

HRTS V3001x Introduction to Human Rights. Fall 2001. Tuesday, Thursday 6:10-7:25  
HRTS G4020x Introduction to Human Rights. Fall 2001. Tuesday 6:10-7:25, 7:35-8:30  
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Teaching Associate, [Danielle Celermajer](#), Ph.D. candidate, GSAS Columbia.

This course assesses the meaning and impact of human rights in principle and practice. It compares visions and norms on the one hand with realities and responses on the other.

© Sebastião Salgado — Rwandan Refugees in Kikumba Number One Camp, Zaire, 1994.

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience should act toward one another in a spirit of brotherhood.* Universal Decl. of Human Rights

Human rights have been subjects of ardent advocacy, and extensive international and national legal reforms. Those reforms have drawn on worldwide experience. They have been met with support, repudiation, and massive violations of human rights, including in conflicts overleaping peaceful bounds at great human cost, and in the essential but flawed processes of globalization. The course's main parts take up:

- Theories of Rights and Equality in a Divided West
- Human Rights Movements: From Struggle and Ideology to Law
- Universality Challenged (including American (U.S.) exceptionalism)
- Practice Within States: Identity and Human Rights
- Practice Among States: Accountability and Global Forces

Requirements: regular attendance, reading before each meeting;  
written work: up to two pages double-spaced (500 words) written comments submitted on time at discussion meetings for weeks 3, 5, 7, 9, 11; that is, 5 comments in all (50% of final grade, best 4 counted); take home final (50% of grade).

Main sources of readings available at Columbia University Bookstore (all sources not distributed should be on reserve at Barnard and Lehman Social Work libraries):

Louis Henkin, *The Age of Rights*. pb edition, 1996  
Patrick Hayden, ed., *The Philosophy of Human Rights*. 2001  
*Human Rights Watch World Report 2001*. New York: Human Rights Watch, Dec 2000  
Carrie Gustafson and Peter Juviler, eds. *Religion and Human Rights: Competing Claims?*  
Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 1998  
Michael Luis Principe, *Bills of Rights: A Comparative Constitutional Analysis*, 2000

Other readings (p) are in packet on reserve at Barnard and Columbia Social Work libraries.

### Outline

(subject to possible changes during the semester)

#### Introduction: The Course, Its Purpose, and Your Part in It

Week 1. Sept. 4, 6 (second date is for discussion section with students in V3001x)

1. **Human Rights at Barnard-Columbia and in This Course.** Its purposes, relation to other human rights courses and expectations for instructors' and students' participation.

Luba Krugman-Gurdus, "They didn't live to see..." series cover (1950). Compare with syllabus cover picture (given out at meeting). What do you see?

2. **What rights do you think important, judging from your experiences, values and aspirations? What prior experience have you with human rights activity, study?**

Universal Declaration of Human Rights (given out at meeting).

#### Part I. Theory: Theories of Rights and Equality in a Divided West

week 2. Sept. 11, 13

3. **Ancient Concepts of Humans' Rights and Duties**

Lauren, *Evolution of International Human Rights*, 1-14 (visions and realities; precursors of modern thinking).

Hayden, *Philosophy of Human Rights*, Intro, 3-4; items 1-4, 23-25 (Plato, Aristotle, Cicero, Aquinas, Confucious, Mo Tzu, The Buddha).

4. **Human Nature, Rights, and Freedom: How do the visions differ and who comes closest to being correct as regards human nature and human's capacity for rights and freedom?**

Lauren, *Evolution of International Human Rights*, 14-16.

Hayden, *Philosophy of Human Rights*, Intro, pp. 4-7; items 5, 7-8, 11; (Grotius, Locke, Rousseau, Wollstonecraft).

(p)Dostoevski, "The Grand Inquisitor" (Ivan Karamazov's dream).

week 3. September 18, 20

5. **Differences in West over Natural Rights and Revolution**

Lauren, *Evolution of International Human Rights*, 16-36 (visions in dispute, contemporary realities).

Hayden, *Philosophy of Human Rights*, items 9, 10, 13, 30, 32 (Paine, Burke, Bentham, Decl. of Independence, French Decl. of the Rights of Man and of the Citizen).

6. **The Individual, State and Law: How do Kant and Marx differ here on the individual in the political community, and who comes closest to a view supportive of individual human rights under protection of state and law?**

Hayden, *Philosophy of Human Rights*, item 12, 14 (Kant; Karl Marx on the Jewish Question).

(p)Karl Marx and Friedrich Engels, *Communist Manifesto*; Karl Marx, Preface to *A Contribution to the Critique of Political Economy*, (excerpts).

Lauren, *The Evolution of International Human Rights*, 45-57 ("to protect the exploited").

**Part II. Human rights Movements: From Struggle and Ideology to Law**

week 4. Sept. 25, 27

7. **Human Rights Struggle, Ideology and Law Up to World War Two**

Lauren, *Evolution of International Human Rights*, 36-45, 57-138 (visions and realities, international efforts).

8. **War, Holocaust, and a New Charter: What changed for human rights and why?**

Lauren, *Evolution of International Human Rights*, 139-204 (Roosevelt's four freedoms; war, peace).

(p)excerpts: Gurdus, "They didn't live to see...;" "Topography of Terror" (Berlin, 2000); Peter Finn, "The Enemy Next Door;" Ian Fisher, "At Site of Massacre, Polish Leader Asks Jews to Forgive."

week 5. Oct. 2, 4

9. **The International Law of Human Rights: What Is New About State Accountability?**

Lauren, *Evolution of International Human Rights*, 205-257, 299-303 (Universal Decl. of Human Rights and Standard Setting).

Henkin, pp. ix-x, 13-21, Ch. 2 (The Internationalization of H.R.; Int'l H.R. As Rights).

Hayden, *Philosophy of Human Rights*, section item 39 (Kymlicka, "The Good, the Bad and the Intolerable: Minority Group Rights").

10. **Unfinished Lawmaking and Enforcement--Examples: Rights of GLBT's, Internally Displaced Persons, Environmental Rights. Compare human rights issues and obstacles to overcoming them.**

Hayden, *Philosophy of Human Rights*, section 10, 11, item 53 (Donnelly and Nussbaum on gay and lesbian rights; Nickel and Weiss on human rights and the environment; Draft Declaration of Principles on Human Rights and the Environment).

*Human Rights Watch World Report 2001*, 489-499 (Lesbian and Gay Rights). (optional): [www.hrw.org/uslgbt/](http://www.hrw.org/uslgbt/) "Violence Against Gay Students in U.S. Schools and then "Testimonies"; [www.aiusa.org/outfront](http://www.aiusa.org/outfront).

Gustafson and Juviler, *Religion and Human Rights*, Ch. 4 (Rasmussen, "Human Rights and/or Biotic Rights).

**Part III. Universality Challenged**

week 6. Oct. 9, 11

11. **Individual Human Rights and Democracy: How related, how universal?**

Hayden, *Philosophy of Human Rights*, items 26-28, Section 6 (Dalai Lhama, Kwasi Wiredu, Abdullahi Ahmed An-Naim; Teson, Xiaorong Li, Charles Taylor).

Henkin, xi-xii, 157-71 (The Universality of Human Rights, Rights Here and There).

12. **Is Electoral Democracy Compatible with Human Rights Protection.** Do national Bills of Rights guarantee the "rule of law," or yield to "elected dictatorships?"

Principe, *Bills of Rights: A Comparative Constitutional Analysis*.

week 7 October 16, 18

13. **U.S. Exceptionalism: Accountability and Economic & Social Rights**

"American exceptionalism is the belief that the United States is culturally and politically different from, and usually superior to, other countries." (Jack Donnelly, *Int'l Human Rights* (1998, p. 87). *Human Rights Watch World Report 2001*, 427-42, 500-508 (Racial Discrimination and Related Intolerance; United States). Optional: www.hrw.org/prison. "male rape in U.S. prisons" (April 2001).

Henkin, *The Age of Rights*, p. x, Ch. 9 (rights in U.S.; "Rights: American and Human").

Hayden, *Philosophy of Human Rights*, 369-370 (Roosevelt's four freedoms)

14. **Intra-Western Differences over Content and Meaning of Human Rights. With whom do you agree, disagree, and why?**

Hayden, *Philosophy of Human Rights*, pp. 7-9; items 16-21 (Hart, Cranston, Feibeirg, Pogge, Nussbaum, Rorty).

Henkin, 1-10 (The Human Rights Idea).

(p) Eyal Press, "Human Rights: The Next Step," *The Nation*, December 25, 2000, 13-18.

#### **Part IV. Practice within States: Identity and Human Rights**

week 8. Oct. 23, 25

15. **Why and How Women's Human Rights Differ From Men's, and with What Implications for Other Human rights?**

Hayden, *Philosophy of Human Rights*, section 9 and item 52 (Arati Rao, "Right in the Home;" Catherine A. McKinnon, "Rape, Genocide, and Women's H.R.;" CEDAW).

*Human Rights Watch World Report 2001*, 443-61 (Women's Human Rights). Optional: 236-47, 475-48 (Children, Child Soldiers) and www.hrw/women/.

(p) Virginia Postrel, "'It was not so long ago that married women had no property rights,'" *NYTimes*, August 9, 2001.

16. **Religion. What does it mean for other human rights?**

Juviler and Gustafson, *Religion and Human Rights*, pp. 3-9. Ch. 2-3, 7, 10, 11-14 (Juviler on "Ambiguities of the Divine;" Stackhouse vs. Henkin on religious justification of human rights; Joyce on religion and societal change, Rao and Peters (India) and Mayer (Islam in Iran) on politization and context of religion; Blu Greenberg, "Feminism, Jewish Orthodoxy, and Human Rights;" Alan Segal, "Jewish Orthodoxy, Modernity, and Women's Rights").

In the week before this meeting, please see what you can find in the media related to religion and human rights.

week 9. Oct. 30, Nov. 1

17. **Genetic Revolution. 'Brave new World Revisited?'**

(p)"The Age of Genes (*U.S. News*, Nov. 4, '91); Rick Weiss, "Building a Better Baby: Embryo screening creates a tool against disease but raises ethical questions," *WPNWE*, July 9-15, 2001; Jeremy Rifkin, "The Biotech Century: Human Life and Intellectual Property," *The Nation*, April 13, 1996, 11-19; Senators James M. Jeffords and Tom Daschle, "Political Issues in the Genomic Era," *Science*, February 16, 2001, 1249-51.

18. **Cloning and Stem Cell Research: where do you draw the line?--Issues of human rights and identity**

(p)"Cloning Around," *The Economist*, March 17, 2001, 79-80; Nancy Gibbs, "Cloning: Where Do You Draw the Line," *Time*, August 13, 2001; "House Passes Ban on Human Cloning for Any Objectives," *NYTimes*, August 1, 2001; Rick Weiss, "Which Life Matters More? The complexities of the stem-cell debate pit science against ethics with no middle ground." *WPNWE*, July 22-29, 2001; "Bush's Address on Federal Financing for Research With Embryonic Stem Cells.

<http://www.unesco.org/bc/> click on UNIVERSAL DECLARATION ON THE HUMAN GENOME AND HUMAN RIGHTS

week 10. No class (election day holiday)

week 11. November 13, 15

19. **The Concept of Indigenous Peoples and Questions of Identity.**

Readings for each section are on reserve. \* indicates you should all read these. Rest are optional.

\*"Working Paper by the Chairperson-Rapporteur, Mrs. Irene A. Daes. On the concept of 'indigenous peoples,'" and the evolution of standards concerning their rights. UN ECOSOC, Sub-Commission on Prevention of Discrimination and Protection of Minorities Working Group on Indigenous Populations (1996).

\*Maivan Clech Lãm, *At the Edge of the State: Indigenous Peoples and Self-Determination*, Ch. 1: "The Situation of Indigenous Peoples Today."

S. James Anaya, *Indigenous Peoples in International Law*, Ch. 3,4: "Self-Determination: A Foundational Principle," and "Norms Elaborating the Elements of Self-Determination."

Michael Dodson, "The Wentworth Lecture; The end in the beginning: re(de)finding Aboriginality," *Australian Aboriginal Studies*, 1994, No. 1, p. 213.

20. **Indigenous rights**

\*S. James Anaya, *Indigenous Peoples in International Law*, Ch. 2, "Developments within the Modern Era of Human Rights."

\*Victoria Taull-Corpuz, "Thirty Years of Lobbying and Advocacy by Indigenous Peoples in the International Arena," *Indigenous Affairs*, no. 12 (Jan-Feb 199), pp. 4-11.

\*Mick Dodson, "Linking international standards with contemporary concerns of Aboriginal and Torres Strait Islander peoples," in S.A. Prichard, ed., *Indigenous Peoples, the United Nations and Human Rights*, Ch. 2.

James Tully, "The Struggles of Indigenous Peoples for and of Freedom," in D. Ivison, P. Patton and W. Sanders, eds., *The Political Theory and Rights of Indigenous Peoples*, Ch. 3.

Hayden, *Philosophy of Human Rights*, section item 50 (Draft Declaration on the Rights of Indigenous Peoples).

## Part V: Practice Among States: Accountability and Global Forces

week 12. Nov. 20 (no Thursday discussion meeting)

### 21. **States, Inter-State Organization for Human Rights, Sovereignty, and Accountability in the International Community**

Lauren, *Evolution of International Human Rights: Visions Seen*, 257-280.

Henkin, pp. xii-xv, 21-29, ch 4 (Int'l Criminal Justice; Humanitarian Intervention; Int'l Remedies, Institutions, Politics; H.R. and Domestic Jurisdiction).

*Human Rights Watch World Report 2001*, xx-xxiv (The UN); 5-30 (Africa); 68-75, 79-85 (Sierra Leone. Sudan); 91-99 (Americas); 165-71 (Asia), 251-68 (Europe and Central Asia); 302-306 (Kosovo); 391-99 (Israel, Occupied West Bank, Gaza).

(p)Reed Brody, "Justice: The First Casualty of Truth?" *The Nation*, April 30, 2001, 25-32 and optional, [www.hrw.org/justice](http://www.hrw.org/justice).

week 13. November 27, 29

### 22. **Transnational forces - I: Markets, Bottom Lines, and Human Rights**

What is globalization? What is its balance of costs and benefits, autonomy and accountability for its impact in national, international and transnational communities?

Human Rights Watch World Report 2001, xiv-xx, 469-75 (economic globalization and corporate responsibility; business and human rights) (optional update: [www.hrw.org](http://www.hrw.org)).

Hayden, *Philosophy of Human Rights*, 259-67 (Jacques Derrida deconstructs markets, globalization, human rights and human rights law).

### 23. **Transnational Forces - II: NGOs' Achievements and Problems**

How effective, inclusive, and morally non-dogmatic?

(p)Achievements: Kathryn Sikkink, "Transnational Politics, International Relations Theory, and Human Rights, *PS*, Vol. 21, No. 3 (September 1988), 517-521; Benjamin R. Barber, "'Globalizing Democracy," *The American Prospect* (September 11, 2000). 16-19. Human Rights Watch World Report 2001, xxix.

"Speak Truth to Power: "Interviews" at [www.speaktruthtopower.org](http://www.speaktruthtopower.org).

(p)Problems with and for NGOs: David Rieff, "The Precarious Triumph of Human Rights," and reply of the Lawyers Committee, *NYTimes Magazine*, August 8, 1999.

week 14. Dec. 4, 6

### 24. **Communications, Media, & Human Rights**

(p)"The Internet's new borders. Geographical lines and locations are increasingly being imposed on the internet. Is this good or bad?" *The Economist*, August 11, 2001.

Optional: [www.hrw.org](http://www.hrw.org) and SEARCH for "internet."

(p)"The Power of Publicity," *The Economist*, December 5, 1998, 13-15.

on journalist as war crimes and genocide investigator--

<http://www.columbia.edu/itc/journalism/nelson/rohde/>: "The Rohde to Srebrenica: "Introduction, Glossary, Stages 1-6.

### 25. **Summing Up**

Lauren, *The Evolution of International Human Rights: Visions Seen*, 281-98.