films** will be shown for class. In addition to those required films, see the Human Rights Film Guide (Facets Multimedia, Chicago) or some of the following recommendations, most of which can be found in the Stanford library:

- **On Torture and State Terror:** *La Boca del Lobo (Peru), Interrogation (Poland), Missing (Chile), One of Us (Israel), Prisoner without a Name, Cell without a Number (Argentina), Z (Greece), Who Will Cast the First Stone (Pakistan), Cry the Beloved Country and Biko (South Africa), Death and the Maiden (Chile).*
- **On MNCs, Development and Rights:** *Bottle Babies, For Export Only, The Face of Famine, The Big Village, Global Assembly, Silkwood, A Civil Action.*
- **On Racism and Civil Rights in the United States:** *To Kill a Mockingbird, Eyes on the Prize, The Long Walk Home, Mississippi Burning, Thunderheart, In the White Man’s Image, Incident at Oglala.*
- **On U.S. Foreign Policy:** *A Question of Conscience, Romero or The Situation (El Salvador), Americas in Transition, Banking on South Africa, The Trial of Henry Kissinger.*
- **On Gender and Sexuality:** *Beloved, Closetland.*
- **On Poverty and Rights:** *Pixote, Central Station*
- **On Taking Action:** *Weapons of the Spirit, Mothers of the Plaza de Mayo*

**Novels:** Read the plays of Peter Weiss, *The Investigation,* and Richard Norton Taylor, *Nuremberg.* Or enjoy some of my favorites: Achebe's *Things Fall Apart,* Garcia Marquez (just about anything), Isabel Allende's *House of the Spirits,* Hemingway's *For Whom the Bell Tolls,* Vargas Llosa's *Death in the Andes,* Euclides da Cunha, *Rebellion in the Backlands,* Manlio Argüeta's *One Day of Life.* Anything by Nadine Gordimer.

**Human Rights Organizations:** Human Rights is not an abstract field of study. One way to understand the politics of human rights is to familiarize yourselves with the organizations that work in areas of your interest. *The Human Rights Internet Reporter* details the work of thousands of groups, and almost all groups can be found on the web. A published copy of the latest *Reporter* can be obtained by faxing a request to (613) 564-4054.

For those of you who want to become rights practitioners, the **Haas Public Service Center** is a good place to link up with both global and local organizations. Your instructor also has a list of internships in the Bay Area.