

**Prof. Andrew Moravcsik**  
**Harvard University**  
**Spring 2002**  
**Wednesdays 2:15 – 4:00 PM**

**Government 90cl**

**HUMAN RIGHTS AND WORLD POLITICS**

This course analyzes international human rights—their philosophical basis, their emergence and legal recognition in the post-World War II world, and their enforcement by unilateral, multilateral, domestic and non-governmental means. We read works by political scientists, policy analysts and legal academics—including a leading international human rights law casebook. The course is designed to assist students in writing a major research paper on the world politics of human rights. The specific questions we shall examine include: What valid basis is there for the assertion of universal rights? Which rights can be so justified and which cannot? Why have governments accepted formal obligations and established international mechanisms to monitor and enforce those obligations, even at considerable sacrifice of domestic sovereignty? In what way have rights been translated into major international legal obligations under the United Nations, regional human rights conventions, and various treaties? Which governments resist this trend and why? What is the relative importance of interstate coercion (intervention, sanctions, financial inducement), institutional design (the nature of international judges and officials, the form of international tribunals and standards), domestic political commitment (the interests of national governments and their constituencies, the role of domestic courts) and idealistic persuasion (the power of NGOs, public opinion, transnational diffusion, and analogical reasoning)? Under what circumstances are international tribunals, military intervention, sanctions, truth commissions, domestic litigation, idealistic persuasion, or public shaming effective means to enforce human rights? What has been the role of groups in civil society—NGOs, political parties, lawyers and judges—in promoting observance of human rights?

The reading load totals approximately 150-225 pp. per week. Assigned work will include five individual or group research assignments, and one individual final research paper on an appropriate topic to be determined in consultation with the professor. The five individual/group assignments will be due at 5 p.m. the Monday before class on Weeks 2, 6, 9, 10, and 11. Each will also involve an oral class presentation. The purpose of the final research paper is to employ detailed primary research to illuminate an enduring issue in international human rights. A two-page prospectus for this paper will be due to the professor on 26 November. A copy must be circulated electronically to all class members by 5 p.m. on the Monday preceding the penultimate discussion session in Week 12, where they will be discussed. The paper itself will be due at 5 p.m. on the last day of reading period. 50% of the final grade will be based on reading, class participation, and group assignments—each is required to receive a passing grade in the course. The remaining 50% of the final grade will be based on the final research paper. Late papers and any papers (or other communications) that arrive with a virus will trigger an automatic penalty to the final grade.

**NB:** Some class sessions may be rescheduled.

## Course Materials

Nearly all the materials for this course will be on reserve at Hilles and Lamont Reserve Desks. Some materials for this course (including a journal articles for which hard copies will also be at Hilles and Lamont) are available only from either on-line bibliographical sites or electronic distribution in Word or pdf files. I have not asked Lamont and Hilles to stock materials available on-line. Before the class begins students should therefore make sure that they are familiar with ProQuest, Project Muse, J-STOR, LEXIS-NEXIS, and other basic on-line sources available through Harvard, and that they have the computer capability to download and read (and/or print out) Word and PDF files. Also they should be able to send attachments, since all assignments, including the final paper, should be submitted by e-mail. Finally, since students will be sharing a lot of files, please make sure you have anti-virus software and keep it updated during the course.

## Texts

The nine books below are required for the course. They have been submitted to UC Books for internet purchase. Students can access UC Books at <http://www.fas.harvard.edu/~ucbooks/>.

Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families: Stories from Rwanda* (New York: Picador, 1998).

Patrick Hayden, ed. *The Philosophy of Human Rights* (St. Paul: Paragon House, 2001).

Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* 2<sup>nd</sup> edition, (Oxford: Oxford University Press, 2000).

Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

Thomas Risse, Stephen Ropp, Kathryn Sikkink, eds. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000).

Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998).

Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon Press, 1999).

Alton Frye, ed., *Toward an International Criminal Court?* (New York: Council on Foreign Relations, 1999).

## **WEEK 1 (SEPT 19) – THE EYE OF THE BEHOLDER**

+ Philip Gourevitch, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families: Stories from Rwanda* (New York: Picador, 1998), entire.

## **WEEK 2 (SEPT 26) – PHILOSOPHICAL FOUNDATIONS: WHAT ARE HUMAN RIGHTS AND HOW DO WE JUSTIFY THEM?**

+ Patrick Hayden, *The Philosophy of Human Rights* (St. Paul: Paragon House, 2001), pp. 48-53 (Grotius), 71-79 (Locke), 118-125 (Bentham), 137-146 (Mill), 163-268 (Cranston, Feinberg, Pogge, Nussbaum, and Rorty).

Michael Perry, *The Idea of Human Rights: Four Inquiries* (New York: Oxford, 1998), (Section of chapter entitled “Are Human Rights Ineliminably Religious?”), pp. 35-41.

## **WEEK 3 (OCT 3) – HISTORICAL ORIGINS: RELIGIOUS LIBERTY, SLAVERY, NON-COMBATANT IMMUNITY, AND MINORITY RIGHTS**

+ Paul Gordon Lauren, *Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998), pp. 1-71.

Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Ithaca: Cornell University Press, 1999), pp. 73-90.

+ Keck and Sikkink, *Activists without Borders*, pp. 39-78.

+ Steiner and Alston, *International Human Rights in Context*, 2<sup>nd</sup> ed., pp. 59-81, 93-112.

## **WEEK 4 (OCT 10) – CONSTRUCTING UNIVERSAL HUMAN RIGHTS: THE UNIVERSAL DECLARATION AND THE COVENANTS**

§ The Universal Declaration of Human Rights (1948), International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights (1966/76) in Steiner and Alston, *International Human Rights in Context* or at: <http://www.un.org/Overview/rights.html>

+ Lauren, *The Evolution of International Human Rights*, pp. 139-240.

Johannes Morsink, *The Universal Declaration on Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999), ix-xiv, 36-43, 157-158, 174-181.

+ “Universalism and Cultural Relativism” (pp. 366-398), “Gender” (pp. 404-425), the African system (pp. 920-937) in Steiner and Alston, *International Human Rights in Context*, 2<sup>nd</sup> ed.

+ “International Covenant on Economic, Social and Cultural Rights” and “International Covenant on Civil and Political Rights” (pp. 1395-1401), “Economic and Social Rights” (pp. 237-249, 255-275, 305-319), “The Right to Development as New Human Right” (pp. 1319-1334) in Steiner and Alston, *International Human Rights in Context* (2<sup>nd</sup> edition).

§ Michael Ignatieff, "Human Rights as Idolatry," (Tanner Lectures in Human Values, 2000, unpublished).

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), selections.

#### **WEEK 5 (OCT 17) – GENOCIDE AND HUMANITARIAN INTERVENTION**

Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997), selections.

Samantha Power, *A Problem from Hell: America's Failure to Prevent Genocide* (book manuscript).

Christian Davenport, ed. *Paths to State Repression: Human Rights and Contentious Politics in Comparative Perspective* (Boulder: Roman Littlefield, 2000), selections.

§ Benjamin Whitaker, "The Human Right to Interfere" in *The New Statesman* (5 February 1993), pp. 28-29. [Available on Pro-Quest, search by title]

§ Aryeh Neier, "The New Double Standard," in *Foreign Policy* (Winter 1996-1997), pp. 91-106. [Available from Pro-Quest]

Alberto Coll, "The Problems of Doing Good: Somalia as a Case Study in Humanitarian Intervention," *Ethics and International Affairs Case No. 18* (Washington DC: Carnegie Foundation, n.d.). (16 pp.)

Kofi Annan, "Reflections on Intervention," and "Two Concepts of Sovereignty," (Speeches, 1998, 1999.)

Michael Ignatieff, *Virtual War: Kosovo and Beyond* (New York: Metropolitan Books, 2000), pp. 161-215.

§ Michael Ignatieff, "Human Rights as Moral Progress," Tanner Lecture in Human Values, Princeton, 2000, manuscript.

#### **WEEK 6 (OCT 24) – INTERNATIONAL TRIBUNALS: FROM NUREMBERG TO THE ICC**

+ Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton: Princeton University Press, 2000), read all general chapters and at least two cases.

+ On Nuremberg, Steiner and Alston, *International Human Rights in Context*, 2<sup>nd</sup> ed., pp. 112-126.

Judith N Shklar, *Legalism: Law, Morals and Political Trials* (Cambridge: Harvard University Press, 1986) pp. 155-190.

§ Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Commitment in Post War Europe," *International Organization* (Spring 2000), pp. 217-252.

+ On the European regional regime, pp. 786-788, 797-804, 808-818, 822-840.

Not required: If you are interested in the UN system, what it does, why it is so constrained, and whether these constraints are legitimate, see also Steiner and Alston, *International Human Rights in Context*, 2<sup>nd</sup> ed., pp. 597-605, 611-612, 620-641.

### **WEEK 7 (OCTOBER 31) – UNIVERSAL JURISDICTION AND TRUTH COMMISSIONS**

Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon Press, 1999), Chapter 6 (“Facing History”), pp. 118-147.

§ Jose E. Alvarez, “Crimes of States/Crimes of Hate: Lessons from Rwanda,” *Yale J. Int’l L.* 24 (Summer 1999), pp. 365-483. [Available through LEXIS-NEXIS]

§ Michael Byers, “In Pursuit of Pinochet,” *London Review of Books*  
[Available at: <http://www.lrb.co.uk/v21/n02/byer2102.htm>]

Marc Weller, “On the Hazards of Foreign Travel for Dictators and other International Criminals” *International Affairs*, Vol. 75, No. 3 (July 1999), pp. 599-617.

§ Richard P. Claude, “The Case of Jeolito Filártiga and the ‘Clinic of Hope’,” *Human Rights Quarterly* 5 (1983), pp. 275-295. [Available through Project Muse]

Steiner and Alston, *International Human Rights in Context*, selections.

Henry Kissinger, forthcoming article, *Foreign Affairs*.

Christopher Hitchens, *The Trial of Henry Kissinger* (2001), selections.

### **WEEK 8 (NOVEMBER 7) – GLOBAL CIVIL SOCIETY**

+ Keck and Sikkink, *Activists without Borders*, pp. 1-38, 79-120.

William Korey, “Human Rights NGOs: The Power of Persuasion,” *Ethics and International Affairs* 1999: 151-174.

+ Thomas Risse, Stephen Ropp, Kathryn Sikkink, eds. *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), Conclusion and two additional chapters to be assigned individually.

Patrick James Flood, “The Working Group on Enforced Disappearances,” in Flood, *The Effectiveness of Human Rights Institutions* (Westport: Praeger, 1998), pp. 49-70.

+ Steiner and Alston, *International Human Rights in Context*, 2<sup>nd</sup> ed., pp. 938-962.

§ Debora Spar, “The Spotlight and the Bottom Line,” *Foreign Affairs* March/April 1998, pp. 7-12. [Available from Pro-Quest.]

## **WEEK 9 (NOVEMBER 14) – EXPLAINING AMERICAN EXCEPTIONALISM**

§ Andrew Moravcsik, “Why is the U.S. So Unilateralist in Human Rights?” (unpublished paper).

§ Rome Statute of the International Criminal Court. [Available at: <http://www.un.org/icc/part1.html> ]

+ Alton Frye, ed., *Toward an International Criminal Court?* (New York: Council on Foreign Relations, 1999), selections.

Kenneth Roth “The Court the US Doesn’t Want,” *New York Review of Books* (November 19, 1998), pp. 45-47.

David Rieff, “Court of Dreams,” *The New Republic* (September 7, 1998), pp. 16-17.

Lawrence Wechsler, “Exceptional Cases in Rome: The United States and the Struggle for an ICC,” in Sarah Sewell and Carl Kaysen, eds., *The United States and the International Criminal Court: National Security and International Law* (Lanham: Rowman and Littlefield, 2000), pp. 85-111.

## **WEEK 10 (NOVEMBER 21) AND WEEK 11 (NOVEMBER 28) – GENERATION(S) OF RIGHTS: HOW FAR SHOULD THE HUMAN RIGHTS DISCOURSE BE EXPANDED?**

Louis Henkin, "Human Rights Standards and their 'Generations'", in Henkin, *International Law: Politics and Values* (Dordrecht: Nijhoff/Kluwer Academic, 1995), pp.184-202.

§ Michael Ignatieff, “Human Rights as Idolatry,” (Tanner Lectures in Human Values, 2000, unpublished).

Individual topics to be assigned.

## **WEEK 12 (DECEMBER 5) AND WEEK 13 (DECEMBER 12) – INDIVIDUAL RESEARCH PRESENTATIONS**