

Columbia University

**HR/PS V3001x, INTRODUCTION TO HUMAN RIGHTS
Fall 2011**

MW 2:40-3:55
501 Northwest Corner Building

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Course overview. International human rights is a powerful idea in our time, but also the focus of numerous controversies. As a body of law it is produced primarily by governments; as a body of norms, by civil society. It not only embodies a set of ideals but also functions as a political tool, which different forces try to bend to their own ends. The result of this struggle is a process of norm contestation and norm change that the course seeks to understand. The course looks at the laws and institutions that define human rights as an international regime, in the context of key intellectual controversies and political puzzles surrounding human rights theory and practice. It discusses how a variety of actors promote change and development of human rights norms. And it analyzes some of the challenges of contemporary human rights advocacy.

Requirements. The course grade will be based on two take-home examinations and two essays. The four assignments will be weighted equally in the final grade. The essays should be 5-7 pages long and may be of the following kinds:

(a) An explorations paper, which takes a look at a topic of interest to you, based on published works and/or websites. We have in mind topics which are not adequately covered in the course reading, and on which you would like more information. We want to learn what information you have gathered, but we also want to know why you think the issue is important, what conclusions you have provisionally drawn from the information you have gathered and, as appropriate, what you think are the biases or inadequacies of the sources that you used.

(b) A policy paper, which recommends a policy in some issue area or in some country for some actor (a government, NGO, multinational organization, etc.). A policy paper should be addressed to a specific actor (e.g., president, secretary of state, members of the legislature), should propose policies that are feasible for that actor, and should appeal to that actor's motives and interests. You may wish to run your ideas past the instructor or a TF first in order to be sure that you're addressing the various aspects that a policy paper needs to address, such as a specific policy actor, consistency with that actor's motives, and feasibility.

(c) A critical book review. A critical essay addresses two books (or other items equivalent in length to a book) not on the course list, chosen in consultation with the instructor or TFs. Such an essay should avoid summarizing the material in the books, and should offer an independent consideration of the issues the books discuss and a critique of the authors' analyses.

For more detailed descriptions of the three kinds of essay, please see the file "Essay types explanation.doc," which is posted in the Shared Files section of the course website on Courseworks.

For your essays, we encourage you to use the Writing Center. Both beginning and seasoned writers do their best work when they have the chance to clarify, strengthen, and refine it with the help of perceptive readers, and a session at the Writing Center offers you that chance. You can find out more about the center and make an appointment at

<http://www.columbia.edu/cu/uwp/>.

Due dates are as follows: first essay due September 26; midterm handed out October 12 and due October 17; second essay due November 16; final exam handed out December 12 and due December 19.

Human Rights Advocates in residence. As you pursue your outside projects you may wish to get in touch with some of the Human Rights Advocates who are in residence this semester at the Institute for the Study of Human Rights. For more information see <http://hrcolumbia.org/hrap/>.

Conference on Human Rights and the Global Economy. A conference with this title will be held at The New School on November 9-10. Students from this course can get free tickets by writing to cps@newschool.edu. The conference agenda and thematic statement are posted in the Shared Files section of the course's Courseworks site.

Readings and Materials. The following books are available for purchase in paperback at Book Culture (536 West 112th Street). Purchase is optional.

Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999)

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Ed. (Ithaca: Cornell University Press, 2003)

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

Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (NY: PublicAffairs, 2003)

Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge, UK.: Polity Press, 2008)

Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (NY: Cambridge University Press, 1999)

25+ *Human Rights Documents* (NY: Columbia University Center for the Study of Human Rights, 2001)

David Vogel, *Market for Virtue: The Potential and Limits of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2006)

Michael M. Weinstein, ed., *Globalization: What's New* (NY: Columbia University Press, 2005)

Library copies are on reserve at the Lehman Library Reserve Desk and at Barnard. Other assigned readings, including journal articles and book chapters, are available for download on Courseworks (www.courseworks.columbia.edu), except for readings for which URL links are provided in the syllabus; those readings can be accessed by clicking on those links from the syllabus page of Courseworks.

Please subscribe to the Human Rights Watch weekly roundup. To subscribe, go to the organization's main webpage (www.hrw.org) and look for the blue banner below the upper right corner labeled "Sign Up For Our Newsletter."

The teaching fellows will offer weekly discussion sections. Attendance and participation in these sessions will not be a component of your course grade. Nevertheless, you should attend. The discussion sections offer an opportunity to ask questions and engage in discussion about topics covered in lecture and in the assigned readings. Teaching fellows will also offer weekly office hours.

TOPICS & READINGS

September 7. **INTRODUCTION AND COURSE OVERVIEW**

PART I. FOUNDATIONAL DEBATES

September 12 & 14. **INTELLECTUAL HISTORY OF THE HUMAN RIGHTS IDEA**

Louis Henkin, *How Nations Behave: Law and Foreign Policy*, Second Ed. (NY: Columbia University Press, 1979), Chs. 3-4

Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), Chs. 1-3

Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42:1 (Winter 2001), pp. 201-245

September 19 & 21. **HUMAN RIGHTS AS LAW**

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

Office of the United Nations High Commissioner for Human Rights: look at <http://www2.ohchr.org/english/law/> and explore some of the links to get an overview of the UN human rights system in its normative aspect

Harold Hongju Koh, "Transnational Legal Process After September 11th," *Berkeley Journal of International Law* 22 (2003-2004), pp. 337-354

Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009), Chs. 2, 9

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

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (NY: Random House, 2001), Chs. 1, 4, 5, 9, 10, 12, Epilogue 25+ *Human Rights Documents* (NY: Columbia University Center for the Study of Human Rights, 2001): read the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*; please bring the texts to class

September 28 & October 3. **HOW DOES THE HUMAN RIGHTS REGIME WORK? – INSTITUTIONS, PROCESSES, AND THE GLOBAL SOCIAL MOVEMENT**

Institutions and processes

Jack Goldsmith, "The Self-Defeating International Criminal Court," *University of Chicago Law Review* 70:1 (Winter 2003), pp. 89-104

Andrew J. Nathan, "China and International Human Rights: Tiananmen's Paradoxical Impact," in Jean-Philippe Béja, ed., *The Impact of China's 1989 Tiananmen Massacre* (London: Routledge, 2010), pp. 206-220

Aryeh Neier, "Economic Sanctions and Human Rights," in Samantha Power and Graham Allison, eds., *Realizing Human Rights: Moving from Inspiration to Impact* (NY: St. Martin's Press, 2000), Ch. 13

Office of the United Nations High Commissioner for Human Rights: look at www.ohchr.org/english/bodies/ and explore some of the links to get an overview of the UN human rights system in its institutional aspect

Jack L. Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28:3 (2003), pp. 5-44.

The global social movement

Shareen Hertel, "Child Labor, Child Rights, and Transnational Advocacy" in *Unexpected Power: Conflict & Change among Transnational Activists* (Ithaca: Cornell University Press, 2006), Chs. 3, 4

Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (NY: PublicAffairs, 2003), Part II

Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (NY: Cambridge University Press, 1999), Chs. 1, 3, 6, 7

October 5. **HOW DOES THE HUMAN RIGHTS REGIME WORK? (continued) – THE PROHIBITION AGAINST TORTURE**

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

"Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," in *25+ Documents*

"Memorandum for Alberto R. Gonzales, Counsel to the President, August 1, 2002," by Jay S. Bybee, Assistant Attorney General, on Courseworks

Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), Chs. 21-22

October 10 & 12. **CULTURAL UNIVERSALISM AND CULTURAL RELATIVISM**

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Ed. (Ithaca: Cornell University Press, 2003), 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

"The Cairo Declaration on Human Rights in Islam," *25+ Human Rights Documents*, pp. 174-177.

Bilahari Kausikan, "Asia's Different Standard," and Aryeh Neier, "Asia's Unacceptable Standard," *Foreign Policy* (Fall 1993), pp. 24-41, 42-51

Liu Xiaobo and others, "Charter 08," translated by Perry Link, published in the *New York Review of Books*, at <http://www.cfr.org/publication/18073/>, and "The Nobel Peace Prize for 2010" (award citation), at http://nobelprize.org/nobel_prizes/peace/laureates/2010/press.html

Makau wa Mutua, "The Ideology of Human Rights," *Virginia Journal of International Law* 36:3 (Spring 1996), pp. 589-657

Andrew J. Nathan, "The Place of Values in Cross-Cultural Studies: The Example of Democracy and China," in Paul Cohen and Merle Goldman, eds., *Ideas Across Cultures* (Cambridge, Mass.: Council on East Asian Studies, 1990), pp. 293-314

October 17. **HUMAN RIGHTS ADVOCATES**

The guest speakers will be Human Rights Advocates in residence at Columbia's Institute for the Study of Human Rights.

October 19, 24, & 26. **AMERICAN EXCEPTIONALISM AND U.S. FOREIGN POLICY**

Kofi Annan, "Secretary-General presents his Annual Report to the General Assembly." September 20, 1999,

http://www.un.org/News/ossg/sg/stories/statments_search_full.asp?statID=28 (the Annan Doctrine)

Donnelly, *Universal Human Rights*, Ch 14

Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005), Chs. 1, 5, 6

Michael McFaul, "Democracy Promotion as a World Value," *The Washington Quarterly* 28:1 (Winter 2004-05), pp. 147-163

Andrew J. Nathan, "China: Getting Human Rights Right," *The Washington Quarterly* 20:2 (Spring 1997), pp. 135-151

Condoleezza Rice, "Rethinking the National Interest: American Realism for a New World," *Foreign Affairs* 87:4 (July/August 2008), pp. 2-26

U.S. Human Rights Network, "Universal Periodic Review Joint Reports United States of America, "Executive Summary," pp. 12-26, at http://www.law.columbia.edu/ipimages/Human_Rights_Institute/USHRN%20Human%20Rights%20Report.pdf.

PART II. CONTESTING AND EXPANDING RIGHTS

October 31. **INDIGENOUS PEOPLES AND HUMAN RIGHTS: INTRODUCTION**

Speaker: Elsa Stamatopoulou, Adjunct Professor of Anthropology, Columbia University; formerly Chief, Secretariat of the Permanent Forum on Indigenous Issues, United Nations

S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996), Ch. 3, 4

Elsa Stamatopoulou, "Taking Cultural Rights Seriously: The Vision of the UN Declaration on the Rights of Indigenous Peoples," in Stephen Allen and Alexandra Xanthaki, eds., *The UN Declaration on the Rights of Indigenous Peoples* (Oxford: Hart, 2011), pp. 387-412

"United Nations Declaration on the Rights of Indigenous Peoples," 13 September 2007, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Please look at the website of the UN Permanent Forum on Indigenous Issues,
<http://www.un.org/esa/socdev/unpfii/index.html>

November 2 & 9. INDIGENOUS PEOPLES' RIGHTS (continued) AND ENVIRONMENTAL RIGHTS

“1994 Draft Declaration of Principles of Human Rights and the Environment,”
<http://fletcher.tufts.edu/multi/www/1994-decl.html>

Michael C. Davis, “The Quest for Self-Rule in Tibet,” *Journal of Democracy* 18:4 (October 2007), pp. 157-171

Human Rights Dialogue, Series 2, No. 11 (Spring 2004): Environmental Rights,
http://www.cceia.org/resources/publications/dialogue/2_11/index.html/res/id=sa_File1/Human_Rights_Dialogue_Environment.pdf

Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007), Chs. 2-4

Romina Picolotti and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tucson: University of Arizona Press, 2003), Chs. 1, 2, 5

November 14 & 16. GLOBALIZATION AND GLOBAL JUSTICE

Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge, UK.: Polity Press, 2008), Introduction, Chs. 1, 4, 8, 9

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

Michael M. Weinstein, ed., *Globalization: What's New?* (NY: Columbia University Press, 2005), Chs. 2-5, 7

November 21 & 23. WOMEN'S HUMAN RIGHTS, CHILDREN'S RIGHTS, AND SEXUAL RIGHTS

Clifford Bob, ed., *The International Struggle for New Human Rights* (Philadelphia: University of Pennsylvania Press, 2009), Chs. 4 and 5

Charlotte Bunch, “Women’s Rights as Human Rights: Toward a Re-Vision of Human Rights,” *Human Rights Quarterly* 12:4 (November 1990), pp. 486-498

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

“Convention on the Elimination of All Forms of Discrimination Against Women” and “Convention on the Rights of the Child,” in *25+ Documents*

CEDAW Committee General Recommendation 19,
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

Debra L. Delaet, “Framing Male Circumcision as a Human Rights Issue? Contributions to the Debate Over the Universality of Human Rights,” *Journal of Human Rights* 8 (2009), pp. 405-426

Mark Ensalaco and Linda C. Majka, eds., *Children’s Human Rights: Progress and Challenges for Children Worldwide* (Rowman and Littlefield, 2005), Chs. 1 and 2

Patrick F. Fagan, “How U.N. Conventions on Women’s and Children’s Rights Undermine Family, Religion, and Sovereignty,” *The Heritage Foundation Backgrounder* No.

1407, February 5, 2001,

<http://www.heritage.org/Research/InternationalOrganizations/BG1407.cfm>

Anand Grover, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," 27 April 2010, at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.20.pdf>

[Together, Apart](http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.20.pdf), Human Rights Watch, June 10, 2009, by Scott Long, <http://www.hrw.org/en/node/83161/section/1>

November 28. WHAT OBLIGATIONS DO PRIVATE ENTERPRISES HAVE?

Amnesty International, <http://www.amnestyusa.org/business>; review sections on the UN Norms for Business and on Alien Torts Claims Act (ATCA); look at some of the campaigns Amnesty has designed and how they are focused

Milton Friedman, "The Social Responsibility of Business is to Increase its Profits", *The New York Times Magazine*, September 13, 1970.

<http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html>

National Labor Committee, <http://www.nlcnet.org/>, read one of their current reports

John Ruggie, "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Protect, Respect and Remedy: a Framework for Business and Human Rights," <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>

Deborah Spar, "Spotlight on the Bottom Line: How Corporations Export Human Rights," *Foreign Affairs*, 77:2 (March/April 1998), pp. 7-12

United Nations Global Compact,

<http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>, read the ten principles

UN Norms for Business, <http://www1.umn.edu/humanrts/links/norms-Aug2003.html>

David Vogel, *Market for Virtue: The Potential and Limits of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2006), Chs 1-4, 6-7

November 30. BUSINESS AND HUMAN RIGHTS: AN IMPACT-TRACKING APPROACH

Guest lecturer: Joanne R. Bauer (SIPA '88), New York Representative, Business and Human Rights Resource Centre; Adjunct Professor of Business and Human Rights, Columbia University

Review the website, <http://www.business-humanrights.org>. Please look in particular at material under the "Getting Started" tab of the website.

Joanne Bauer, "Business and Human Rights: A New Approach to Advancing Environmental Justice in the United States" in Shareen Hertel and Kathy Libel, eds., *Human Rights in the United States: Beyond Exceptionalism* (New York: Cambridge University Press, 2011), pp. 175-196

Alexandra Harney, *The China Price: The True Cost of Chinese Competitive Advantage* (New York: Penguin, 2008), Ch. 7

December 5 & 7. REFUGEE RIGHTS

Lecturers: Grant Gordon, Maria Paula Saffon Sanin

Hannah Arendt, *The Origins of Totalitarianism*, New Edition (New York: Harcourt, 1966), Ch. 9

“Convention Relating to the Status of Refugees” and “Protocol Relating to the Status of Refugees,” in *25+ Documents*

“Guiding Principles on Internal Displacement” (Deng Principles), United Nations, 2001, <http://ochanet.unocha.org/p/Documents/GuidingPrinciplesDispl.pdf>

Please consult the website of the UN High Commissioner for Refugees and read through the tabs under “About Us,” and more if possible: <http://www.unhcr.org/cgi-bin/texis/vtx/home>

Rhodri C. Williams, *The Contemporary Right to Property Restitution in the Context of Transitional Justice* (New York: International Center for Transitional Justice, 2007), <http://ictj.org/publication/contemporary-right-property-restitution-context-transitional-justice>

December 12. **CONCLUDING THOUGHTS**