

HRTS G4020x Introduction to Human Rights. Fall 2003. Tuesday 6:10-8:20. 1101 IAB
[Peter Juviler](mailto:pjuviler@barnard.edu). 212-854-4036. <pjuviler@barnard.edu>.
Office Hours Wed. 3-5 (416B Lehman) & by appointment.

(The hard copy of the syllabus has photographs on the remainder of this page.)

Are human rights empty, false promises (false either morally or in lack of realization) or are they bright and meaningful visions--meaningful in principle and at least in some practice -- or something of both?

On what does the answer depend? What difference have human rights norms (declarations, treaties, commentaries, etc) made, what difference should they make in a culturally diverse world that is a world of realpolitik and of unipolar preemptive strategy; a world with failed states, a world of violence with many dimensions: tyrannical, international (war)-transnational("terrorism"), intranational (civil war and terrorism)? Is it not also a world also of achievements and hope for human rights, also one of contrasts between progress and prosperity for some and poverty and deprivations for many more, a world which both lives up to and departs from the norms of rights and relationships affirmed in the 1948 Universal Declaration of Human Rights--UDHR?

That lead question breaks down into three basic questions for this inquiry:

Part I. ● Universalism Under Siege. What are the sources (theoretical and historical) of human rights norms? How are they and should they live up, in norms and practice, and in this diverse and troubled world of sovereign states, to the UDHR's description of them as "a common standard of achievement for all peoples and all nations (including the U.S.) to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance...?" (Preamble to the UDHR)

Part II. ● Promotion and enforcement in the "international community." How are human rights norms recognized in global, regional and national law and declarations? How effectively are they promoted and enforced in practice through various measures of prevention, intervention and advocacy? What are examples of progress and difficulties (including the U.S.)

Part III. ● Globalization. What does globalization--economic, cultural, and political (state and non-state actors) mean for human rights and with what policy implications? How does its transnational outreach relate to the activities of states and of nonviolent and violent non-state actors, religion-based organizations, etc.

Requirements: regular attendance, reading before each meeting (first hour: lecture with discussion; second hours, seminar dialogues and debates.

written work:

a) one commentary (12 font, double spaced) one on the question posed to head either Part i, II, or III. Comment should answer the question in the light of the readings and issues covered in the part. **If on Part I** comment is **due October 2; if on part II** comment is **due November 11, If on Part III** comment is **due December 9**

b) a three-five page commentary on *Nickel and Dimed* and the relevance of the book if any, to human rights issues. Which human rights appear to be violated, why, and how well does the book treat its central issue. **Due by November 4.**(see week 10).

c) Take home final exam, mainly related to the lead question as it develops through course

readings, lectures and discussions, to be handed out December 2 answers due in PJ's faculty mailbox (see the grey boxes around corner from 417 Lehman) (50% of grade, the rest on comments and class participation).

Sources of readings which are available at Columbia University Bookstore (should also be on reserve at Lehman Social Work library):

Barbara Ehrenreich, *Nickel and Dimed: On (Not) Getting By in America*. pb edit. 2001.
Patrick Hayden, ed., *The Philosophy of Human Rights*.
Louis Henkin, *The Age of Rights*. 2nd edit. pb 1996.
William Schulz, *In Our Own Best Interest: How Defending Human Rights Benefits Us All*. 2nd, pb edition 2002.
Samantha Power, *"A Problem from Hell": America in the Age of Genocide*. pb 2003.
Robert Paul Lauren, *The Evolution of International Human Rights* pb (read only in part, recommended to purchase if you are so inclined).
(R) designates source on reserve only. Sources on web also cited in syllabus.
Handy for general use: 25+ *Human Rights Documents* available from the Columbia Human Rights Center, 1108 SIPA Building.)

Readings from sources not listed above will be available at Copyquick, Amsterdam Avenue between 119 and 120 Streets. As with other readings listed, a copy of packet will also be on reserve.

(Additional handouts may be distributed at meetings).

Outline

Part 1. ● **Universalism Under Siege.** What are the sources (theoretical and historical) of human rights norms? How are they and should they live up, in norms and practice, and in this diverse and troubled world of sovereign states, to the UDHR's description of them as "a common standard of achievement for all peoples and all nations (including the U.S.) to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance...?" (Preamble to the UDHR)

Week 1. Sept. 2

Introductions to ourselves and the course.

distributed at meeting: Universal Declaration of Human Rights, and Rena Tucker, "HR @ CU: A University-Wide Collaboration."

Week 2. Sept. 9

One uniform western tradition? How do "western" visions agree and differ as regards the validity

and philosophy of human rights?

a. Human reason, natural rights, and natural law. How do they add up and how do Aristotle, Cicero, Hobbes Locke Rousseau, Grotius, and Wollstonecraft accept, or differ from, the natural law and rights tradition in their perspectives?

Lauren, *Evolution of International Human Rights*, pp. 9-20 (Philosophical Visions, Human Nature, Natural law, Natural Rights)

Hayden, *The Philosophy of Human Rights*, items 3,4,7,11,30, (Cicero, Aquinas, Locke, Wollstonecraft, Decl. of Independence)

b. Differing perspectives

Henkin, 1-5, 157-69 (The Human Rights Idea; U.S. and French conceptions)

Lauren, *Evolution of International Human Rights*, pp. 20-28 (Traditions and Ideas of a Very Different Sort).

Hayden, *The Philosophy of Human Rights*, items 2, 6, 8, 9, 13, 14, 32 (Aristotle, Hobbes, Rousseau, Burke, Bentham, (early)Marx, French Decl. of the Rights of Man and of the Citizen).

Week 3. Sept. 16

War, genocide, and recognition of international human rights: a western great power imposition?

Henkin, *The Age of Rights*, pp. 13-19 (Antecedents, the In'tl H.R. Movement, The Int'l law of H.R.(part))

Lauren, *Evolution of International Human Rights*, Ch 5-7 (origins of Charter, disagreement, the Charter and UDHR)

Gurdus, "They didn't live to see...;" "Topography of Terror" (Berlin, 2000); UN Charter, Articles 1, 2, 55, 56; "Nazi Persecution of Homosexuals 1933-1945"

Power, "A Problem from Hell," pp. 1-86 (Preface, Race Murder, A Crime w/o a Name, A Crime with a Name, Lemkin's Law, A Most Lethal Pair of Foes).

Week 4. Sept. 23

Universality in a Diverse World.

Adda Bozeman, a cultural relativist, concludes that cultural differences are insurmountable barriers to universal understandings of rights. Do cultural differences negate the universalism in the UDHR and other UN documents?

Henkin, *The Age of Rights*, pp. 6-10, xi-xii (moral underpinnings, the universality of h.r.)

Hayden, *The Philosophy of Human Rights*, items 24, 26, 27, 35, 36, 37, 48 (Mo Tzu, Dalai Lama. Kwasi Wiredu, Tesón, Xiaorong Li, Taylor, Vienna Declaration and Program of Action)

The Cairo Declaration on Human Rights Education and Dissemination.

Week 5. Sept. 30

Other perspectives on universalism

a. Beyond ethics and positivism--is consequentialism a valid transcultural case for universalism?

Schulz, *In Our Own Best Interest*, Introduction and Ch. 1,2 and pp. 180-91 (a case for consequentialism as justification; questioning relativism and realism)\

UDHR preamble and Article 1 (consequential and other bases?)

b. inclusiveness in the range of rights specified by the norms--does the listing go too far or not far enough?

Juviler, "Clearing a Path Toward the Int'l Bill of Rights," pp. 58-62 ("Toward Self-Determination)

Week 6. Oct. 7.

Women's rights. Do assertions of equality contradict rights to religious and cultural freedom? The same question applies to rights of gays, lesbians, bisexual and transgendered persons.

"A woman's world....four female writers offer snapshots of life in their countries;" Philip Smucker, "Afghans split over brutal laws;" Amy Waldman, ""Young Women, Back in School, Race to Catch Up;" Rina Amiri, "Moslem Women as Symbols and Pawns;" Ilene Prusher, "In freer Iraq, new cubs on women's wear

Hayden, *The Philosophy of Human Rights*, " items 28, 42, 52, 44, 45 (Abdullahi An-Na'im on promoting h.r. in Moslem society; Rao, on violence in the home; Donnelly on non-discrimination and sexual orientation; Nussbaum on lesbian and gay rights)

Nicholas D. Kristof, "The Veiled Resource;" "The High Price of Gender Inequality," *IFPRI Perspectives*, April 2002.

(for those interested: <www.hrw.org/women/press.php> on women's rights).

Part II. ● Promotion and enforcement in the "international community." How are human rights norms recognized in global, regional and national law and declarations? How effectively are they promoted and enforced in practice through various measures of prevention, intervention and advocacy? What are examples of progress and difficulties (including the U.S.)

Week 7. Oct. 14

Human Rights in the "international community." Are accountability and sovereignty contradictory?

Henkin, *The Age of Rights*, xii-xiii, 19-29, and Ch. 4 (punish or pardon, int'l criminal justice, int'l law, h.r. & int'l institutions, rhetoric and reality, h.r. & "domestic jurisdiction,")

Power, *"A Problem from Hell,"* Ch 6-8 (Cambodia, Iraq, Speaking Loudly and Looking for a Stick).

for further reading: Steiner and Alston, *International Human Rights in Context*, 2nd edit. (2000), Part C, "International Human Rights organizations," passim.

Week 8. Oct. 2

Humanitarian intervention--military prevention and termination of violations. What is the line between dereliction of duty and unwarranted intrusion? Where did the UN, U.S. and NATO act

correctly and incorrectly?

Henkin, *The Age of Rights*, xiii-xv (humanitarian intervention, U.S. human rights policy)
UN charter, Articles 39-43, 51

Power, *A Problem from Hell*, Ch. 9-14 (Bosnia, Rwanda, Srebrenica, Kosovo, Courts,
Conclusion).

"A Good Man in Hell" (Gen'l Dallaire).

Week 9. Oct. 28

Human Rights in the United States. A key question from "The Ethics of the `New War,'" Carnegie Council on Ethics and Int'l Affairs, *Imprint* (Sept/Oct. 2001) is: "Evil cannot be eradicated once and for all...But evil acts must be checked, punished, deterred. Can this be done in a manner that serves justice and security concerns while avoiding excessive moral rhetoric and the dangers of a crusade?"

a. Civil and political rights: U.S. domestic response to terror and to crime.

Henkin, *The Age of Rights*, pp. ix-x, 74-78, bottom of p. 154-p. 156 (US overview, US and international agreements; int'l h.r. in the U.S., adherence to int'l h.r. in the US)

Schulz, *In Our Own Best Interest*, Ch 7 (h.r. violations in the U.S.)

<www.lchr.org> (Lawyers Committee for Human Rights) under "Civil Liberties in the U.S. after 9/11" click on Imbalance of Powers, 9/02-3/03 and then "Imbalance of Powers - Digest." When is torture justified?

Sanford Levinson, et al., "The Debate on Torture."

if time permits: (R)Adamantia Pollis and Peter Schwab, *Human Rights*, 185-200 (Roger Clark, "How Int'l Human Rights Law Affects Domestic Law" (excerpt))

b. Economic and social rights: status in the U.S.

Henkin, *The Age of Rights*, p. 151 (2nd para.)-p. 154 (econ. & soc. rights)

Jennifer Egan, "To Be Young and Homeless."

Eyal Press, "Human Rights--The Next Step."

Week 10. Nov. 4

The invisible poor. Please prepare a three-five page commentary on *Nickel and Dimed* and the relevance of the book if any, to human rights issues. Which human rights appear to be violated, why, and how well does the book treat its central issue.

Week 11. Nov. 11

U.S. foreign policy, continuity and change in the balance of national security strategy and human rights. To repeat: A key question from "The Ethics of the `New War,'" Carnegie Council on Ethics and Int'l Affairs, *Imprint* (Sept/Oct. 2001) is: "Evil cannot be eradicated once and for all...But evil acts must be checked, punished, deterred. Can this be done in a manner that serves justice and security concerns while avoiding excessive moral rhetoric and the dangers of a

crusade?"

Is that a realistic guideline, and does the national security doctrine and the Iraq war live up to it?

Henkin, *The Age of Rights*, pp. 65-73 (h.r. and U.S. foreign policy)

The National Security Strategy of the United States of America, September 2002

"The Case For War..." (*The Economist*); Philip Zelikov, "The Transformation of National Security;"

Ivo Daalder, James Lindsay and James Steinberg, "Hard Choices: national Security and the War on Terrorism; Max Rodenbeck, "The Occupation""

Schulz, *In Our Own Best Interest*, pp. xii-xx (pb edit.)

Part III. Globalization. Part III. ● **Globalization.** What does globalization--economic, cultural, and political (state and non-state actors) mean for human rights and with what policy implications? How does its transnational outreach relate to the activities of states and of nonviolent and violent non-state actors, religion-based organizations, etc.

Week 12. Nov. 18

Human Rights NGOs and international civil society. problems and achievements?

a. Problems with and for NGOs

David Rieff, "The Precarious Triumph of Human Rights," and reply of the Lawyers Committee, *NYTimes Magazine*, August 8, 1999

Michael Ignatieff, "Is the Human Rights Era Ending?" and letters on "Human Rights: the Long View"

www.carnegiecorp.org> click on "Human Rights Dialogue," and "Series 2, No. 9 (Spring 2003): and Carolina Quinteros, "Cooperation and Conflict;" Marianne Mollman, "Gagging Democracy" ("gag rule on abortion information).

b. Efforts and achievements amidst difficulties

Kathryn Sikkink, "Transnational Politics, International Relations Theory, and Human Rights;" Columbia Univ. Human Rights Advocates...2003; message from Usman Hamid Benjamin Barber, "Globalizing Democracy."

www.carnegiecorp.org> click on "Human Rights Dialogue," then "Series 2, No. 9 (Spring 2003), and click on Marcela Olivera and Jorge Viaña, "Wining the Water War;" Justin VanFleet, "Protecting Knowledge."

Week 13. Nov. 25

Globalization - I. Economic globalization its impact on h.r.

Is it a good thing for human rights?

Jagdish Bhagwati, "Coping with Antiglobalism;" compare with Amartya Sen, "How to Judge Globalism;" Joseph Stiglitz, "Globalism's Discontents." UNDP. "Human development balance sheet"

Oil and the Corporations: Lawyers Committee for Human Rights, "The Alien Tort Claims Act and the Torture Victim Protection Act;" John Cheverie, "U.S. Court Finds Unocal May be Liable for Aiding Human Rights Abuses in Burma;" Carnegie Council interview with Keith Slack, , "Drilling to Democracy--or Despotism?" Donald Bartlet and James Steele, "The Oily Americans."

www.carnegiecorp.org> click on "Publications" then "Human Rights Dialogue," and "Series 2, No. 9 (Spring 2003), click on Terry Collingsworth, "Beyond Reports and Promises;" and U Maung Maung, "Confronting Unocal in Burma."

Schulz, *In Our Own Best Interest*, Ch. 3-5 ("The Bottom Line," "H.R. and the World Around Us," "Only a Plane Ride Away")--does his consequentialism make sense?

for your reference: updating via a variety of sources on globalization: e.g., Economic Policy Network <www.epn.org> search "globalization;" Center for Economic and Social Rights <www.cesr.org> click on International Program; and from another direction, American Enterprise Institute <www.aei.com>.

Week 14. Dec. 2

Globalization - II. Transnational terrorism, Islamic and otherwise, and its sources. What connection if any with globalization and human rights?

Peter Juviler, "Janus with Halo and Scrolls: Religion and Transnational Terrorism.

Bernard Lewis, "The Revolt of Islam: When did the conflict with the West begin and how could it end?"

Culture in mind: Fawaz A. Gerges, "The `War' On Terrorism: A Cultural Perspective."

Mark N. Katz, Osama Bin Laden as Transnational Revolutionary Leader," *Current History*, Vol. 101, No. 652, Feb. 2002, pp. 81-85.

Week 15. Dec 9

a. global and national communications, human rights.

(R)Anna Husarska, "Conscience Trigger: The Press and Human Rights," in Samantha Power and Graham Allison, eds., *Realizing Human Rights*, Ch. 16

Bob McChesney, "Policing the Thinkable;" J. Paul Martin, "Human Rights and the Internet;" Eugenie Larson, "Overcoming the Digital Divide;" and "Advocate Alum in DR Congo: Helping to Spread Internet Resources;" Andrew Boyd, "The Web Rewires the Movement."

<www.cpj.org> click on "journalists killed in 2003," "killed in 2002."

b. Summing up

© [Peter H. Juviler](#)