

Political Science 441: International Human Rights

Dr. Franke Wilmer
2-145 Wilson Hall
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Email: franke@montana.edu

Office Hours: 9:30-
10:30 TuTh and by
appointment

Overview

Politics is about interests, and ethics. The contentiousness of these two, often conflicting, features of political life is nowhere more evident than in the area of international human rights. The development of international human rights has paralleled both the democratization of western societies since the 18th century and the emergence of a transnational normative order, led (and often dominated) by western states. The earliest, post-Westphalia concern with human rights focused on religious freedom. After the Napoleonic Wars, the focus shifted to the laws of warfare outlined elements of international humanitarian law during armed conflict, including, for instance, the obligation to avoid injury to civilians and their property, the humane treatment of prisoners of war, and allowing wounded combatants access to treatment. At present, these rights are contained within the Geneva conventions as well as general international human rights treaties.

In the aftermath of World War II and the horrific nature of the Holocaust, the emphasis shifted to putting limits on the way governments treat their own citizens. Public discourse about human rights since then has focused on the rights of individuals living within states to be free from arbitrary, discriminatory, and inhumane treatment at the hands of their governments. Many of these rights are captured by the idea of negative rights, the Bill of Rights in the U.S. Constitution being an exemplary case of protecting individuals from arbitrary uses of government power. The issues generated by this concern include torture, arbitrary arrest and detention, extra-judicial executions, and imprisonment on purely political grounds.

The second half of the twentieth century has also seen the re-emergence of concerns for collective rights first articulated by President Wilson in the aftermath of World War I. Collective rights refer not only to self-determination and protection against discrimination on the basis of identity, but a host of positive rights such as the right to a clean environment (air and water), the right to food and basic human needs, and, some would argue, a right to live in a secure and peaceful society. These various rights negative political/civil rights, group rights (discrimination on the basis of identity), and positive rights related to basic human needs are sometimes said to constitute three different generations of rights' development. We will try to cover all of these issues along with some specific case studies to which we can apply the perspective of human rights analysis. We will conclude by examining efforts at reconciliation in the aftermath of conflict, violence, and human rights violations.

Requirements and Expectations

Preparation and Participation: Students are expected to come to having completed the assigned readings and able to contribute to class discussion. Attendance and preparation alone accounts for 4% of your final grade.

Film Reviews: Students need to arrange to view three of the films listed on the filmography and write a brief (2-3 pages) synopsis of each film, explaining its relevance to the topics we are discussing in human rights. The films are available at a variety of local video rental stores. You should check on the availability of the films you would like to watch early in the semester. I also suggest making plans to view films with other students. Many of the films are dramatizations of actual events and will broaden your knowledge of specific cases and issues of human rights. Due dates are listed in the class schedule (below) and each one counts for 7% of your

final grade (all four equal 20% of your grade).

Papers: Students will write three essays on assigned topics. The essays are to be between 750 and 1000 words (3-5 pages) and should address the assigned readings. This is a relatively short paper for big topics and big thoughts – use your words wisely. *Since there are no in-class exams, the papers provide evidence that you have read and thought about the readings.* In addition to demonstrating your ability to think critically about the assigned readings, your paper will have to make a coherent argument, that is, a thesis backed by evidence and supporting arguments, and summarized by a logical conclusion. Source materials not included in this class should constitute no more than 25% of the total content of the essay. Each of these essays counts for 25% of your final grade (a total of 75%) and should be in good grammatical form and style, well-organized, and consistent with the criteria set out in the instructions for the assignment, above, i.e. you must discuss the assigned readings and class lectures.

Citations and References

Cite anytime you are paraphrasing or relying on someone else's expertise. Direct quotes of more than three lines should be indented and single-spaced. Citations refer to materials listed in your references (below) and should be in parentheses with the name of the author, date of publication, and page number or numbers where the cited material appears in the original text. When citing a source that you do not quote directly, only the author's last name and year of publication are necessary. For instance (Wilmer: 2002) or if you have quoted directly from one page (Wilmer 2002:22-23). Too many citations are better than too few. They not only credit the original author with the idea or the research effort, but they assist the reader in the event that s/he would like to go to the original source and read more. Either refer to the MLA manual of style, or follow these guidelines:

Book

Author last name, first name. Year of publication. *Title of Work in Italics or Underlined.* Place of publication: Publisher.

For example:

Wilmer, Franke. 2002. *The Social Construction of Man, the State, and War.* New York: Routledge.

Article

Author last name, first name. Year of publication. "Title of Article in Quotes, No Italics or Underline," *Name of Book, Journal, Newspaper, Whatever, in Italics or Underlined.* Followed by full date, volume, number, where applicable. Place of publication: Publisher, page numbers of article.

For example:

Wilmer, Franke. 1997. "Identity, Culture, and Historicity: The Social Construction of Ethnicity in the Balkans," *World Affairs*, Volume 160, Number 1, pp. 3-16.

Book chapter in edited collection

Wilmer, Franke. 2003. "Ce n'est pas une Guerre/This Is Not a War: The International Language and Practice of Political Violence," in François Debrix, editor, *Language, Agency, and Politics in a Constructed World.* New York: M. E. Sharpe.

Newspaper and articles without author

Cite the agency, publisher, newspaper as the author and then proceed and with articles.

Internet sources

Use internet sources only if they are source documents (such as UN documents) or if they are available as printed material from other sources. In citing internet materials you need to list the URL and the date accessed.

Plagiarism

Students who are uncertain about what constitutes academic dishonesty (plagiarism in particular) should read the relevant sections of the “Conduct Guidelines and Grievance Procedures for Students” at <http://www.montana.edu/wwwfachb/policy/acguide.html>. It is your responsibility to know what constitutes plagiarism. Be forewarned that I do check your work and have a zero-tolerance policy on academic dishonesty.

University Guidelines

Behavioral Expectations

Montana State University expects all students to conduct themselves as honest, responsible and law-abiding members of the academic community and to respect the rights of other students, members of the faculty and staff and the public to use, enjoy and participate in the University programs and facilities. For additional information reference see

http://www2.montana.edu/policy/student_conduct/student_conductc-code_2006-2007.htm.

Collaboration

University policy states that, unless otherwise specified, students may not collaborate on graded material. Any exceptions to this policy will be stated explicitly for individual assignments. If you have any questions about the limits of collaboration, you are expected to ask for clarification.

Plagiarism

Paraphrasing or quoting another’s work without citing the source is a form of academic misconduct. Even inadvertent or unintentional misuse or appropriation of another's work (such as relying heavily on source material that is not expressly acknowledged) is considered plagiarism. If you have any questions about using and citing sources, you are expected to ask for clarification.

Academic Misconduct

Section 420 of the Student Conduct Code describes academic misconduct as including but not limited to plagiarism, cheating, multiple submissions, or facilitating others’ misconduct. Possible sanctions for academic misconduct range from an oral reprimand to expulsion from the university.

Section 430 of the Student Code allows the instructor to impose the following sanctions for academic misconduct: oral reprimand; written reprimand; an assignment to repeat the work or an alternate assignment; a lower or failing grade on the particular assignment or test; or a lower grade or failing grade in the course. More serious sanctions require a Conduct Board hearing. You may wish to make explicit the minimum sanction you will impose for willful acts of academic misconduct.

Academic Expectations

Section 310.00 in the MSU Conduct Guidelines states that students must:

- be prompt and regular in attending classes;

- be well prepared for classes;
- submit required assignments in a timely manner;
- take exams when scheduled;
- act in a respectful manner toward other students and the instructor and in a way that does not detract from the learning experience; and
- make and keep appointments when necessary to meet with the instructor.

In addition to the above items, students are expected to meet any additional course and behavioral standards as defined by the instructor.

Withdrawal Deadlines

After [state date], I will only support requests to withdraw from this course with a “W” grade if extraordinary **personal** circumstances exist.

University policy is explicit that the advisor and instructor must approve requests to withdraw from a course with a grade of “W.” However, as general practice seems to favor supporting these requests until the last possible date, many students are unaware of this. We therefore recommend that, if you are going to have an earlier effective withdrawal date for your course, you state this explicitly.

Students with Disabilities

If you have a documented disability for which you are or may be requesting an accommodation(s), you are encouraged to contact your instructor and Disabled Student Services as soon as possible.

Email Policy

I expect that you will check your university email at least once a day. There is a class listserv and it automatically subscribes students according to the email address listed in the student directory. If this is not where you normally receive email, then please change your directory listing at the ITC in the basement of the library.

Student Educational Records

All records related to this course are confidential and will not be shared with anyone, including parents, without a signed, written release. If you wish to have information from your records shared with others, you must provide written request/authorization to the office/department. Before giving such authorization, you should understand the purpose of the release and to whom and for how long the information is authorized for release.

Students have the right to access their educational records by appointment. This information is protected by the Family Educational Rights and Privacy Act (FERPA). For more information contact the Dean of Students office at 994-2826.

Required Texts:

DeLaet, Debra L. 2006. *The Global Struggle for Human Rights*. Thomson Wadsworth.

Gourevitch, Philip. 1998. *We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda*. New York: Farrar Straus and Giroux.

Claude, Richard Pierre, and Burns H. Weston, Ed. 2006. *Human Rights in the World Community: Issues and Action*. Third Edition. University of Pennsylvania Press.

Desmund Tutu, Chapter Two: Nuremberg or National Amnesia? And Chapter Seven: A Third Way. “We do want to forgive but we don’t know whom to forgive.” (*Copies of the article will be on e-reserve in the library*).

Class Schedule

- August 28 Intro and overview of course, goals, expectations, the history and evolution of international human rights
- Sept 4 Human Rights in Theory and Law
DeLaet, Part I, Chapters 1-3 and Claude and Weston Chapters 1 and 2 (Weston and Nussbaum)
- Sept 11 Human Rights in Practice Overview
DeLaet, Part II, Chapters 4-7 and Claude and Weston Chapter 3 (Weston)
- Sept 18 **NO CLASS MEETING TONIGHT**
- Sept 25 First Film Review Due**
- Basic Human Rights and Participatory Rights
Claude and Weston Chapters 5-7 (Orentlicher, Hajjar, and Lillich)
- First Paper Topic:** Write an essay on the development of human rights norms and how you think they impact state sovereignty and the shape of world order today. Where do you see evidence of the most progress, and where do you see the least progress? What would you set as a priority for the development human rights in the next twenty years?*
- Oct 2 First Paper due**
Human Rights and Equality, Claude and Weston Chapters 9-12 (Lauren, Brems, Fullerton, and Lâm)
- Oct 9 Social and Cultural Aspects of Human Rights
Claude and Weston, Chapters 13-18 (Eide, Swepston, Kent, Hunt, Claude, Hansen)
- Oct 16 Second Film Review Due**
Gourevitch, *We wish to inform you that tomorrow we will be killed with our families*
Film, “Valentina’s Nightmare”
- Oct 23 Community Rights: the Third Generation of Human Rights?
Claude and Weston, Chapters 19-22 (Hannum, Sengupta, Rodriguez-Rivera, Roche)
- Oct 30 Film: “The Dammed”
***Second Paper Topic:** Write an essay on how colonialism, post-colonialism and the globalization of capitalism as historical forces contribute to contemporary challenges for the*

development of human rights.

- Nov 6** **Second Paper Due**
International Action, Claude and Weston Chapters 23-25 (Weston, Koh, Bayefsky) and DeLaet Chapter 8
- Nov 13 International Implementation
Claude and Weston Chapters 26-27
- Nov 20** **Third Film Review Due**
National Reconciliation
Tutu, “Nuremberg or National Amnesia?” and DeLaet Chapters 9 and 10
Film: Long Night’s Journey into Day
- Nov 27 Human Rights and Foreign Policy
Claude and Weston Chapters 28-30 (Ignatieff, Ratner, Falk)

***Third Paper Assignment:** Write an essay on the implementation of human rights through government policies, including reconciliation, enforcement, and through foreign policies. What can be done at the national and international levels? By the private sector? What are the limits of each?*

- Dec 4** Private Sector Approaches to Human Rights
Claude and Weston, Chapters 31-33 (Claude, Monshipouri et al, Paust)
DeLaet, Conclusions, pp 219-222 and Claude and Weston pp. 455-458.
Third Paper Due

Filmography: (*You can clear additional films with me in advance*)

Gandhi	Death and the Maiden	Battle of Algiers
Salvador	Year of Living Dangerously	State of Fear
Romero	Osama	S21: The Khmer Rouge
Cry Freedom	In the Name of the Father	Bakarat
Missing	The Killing Fields	Carla’s List
Ararat	Darwin’s Nightmare	Shape of Water
	The Torture Question	

Assignment Due Dates:

Sept 18	No Class
Sept 25	First Film Review
Oct 2	First Paper Due
Oct 16	Second Film Review
Nov 6	Second Paper Due
Nov 20	Third Film Review
Dec 4 – 10	Third Paper Due