

## **International Human Rights Scholarship (PO8016)**

**Weeks:** 1-5 Hilary Term 2013

**Seminar location:** Phoenix House, 201

**Seminar time:** 17:00-18:45

**Convenor:** Thomas Pegram

**Email:** [pegramt@tcd.ie](mailto:pegramt@tcd.ie)

**Office:** 2-3 College Green, Room 4.06

**Office hours:** Tuesday 09.30-11.30

By the end of this course, students will be familiar with major themes and debates in international human rights scholarship and their application to a variety of issue-areas related to domestic compliance effects and international organisations. They will have a good command of both rationalist and sociological explanations of the effects of international human rights standards.

On successful completion of this module students should be able to:

- Have a good grasp of the state of research in the field of human rights and international politics
- Be able to discuss, and critically comment on, the effects of international human rights standards
- Be aware of some of the major policy implications of scholarship on human rights.

### **General Reading:**

Donnelly, J., **International Human Rights** (Westview: 2007, 3rd Edition)

Clapham, A., **Human Rights: A Very Short Introduction** (Oxford University Press, 2007)

Freeman, M., **Human Rights: an Interdisciplinary Approach** (Polity Press: 2011, 2<sup>nd</sup> Edition)

Simmons, B., **Mobilizing for Human Rights: International Law in Domestic Politics** (Cambridge, Cambridge University Press, 2009)

You may find it interesting and/or helpful to read an introductory overview of the sub-field of human rights. To that end, I suggest this textbook:

Baylis, J. et al., **The Globalization of World Politics** (Oxford: 2011, 5th Edition), especially Chapter 30. Also, chapters 17, 19, 20, 29, and 31

### **Assessment:**

**20%: Participation**

**30%: Weekly Reading Memos (15% x 2)**

**50%: End of Module Assignment**

**Final grades are final.**

## **20%: Participation**

Participation in seminars constitutes an important portion of your grade. There is a significant amount of reading to be done, and the expectation is that all students will come to class having done the assigned readings. Seminar participation requires contributing to class discussion, including listening to others, and demonstrating a sound knowledge of readings through constructive in-class commentary and/or questions. Required readings are indicated although other readings are included for additional consultation. To incentivize active participation each student will prepare one response memo on the readings each week (details in the next section). Students will be expected to lead discussion in class and all students should come prepared to be called upon as discussants.

I reserve the right to have reading quizzes if it becomes clear that the class is not keeping up with the reading. We may also institute a more formal presentation format depending on numbers.

You must attend all five seminars. If you are ill, have a family emergency or cannot attend for any other reason, you must inform the convenor ASAP and documentation may be requested.

## **30%: Weekly Reading Memos (exception of Wk 1)**

Students are expected to write a response memo to the week's reading of no more than one-and-a-half to two typed, single-spaced pages (please upload in Microsoft Word not PDF). Care should be taken in these memos to produce an analytical engagement with the key themes of the week – this meaning that the memos should explicate, elaborate and critique, not summarise, keeping in mind the limit of two pages.

The Memo must engage at least two readings on the syllabus for that week and provide little to no summary. Students must choose at least one reading from the primary texts and at least one from further texts. Texts accompanied by an asterisk must be selected that week. Based on the readings, students should use the Memo to respond to a discussion question of their own devising. An example discussion question is provided for each week. Students should make an effort to link readings to past weeks' assignments, current events, and to their own interests in the field of human rights.

Students are particularly encouraged to identify newspaper stories, editorials or topical magazine/journal articles which are directly related to the Reading Memo and more broadly the topic under discussion that week. All students must contribute at least one such current affairs piece during the term. An example: *The Economist*, 'Thinking the UNthinkable', 11 November 2010: <http://www.economist.com/node/17463443>

All of the Reading Memos will be reviewed and must meet a basic standard of quality. Two of the Reading Memos will be graded and will count towards the final grade. Students will have a choice as to which ones they want marked, but those must be turned in the day before the readings are discussed.

Memo must be posted to Turnitin (under Wk #: Reading Memo) no later than 24 hours before class (i.e. Monday 5pm). Memos are subject to the late penalties outlined below. If you are

late posting your Memo to Blackboard, this late penalty will be applied to one of the two Memos you receive a mark on.

**Do not fail to post. If you do not post a Reading Memo you will automatically be given a zero for this part of the course (30%) regardless of how well you do on the two you choose to be graded. Any Reading Memo more than two days late will be counted as not posted.**

### **50%: End of Module Assignment**

Note that there are two possible end of module assignments. Which you must complete depends on whether you take this module in combination with International Human Rights Institutions (PO8018) or not. Specifically:

- If taking this module (PO8016) without PO8018, you must complete the 'Critical Literature Review' assignment (detailed below).
- If taking this module (PO8016) and PO8018, you must complete one 'Research Design Paper' assignment (detailed below), which will constitute your 'end of module assignment' grade for both modules.

Note that word counts do not include the bibliography but do include all other words (e.g. footnotes etc). Please include a word count on your submitted work. Late work will be penalized at a rate of 4 points per day late. Late submissions will be excused if backed by a medical certificate or other compelling evidence.

### **Critical Literature Review (approx. 2,000 words)**

Students are required to prepare a review essay of approx. 2,000 words dealing with material that they have read concerning a major topic within the scope of the seminar series. They should choose one theme from the course and write a paper offering a critical review of the literature. This must demonstrate knowledge of the primary and further readings, but may draw on additional readings/materials beyond the syllabus as desired. The essay should show that you understand different perspectives and theoretical issues raised in class. Beyond a summary of the state of the literature, the essay should: (1) include analysis of the evidence, what the chosen scholarship is trying to accomplish, and what approach it has taken to do that; (2) a critique of any particularly influential work(s) on its/their own terms (e.g. does it answer the question it asks, is it internally coherent, is the method used correctly, is the evidence convincing, what improvements could be made; (3) the best essays will seek to use the literature under review as a stepping stone to make a broader commentary on a type of work, a sub-topic of human rights scholarship, or a particular theory. In developing your critique, you will likely and some arguments or evidence more persuasive than others. Outlining your reasoning for such conclusions will tend to raise your grade. Note that while the course is divided into five distinct weeks, several of the topics have considerable overlap with each other and, while you are not required to draw from the readings of multiple weeks, you may find it appropriate to do so. The literature review should be double-spaced and approx. 2000 words in length, not including the bibliography but including all other words (e.g. footnotes etc). Please include a word count on your submitted essay.

Deadline for submission: Monday 25 February 2013

## **Research Design Paper (approx. 3,500 words)**

The largest part of your grade is assessed on the basis of a project proposal. Each student should choose one theme from the course and write a paper based on required and additional readings, with further readings/sources encouraged, and offer a critical review of the literature. The goal of this project is to provide a barebones outline of a potential empirical research project you could do for a masters thesis, an academic article, or even a doctoral dissertation. The topic of the research project and the books or other materials to be considered should be chosen in consultation with the course convenor. You should be proactive in seeking guidance on this assignment – I am always happy to answer your questions and make sure you understand what's expected of you. Each project proposal should include: (1) a statement of the research question (an abstract of around 200 words), (2) a review of the existing literature on the topic, (3) your theoretical argument, (4) your hypotheses that flow from this argument, (5) a conclusion that states how your project adds to what we know about human rights, and (6) a bibliography.

The literature review must be framed around your research question and will discuss what has been done in a subfield, which gaps you detect, and how a novel or insightful argument may help fill that gap. See above guidance on critical literature review (approximately 2,500 words).

The project proposal should be around 3,500 words and no more than 4,000 in length (excluding bibliography). Basic paper conventions apply: (1) formatted in Microsoft Word, double spaced, (2) complete footnotes, (3) pages numbered, (4) proofread, and (5) full bibliography. Essays must state the word count.

Deadline for submission: Monday 15 April 2013

### **Submission**

Coursework should be submitted via the plagiarism detector Turnitin; see [www.turnitin.com](http://www.turnitin.com). All work must be submitted on time, unless specific arrangements have been made in advance with Dr Thomas Pegram. Requests for extensions must be accompanied by documentation. All late work will be penalised 4 points per day, including holidays and weekends. See above for more detailed instructions on submission of Weekly Reading Memos, especially information on failing to post.

Please note that PLAGIARISM IS UNACCEPTABLE in any circumstances and both the Department and College takes all plagiarism cases very seriously. This is particularly important in terms of reviewing academic literature where it is important that the review is based on your own reading and assessment. Plagiarism will lead to a failing grade for the entire module.

To submit via turnitin: the class ID is 5897018 and the password is hr2013

If you haven't used [www.turnitin.com](http://www.turnitin.com) before, select new users on the homepage, follow the instructions for setting up a student profile, login with your new personal password, and you will get to the page for uploading a paper for the class. Make sure you figure out how to do this in good time for the deadline.

The course promises to be a stimulating experience. However, it should be observed that the reading load is heavy. Some of the material is dense and difficult. You should approach this as a challenging graduate seminar. The expectation is that you will devote the time and energy necessary to work through the material in a *deliberate* and *critical* fashion, in taking the assignments seriously, and in making informed contributions in seminar discussions. Please look carefully at the texts and assess the work load, and make an informed judgment about whether this is the seminar for you at this particular time.

## Reading List: PO8016

### Week 1: International Politics and Human Rights

#### Key themes:

- Introduction to course, assessment and seminar work
- Human rights in international relations
- Human rights politics

#### Introductory text:

Donnelly, J., '**Human Rights**', in Baylis, J. et al., *The Globalization of World Politics* (Oxford: 2011, 5th Edition)

#### Primary texts:

Hunt, L., **Inventing Human Rights** (Norton & Company, 2007), pp. 15-34

Booth, Ken, '**Three Tyrannies**', in T. Dunne & N. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge university Press, 1999), pp. 31-70.

Ignatieff, M., '**Human Rights as Politics**', in *Human Rights as Politics and Idolatry* (Princeton University Press, 2001) pp. 3-52.

Simmons, B., ***Mobilizing for Human Rights: International Law in Domestic Politics*** (Cambridge, Cambridge University Press, 2009) (Intro and Conc.).

Freeman, M., **Human Rights: an Interdisciplinary Approach** (Polity Press: 2011, 2nd Edition), Chapter 1.

#### Further texts:

Reus-Smit, Christian, '**Human Rights in a Global Ecumene**', *International Affairs*, vol. 87, no. 3, 2011, pp. 1205-18.

Moyn, S., ***The Last Utopia: Human Rights in History*** (Harvard University Press, 2011), Prologue & Epilogue)

Gearty, C., **Can Human Rights Survive?** (Cambridge University Press, 2006), pp. 140-157 (Introduction & Chapter 5)

Pinheiro, P.S., '**Sixty years after the Universal Declaration: Navigating the Contradictions**', *International Journal on Human Rights*, vol. 5, no. 9, 2008, pp. 71-79.

Ignatieff, M., '**Human Rights as Idolatry**', in The Tanner Lectures on Human Values, delivered at Princeton University, April 4-7 2000, pp. 320-49.

## **Week 2: Civil and Political Versus Economic, Social and Cultural Rights**

### **Key themes:**

- Universality, inalienability and categories of rights
- Interdependence and Indivisibility
- Nature and scope of economic, social and cultural rights

Example discussion question: Do human rights properly encompass only civil and political rights, or also economic and social rights?

### **Primary texts:**

Van Boven, T., '**Categories of Rights**', in Moeckli, D. et al., *International Human Rights Law* (Oxford, Oxford University Press, 2010) 173-187 (Chapter 8)

Baderin, M. and R. McCorquodale, '**The International Covenant on Economic, Social and Cultural Rights: Forty Years of Development**', in M. Baderin & R. McCorquodale (eds.), *Economic, Social and Cultural Rights in Action* (Oxford, Oxford University Press, 2007) pp. 3-24 (Chapter 1).

Clapham, A., **Human Rights: A Very Short Introduction** (Oxford, Oxford University Press, 2007) (Chapter 7)

Cranston, Maurice, '**Human Rights, Real and Supposed**', in D. D. Raphael (ed.), *Political Theory and the Rights of Man* (Bloomington: Indiana U. Press, 1967)

Shue, Henry, **Basic Rights: Subsistence, Affluence, and US Foreign Policy** (Princeton U. Press, 1997), 'Part I: Three Basic Rights'

OHCHR, **Fact Sheet No. 33: Frequently Asked Questions on Economic, Social and Cultural Rights** (UN, Geneva, 2008).

### **Further texts:**

Donnelly, J., **International Human Rights** (Westview: 2007, 3rd Edition), Chapters 1 and 3

Forsythe, D., '**Establishing Human Rights Standards**', in D. Forsythe, *Human Rights in International Relations* (Cambridge University Press, 2012, 3rd edition), Chapter 2

Alston, P. 'Putting ESCRs Back on the Agenda of the United States', *CHRGJ*, No. 22, 2009.

Hunt, Paul, *Reclaiming Social Rights: International and Comparative Perspectives* (Aldershot: Dartmouth, 1996), Chapter 1

Chapman, A., 'The Status of Efforts to Monitor Economic, Social and Cultural Rights', in A. Minkler & S. Hertel, *Economic Rights: Conceptual, Measurement, and Policy Issues* (Cambridge University Press, 2007) 143-181 (Chapter 7).

Howard, R. 'The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights?' *Human Rights Quarterly*, vol. 5, (1983): pp. 467-90.

OHCHR, **Fact Sheet No. 2: The International Bill of Human Rights** (UN, Geneva, 1996).

### **Week 3: The State of Scholarship on Human Rights**

#### **Key themes:**

- Political science and human rights
- Qualitative and quantitative approaches to analysing human rights
- Consequentialism or a logic of appropriateness

Example discussion question: Is a political science of human rights possible?

#### **Primary texts:**

Freeman, M., 'The Politics of Human Rights', in M. Freeman, *Human Rights: an Interdisciplinary Approach* (Polity Press: 2011, 2<sup>nd</sup> edition), Chapter 7.

Goodman, R. & D. Jinks, *Socializing States: Promoting Human Rights Through International Law* [excerpts from Chapters 1 & 9] (Oxford University Press, 2013 forthcoming)

Landman, T., 'The Political Science of Human Rights', *British Journal of Political Science*, vol. 35, no. 3m (Jul., 2005), pp. 549-572.

Hafner-Burton, E. & J. Ron, 'Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes', *World Politics*, vol. 61, no. 2, (2009), pp. 360-401.

Clark, A., & K. Sikkink, 'Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?' *Human Rights Quarterly* [forthcoming], July 2012 version

Risse, T. et al., (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), Introduction

#### **Further texts:**

Vreeland, J., '**Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture**', *International Organization*, vol. 62, (2008).

Koh, H. '**How is International Human Rights Law Enforced?**', *Indiana Law Journal*, vol. 74, (1999)

Goldstein, R., '**The Limitations of Using Quantitative Data in Studying Human Rights Abuses**', *Human Rights Quarterly*, vol. 8, no. 4, (November 1986), pp. 607-27.

Hafner-Burton, Emilie and Kiyoteru Tsutsui, '**Human Rights in a Globalizing World: The Paradox of Empty Promises**', *American Journal of Sociology*, vol. 110, (2005), pp. 1373-1411.

Hollyer J. and P. Rosendorf, '**Do Human Rights Agreements Prolong the Tenure of Autocratic Ratifiers?**', *New York University Journal of International Law and Politics*, vol. 44, (2012).

#### **Week 4: Compliance and Implementation**

##### **Main themes:**

- Standardisation to implementation
- Human rights compliance
- The role of domestic politics

Example discussion question: What is the significance of widespread formal acceptance by states of the international law of human rights?

##### **Primary texts:**

Hafner-Burton, E., ***Making Human Rights a Reality*** (Princeton University Press, 2012), Introduction and Chapter 5

Simmons, B., ***Mobilizing for Human Rights: International Law in Domestic Politics*** (Cambridge, Cambridge University Press, 2009) (Chapters 3).

Downs, G. et al., '**Is the Good News about Compliance Good News about Cooperation?**' *International Organization*, vol. 50, no. 3, (1996), pp. 379-406

Hathaway, O., '**Do Human Rights Treaties Make a Difference? Human Rights Treaties and the Problem of Compliance**', *Yale Law Journal*, vol. 111, (2002), pp. 1932-2042.

Pegram, T., '**Diffusion across political systems: the global spread of national human rights institutions**', vol. 32, no. 3, *Human Rights Quarterly*, (2010), pp. 729-760.

Dai, Xinyuan, ***International Institutions and National Policies*** (Cambridge: Cambridge University Press, 2007, Introduction

##### **Further texts:**

Posner, E., ‘**Some Skeptical Comments on Beth Simmons’ ‘Mobilizing for Human Rights’**’ (November 21, 2011). U of Chicago, Public Law Working Paper No. 369.

Goodman, R. & D. Jinks, ‘**Measuring the Effects of Human Rights Treaties**’, *European Journal of International Law*, vol. 14, no. 1, (2003), pp. 171-183.

Franklin, J., ‘**Shame on You: The Impact of Human Rights Criticism on Political Repression in Latin America**’, *International Studies Quarterly*, vol. 52, no. 1, April 2008, pp. 187-211: <http://go.owu.edu/~intsweb/Publications/James%20Franklin%20paper1.pdf>

Harrison, J., ‘**Human Rights Measurement: Reflections on the Current Practice and Future Potential of Human Rights Impact Assessment**’, *Journal of Human Rights Practice*, vol. 3, no. 2, (2011), pp. 162-187.

Hafner-Burton, E., ‘**Trading Human Rights: How Preferential Trade Agreements Influence Government Repression**’, *International Organization*, vol. 59, no. 3, (2005).

Cardenas, S., ‘**National Human Rights Institutions and State Compliance**’, in R. Goodman & T. Pegram (eds.), *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions* (Cambridge University Press, 2012), Chapter 2

## **Week 5: Qualitative Approaches towards Human Rights**

### **Key themes:**

- Constructivist approaches
- Logics of appropriateness
- Case study method

Example discussion question: Does a softer kind of empiricism offer the best hope of making accurate connections between what the law does and what happens on the ground?

### **Primary texts:**

Note: Reading Memos for this week must engage with one (but not both) of the texts highlighted with an asterisk.

\*Sikkink, K., ‘**The Role of Consequences, Comparison and Counterfactuals in Constructivist Ethical Thought**’, in R. Price (ed.), *Moral Limit and Possibility in World Politics* (Cambridge University Press, 2008)

\*Hedstrom, P., & P. Ylivoski, ‘**Causal Mechanisms in the Social Sciences**’, *Annual Review of Sociology*, vol. 36, (2010), pp. 1-20.

Rosga, A. & M. Satterthwaite, ‘**The Trust in Indicators: Measuring Human Rights**’, *Berkeley Journal of International Law*, vol. 29, 2009, pp. 253-315.

Brinks, D., ‘**Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and Sao Paulo in the 1990s**’, *Comparative Politics*, vol. 36, no. 1, 2003, pp. 1-19.

Goodale, M., **‘Introduction: Locating rights, envisioning law between the global and the local’**, in M. Goodale & S. Engle-Merry (eds.), *The Practice of Human Rights* (Cambridge University Press, 2007), Chapter 5.

**Further texts:**

Grugel, J. & E. Peruzzotti (2012), **‘The Domestic Politics of International Human Rights Law: Implementing the Convention on the Rights of the Child in Ecuador, Chile and Argentina’**, *Human Rights Quarterly*, vol. 34, no. 1, (2012), 178-198.

Beach, D., **‘Why Governments Comply: An Integrative Compliance Model That Bridges the Gap between Instrumental and Normative Models of Compliance’**, *Journal of European Public Policy*, vol. 12 no. 1, 2005, pp. 113-42.

Finnemore, M. & K. Sikkink, **‘International Norm Dynamics and Political Change’**, *International Organization*, vol. 52, (1998), pp. 887-917.

Meyer, D., **‘National Human Rights Institutions, Opportunities, and Activism’**, in R. Goodman & T. Pegram (eds.), *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions* (Cambridge University Press, 2012), Chapter 13