

The Politics of Human Rights

POSC 6651

Marquette University

Fall 2017
W 5:00pm-7:40pm
Wehr Physics 418

Professor Mark S. Berlin
mark.berlin@marquette.edu
Office: Wehr Physics 415
Office phone: 414 288-6841
Office hours: M 3:30pm-6:30pm

Course description

The protection of human rights has become a central issue in global politics. This seminar introduces graduate students in political science and international affairs to what we know and don't know about the practice and politics of the protection of human rights. We begin by examining the history of "human rights," that is, where our modern notions of human rights come from and how this historical trajectory shapes the politics of human rights today. We then explore the nature of the problem that human rights seeks to address, that is, what causes human rights violations in the first place? From there, we turn to the overarching question motivating this course: what are human rights good for? In other words, what is good or bad about the various ways we seek to promote and protect human rights around the world today? We will explore the different features of the global human rights system and the various institutions and actors who seek to make it work. All the while, we will also scrutinize the political, cultural, and gendered assumptions that shape our understandings and evaluations of human rights. Ultimately, students will gain a sophisticated understanding of the promises and limits of human rights in global politics today.

Required texts

There are three required books for this course. All other readings can be found online or will be uploaded to D2L.

- Beth Simmons, *Mobilizing for Human Rights*. Cambridge University Press, 2009. (ISBN: 9780521712323)
- Judith Kelley, *Scorecard Diplomacy*. Cambridge University Press, 2017. (ISBN: 9781316649138)
- Boaventura de Sousa Santos, *If God Were a Human Rights Activist*. Stanford University Press, 2014. (ISBN: 9780804795005)

Grading scale

| | | |
|----|----------|------|
| A | 93+ | 4.0 |
| A- | 90-92.9 | 3.67 |
| B+ | 87-89.9 | 3.33 |
| B | 83-86.9 | 3.0 |
| B- | 80-82.9 | 2.67 |
| C+ | 77-79.9 | 2.33 |
| C | 73-76.9 | 2.0 |
| F | below 73 | 0.0 |

Course Requirements

| | |
|----------------|-----|
| Participation | 25% |
| Analytic memos | 25% |
| Final paper | 50% |

Participation (25%)

This course is a graduate seminar, not a lecture. Class periods are primarily discussion-based. You are expected to come to class not only having done the readings but also having scrutinized and reflected on them. That means thinking through each article's arguments and research strategies as well as how the readings speak to one another. Be prepared to ask questions about, discuss, criticize, and debate the readings and their implications for the questions motivating this course and current developments in global politics. You will be graded on the quality of your contributions to class discussions.

Analytic memos and presentations (25%)

You are responsible for turning in three analytic memos over the course of the semester. Memos should be double-spaced and no longer than 1200 words. You will email your memos to the rest of the class no later than 24 hours before the start of class. Analytic memos are, like the name suggests, analyses of the readings, not summaries. Only summarize the readings as much as you need to in order to make your points about them. Most of the 1200 words should be analysis, not summary.

For each class, those who are writing memos will be responsible for briefly summarizing the readings and posing a few questions to frame our class discussion (5-10 minutes per student). You will not be presenting the substance of your memos in these introductory summaries, since you will have the opportunity to make your analytic points as the discussion goes on. Students who will be presenting are advised to coordinate with each other ahead of time on how introductory summaries will be distributed.

Final paper (50%) - DUE DECEMBER 19 at 9am

For your final assignment you will write a policy memo detailing a strategy to address one particular type of human rights violation in one particular country. Your memo should have two parts:

1. The first part should outline the nature of the problem, including relevant background, current political context, and the dynamics of ongoing violations.
2. The second part should detail your proposal for addressing the problem. Your proposal should also include an assessment of alternative strategies and counter-arguments to your strategy. You should conclude with a realistic assessment of the possibilities and limits of your strategy.

Your proposal should consider not just what you know about different ways to address to human rights violations but also the specific politics of your case. You must draw on course material in justifying your strategy, but you should also conduct research to uncover additional knowledge that is relevant to your strategy. You will also need to conduct additional research into your case.

Your paper should be 10-15 pages, double spaced, Times New Roman font with 1" margins all around. Include page numbers and a cover page. (The cover page does not count towards to page requirements.) Your paper should be free of grammatical, mechanical, and word usage errors. Avoid the use of passive voice and long sentence constructions. Omit unnecessary words. Pay particular attention to clarity and word choice. Clear, concise, and precise language is more persuasive than vague, bloated, and clumsy language. Look words up in the dictionary to make sure they mean what you think they mean. Use the *Chicago Manual of Style* citation system with author-date parenthetical citations. Failure to follow any of these requirements will result in a loss of points.

Learning to write well is a life-long project. The following books provide excellent guidelines for crafting clear and effective prose that will remain useful throughout your careers:

- *Elements of Style* by William Strunk, Jr.
(Available for free at <https://faculty.washington.edu/heagerty/Courses/b572/public/StrunkWhite.pdf>)
- *On Writing Well* by William Zinsser
(Available for free at <https://archive.org/details/OnWritingWell>)

Other course policies

Disabilities and accessibility: If you have any disabilities that require special accommodations, please bring them to my attention as early as possible in the semester so that we may determine what remedies are available.

Academic integrity: Academic dishonesty, including plagiarism, cheating, or fraud, will not be tolerated whatsoever on any assignment. Any and all cases of academic misconduct will be reported immediately to the administration. I operate on the assumption that you know what constitutes an act of plagiarism. If you are ever unsure whether your writing would constitute plagiarism, you should contact me to clarify. The University's definitions of and policies on academic misconduct can be found here: <http://bulletin.marquette.edu/undergrad/academicregulations/#academicintegrity>

Academic work and mental health

As a student, you may experience a range of challenges that can interfere with learning, such as strained relationships, increased anxiety, substance use, difficulty concentrating and/or lack of motivation, trauma, eating disorders, or bullying. These mental health challenges or stressful events may diminish your academic performance and/or reduce your ability to complete your work. Confidential services are available at the Marquette Counseling Center 24 hours a day, and treatment does work. You can learn more about confidential mental health services available on campus at <http://www.marquette.edu/counseling/>. Getting help is a smart and courageous thing to do – for yourself and for those who care about you.

If someone you know needs support, is distressed, or exhibits concerning behavior, help them by reaching out and offering to help them identify relevant services or accompany them to the counseling center.

Schedule

August 30: Course introduction

- *Universal Declaration of Human Rights*, UNGA Res. 217 (1948)

September 6: Where do “human rights” come from?

- Burns H. Weston, “Human Rights,” *Encyclopædia Britannica*.
- Samuel Moyn, “Human Rights in History,” *The Nation* (August 11, 2010).
- Makau Wa Mutua, “The Ideology of Human Rights,” *Virginia Journal of International Law* (vol. 36, 1996).
- Michael A. Elliott, “The Institutionalization of Human Rights and Its Discontents: A World Cultural Perspective,” *Cultural Sociology* (vol. 8, no. 4, 2014).
- Lynn Hunt, “Torrents of Emotion,” chapter 1 in *Inventing Human Rights* (W. W. Norton and Co., 2007).

September 13: What causes human rights violations?

- Christian Davenport, “State Repression and Political Order,” *Annual Review of Political Science* (vol. 10, 2007).
- Rachel Wahl, “Justice, Context, and Violence: Law Enforcement Officers on Why They Torture,” *Law and Society Review* (vol. 48, no. 4, 2014)
- Brent J. Steele, “Organizational Processes and Ontological (In)security: Torture, the CIA and the United States,” *Cooperation and Conflict* (vol. 52, no. 1, 2017).
- Ervin Staub, “The Roots of Evil: Social Conditions, Culture, Personality, and Basic Human Needs,” *Personality and Social Psychology Review* (vol. 3, no. 3, 1999).
- Roberto Stefan Foa and Yascha Mounk, “The Democratic Disconnect,” *Journal of Democracy* (vol. 27, no. 3, 2016).

September 20: What is international human rights law good for?

- Beth Simmons, *Mobilizing for Human Rights* (Cambridge University Press, 2007).
- Eric Posner, "The Case against Human Rights," *The Guardian* (December 4, 2014).

September 27: What is human rights activism good for?

- Margaret E. Keck and Kathryn Sikkink, "Transnational Advocacy Networks in International and Regional Politics," *International Social Science Journal* (vol. 51, no., 159, 1999).
- Jessica Montell, "Learning From What Works: Strategic Analysis of the Achievements of the Israel-Palestine Human Rights Community," *Human Rights Quarterly* (vol. 38, no. 4, 2016).
- Katrin Kinzelbach, "Resisting the Power of Human Rights: The People's Republic of China," chapter 9 in *The Persistent Power of Human Rights: From Commitment to Compliance*, eds. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge University Press, 2013).
- Fernando G. Nuñez-Mietz and Lucrecia García Iommi, "Can Transnational Norm Advocacy Undermine Internalization? Explaining Immunization Against LGBT Rights in Uganda," *International Studies Quarterly* (vol. 61, no. 1, 2017).

October 4: What is human rights monitoring good for?

- Jasper Krommendijk, "The (In)effectiveness of UN Human Rights Treaty Body Recommendations," *Netherlands Quarterly of Human Rights* (vol. 33, no. 2, 2014).
- Karolina M. Milewicz and Robert E. Goodin, "Deliberative Capacity Building through International Organizations: The Case of the Universal Periodic Review of Human Rights," *British Journal of Political Science* (Forthcoming)
- Rochelle Terman and Erik Voeten, "The Relational Politics of Shame: Evidence from the Universal Periodic Review," *Review of International Organizations*. (Forthcoming).
- Sally Engle Merry, "Gender Justice and CEDAW: The Convention on the Elimination of All Forms of Discrimination Against Women," *Hawwa: Journal of Women of the Middle East and the Islamic World* (vol. 9, no. 1, 2007).

October 11: What is "scorecard diplomacy" good for? The case of human trafficking

- Judith Kelley, *Scorecard Diplomacy* (Cambridge University Press, 2017).

October 18: What is transitional justice good for?

- Kathryn Sikkink and Hun Joon Kim, "The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations," *Annual Review of Law and Social Science* (vol. 9, 2013).
- Onur Bakiner, "Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society," *The International Journal of Transitional Justice* (vol. 8, no. 1, 2013).
- Bronwyn Anne Leebaw, "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* (vol. 30, no. 1, 2008).
- Jamie Rebecca Rowen "'We Don't Believe in Transitional Justice': Peace and the Politics of Legal Ideas in Colombia," *Law and Social Inquiry* (vol. 42, no. 3, 2017).

October 25: What is international criminal justice good for?

- Marko Milanovic, "Courting Failure: When are International Criminal Courts Likely to Be Believed by Local Audiences?" in *The Oxford Handbook of International Criminal Law*, eds. Kevin Jon Heller et al. (Oxford University Press, 2017).
- Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* (vol. 28, no. 3, 2004).
- Alana Tiemessen, "The International Criminal Court and the Lawfare of Judicial Intervention," *International Relations* (vol. 30, no. 4, 2016).
- Courtney Hillebrecht and Scott Straus, "Who Pursues the Perpetrators? State Cooperation with the ICC," *Human Rights Quarterly* (vol. 39, no. 1, 2017).

November 1: Can human rights violations be prevented?

- Scott Straus, Chapters 6-8 in *Fundamentals of Atrocity Prevention* (United States Holocaust Memorial Museum, 2016)
- Alan J. Kuperman, "Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure," *Foreign Affairs* (vol. 94, no. 2, 2015).
- Derek Chollet and Ben Fishman, "Who Lost Libya? Obama's Intervention in Retrospect," *Foreign Affairs* (vol. 94, no. 3, 2015)
- Geoff Dancy and Florencia Montal, "From Law *versus* Politics to Law *in* Politics: A Pragmatist Assessment of the ICC's Impact," *American University International Law Review* (vol. 32, no. 3, 2017).
- Roland Paris, "The 'Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention," *International Peacekeeping* (vol. 21, no. 5, 2014).
- Lori Michau, Jessica Horn, Amy Bank, Mallika Dutt, and Cathy Zimmerman, "Prevention of Violence against Women and Girls: Lessons from Practice," *The Lancet* (vol. 386, no. 9978, 2015).

November 8: What are economic and social rights good for?

- David Landau, "The Reality of Social Rights Enforcement," *Harvard International Law Journal* (vol. 53, no. 1, 2012).
- Madeline Baer, "From Water Wars to Water Rights: Implementing the Human Right to Water in Bolivia," *Journal of Human Rights* (vol. 14, no. 3, 2015).
- Shareen Hertel, "Hungry for Justice: Social Mobilization on the Right to Food in India," *Development and Change* (vol. 46, no. 1, 2014).
- Amy Kapczynski and Jonathan M. Berger, "The Story of the TAC case: The Potential and Limits of Socio-Economic Rights Litigation in South Africa," chapter 2 in *Human Rights Advocacy Stories*, eds. Deena R. Hurwitz, Margaret L. Satterthwaite (Foundation Press, 2009)

November 15: What are regional human rights systems good for?

- Darren Hawkins and Wade Jacoby, "Partial Compliance: A Comparison of the European and Inter-American Courts of Human Rights," *Journal of International Law and International Relations* (vol. 6, no. 1, 2010).
- Courtney Hillebrecht, "The Domestic Mechanisms of Compliance with International Human Rights Law: Case Studies from the Inter-American Human Rights System," *Human Rights Quarterly* (vol. 34, no. 4, 2012)
- Laurence R. Helfer and Erik Voeten, "International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe," *International Organization* (vol. 68, no. 1, 2014).
- Catherine Renshaw, "Global or Regional? Realizing Women's Rights in Southeast Asia," *Human Rights Quarterly* (vol. 39, no. 3, 2017).

November 22: NO CLASS

THANKSGIVING BREAK!!

November 29: How should we think about the Human Rights Regime?

- Geoff Dancy and Christopher J. Fariss, "Rescuing Human Rights Law From International Legalism and its Critics," *Human Rights Quarterly* (vol. 39, no. 1, 2017).
- Gráinne de Burca, "Human Rights Experimentalism," *American Journal of International Law* (Forthcoming)
- Boaventura de Sousa Santos, *If God Were a Human Rights Activist* (Stanford University Press, 2014).

December 6: Where are "human rights" going?

- Philip Alston, "The Populist Challenge to Human Rights," *Journal of Human Rights Practice* (vol. 9 no. 1, 2017).
- Jacob Mchangama and Guglielmo Verdirame, "The Danger of Human Rights Proliferation," *Foreign Affairs* (July 24, 2013)