

Govt-E 1048: Human Rights and International Politics

Spring 2016

(version of November 19, 2015)

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Office Hour: Tuesday 3-4

Location: TBD

Class Days and Time: Wednesday, 5.40 – 7.30, and 7.40-9.40 pm [the class will be taught in two sections; the content of both sections is the same]

Teaching Fellow for both sections: Kerstin Haase (khaase@fas.harvard.edu)

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.

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.

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 [TBD], and are due on [TBD]. Examinations may be returned by mail or courier, but emailed or faxed submissions are not acceptable. Late examinations will not be accepted.

Reading and Assignments:

Required readings: course packet.

Part I: Interrogating the Idea of Human Rights

1. Wednesday, January 27: The Path to the Universal Declaration

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

Universal Declaration: <http://www.udhr.org/UDHR/default.htm>

Johannes Morsink, *The Universal Declaration of Human Rights*, Chapter 1 ("The Drafting Process Explained", 1999)

Paul Gordon Lauren, *The Evolution of International Human Rights*, Chapter 7 ("Proclaiming a Vision: The Universal Declaration of Human Rights", 2003)

2. Wednesday, February 3: Genocide and Crimes against Humanity

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.

Genocide Convention: <http://www1.umn.edu/humanrts/instree/x1cpcpg.htm>

Adam Jones, *Genocide: A Comprehensive Introduction* (2006), Chapter 1 ("The Origins of Genocide") and Chapter 6 ("The Jewish Holocaust")
<http://www.genocidetext.net/> (Click on "Text Excerpts" for Chapters 1 and 6)

Rome Statute of the International Criminal Court, [A/CONF. 183/9, July 17, 1998], (New York: 2002), "Preamble; Article 1-33":
<http://www.preventgenocide.org/law/icc/statute/>

3. Wednesday, February 10: 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

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

Thomas Hobbes, Sections XIII, XIV, and XVII of *Leviathan*

Niccolo Machiavelli, "Concerning Cruelty And Clemency, And Whether It Is Better To Be Loved Than Feared," Chapter XVII of *The Prince*

4. Wednesday, February 17: Objecting to Human Rights – Cultural Relativism

Is the human rights movement a contemporary version of Western imperialism?

American Anthropological Association Executive Board, 1947, "Statement on Human Rights," *American Anthropologist* 49: 539-43

Mathias Risse, "Universalism vs. Relativism," Chapter 2 of *Global Political Philosophy*, Palgrave Macmillan 2012

Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights." *Harvard International Law Journal* 42, 2001, pp 201-245

5. Wednesday, February 24: Human Rights – A Philosophical Defense

One way of supporting the idea of human rights

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

Federal Constitutional Court of Germany, Bundesverfassungsgericht Press Release No. 11/2006 (Feb. 15, 2006), "Authorization to Shoot down Aircraft in the Aviation Security Act Void," pp. 1-5.

Jens Timmermann (2007), *Kant's "Groundwork of the Metaphysics of Morals". A Commentary*, Cambridge: Cambridge University Press, pp 90-111

6. Wednesday, March 2: Human Rights, Philosophical Defenses, Cont.

Other ways of defending the idea of human rights

T.M. Scanlon, "Human Rights as a Neutral Concern," chapter 6 of Scanlon, *The Difficulty of Tolerance* (2003)

Joshua Cohen, "Minimalism About Human Rights: The Best We Can Hope for?" *Journal of Political Philosophy*, 12, 2 (2004): 190-213

7. Wednesday, March 9: 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

Henry Shue, "Torture", *Philosophy and Public Affairs* 7 (1978): pp 124-143

David Sussman, "What's Wrong with Torture?", *Philosophy and Public Affairs* 33, no. 1 (January 2005)

John Conroy, *Unspeakable Acts, Ordinary People: the Dynamics of Torture* (2000), chapter 8 ("Torturers")

Part II: Realizing Human Rights

8. Wednesday, March 23: Human Rights: Treaties and Organizations

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

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

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)

9. Wednesday, March 30: 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?

Thomas Risse and Kathryn Sikkink, “The Socialization of International Human Rights Norms into Domestic Practices,” introduction to Risse, Stephen Kopp, and Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (1999)

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

10. Wednesday, April 6: American Exceptionalism

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

Jeremy Rabkin, “American Independence and the Opinions of Mankind,” Chapter 9 of *Law Without Nations* (2005)

Ignatieff, Michael, “Introduction: American Exceptionalism and Human Rights,” in Ignatieff (ed.), *American Exceptionalism and Human Rights* (2005)

Harold Hongju Koh, “America’s Jekyll-and-Hyde Exceptionalism”, in Ignatieff, *American Exceptionalism and Human Rights* (2005)

11. Wednesday, April 13: Dealing with Past Violations – War Crime Tribunals vs. Truth Commissions

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

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

Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (1998), chapter 3 (“Trials”)

Todd Landman, “The Social Science of Truth Commissions,” Chapter 7 of Landman, *Studying Human Rights* (2006)

12. Wednesday, April 20: Human Rights, Statehood, Self-Determination

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.

Fernando Teson, “The Liberal Case for Humanitarian Intervention,” chapter 3 in J. L. Holzgrefe and Robert Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (2003)

David Luban, “Just War and Human Rights,” *Philosophy and Public Affairs* (1980)

Michael Walzer, *Just and Unjust Wars* (1977), chapter 6 (“Interventions”)

13. Wednesday, April 27: The Israeli-Palestinian Conflict

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

Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997): Chapter 2: “Contrasting Narratives of Palestinian Identity,” pp. 9-33.

14. Wednesday, May 4: The Israeli-Palestinian Conflict, Cont.

Benny Morris, “Arab-Israeli War,” in Roy Gutman and David Rieff, *Crimes of War: What the Public Should Know* (1999), pp 28-38
<http://www.crimesofwar.org/thebook/arab-israeli-war.html>

David S. Wyman, *The Abandonment of the Jews: America and the Holocaust 1941-1945* (New York: Pantheon, 1984), pp. 311-40.