

POLITICAL SCIENCE 322: HUMAN RIGHTS AND POLITICAL VIOLENCE

CONTACT INFORMATION:

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COURSE DESCRIPTION:

“Progress in human rights is one of the 20th century’s hallmark achievements. One hundred years ago, more than half of 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.” (-Terry Lynn Karl)

A number of key questions will be addressed in this class. Are human rights universal or culturally relative? 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?

REQUIRED TEXT:

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. Available at UNM bookstore.

All additional reading materials will be available on e-reserves and/or the class website

<http://www.micheleleiby.com/>

CLASSROOM POLICIES:

ATTENDANCE AND PARTICIPATION IN CLASS DISCUSSION: Students are expected to attend all lectures, and come prepared to discuss the readings or other materials. Students are strongly encouraged to ask questions, comment on the day’s topics, and otherwise participate in the class discussion. Active engagement with the material is critical to your success in this class. A sign-in sheet will be passed around the class; it is your responsibility to sign in each session. Grades for class participation will be allocated as follows:

F- You sleep in class, are disruptive, miss more than three classes and/or fail to meet the requirements stated under “Attendance and Participation” listed above.

- D- You come to class but are inattentive and/or miss more than three classes.
- C- You have consistent attendance, are consistently prepared and consistently attentive.
- B- You satisfy all of the requirements for a “C” *and* you consistently volunteer substantive questions and substantive comments that reflect time spent reading and thinking about the course.
- A- You satisfy all of the requirements for a “B” *and* you consistently share observations, introduce new insights or thoughts that raise the discussion to a superior level of inquiry.

CLASS PREPARATION AND COMPLETION OF ASSIGNMENTS: Students are expected to have completed all the assigned readings and assignments **before** coming to class. In addition to the readings and other assignments, students are expected to monitor current events as related to the course or to the weekly topic(s). Two reliable sources you may access online are: The New York Times at <http://www.nytimes.com> or the BBC World Service at <http://www.bbc.co.uk>



AMERICANS WITH DISABILITIES ACT: Qualified students with disabilities needing appropriate academic adjustments should contact me as soon as possible to ensure your needs are met in a timely manner. Handouts are available in alternative formats upon request.

MAKE-UP EXAMS: Make-up exams will only be given with a UNM approved excuse, and at the discretion of the instructor. Any absences from exams must be documented. Make-up exams must be arranged with the instructor.

INCOMPLETES: Incomplete grades and withdrawals from the course will be granted only under extraordinary circumstances and at the discretion of the instructor.

MISSING AND LATE ASSIGNMENTS: Students may turn in assignments late only if they have already spoken with and received approval from the instructor. Assignments turned in late will be docked by one letter grade. Missing assignments will be recorded as a zero.

ACADEMIC HONESTY AND INTEGRITY: *Students are expected to comply with all University policies regarding academic honesty and integrity. Please consult the UNM Student Code of Conduct 2.4 (outlined in the UNM Pathfinder) if you are unfamiliar with these policies. Ignorance of the University’s policies is not sufficient defense for academic dishonesty. Cheating, plagiarism, or academic dishonesty of any kind will not be tolerated, and may result in the student(s) failure in the course or expulsion from the University and will automatically be reported to the UNM Dean of Students*

GRADING SCALE AND BREAKDOWN:

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| Midterm Exam | 25% |
| Final Exam | 25% |
| Research Paper & Peer Review | 30% |
| Class Presentation | 10% |
| Class Participation | 10% |

RESEARCH PAPER: The purpose of this assignment is to apply some of the theoretical perspectives presented in class to current world events. Select a country based on current news reports. Describe the nature and degree of human rights violations occurring in the country, the

legal/ethical basis for identifying practices as human rights violations (included in this you must research your country's ratification record to regional and international human rights agreements as well as any reservations or declarations it may have issued), the factors causing these human rights violations, and recommend the unilateral (U.S.) and multilateral policy tools to be used to correct the violations. Papers will be assessed on their relevance to the question, sound ordering and structuring of material, quality and clarity of the written presentation, effective use of evidence, demonstration of sound understanding of the topic, adequacy of research, adequacy of analysis, identification of major themes and arguments, critical evaluation and judgment, range of sources used and insight and originality.

PEER EDITING: You will be responsible for editing another student's research paper and providing comments and suggestions to the author. ½ of your final paper grade will be determined by the quality and thoughtfulness of your review of another student's paper.

EXAMS: There will be two exams – a midterm and a final. The exams are designed to test your familiarity with the lecture material *and* reading assignments and your independent ability to apply what you have learned. The exams will be some combination of multiple choice, fill-in-the-blank, definition and essay or short answer questions. There will be map questions on the midterm and final exam. You can explore <http://www.lizardpoint.com/fun/geoquiz/> to help familiarize yourself with the states around the world.

CLASS PRESENTATION: Throughout the semester, each student will be responsible for clipping newspaper articles from reliable international news sources (not the Internet, blogs, etc.) regarding the human rights situation in their country. Each student will choose one principle article to present to the class. In this presentation, the student will synthesize the newspaper article and contextualize it in terms of the semester's studies in international human rights law. Students will assess the accuracy of the journalist's treatment of human rights issues raised in the course. Each student will have 5 minutes to complete a concise, but intelligent presentation.

SCHEDULE

WEEK 1 INTRODUCTION OVERVIEW OF COURSE REQUIREMENTS & SYLLABUS

WHAT ARE HUMAN RIGHTS? TYPES OF HUMAN RIGHTS

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 1-25

DEBATES IN HUMAN RIGHTS: ARE THEY UNIVERSAL?

Mayer, Ann Elizabeth. 2002. "Cultural Particularism as a Bar to Women's Rights: Reflections on the Middle Eastern Experience" in Julie Peter and Andrea Wolper, eds. *Women's Rights, Human Rights: International Feminist Perspectives*. NY: Routledge Press.

An-Na'im, Abdullahi Ahmed. 1995. *Human Rights in Cross-Cultural Perspective: A Quest for Consensus*. Philadelphia: University of Pennsylvania Press. p. 19-43

Althaus, Frances A. 1997. "Female Circumcision: Rite of Passage or Violation of Rights?" *International Family Planning Perspectives* 23(3). Available at <http://www.guttmacher.org/pubs/journals/2313097.html>

WEEK 2 HISTORY OF MODERN HUMAN RIGHTS REGIME WWII AND THE NUREMBERG TRIALS

Goldhagen, Daniel. 1996. *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. NY: Random House. p. 375-461.

Sands, Phillippe, ed. *From Nuremberg to the Hague: the Future of International Criminal Justice*. Cambridge: Cambridge University Press. p. 1-10

Documentary: *Night and Fog*

WEEK 3 HUMAN RIGHTS IN INTERNATIONAL LAW AND THE UN SYSTEM

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 26-44; 67-74

The Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/index.shtml>

Explore <http://www.hrweb.org/legal/undocs.html>

HUMAN RIGHTS IN INTERNATIONAL LAW AND REGIONAL HUMAN RIGHTS ORGANIZATIONS THE IACHR AND THE ECHR IN COMPARISON

Inter-American Court of Human Rights. Case of Loayza-Tamayo v. Peru, Judgment of September 17, 1997

European Court of Human Rights. Chamber Judgment *Enhorn v. Sweden* January 25, 2005.

European Court of Human Rights. Chamber Judgments in the Cases of *Leyla Sahin v. Turkey* and *Zeynep Tekin v. Turkey* June 29, 2004.

WEEK 4 THE STUDY OF HUMAN RIGHTS: MEASURES

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 45-58

Ball, Patrick and Christian Davenport. 2002. "Views to a Kill: Exploring the Implications of Source Selection in the Case of Guatemalan State Terror, 1977-1995" *The Journal of Conflict Resolution* 46, 3:427-450.

http://books.google.com/books?id=yMABbuKyN9wC&dq=statistics+and+human+rights+getting+the+record&printsec=frontcover&source=bn&hl=en&ei=kI9kS7yPKZSOtAPLiMWdAw&sa=X&oi=book_result&ct=result&resnum=4&ved=0CBIO6AEwAw#v=onepage&q=&f=false p. 35-62

Explore HRDAG East Timor database and Butler, Gluch and Mitchell's cross-national database on sexual violence and corruption, available on e-reserves.

WEEK 5 THE STUDY OF HUMAN RIGHTS: SYSTEMIC CAUSES OF REPRESSION

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 75-91, 130-146, 182-200

WEEK 6 THE STUDY OF HUMAN RIGHTS: INDIVIDUAL CAUSES OF REPRESSION

Mitchell, Neil. 2004. *Agents of Atrocity: Leaders, Followers, and the Violation of Human Rights in Civil War*. NY: Palgrave Macmillan. p. 29-56

Milgram, Stanley. 1965. "Some Conditions of Obedience and Disobedience to Authority" *Human Relations* 18(1):57-76.

Documentary: *Quiet Rage: The Stanford Prison Experiment*

WEEK 7 EMPIRICAL CASES: ECONOMIC DEVELOPMENT AND COLLECTIVE RIGHTS

Thompson, Richard H. 1997. "Ethnic Minorities and the Case for Collective Rights" *American Anthropologist* 99(4):786-798.

Kuruk, Paul. "Protecting Folklore under Modern Intellectual Property Regimes: a Reappraisal of the Tensions between Individual and Communal Rights in Africa and the United States"

Anaya, S. James and Robert A. Williams, Jr. 2001. "The Protection of Indigenous Peoples' Rights over Lands and Natural Resources under the Inter-American Human Rights System" *Harvard Human Rights Journal* 33:33-86.

WEEK 8 EMPIRICAL CASES: TORTURE AND THE GLOBAL WAR ON TERRORISM

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 297-315

Levin, Michael. 1982. "The Case for Torture" *Newsweek* available at <http://www.canyons.edu/departments/philosophy/levin.html#Levin>

Nowak, Manfred. 2006. "What Practices Constitute Torture: US and UN Standards" *Human Rights Quarterly* 28:809-841.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.hrweb.org/legal/cat.html>

Gonzales, Alberto. 2002. "U.S. Department of Justice Memorandum, on Torture" in Ishay, Micheline. 2007. *The Human Rights Reader: Major Political Essays, Speeches and Documents from Ancient Times to the Present* NY: Routledge Press.

Comey, James B. 2004 "U.S. Department of Justice Memorandum, on Torture" in Ishay, Micheline. 2007. *The Human Rights Reader: Major Political Essays, Speeches and Documents from Ancient Times to the Present* NY: Routledge Press.

Dershowitz, Alan. 2004. "Tortured Reasoning" in Ishay, Micheline. 2007. *The Human Rights Reader: Major Political Essays, Speeches and Documents from Ancient Times to the Present* NY: Routledge Press.

Documentary: *The Torture Question*

WEEK 9 EMPIRICAL CASES: POLITICAL VIOLENCE AND FORCED MIGRATION

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 239-259

Ibáñez, Ana María. 2003. "Forced Displacement in Colombia: Causality and Welfare Losses" *World Bank Papers*.

Mooney, Erin. 2005. "The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern" *Refugee Survey Quarterly* 24(3):9-26.

WEEK 10 STUDY SESSION FOR MIDTERM EXAM

MIDTERM EXAM

WEEK 11 EMPIRICAL CASES: ELECTIONS, THE FREEDOM OF SPEECH AND FREEDOM OF ASSOCIATION IN IRAN

Davenport, Christian. 1996. "Constitutional Promises and Repressive Reality: A Cross-National Time-Series Investigation of Why Political and Civil Liberties are Suppressed" *The Journal of Politics* 58(3):627-654.

Human Rights Watch (HRW). 2009. *Iran: Freedom of Expression and Association in the Kurdish Regions* NY:HRW.

Milani, Abbas and Michael McFaul. 2008. "Democracy and the Politics of Parliamentary Elections in Iran" *Brown Journal of World Affairs* 15(1):25-35.

Documentary: *A Death in Tehran*

WEEK 12 EMPIRICAL CASES: WARTIME SEXUAL VIOLENCE AND "PEACETIME" SEX TRAFFICKING

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 201-218

Farr, Kathryn. 2009. "Extreme War Rape in Today's Civil War-Torn States: A Contextual and Comparative Analysis" *Gender Issues* 2:1-41.

Boling, David. 1994. "Mass Rape, Enforced Prostitution and the Japanese Imperial Army: Japan Eschews International Legal Responsibility?" *Journal of Transnational Law* 32:533-590.

EMPIRICAL CASES: GENOCIDE AND ETHNIC CLEANSING

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 279-296

Gourevitch, Philip. 1998. *We Wish to Inform You that Tomorrow We Will Be Killing with Our Families*. NY: Picador p. 5-171

Convention on the Prevention and Punishment of Genocide, available at <http://www.preventgenocide.org/law/convention/text.htm>

WEEK 13 HUMANITARIAN INTERVENTION

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 334-353.

Glanville, Luke. 2005. "Somalia Reconsidered: An Examination of the Norm of Humanitarian Intervention" *Journal of Humanitarian Assistance* p. 1-17.

Finnemore, Martha. 2000. "Paradoxes in Humanitarian Intervention" paper prepared for the Symposium on Norms and Ethics of Humanitarian Intervention at the Center for Global Peace and Conflict Studies, University of California at Irvine, available at http://www.cgpac.uci.edu/research/working_papers/martha_finnemore_humanitarian_intervention.pdf

WEEK 14 RECKONING WITH THE PAST: THE TRUTH(S) OF TRUTH COMMISSIONS

Goodhart, Michael. 2009. *Human Rights: Politics and Practice*. New York: Oxford University Press. p. 354-369.

Brahm, Eric. 2007. "Uncovering the Truth: Examining Truth Commission Success and Impact" *International Studies Perspectives* 8:16-35.

Leahy, Patrick. 2009. "The Case for a Truth Commission" *TIME*, available at <http://www.time.com/time/magazine/article/0,9171,1880662,00.html>

**WEEK 15 RECKONING WITH THE PAST: DOMESTIC AND INTERNATIONAL CRIMINAL TRIALS
THE ICC AND THE ICJ**

Thienel, Tobias. 2010. "The Georgian Conflict, Racial Discrimination and the ICJ: The Order on Provisional Measures of 15 October 2008" *Human Rights Law Review* 9(3):465-472.

International Court of Justice (ICJ). 2004. Advisory Opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

Scheffer, David J. 2001. "Staying the Course with the International Criminal Court" *Cornell International Law Journal* 35:47-100.

Browse The Rome Statute of the ICC at http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf

**WEEK 16 STUDY SESSION FOR FINAL EXAM
FINAL EXAM**

ADDITIONAL SOURCES

GENERAL

Human Rights Watch www.hrw.org

Amnesty International www.amnesty.org

INTERNATIONAL COURTS AND TRIBUNALS

International Court of Justice www.icj-cij.org

European Court of Human Rights www.echr.coe.int

International Tribunal for the Former Yugoslavia www.un.org/icty/index.html

International Criminal Tribunal for Rwanda www.ictt.org

Nuremberg War Crimes Trial www.yale.edu/lawweb/avalon/imt/imt.htm

The Trial of Charles Taylor www.charlestaylortrial.org/

The Trial of Alberto Fujimori <http://fujimoriontrial.org/>

INTERNATIONAL ORGANIZATIONS

Inter-American Commission on Human Rights www.cidh.org

Office of the UN High Commissioner on Human Rights www.unhchr.ch

VIDEOS AND DOCUMENTARIES ON HR

La Sierra

Romero

Ghosts of Rwanda

State of Fear

Sometimes in April

The Battle of Algiers

Death of a Nation: The Timor Conspiracy

In the Name of Honour

The Killing Fields

The Official Story

Rape: A Crime of War

Silence Broken: Korean Comfort Women

Calling the Ghosts