IGA-304: Human Rights and International Politics

Fall 2010

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Office Hour: Tuesday 3-4

Location: Land Auditorium

Class Days and Time: Monday & Wednesday, 11:40am – 1pm

Course Assistant: Alia Karsan

Human Rights Curriculum

IGA 304 is designed to be taken in combination with IGA 324, “Tools for Human Rights Practitioners,” offered in the spring and taught by Charles Clements and Felisa Tibbitts. Students interested in careers in the human rights field, or otherwise interested in human rights, are strongly encouraged to take both courses. IGA 304 is a “context and background” course: it addresses many of the questions that one ought to have thought about before one begins working professionally towards the realization of human rights. IGA 324 is the corresponding “how to” course, teaching tools for those who seek to bring about change within a human rights framework. Both courses can in principle also be taken independently of each other. In particular, IGA 304 can be taken by IGA concentrators who wish to acquire background knowledge about human rights. IGA 324 may also be taken by students who have already acquired background knowledge about human rights either by having taken courses elsewhere, or by having acquired professional experience in the human rights field. (Consultation with the IGA 324 instructors will be required for students to take IGA 324 without having taken IGA 304.) But the syllabi are not only designed to offer a comprehensive introduction to the human rights field, they will also complement each other with regard to many of the particular topics. We plan on offering both courses again in 2011/12. In addition, note that the Kennedy School also offers additional courses in the human rights field, on more specific topics.

Course Description:

The idea of human rights has driven revolutions and progress for two hundred years. Its history encompasses the abolition of slavery and the introduction of women’s rights as
well as our failure to prevent the Rwandan Genocide. It played a significant role in the founding of the United Nations and has found a new relevance in the last two decades with terrorism, torture and the interventions from the Balkans to Afghanistan. At the same time, the universalistic aspirations behind the human rights movements have long been attacked as ethno-centric, philosophically incoherent, and unrealistic. This course explores the ways in which the rhetoric of human rights has evolved and how it can be defended, and contrasts these themes with the political reality of human-rights-related institutions and the difficulties facing actors charged with the realization of human rights. The course is designed to provide practitioners, scholars, and policy-makers with a firm grounding in the concepts and institutions of modern human rights, prepare them to answer skeptics and critics (including skeptics and critics “on the ground”) and provide a strong understanding of the practice of human rights, its failures and its many successes. Part I involves an interrogation of the idea of human rights; Part II deals with questions that arise about the realization of human rights. Two classes on the United Nations will be taught by Loubna Freih, an international human rights and refugee rights scholar and policy maker with over ten years of experience advocating to international bodies. In particular, her professional experience includes being the lead advocate to the United Nations for Human Rights Watch, in NY and Geneva. That week will also include a (highly recommended but voluntary) field trip to the United Nations in New York City (on Friday, November 12). Additional visitors may also address the class if logistically possible for appropriate topics.

Prerequisites:

The course is open to all students. Some familiarity with history, political theory or philosophy, comparative politics, and international relations will be helpful, but is not required. No specific previous human rights experience or knowledge is required. Required, however, is a willingness to engage with texts of different genres, including texts from different academic disciplines. Readings range from case specific studies to historical, legal, philosophical, and social-scientific text. Emphasis is placed on human rights as an ethical and political framework for public policy, rather than as a system of international law.

Course Requirements:

Students are required to come to class prepared to discuss the week’s readings.

Class participation counts for 15% of the final grade.

Short Written Assignments: For each class meeting, a written exercise will be posted on the course web-page, and if you choose to complete this assignment, you must submit it within a week of its posting. You are required to satisfactorily complete three such assignments. They should not exceed 750 words. These assignments count for 40% of your course grade. There must be at least two weeks between submission of any two assignments, to assure a reasonable distribution across topics. The questions that will be
posted will normally be normative in nature. Responses will involve sustained argumentation for a stance on a human rights issue. More information about how to go about writing these papers will be provided.

**Long Written Assignment:** Students with the required background and appropriate interests may write one 20-page paper substituting forth both the short papers and the take-home exam. Permission of instructor is required for this option!!

**Final Take-home Examination:** The final exercise, which counts for 45% of your course grade, will consist of essay questions that are to be answered in no more than 2,000-2,500 words in total (as specified). Examinations will be available on December 1, 2010, and are due in Mathias Risse’s office on December 17. Examinations may be returned by mail or courier, but emailed or faxed submissions are not acceptable. Late examinations will not be accepted.

Students with appropriate backgrounds are invited to volunteer to give presentations of about 10 min. If accepted, these would then substitute for one of the three short papers.

**Grading:**

The HKS Academic Council has issued recommendations on grading policy, which include the following curve: A (10-15%), A- (20-25%), B+ (30-40%), B (20-25%), B- (5-10%).

**Reading and Assignments:**

Required readings: course packet. The packets are available for purchase at the Course Materials Office.

Note that many of the readings are recommended, not required. These recommended readings are included for those with deeper interests in these topics and have been selected because they are important and interesting.

**Monday, August 30: Shopping Day**

_A very sketchy introduction to this course in 30 min_

**Part I: Interrogating the Idea of Human Rights**

1. **Wednesday, September 1:** The Universal Declaration of Human Rights

_Reading the Universal Declaration, the central document of the human rights movement_

_Required:_

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Universal Declaration:  http://www.udhr.org/UDHR/default.htm (posted on course page)


*No Class on Monday, September 6 – Labor Day*

2. Wednesday, September 8: The Path to the Universal Declaration

*The background to and the predecessor of the human rights movement: a brief history*

*Required:*


*Recommended:*

Johannes Morsink, *The Universal Declaration of Human Rights* (1999), Chapter 2 (“World War II as Catalyst”) (packet 4)

3. Monday, September 13: Genocide

*The different episodes of genocide throughout the 20th century have motivated the genesis of a human rights regime, but also capture enormous failures in its realization.*

*Required:*

Genocide Convention:  http://www1.umn.edu/humanrts/instree/x1cppcg.htm (posted on course page)

4. Wednesday, September 15: Crimes Against Humanity

For about 100 years now, some crimes have been sorted as sufficiently heinous to be called “crimes against humanity” – the International Criminal Court was founded to prosecute such crimes.

Required:


Geoffrey Robertson, Crimes Against Humanity: The Struggle for Global Justice (2006), Chapter 10 (pp 419-467) (packet 1)

Larry May, Crimes Against Humanity: A Normative Account (2005), Chapter 6 (pp 96-111) (packet 1)

Recommended:


5. Monday, September 20: Objecting to Human Rights – Realism

Realists doubt that human rights can be more than at best window dressing – and some of them think human rights lead to harmful zest and moral self-righteousness

Required:

Thucydides, *History of the Peloponnesian War*, Chapter XVII (Sixteenth Year of the War; the Melian Conference; Fate of Melos) (packet 2)

Thomas Hobbes, Sections XIII, XIV, and XVII of *Leviathan* (packet 2)

Nicolo Machiavelli, “Concerning Cruelty And Clemency, And Whether It Is Better To Be Loved Than Feared,” Chapter XVII of *The Prince* (packet 2)

6. Wednesday, September 22: Objecting to Human Rights – Competing Philosophical Approaches

Does it make sense to make “rights” foundational?

Required:

Jeremy Bentham, excerpts from *Anarchical Fallacies*, up to the beginning of the discussion of Article IV (posted on course page)

John Stuart Mill, Chapter 5, “On the Connection between Justice and Utility,” from *Utilitarianism*; beginning at “To have a right, then” to “If the preceding analysis”, and from “It appears from what has been said” to the end (posted on course page)

Raymond Geuss, *History and Illusion in Politics* (2001), pp 138-146 (packet 2)

Friedrich Nietzsche, *Gay Science* 125 (packet 2)

Friedrich Nietzsche, *Twilight of the Idols*, “Skirmishes of an Untimely Man” (packet 2)

7. Monday, September 27: Objecting to Human Rights – Cultural Relativism
Is the human rights movement a contemporary version of Western imperialism?

Required:


Recommended:


8. Wednesday, September 29: Human Rights – Philosophical Defenses

One way of supporting the idea of human rights

Required:

Immanuel Kant, *Groundwork for the Metaphysics of Morals*, 406 ("If we have so far...") – 436 (“and of every rational nature.”) (packet 2)


Recommended:

Jens Timmermann (2007), *Kant’s “Groundwork of the Metaphysics of Morals”*. A

Other ways of defending the idea of human rights

Required:


Recommended:


10. Wednesday, October 6: Negative and Positive Rights

Can only negative rights be human rights, or can positive rights be as well?

Required:


No Class on Monday, October 11 – Columbus Day

11. Wednesday, October 13: Reflecting on the Human Right not to be Tortured

Eradicating torture is a major goal of the human rights regime, but in recent years, as part of the “war on terror,” the legitimacy of torture has come in for much debate

Required:


**Very Highly Recommended:**


**Recommended:**


Darius Rejali, “Torture’s Dark Allure”
http://dir.salon.com/story/opinion/feature/2004/06/18/torture_1/index.html (posted on course page)


**More on torture**

**Required:**


Alan Dershowitz, “Tortured Reasoning”, in Levinson, pp 257-281. (packet 2)


**Very Strongly Recommended:**

[Wonderful summary of the legal and moral issues that arise about Guantanamo]

Recommended:


Editorial, “Is Torture Ever Justified?” Economist, Jan 11, 2003 (posted on course page)


Part II: Realizing Human Rights

13. Wednesday, October 20: Human Rights: Treaties and Organizations

A survey of other human rights instruments and of some of the institutions and organizations concerned with their realization

Required:

David Forsythe, Human Rights in International Relations (2nd edition), 2006, Chapters 3 and 5 (packet 2)

William Korey, NGOs and the Universal Declaration of Human Rights: A Curious Grapevine (1998), Chapters 1 and 3 (pp 29-51 and pp 77-95) (packet 2)


Human rights are supposed to be universal, but they still have to be “translated” into local law and customs

Guest Speaker: Felisa Tibbitts
Required:

Sally Engle Merry, *Human Rights and Gender Violence* (2006), Chapters 1 and 3 (packet 2)

15. Wednesday, October 27: Treaties – Do They Make a Difference?

*Countries have lots of motives to sign up for human rights treaties – does it make a difference to the extent of the realization of human rights?*

*With brief presentation by Charlie Clements*

Required:


Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (2009), Chapters 4 and 9 (pp 112-159 and pp 349-381) (packet 3)

Recommended:


Sally Engle Merry, *Human Rights and Gender Violence* (2006), Chapters 1 and 3 (packet 2; see readings for session 14)

16. Monday, November 1: American Exceptionalism

*The US plays a rather peculiar, and unique, role with regard to the realization of human rights.*

Required:


Recommended:

The remaining contributions to the Ignatieff volume (on reserve at HKS Library)

17. Wednesday, November 3: Transnational Corporations and Human Rights

Do Transnational Corporations Have to Support Human Rights? What can be Done to Make them do so?

Required:


Recommended:


18. Monday, November 8: The United Nations (taught by Loubna Freih)

The Human Rights Agenda at the United Nations:
Competing Power & Interests
The Human Rights Council: New Mechanisms and Old Challenges

Required:
http://www.foreignaffairs.com/articles/60799/kofi-annan/in-larger-freedom-decision-time-at-the-un (posted on course page)

Resolution Adopted by the General Assembly,  
http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf  (posted on course page only)


Recommended:  

Human Rights Watch report on the Human Rights Council’s 2011 Reform:  
http://www.hrw.org/en/reports/2010/06/24/curing-selectivity-syndrome-0 (posted on course page)


The Security Council, the SG & the High Commissioner for Human Rights  
Case Studies of Protection in the Field  
Redressing the Imbalance: Human Rights and MDGs

Required:


Joint special procedures report on secret detention in countering terrorism (Summary, Introduction & p. 129-end):
http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf (posted on course page only)

Nepal: http://nepal.ohchr.org/en/index.html; (posted on course page only)
(not posted on course page)

Sri Lanka:
http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/11/index.htm (click on adopted resolution); (posted on course page only)

Darfur: http://www.un.org/news/dh/sudan/com_inq_darfur.pdf (Executive Summary & p. 144-149) (posted on course page only);

MDGs and Human Rights (Documents on MDG Review Summit 2010 will be handed out before discussion).

Maternal mortality:
http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.39.pdf (p.3-14, 20-22) (posted on course page only)

Recommended:


Trip to UN on November 12

How should one deal with past violations? War crime trials are one way.

Required:

Hannah Arendt, *Eichmann in Jerusalem*, pp. 3-20, pp. 257-298 *(packet 3)*


Recommended:


21. Wednesday, November 17: Dealing with Past Violation – Truth Commissions

Truth commissions are an alternative to trials as a way of dealing the past.

Required:


Recommended:


Human rights of individuals, inviolability of states, and self-determination of peoples are ideas that shape the international political system – but any two of these can conflict.
23. Wednesday, November 24: The Israeli-Palestinian Conflict

Hardly any other current conflict preoccupies as many people around the world as the Israeli-Palestinian conflict.

Required:

Amos Oz, “Between Right and Right,” in Oz, How to Cure a Fanatic (2002) 3-35. (packet 3)


Required:
http://www.crimesofwar.org/thebook/arab-israeli-war.html (posted on course page)


**Recommended:**


25. **Wednesday, December 1: Conclusion**