

October 15, 2009

## INR 4075: International Human Rights

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Fall 2009	voice: 644-6924
Tu & Th 11:00-12:15, Bellamy 004	will.moore@fsu.edu
Office Hours: Tue 9:30-10:30, Thu 2:00-3:00	<a href="http://campus.fsu.edu/">http://campus.fsu.edu/</a>

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This course is structured to teach you about the international human rights regime. A regime is a set of rules that govern behavior. The international system does not have a government that stands above the countries of the world, and thus countries have developed a series of legal treaties and international organizations. International treaties and organizations collectively form regimes, and we will be studying those that govern states' observance of human rights.

The topic is a contentious one fraught with ethical and moral issues, issues concerning the proper role of government, and the value of human existence. The course is discussion based, so civility, respect for others, and a respect for the value of free speech and a frank exchange of ideas are all important.

In addition to the course content, I hope that you will further develop some skills that will be useful to you regardless of what you do after leaving FSU. Specifically, I will emphasize the importance of thinking analytically and critically, and presenting and supporting logically sound arguments.

### **Requirements & Evaluation**

You are expected to have completed the assigned reading prior to attending class. Being an upper division course, the emphasis is on reading and in-class discussion of same.

There will be 4 mechanisms for evaluation:

1. Class participation (30% or 45%, you decide)†
2. An in-class assignment (15%)
3. An online quiz (15%)
4. A final exam (25% or 40%, you decide)†

† During the final week of class I will pass around a sheet in class and you will mark on that sheet whether you want to count your In Class Participation for 45% and Final Exam for 25% —or— count your In Class Participation for 30% and Final Exam for 40%.

#### **1. Class Participation**

Class participation will be graded based on your civil<sup>1</sup> contributions to class discussion. You

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<sup>1</sup>I discuss civil discussion in the following subsection.

begin the semester with a score of 100% for participation, and as long as you are prepared for class and contribute to discussion when called upon, you will retain your 100% score. However, should you be unprepared (or absent) when called upon, you will be marked down: each time that you are ill-prepared (or absent) when called upon, you will lose 4 percentage points (there are 24 class meetings,  $24 \times 4 \simeq 100\%$ ). Students will be called on at random.

Students need not wait to be called upon to participate. Anyone wishing to add to the discussion may do so by raising her/his hand. Of course, not everyone will be called on every day, so you might be able to show up ill-prepared and still not lose any participation points.

### *Civility*

As you can see, discussion is a major part of this course. Further, we will be discussing contentious issues. Inevitably, you will be surprised and—perhaps—upset with some of the views of one or more of your classmates. There is **nothing wrong** with passion and strongly held feelings. There is **nothing wrong** with being alarmed and surprised with the views of one or more of your classmates. The question is, what do you do with your emotions? That is, do you ‘fly off the handle’ and attack the person, or do you **challenge the ideas** raised, using a level tone of voice?

A website dedicated to classroom instruction offers the following description of a civil classroom: “A civil classroom is conducive to student expression. Classroom civility fosters an environment where students feel comfortable asking questions and proposing solutions without fear of being shouted down, made fun of, or brushed aside” (<http://taproject.rutgers.edu/services.tips/FAQ.php3>). We have all experienced biting sarcasm, personal attacks, insulting asides to neighbors, etc. And we all know how it makes us feel to be the object of such comments.

I work hard to create a civil classroom—without it I cannot teach effectively. But I also value freedom of speech and I reject arguments that claim that there are ideas that are too offensive to be entertained. Instead, I submit that there are presentations (tone of voice, insults, etc.) that are offensive. Creating a civil classroom is **not** about placing restraints on what can be said, but rather involves recognition by all members of the classroom their obligation to take other peoples’ ideas seriously and challenge them with a respectful tone of voice and choice of words. I welcome passionate debate, but will penalize those who engage in hurtful speech. Phrases such as “Oh, please!” “Come on!!” “Get off it!” “You’ve got to be kidding!” “Do you *really* believe that?!?” “Are you a moron?” “That’s idiotic!” “People who claim that are either ignorant or lying,” “I can’t believe you just said that!” “That’s naïve!” etc. are out of bounds.<sup>2</sup>

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<sup>2</sup>In a classic *Saturday Night Live* sketch from 1978 Dan Aykroyd and Jane Curtin parodied a *60 Minutes* segment titled “Point/Counterpoint” which was a precursor to shows such as *The Capital Gang* and *Crossfire*. Those shows glorified supposedly witty, but definitely uncivil, speech. You can read a transcript of the *SNL* skit at the bottom of this page: <http://snltranscripts.jt.org/78/78eupdate.phtml>. If you are a fan of shows like *The Capital Gang* and *Crossfire* then be sure to check that type of rhetorical style at the door

How does one passionately challenge ideas one finds poorly considered, irritating or offensive? One great technique is to ask clarifying questions: “I don’t understand why you contend that... Could you elaborate?” Another one is to expose unstated assumptions: “It seems to me that view assumes that...” A different approach is to say (sincerely), “That’s an interesting view, but I see it differently” and then state your own position. The most important things to avoid are [1] attacking the speaker (we want to be critical of ideas, not people) and [2] using a disrespectful tone of voice.

Along these lines, the FSU Department of Political Science has produced the following statement.

Acceptable classroom behavior is an integral part of success in the college experience. Not only does an individual’s behavior reflect on her/his own maturity, it can also add to or detract from the experiences of others. The following outline presents the very basic expectations for student behavior relative to class attendance, fellow-students, and instructors. The Department of Political Science supports these standards and holds each student accountable for her/his behavior. Each instructor will determine for him/herself how to implement these guidelines; but each student is advised to adopt them as their own standards regardless of enforcement measures.

Students are expected to:

- treat one another with respect:
  - do not inflict personal insults in word or gesture;
  - show tolerance for all opinions and points of view;
  - do not speak out of turn.
- treat the classroom setting with respect:
  - arrive on time and stay for the entire class;
  - turn off cell phones (or set for a silent alarm in emergency situations);
  - do not read or chat;
  - pay attention;
  - bring the appropriate supplies and equipment;
  - wear appropriate attire.
- treat the academic experience with respect:
  - do not engage in plagiarism or cheating;
  - attend class;
  - complete readings before class;
  - submit assignments on time;
  - know the course requirements and due dates.

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for this course.

- treat the instructor with respect:
  - visit during scheduled office hours or by appointment;
  - inform of disabilities or other factors that might affect performance;
  - inform of times when you will have to arrive late for class or leave early;
  - inform of expected absences according to the class’s attendance guidelines;
  - do not ask for exceptions to the established course standards;
  - do not criticize teaching or grading methods;
  - complete course evaluations honestly.

I close by offering one more reason why civility matters. A 2005 study reports that it affects the level of trust in a political community (Mutz & Reeves, “The New Videomalaise,” *American Political Science Review*, Feb 2005, 99(1):1-15):

Does incivility in political discourse have adverse effects on public regard for politics? If so, why? In this study we present a theory suggesting that when viewers are exposed to televised political disagreement, it often violates well-established face-to-face social norms for the polite expression of opposing views. As a result, incivility in public discourse adversely affects trust in government. Drawing on three laboratory experiments, we find that televised presentations of political differences of opinion do not, in and of themselves, harm attitudes toward politics and politicians. However, political trust is adversely affected by levels of incivility in these exchanges. Our findings suggest that the format of much political television effectively promotes viewer interest, but at the expense of political trust.

## ***2. In Class Assignment***

This is an assignment that will be completed in class on Thursday 15 October. The assignment will be explained at the beginning of class on that day. There will be no make-up for the assignment—if you miss class, you will receive a zero for the assignment.

## ***3. Online Quiz***

This is a multiple choice—True/False quiz on the Mayer (2009) book. It must be taken online, at the course BB site, between 10 and 11 pm on Sun 8 November. Set that time aside now and make sure your schedule does not conflict with it.

## ***4. Final Exam***

The final exam is a multiple choice—True/False exam that covers the material that was not included on the midterm exam or the online quiz. During the final week of class I will provide a handout with more details.

The exam is scheduled by the university for 12:30-2:30 p.m. on Wednesday 9 December (see [http://registrar.fsu.edu/dir\\_class/fall/exam\\_schedule.htm](http://registrar.fsu.edu/dir_class/fall/exam_schedule.htm)) and will be held in Bellamy 004. There will be no early exams: you are responsible for making yourself available to take the exam on that date and time.

### ***6. Course Policy for Absences for Tests; Make-up Exams***

If you are ill or have a personal, or family, crisis that requires you to miss, or be unable to properly prepare for, one of the midterm exams, or the final exam, please notify me as soon as possible. Unless you are physically unable to do so, you must notify me prior to the exam or you will receive a score of zero.

Having notified me, please contact the Dean of Students Department:

Dean of Students  
4th Floor of the University Center- Bldg A, Suite 4100  
Ph.#: (850) 644-2428  
AIM: FSUDeanStudents (M-F, 8a-5p)

They will validate your circumstances and provide me with any documentation needed to permit a make-up of the exam.

All make-up exams will be held during Finals Week, and will be scheduled for the hours between 9:00 - 11:30 am (per Department policy) during that week. To schedule a make-up exam you need to email me during the final week of classes and let me know that you wish to schedule a make-up for a specific exam. I will then contact all of the folks who need to make-up a given exam and we will find a mutually agreeable time when everyone who has to make-up that particular exam can gather to take it. We will meet at my office (561 Bellamy) for make-up exams.

### ***Administrative Stuff***

#### *Posting Grades*

At the end of the semester I will post grades on the course website. Feel free to email me during the semester to inquire about your present grades in the course.

## *Students with Challenges*

Students with challenges who require individualized testing or other accommodations should identify themselves and express their needs during the first week of the semester. Where the challenge is not immediately apparent, verification will be required.

## *Grading Scale*

Excellent		A = 100-93	A- = 92-90
Good	B+ = 89-88	B = 87-83	B- = 82-80
Average	C+ = 79-78	C = 77-73	C- = 72-70
Below Average	D+ = 69-68	D = 67-63	D- = 62-60
Unacceptable		F = 59-0	

## ***Reading***

The daily reading assignments come from one of two sources:

- the BlackBoard (BB) site for this course (under the Assignments tab)
- directly from an online provider (listed below)<sup>3</sup>

There is one required book to purchase for this class:

- Mayer, Jane. 2009. *The Dark Side*, New York: Anchor Books.

In addition, we will be reading a large amount of the following book, so you might want to purchase a copy for your personal library.

- Hafner-Burton, Emilie M. 2009. *Forced to be Good: Why Trade Agreements Boost Human Rights*, Ithaca: Cornell University Press.

## **Course Schedule**

The daily assignments are listed below. The readings are due on the day they are listed (i.e., we will be discussing those readings that day).

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<sup>3</sup>If you prefer not to type in the URL (i.e., website address), visit scholar.google.com and type in the author's name(s) and a word or two from the title. This will pull up a link to the article (though note that the article you want won't always be the first one listed!).

**Tue 25 Aug:**

No assigned reading.

## **1 Law and Rights: the US as a Case Study**

**Thu 27 Aug:** Courts and Judicial Review

O'Brien, David M. 1991. "The Supreme Court, Judicial Review, and Constitutional Politics" in *Constitutional Law and Politics: Civil Rights and Civil Liberties*, Vol. Two, New York: Norton, pp. 24-40, available on course BB site under Assignments tab.

**Tue 1 Sep:** Jurisdiction and Compliance

O'Brien, David M. 1991. "Jurisdiction and Justiciable Controversies," in *Constitutional Law and Politics: Civil Rights and Civil Liberties*, Vol. Two, New York: Norton, pp. 95-115, available on course BB site.

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O'Brien, David M. 1991. "The Impact of Supreme Court Decisions: Compliance and Implementation," in *Constitutional Law and Politics: Civil Rights and Civil Liberties*, Vol. Two, New York: Norton, pp. 166-177, available on course BB site.

## **2 Some Historical Background**

**Thu 3 Sep:** The History of the Idea

Lauren, Paul Gordon. 1998. "Visions and the Birth of Human Rights," in *The Evolution of Human Rights*, Philadelphia: University of Pennsylvania Press, pp. 4-36, available on course BB site.

**Tue 8 Sep:** The UDHR

(Class canceled due to Instructor illness. Please do this reading on your own. NB: It will not be covered on the Final Exam.)

Lauren, Paul Gordon. 1998. "The Universal Declaration of Human Rights," in *The Evolution of Human Rights*, Philadelphia: University of Pennsylvania Press, pp. 205-240, available on

course BB site.

**Thu 10 Sep:** Contemporary Institutions

(Class canceled due to Instructor illness. Please do this reading on your own. NB: It will not be covered on the Final Exam.)

“International Law,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/International\\_law](http://en.wikipedia.org/wiki/International_law).

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“Treaty,” Wikipedia, available online at: <http://en.wikipedia.org/wiki/Treaty>.

–and–

“International Bill of Rights,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/International\\_Bill\\_of\\_Human\\_Rights](http://en.wikipedia.org/wiki/International_Bill_of_Human_Rights).

–and–

“United Nations Human Rights Council,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/United\\_Nations\\_Human\\_Rights\\_Council](http://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council).

–and–

“Human Rights Committee,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/Human\\_Rights\\_Committee](http://en.wikipedia.org/wiki/Human_Rights_Committee).

–and–

“African Commission on Human and Peoples’ Rights,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/African\\_Commission\\_on\\_Human\\_and\\_Peoples%27\\_Rights](http://en.wikipedia.org/wiki/African_Commission_on_Human_and_Peoples%27_Rights).

–and–

“Asian Human Rights Commission,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/Asian\\_Human\\_Rights\\_Commission](http://en.wikipedia.org/wiki/Asian_Human_Rights_Commission).

–and–

“Inter-American Commission on Human Rights,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/Inter-American\\_Commission\\_on\\_Human\\_Rights](http://en.wikipedia.org/wiki/Inter-American_Commission_on_Human_Rights).

–and–

“Cairo Declaration on Human Rights in Islam,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/Cairo\\_Declaration\\_on\\_Human\\_Rights\\_in\\_Islam](http://en.wikipedia.org/wiki/Cairo_Declaration_on_Human_Rights_in_Islam).

–and–

“International Court,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/International\\_court](http://en.wikipedia.org/wiki/International_court).

–and–

“European Court of Human Rights,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/European\\_Court\\_of\\_Human\\_Rights](http://en.wikipedia.org/wiki/European_Court_of_Human_Rights).

–and–

“International Criminal Court,” Wikipedia, available online at: [http://en.wikipedia.org/wiki/International\\_Criminal\\_Court](http://en.wikipedia.org/wiki/International_Criminal_Court).

### 3 International Organizations: Theory

**Tue 15 Sep:** Realism/Pragmatism or Liberalism/Black Letter Law?

Forsythe, David. P. 2001. *Human Rights in International Relations*, New York: Cambridge University Press, pp. 3-27, available on course BB site under Assignments tab.

–and–

Polgreen, Lydia. 2008. “Sudanese Protest War Crimes Case Against President at Scripted Rally in Capital,” *New York Times*, 14 July, available online at: <http://www.nytimes.com/2008/07/14/world/africa/14sudan.html>.

–and–

Cooper, Helene. 2008. “Waiting for Justice,” *New York Times*, 27 July, available online at: <http://www.nytimes.com/2008/07/27/weekinreview/27cooper.html>.

**Thu 17 Sep:** The Diffusion of Norms

Finnemore, Martha & Kathryn Sikkink. 1998. “International Norm Dynamics and Political Change,” *International Organization*, 52(4): 887-917, available online at JSTOR: [www.jstor.org](http://www.jstor.org).

**Tue 22 Sep:** Hard v Soft Law

Abbott, Kenneth W. & Duncan Snidal. 2000. "Hard and Soft Law in International Governance," *International Organization*, 54: 421-456, available online at JSTOR: [www.jstor.org](http://www.jstor.org).

**Thu 24 Sep:**

Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes," *International Organization*, 54(2): 217-252, available online at JSTOR: [www.jstor.org](http://www.jstor.org).

## 4 Explaining the Cross-National Observance of Human Rights

**Tue 29 Sep:**

Landman, Todd. "Comparative Politics and Human Rights," *Human Rights Quarterly*, 24(4): 890-923, available online at: [http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v024/24.4landman.html](http://muse.jhu.edu/journals/human_rights_quarterly/v024/24.4landman.html)

–and–

Berry, William D. & Mitchell S. Sanders. 2000. *Understanding Multivariate Research*, Boulder: Westview, pp. 1-7 and 15-20, available on the course BB site.

**Thu 1 Oct:**

Poe, Stephen & C. Neal Tate. 1994. "Human Rights and Repression to Personal Integrity in the 1980s: A Global Analysis," *American Political Science Review*, 88: 853-872, available on JSTOR: [www.jstor.org](http://www.jstor.org).

### 4.1 Do Domestic Factors Make a Difference?

**Tue 6 Oct:**

Davenport, Christian. 1999. "Human Rights and the Democratic Proposition," *Journal of Conflict Resolution*, 43(1): 92-116, available on JSTOR: [www.jstor.org](http://www.jstor.org).

**Thu 8 Oct:**

Cingranelli, David & Mikhail Filippov. 2009. "Electoral Rules and Incentives to Protect Human Rights," *Journal of Politics* forthcoming.

## 5 Ill Treatment and Torture

**Tue 13 Oct:**

Rejali, Darius. 2007. *Torture and Democracy*, Princeton University Press, pp. 35-63 and pp. 8-25, available on the course BB site.

**Thu 15 Oct:** In class assignment today.

Bravin, Jess. 2007. "The Conscience of the Colonel," *The Wall Street Journal*, 31 March, available online at: <http://tinyurl.com/2ro9kz>.

—and—

Bowden, Mark. 2007. "The Point: In Defense of Waterboarding," *Philadelphia Inquirer*, 26 December, originally available online at: [http://www.philly.com/inquirer/opinion/20071223\\_The\\_Point\\_\\_\\_In\\_defense\\_of\\_waterboarding.html](http://www.philly.com/inquirer/opinion/20071223_The_Point___In_defense_of_waterboarding.html), but has been removed. I have pieced together much, but not all, of it from various Blogs that quoted it, and made that available on the course BB site.

**Tue 20 Oct:**

"Taxi to the Dark Side" (shown in class—no reading)

**Thu 22 Oct:**

Reading to be announced on BB site.

Committee on Armed Services, United States Senate. 2008. "Executive Summary," *Inquiry into the Treatment of Detainees in U.S. Custody*. Report to the 110th Congress of the United States, 2nd session, pp. xii-xxix, available on course BB site.

**Tue 27 Oct:** Class does not meet

Mayer, Jane. 2009. *The Dark Side*, New York, Anchor Books.

**Thu 29 Oct:** Class does not meet

Continue reading Mayer (2009).

**Tue 3 Nov:** Class does not meet

Continue reading Mayer (2009).

**Thu 5 Nov:** Class does not meet

Finish reading Mayer (2009).

**Sun 8 Nov, 10-11 pm:** Online quiz available on course BB site.

The quiz covers the Mayer book.

## 5.1 Does the Regime Work?

**Tue 10 Nov:**

Clark, Ann Marie. 2001. *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms*, Princeton: Princeton University Press, chaps 1 and 2; available on the course BB site.

**Thu 12 Nov:**

Hafner-Burton, Emilie M. 2009. *Forced to be Good: Why Trade Agreements Boost Human Rights*, Ithaca: Cornell University Press, chaps 1 and 2, available on course BB site.

**Tue 17 Nov:**

Hafner-Burton, Emilie M. 2009. *Forced to be Good: Why Trade Agreements Boost Human Rights*, Ithaca: Cornell University Press, chaps 6 and 7, available on course BB site.

**Thu 19 Nov:**

Lebovic, James H. & Erik Voeten. 2006. "The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR," *International Studies Quarterly*, 50(4):

861-888, available online at: <http://www.blackwell-synergy.com/doi/abs/10.1111/j.1468-2478.2006.00429.x>

**Tue 24 Nov:**

Hafner-Burton, Emilie M. 2008. "Sticks and Stones: The Efficacy of Human Rights Naming and Shaming," *International Organization*, 62(4): 689-716.

**Thu 26 Nov:** Class does not meet—Thanksgiving Day.

## **5.2 Perhaps the Regime AND Domestic Politics Matter**

**Tue 1 Dec:**

Hathaway, Oona A. 2004. "The Promise and Limits of the International Laws of Torture," in S. Levinson (ed.) *Torture*, New York: Oxford University Press, pp. 199-212, available on course BB site.

**Thu 3 Dec:**

Staton, Jeffrey K. & Emilia Powell. 2009. "Domestic Judicial Institutions and Human Rights Treaty Violation," *International Studies Quarterly*, 53(1): 149-174.

**Wed 9 Dec:** 12:30-2:30 p.m.

Final Exam (Bellamy 004).