

**Human Rights, SIS-622.001
American University, Fall 2008**

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Course Description:

Human rights have become the dominant normative discourse in global politics. “Rights talk is invoked almost automatically, by politician and advocate alike. But what do they really mean by “human rights? What is “the human rights framework,” and who wins and who loses when problems are framed and solutions are sought on human rights terms? This course considers these questions. In so doing, provides an overview of the philosophical and political basis for human rights and provides a solid grounding in international and national systems for human rights protection and promotion. In addition, students are introduced to the methodology of human rights fact-finding, including interview techniques and planning investigations.

Course Organization:

The course is divided into four parts:

Part 1: We begin by leapfrogging directly to the problems that have created the demand for recognition and enforcement of human rights. To get us started, we consider such monumental issues as: whether there is a right and/or obligation for states and international institutions to intervene when human rights are violated; the impact of globalization on attempts to hold perpetrators of rights violations responsible for their actions; and the bifurcation of security and liberty in our post-911 era.

Part 2: The second phase of the course looks at the “ideas” behind human rights. Here, we consider the philosophical and ideological bases of human rights and unravel whose interests are served and whose betrayed by the human rights framework.

Part 3: Having pondered the ideas behind human rights, we turn to the architecture designed to capture these ideas and make them real. At the international level we will focus on UN mechanisms, with particular attention to treaty-based mechanisms. At the national level, we will consider the incorporation of human rights in foreign policy and the rise of national human right institutions (NHRIs).

Part 4: Finally, we conclude with an introduction to human rights practice. We discuss the changing role on nongovernmental organizations (NGOs) and social movements, and we consider the difficulty with conducting human rights field research. A simulation exercise gives students a chance to see if human rights fieldwork is for them.

Who Should Take this Course:

This course will be of great interest to students of all fields of international studies and international law, as well as graduate-level students in anthropology, psychology and sociology. The course is required for M.A. students in Ethics Peace and Global Affairs (EPGA) and it is highly suggested that graduate students take this course before other upper-level human rights courses especially if they have not taken an undergraduate course in human rights.

Course Goals:

This course seeks to help students to:

- Understand the philosophical and theoretical foundations of human rights and explore their relevance in contemporary human rights debates;
- Learn the “nut and bolts” of the United Nations human rights machinery;
- Explore the promise of national human rights institutions;
- Develop analytical skills to question and appraise human rights policies and practices at the international and national levels;
- Enhance understanding of fact-finding methodology and develop interview skills;
- Consider prevailing trends in the human rights field, its challenges and contributions of critics;
- Draw useful conclusions about the roles of various state and nonstate actors in the identification of rights and in their promotion and enforcement; and

Assigned Readings:

Readings on Blackboard are noted with (“BB”).

There are four required books. We will read about 80-90% of each book. Be sure to get the most recent edition of the book.

1. Mertus, Julie, *The United Nations and Human Rights* (New York: Routledge and Taylor & Francis, 2005).(hereafter “UN&HR”)

2. Mertus, Julie, *Bait and Switch: Human Rights and U.S. Foreign Policy* -- 2nd edition (New York: Routledge, 2008)(**second edition**)(NOTE: THE FIRST EDITION WILL NOT BE ACCEPTABLE)

3. Mahoney, Jack, *The Challenge of Human Rights: Origin, Development and Significance*, Wiley-Blackwell 2006 (hereafter “Mahoney”)

4. Human Rights in the World Community: Issues and Action 3rd ed (Pennsylvania Studies in Human Rights) (**Third Edition**)

Requirements and Grading:

Grades are based on three factors: (i) class participation (40%); (ii) a take-home midterm and (20%) final (30%); and (iii) a reflective paper on the simulation exercise (10%). In addition, all students will be required to sign up for a one-to-one meeting with the professor. In respect of students with tight work schedules, some meeting times will occur in the regularly scheduled class time.

Class participation is measured as follows:

- A = comes to class well-prepared; offers extremely insightful comments to class discussion (quality counts more than quantity); evident that student has done the reading; eagerly volunteers for assignments; respectful of the viewpoints of others; goes the extra mile!
- A-minus = does everything for an “A,” but just a little off on one item.
- B+ = does everything for an “A,” but a little off on two items.
- B = comes to class well-prepared on most days; volunteers the minimum amount possible; respectful of others
- B-minus = A-minus = does everything for an “A,” but just a little off on one item
- C = often not prepared (and/or attendance spotty); does not always take assignments seriously; not clear that the student did the reading; still respectful of others
- D = very rarely prepared; attempts to accomplish assignment in too little time; disrespectful of others
- F=Anyone who does not come to class and does not prepare.

Midterm and Final will be take home. The format will be essay and short answer. No research will be needed to answer the questions – you should rely solely on the readings and lecture notes from class. You will have an entire week to complete the exam. All exams must be returned **AT THE BEGINNING** of the following class. Very few exceptions can be granted beyond severe illness or a death in the family/close friend.

Teamwork on exams is prohibited! Students caught collaborating on answers will be brought to the appropriate disciplinary committee of the university. Students are forewarned that I have an incredible computer program that detects collaboration.

One-to-one meetings with the professor will occur prior to the midterm. This will provide students an opportunity to provide early feedback on the course, enabling the instructor to modify the course accordingly. At the same time, these meetings will likely provide students with greater clarification on course expectations, enabling them to adjust their efforts accordingly as well.

Reflective Paper on Interview Exercise:

Reflecting on the simulation, the course readings and discussion, do the following: (1) create a plan for conducting field research on your issue; (2) write a list of questions that a fact-finder might wish to explore with respect to your issue; and (3) identify difficulties that a fact finder exploring your issue might encounter.

Policy on Late Work

All work must be handed in at the beginning of class. Barring extraordinary circumstances, no papers will be accepted more than five days late. Late penalties will be assessed for all late work, with the grade dropping ½ point immediately if the paper is not handed in at the beginning of class, and then ½ point more per day thereafter.

A Note on Plagiarism

The course follows the university rules on plagiarism. Also, students are forewarned that the instructor has her own personal subscription to a plagiarism detection program and that all student papers are subject to being randomly selected for submission to this program.

A Note on Falling Behind

Should you find yourself falling behind in the course, or if you are overwhelmed by the course in any way, please contact the instructor as soon as you can do so. Do not wait until the end of the semester! Almost always, you can get back on track, but you need to communicate with the instructor.

Syllabus
Human Rights
Mertus/American University

I. HUMAN WRONGS

Aug. 27 – No class. Memorial Service for Lucinda Peach is at 1:30.

Sept. 3 --Class Two: Accountability for Human Wrongs in an Era of Globalization

In class:

Powerpoint/Mini-Lecture

Discussion of Readings

Film clips: The Corporation

Black Gold

Handout on Corporate Codes of Conduct

To prepare for class, read:

Mahmood Monshipouri et. Al, “Multinational Corporations and the Ethics of Global Responsibility (Claude/Weston).

“The Globalizing of Human Rights,” Ch 5 Mahoney

Rhoda Howard-Hassman, “The Second Great Transformation: Human Rights Leap Frogging in an Era of Globalization,” (Claude Weston)

**Prior to class, go through one drawer of your clothes and make a list of all the places where they were made.

**Also, prior to class, post on the Course Discussion Board the web link to a corporate code of conduct. You may choose any company you wish, but I suggest you research one that you patronize. Four volunteers will be asked to review the postings and begin class discussion by raising questions based on the collection of codes.

Sept. 10-- Class Three: The politicization/militarization of rights

In class:

Mini-Lecture/powerpoint

American Idiot “rock video”

Discussion of Readings

To prepare for class, read:

Julie Mertus, "Bait and Switch," chapters 2, 3

Lisa Hajjr, "Torture and the Future," ch 6 in Claude/Weston

**Research the position of the presidential candidates on human rights. At least 2 days prior to class, post on our class discussion board (on blackboard) a "human rights quote" from each of the candidates. You may interpret "human rights quote" broadly to refer to anything related to human rights. Be sure to include the source of the quotation. Before class, try to read as many of your fellow students' postings as you can. Come prepared to discuss.

**Also prior to class, read the newspaper daily and clip one article that addresses or could address a human rights issue (in other words the issue may or may not be framed in human rights terms. Bring it to class. Four volunteers will be asked to bring an extra article (for someone who forgets the assignment).

II. Ideas

Sept. 17-- Class four: Political and Philosophical Origins of Human Rights

In class:

SIGN UP FOR ONE-TO-ONE CONFERENCES

Powerpoint/Mini-Lecture

Handout on Philosophical Origins

Discussion of Readings

Film Clip: Out of the Silence

Exercise on Human Dignity

To prepare for class, read:

Burns Weston, "Human Rights: Concepts and Issues," ch1 (HRWC)

Jack Mahoney, "Human Rights in History & Clarifying Human Rights, chs 1 and 3 in Mahoney.

Martha Nussbaum, "Capacities, Human Rights, and the Universal Declaration," Ch 1 in Claude/Weston.

"Establishing Human Rights," ch 4 in Mahoney.

**Prior to class, consider: Which scholar has the best argument on the origins of human rights? Why? Have you read (outside this class) another persuasive argument on the origins of human rights? If so, please post it on the discussion board prior to class and bring it to class.

**Also prior to class, review the questions to the Weston and Nussbaum chapters. Two volunteers will undertake leading discussion on each article (two on Weston; two on Nussbaum).

Sept. 24-- Class five: Framing Wrongs as Rights

In class:

Youth for Human Rights PSAs
Discussion on readings (led by volunteers)
UDHR Exercise
Framing Exercise

To prepare for class, read:

The Universal Declaration of Human Rights; The ICCPR and the ISESCR (see Appendix to Claude and Weston).

Richard Lillich, "Civil Rights," ch 7 in Claude/Weston.

Rachel Neild, Human Rights and Crime, ch 8 in Claude/Weston.

Paul Gordon Lauren, First Principles of Racial Equality ch 9 in Claude/Weston.

Eva Brems, Protecting the Rights of Women, ch 10 in Claude/Weston.

**Prior to class, read the "questions for reflection and discussion" and come to class prepared to discuss. Two volunteers will lead the discussion on each of the four readings.

Oct. 1-- Class six: Basic Needs as Security Rights

In class:

PICK UP KOSOVO CASE STUDY
Discussion on readings (led by volunteers)
Film Clips: America Needs Human Rights (Food First Film)
How to Save the World
Trashed \

Lobbying Exercise

Class ends ½ hour early to accommodate individual conferences

To prepare for class, read:

Asbjorn Eide, Economic, Social and Cultural Rights as Human Rights, ch 13 in Claude/Weston.

Lee Swepston, Worker Rights are Human Rights ch 14 in Claude/Weston.

George Kent, Food Is A Human Right, ch 15 in Claude/Weston.

Paul Hunt, The Right To Health: Key Objectives, Themes, and Interventions, ch 16 in Claude/Weston.

Richard Pierre Claude, The Right To Education And Human Rights Education, ch 17 in Claude/Weston.

Stephen A. Hansen, The Right To Take Part In Cultural Life, ch 13 in Claude/Weston.

**Prior to class, read the “questions for reflection and discussion” and come to class prepared to discuss. Two volunteers will lead the discussion on each of the four readings.

Oct. 8-- Class 7: Community or Solidarity Rights

In class:

- Small group work on case study

- Report back to large group

- Discussion of readings

- Class ends ½ hour early to accommodate individual conferences

To prepare for class, read:

Hurst Hannum, The Right of Self-determination In The Twenty-first Century Questions For Reflection And Discussion, ch 9 in Claude/Weston.

Self-Determination in Kosovo Case Study (handout).

**Prior to class, prepare analysis of case study (to be handed in, typed, 1,000-2,000 words. Identify as many human rights issues as you can and explain their connection to each other and to other norms. Also, consider, what “solutions” were available to Kosovo? How did human rights factor in? How were human rights factors ignored?

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Oct. 15-- Class 8 Clarifying Rights: the Universality Debate

In Class:

- TAKE-HOME MIDTERM DISTRIBUTED

- Mini-Lecture

- Handout on Universalism

Discussion of Readings
Film Clip: Crossfire: Circumcision
Circumcision Debate (volunteers to lead)
Class ends ½ hour early to accommodate individual conferences

To prepare for class, read:

Clarifying Rights, ch 3 in Mahoney.

An-Naim, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (1992), pp. 23-29, 427-33 (BB).

Mutua, *Human Rights: A Political and Cultural Critique*, pp. 1-9, 15-22, 154-57(BB).

Burns Weston, "The Universality of Human Rights in a Multicultural World," ch 3 in Claude/Weston.

- Tibi, "Islamic Law / Shari'a, Human Rights, Universal Morality and International Relations," *Human Rights Quarterly*, Vol. 16 No. 2 (May 1994), pp. 277-299(BB).

**Prior to class, go to website: <http://oz.uc.edu/thro/>. Read the case "Shah Bono: Muslim Women's Rights" Come to class prepared to advise Prime Minister Gandhi on what he should do. Write an outline of the advice you would give in your notebook). [Do not worry about the other questions posed in the case study] Six volunteers will stage a third-party facilitated discussion on the case.

III. Institutions/Instruments

Oct. 22 -- Class 9: Human Rights Treaties

In class

TAKE HOME EXAM DUE
Guest Professor Janet Lord
Handout on Treaties
Treaty Drafting Exercise

To prepare for class, read:

Convention on the Rights of Persons with Disabilities,
http://untreaty.un.org/English/notpubl/IV_15_english.pdf

"UN Treaty Bodies," ch 4 in UN&HR.

Anne Bayefsky, "Making the Human Rights Treaties Work," ch. 25 in Claude/Weston.

Harold Hongju Koh, How Is International Human Rights Law Enforced? Questions for Reflection and Discussion, ch.24 in Claude/Weston.

**Two days prior to class, post 1-3 questions you have on the readings on the discussion board. See if you can answer one of your colleague's questions.

Oct. 29- Class ten: The United Nations Institutions

In class:

- Lecture/Powerpoint
- Handout on HR Coouncil
- Exercises Using UN Mechannisms
- Film Clip: Why Kofii Anan is Not a Woman

To prepare for class, read:

Stephen Marks, "The United Nations and Human Rights" ch. 26 in Claude/Weston.

Julie Mertus, "The Office of the High Commissioner on Human Rights," ch 2 in UN&HR.

Julie Mertus, "UN Charter-based Bodies," ch 3 in UN&HR.

Julie Mertus, "The Security Council," ch 5 in UN&HR.

Mahoney, "The Modern HR Movement," ch 2 in Mahoney.

**Prior to class, write down one thing in the readings that was particularly surprising/interesting to you. Post it on the Discussion Board two days prior to class. Four volunteers will analyze the postings and report back.

Nov. 5-- Class 11: National Approaches to Human Rights Implementation

In Class:

- Mini Lecture/Powerpoint
- Discussion
- NHRI Exercises

To prepare for class, read:

Julie Mertus, “Human Rights Matters: Local Context and National Human Rights Institutions,” (portion of book manuscript)(BB).

Michael Ratner, “Civil Remedies for Gross Human Rights Violations”
Ch 29 in Claude/Weston.

*Prior to class consider: *What would a national human rights institution look like in the United States?* What roadblocks exist to creating such a U.S. NHRI? Can they be overcome?

IV. Action

Nov. 12--Class 12: Non-governmental Organizations and Social Movements

In class:

Discussion of Readings
Distribution of Simulation
Discussion of Simulation
Prep Time

To prepare for class, read:

Richard Pierre Claude, “What do Human Rights NGOs do?” ch 31 in
Claude/Weston (read also the Discussion Questions Following this chapter).

Read: Mertus Bait and Switch, (Chapter 4).

Jordan Paust, “The Right to Revolution,” ch 33 in Claude/Weston (read also the
Discussion Questions Following this chapter).

** Prior to class, browse through Human Rights NGO Web sites and note
anything particularly interested to you on Class Discussion Board. Be sure to
include link to Web. Two volunteers will lead discussion on the postings.

**Prior to class, read the “questions for reflection and discussion” for the Claude
and Paust readings and come to class prepared to discuss. Two volunteers will
lead the discussion on each of the two readings

Nov. 19 — Simulation Part 1 (INSTRUCTIONS WILL BE DISTRIBUTED)

NO CLASS NOV. 26

Dec. 3 --- Simulation Part 2 (INSTRUCTIONS WILL BE DISTRIBUTED)