

Protecting Human Rights

BA Course

Winter semester 2014/2015

16 October 2014 – 12 February 2015

Thursday, 4-6pm

Seminarpavillon Westend – SP 0.01

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This course examines the protection of human rights, with a focus on international/transnational efforts to protect human rights. We study a diversity of actors including states and international organizations, as well as non-state actors such as non-governmental organizations, transnational activist coalitions, local human rights groups, corporations and rebel groups. While the focus is on political and civil rights, especially rights relating to physical integrity such as the ban on torture, we also look at economic, social, and cultural rights. In analyzing efforts to diffuse human rights and promote compliance, we draw on insights from International Relations, international law, political theory, and sociology.

Requirements

1. The course language is English.
2. Attendance: You can miss no more than two classes, and only with a valid reason.
3. Read the texts before class.
4. Contribute to debates during classes.
5. Bring a hard copy of the texts to class (a reader is available for purchase), or have the texts (which can be downloaded from OLAT) on your computer.
6. Participate in the role-play on 12 February 2015.
7. Those who only wish to receive confirmation of participation have to give a presentation on one of the course topics (and distribute the handout of the presentation, as noted below). Fill in the form (make sure you have the right form, as the format changed in 2014) and give it to Sara Dezalay and Cornelius Friesendorf. We will sign the forms if all of the above-mentioned requirements have been met after the last class in February 2015. You may also hand in the form at Frau Beate Stein's office (Office 1.12, Clusterbuilding Campus Westend).
8. To receive more credit points ("Leistungsschein"), give a presentation on one of the topics of the course and write an essay (see the information below). Fill in the relevant form and hand it in together with your essay.

The presentation

- ❖ Choice of topic: select one of the questions suggested for each session. You may also formulate your own research question; in this case first discuss it with us. The choice of topic must be made in Weeks 1-3. Presentations can be made individually or as part of a small group.
- ❖ Length: no more than 20 minutes, to leave time for discussion. Presenters are invited to moderate the discussion.
- ❖ Prepare a handout of around two pages and upload the presentation on OLAT no later than a week before your presentation.
- ❖ Produce copies of your handout and distribute them in class.
- ❖ The handout/presentation should include three parts:
 - Analysis/criticism of the texts to be read for class (*brief* summary, gaps, contradictions, divergent opinions). You must also search and refer to additional material relevant to your chosen topic (most of which you find in the library, including through electronic data bases – searching the Internet is not sufficient). *Avoid lengthy summaries of the texts and aim at problem-oriented analysis instead of description;*
 - Statements/hypotheses related to the question under discussion, to introduce the debate in class;
 - A reference list (that includes not only the core readings).

The Essay

- ❖ Select a topic (it can be the topic of your course presentation) and formulate a research question.
- ❖ Write an outline of 2-3 pages (formatted as explained below) that includes: topic, literature/theory, research question, hypothesis, methodology, sources, a tentative structure, key references, and an abstract of around 250 words. It helps to consult reference books on research methodology, for instance:
 - Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005).
 - Donatella Della Porta and Michael Keating (eds.), *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective* (Cambridge: Cambridge University Press, 2008).
 - Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca NY: Cornell University Press, 1997).
- ❖ Once you have prepared a first draft, think it over, get feedback from peers, and revise it. It takes many drafts to organize your ideas and to produce a high-quality outline!
- ❖ Submit two hard copies of your outline to SD/CF by **29 January 2015**.
- ❖ Set up an appointment with SD/CF to discuss your outline, and take into account the comments you receive when writing your essay.
- ❖ Have the essay language-edited by another person; flawed language will lead to a lower grade.
- ❖ **Deadline: 13 April 2015.** After this date, essays are no longer accepted.
- ❖ Hand in two hard copies of your essay (email attachments will not be accepted) at Frau Stein's office, put them in the letterbox of SD/CF, or send them by post.
- ❖ Format
 - Length: 15 pages (no less than 12, no more than 17), including abstract, footnotes, title page, and bibliography. Essays shorter or longer than this will not be accepted.
 - Font: Times New Roman; font size 12; 1.5 space; leave sufficient margins.
 - Page numbering.
 - Title page with name, number of words, email address and abstract.
 - Use footnotes *or* references in the main text, but no endnotes.
- ❖ *Introduction*
 - Present the topic and engage the interest of the reader.
 - Formulate a question that is of scientific and/or political salience (ideally a puzzle).
 - The aim is to explain, not to describe.
 - Why is it important to reflect on this question?
 - Formulate a hypothesis (a preliminary answer to your question).
 - Method: How are you going to answer the question (cases, case selection criteria, indicators, sources)?
 - Define important terms.
 - Clarify your assumptions.
 - Explain how you have structured your paper.

- ❖ *Overview of the literature (may be part of the introduction)*
 - What empirical and theoretical literature is pertinent to your topic?
 - Is there a scientific and/or political debate on the topic?
 - How does your essay speak to this debate?
 - Which theories are most suitable for answering your initial question?
 - From the theory, derive a hypothesis.

Main part

- Present your line of argument in different sections.
- The titles of the sections should encapsulate the content.
- Integrate empirics, theoretical debates, and your hypothesis.

- ❖ *Conclusion*

- Summarize the results of your inquiry.
- Do the results confirm or contradict your initial hypothesis?
- Here you may also outline ideas for further research.

- ❖ *Footnotes*

- Use explanatory footnotes sparingly. Important information should be included in the main text, and information that is not important can be omitted. Footnotes generally should only reference sources (if you have opted for footnotes).
- In the footnote, list the author's name, the date of publication, and the relevant page number.
- The complete reference should be listed in the bibliography.
- The bibliographic details must be complete, i.e. include
 - Name and first name of the author, title of the text, place of publication, and date of publication.
 - For book chapters: Name of the editor, chapter pages.
 - For journal articles: Name of the journal, volume and issue number, page numbers.

- ❖ Reference list/bibliography

Further important points

- ❖ Beware of plagiarism! All sources must be cited.
- ❖ The Internet merely complements research in the library – it is not a substitute. ‘Google bibliographies’ will significantly lower the grade.
- ❖ Correct grammar, spelling, and punctuation are crucial to enable the reader to follow your line of thought.
- ❖ Always keep in mind that you are writing for the reader, not for yourself. Use simple prose. You may want to try and entertain the reader, but avoid polemics. Tell the reader how you proceed. Make the reader happy.

Readings

The syllabus and the texts are available online at: <https://olat.server.uni-frankfurt.de>. In addition, you can purchase a reader that contains all the essential readings (at Copy Burg Fürstenbergerstraße 168, 60323 Frankfurt am Main). In case of technical or administrative issues, do not hesitate to email Miranda Loli (mirandaloli@stud.unifrankfurt.de) or Sara Dezalay/Cornelius Friesendorf.

Schedule

Week 1: 16 October

Introduction, course overview, requirements

Week 2: 23 October

The History of Human Rights

1. How has liberalism influenced the evolution of human rights?
 2. Have democracies better protected human rights than autocracies during the Cold War?
- ❖ Andrew Clapham, *Human Rights, A Very Short Introduction* (Oxford: Oxford University Press, 2007), chapter 2.

Week 3: 30 October

Human Rights and International Relations

1. Which theory can best explain the evolution and implementation of human rights?
 2. Do both power and norms explain the rise of human rights?
- ❖ Neil J. Mitchell and Bronia Naomi Flett: Human Rights Research and Theory, in: Anja Mihr and Mark Gibney (eds.), *The SAGE Handbook of Human Rights*, Volume 1 (Los Angeles: SAGE, 2014), pp. 3-21.
 - ❖ Wolfgang Wagner: International Relations Theories and Human Rights, in: Anja Mihr and Mark Gibney (eds.): *The SAGE Handbook of Human Rights*, Volume 1 (Los Angeles: SAGE, 2014), pp. 105-122.

Week 4: 6 November

Debating the Universality of Human Rights

1. Can/should human rights operate divorced from any local context?
 2. “It’s no wonder that challenges to female circumcision have generated so much controversy in states where it is practiced. Could the line-up be worse from the perspective of getting things done? It’s West vs. the rest, the uneducated and backward rest. It’s whites vs. non-whites. It’s science vs. culture.” Comment. If you agree, how would you attempt to change the framing of the debate?
- ❖ Christian Tomuschat, *Human Rights: Between Idealism and Realism* (2d ed., Oxford: Oxford University Press, 2008), Chapter 4.
 - ❖ Jack Donnelly, “The Relative Universality of Human Rights”, *Human Rights Quarterly*, Volume 29, Number 2, May 2007, pp. 281-306.

- ❖ **Read the following online:** Universal Declaration of Human Rights

Week 5: 13 November

The Global System of Human Rights Protection: The United Nations

1. “The United Nations is a product of its times”. Discuss
 2. How can United Nations human rights bodies have an impact on states’ practices?
- ❖ Andrew Clapham, *Human Rights, A Very Short Introduction* (Oxford: Oxford University Press, 2007), Chapter 3.
 - ❖ Rhona K. M. Smith, *Textbook on International Human Rights* (Oxford: Oxford University Press, 2014), chapter 4.
 - ❖ **Read the following online:** International Covenant on Civil and Political Rights (including its Optional Protocols), International Covenant on Social, Economic and Cultural Rights.

Week 6: 20 November

Regional Systems of Human Rights Protection: Europe, Latin America, and Africa Compared

1. Should regional organizations provide an opening for cultural relativism, that is, for regionally specific norms that should be respected rather than superseded by the universal system?
 2. Some of the largest European countries have never lodged an interstate complaint against another European government. Does this imply that this procedure is only likely to be invoked by small countries with limited political clout? If so, would that indicate a fundamental weakness of the system?
- ❖ David P. Forsythe, *Human Rights in International Relations* (3d ed., Cambridge: Cambridge University Press, 2012), Chapter 5.
 - ❖ **Read at least one of the following online:** European Convention for the Protection of Human Rights and Fundamental Freedoms, American Convention on Human Rights, African Charter on Human and Peoples’ Rights.

Week 7: 27 November

Implementing Human Rights: From Commitment to Compliance

1. Are human rights all talk and no action?
 2. Are non-state actors the primary drivers of human rights?
- ❖ Thomas Risse and Stephen C. Ropp, “Introduction and Overview”, In Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp. 3-25.
 - ❖ Thomas Risse and Kathryn Sikkink, “Conclusions”, In Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp.

275-295.

Week 8: 4 December

Torture

1. Has the 'war on terror' done irreversible damage to human rights?
 2. What are the limitations of the spiral model?
- ❖ Andrew Clapham, Human Rights, *A Very Short Introduction* (Oxford: Oxford University Press, 2007), Chapter 4.
 - ❖ Kathryn A. Sikkink, "The United States and Torture: Does the Spiral Model Work?", In Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp. 145-163.

Week 9: 11 December

Economic, Social, and Cultural Rights

1. Why is it difficult to enforce economic, social, and cultural rights?
 2. Does a broad reading of human rights do more harm than good to human rights?
- ❖ Andrew Clapham, Human Rights, *A Very Short Introduction* (Oxford: Oxford University Press, 2007), Chapter 7.

Week 10: 18 December

Human Rights and Humanitarian Intervention

1. Based on the experience of *Médecins sans frontières*, discuss the origins, morality, politics and law of a "humanitarian duty". How has this evolved over time? Question the role of NGOs in humanitarian crises, their relationship to human rights and conflict, and their prospects for improved performance in the field.
 2. How does the question of civil war raise human rights concerns? Collect at least five opinion pieces (op-eds, editorials, commentary in magazines such as *The New York Review of Books*) discussing reactions to civil wars (pick opinions on the same situations or different situations; current or past): how are the situations defined? Explain the arguments made in favor or against intervention.
- ❖ Fabrice Weissman, "Silence Heals... From the Cold War to the War on Terror, MSF Speaks Out: A Brief History", in Claire Magone, Michaël Neuman and Fabrice Weissman (eds.), *Humanitarian Negotiations Revealed: The MSF Experience* (C. Hurst & Co Publishers Ltd, 2011), pp. 177-197.
 - ❖ Linda Polman, *The Crisis Caravan: What's Wrong With Humanitarian Aid?*, (New York Metropolitan Books 2010), pp. 157-179.

Week 11: 15 January

Human Rights, Crimes and Justice after War

1. Can foreign prosecutions and international tribunals be an alternative to military interventions?
 2. In October 2014, the International Criminal Court in The Hague is set to hold hearings in which Kenyan President Uhuru Kenyatta will be the first sitting head of state to come before it. Research the factual background to this case (make an annotated list of the most relevant sources): how do human rights violations justify the accountability of a head of state? What are the implications in terms of a “peace versus justice trade-off”?
- ❖ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*, (N.Y.: W.W. Norton, 2011), Ch. 4 & 8.
 - ❖ **Documentary**: A. Aghion, “My Neighbor, My Killer”, 2009.

Week 12: 22 January

Human Rights and Corporations

1. Can corporate norm-entrepreneurship be effective, beyond reputational risk management?
 2. Select one case of corporate human rights violations (e.g. related to economic & social rights or political & civil rights) and research its background: taking into account the different stakeholders, discuss avenues available to influence corporate behavior.
- ❖ Nicole Deitelhoff and Klaus Dieter Wolf, “Business and Human Rights: How Corporate Norm Violators Become Norm Entrepreneurs”, in Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp. 222-238.
 - ❖ **Documentary**: Bananas! Fredrik Gertten, 2009

Week 13: 29 January

Human Rights and Rebel Groups

1. Is the commitment to human rights by rebel groups merely rhetorical?
 2. Do groups fighting asymmetrically face a dilemma between respect for human rights and military success?
- ❖ Hyeran Jo and Katherine Bryant: Taming of the Warlords: Commitment and Compliance by Armed Opposition Groups in Civil Wars, in Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.): *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013), pp. 239-258.

- ❖ **Search for specific cases in this database:** <http://theirwords.org/pages/geneva-call>

Week 14: 5 February

Migration and Human Rights

1. To what extent should the protection of migrants be allowed to curtail governmental discretion on migration policy?
 2. Does the fight against human trafficking reflect political biases and organizational interests more than the interests of trafficked persons?
- ❖ Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights*, (Routledge, 2013), Ch. 14.
 - ❖ Richard Danziger, Jonathan Martens, and Mariela Guajardo, “Human Trafficking and Migration Management”, in Cornelius Friesendorf (ed.), *Strategies Against Human Trafficking: The Role of the Security Sector* (Vienna: National Defence Academy and Austrian Ministry of Defence and Sport, 2009), pp. 261-298.
 - ❖ **Guest speaker**

Week 15: 12 February

Role Play and Course Critique