

*College of William & Mary  
Government 404, Fall 2019*

**Human Rights & Humanitarianism**

**Prof. Maurits van der Veen**

**Class**

TuTh, 11:00-12:20pm  
Location: 132 Tyler Hall  
Office hours: Wed. 2-4 & by appt.

**Office**

355 Tyler Hall  
757-221-3029  
maurits@wm.edu

**Course description**

What are human rights, where do they come from, and why do/should they matter? Recent events around the world underscore the importance of grappling with such questions, as they relate to a wide range of issues, from the ongoing Syrian crisis (What rights do/should refugees have? How do/should we respond to crimes against humanity committed by a government?) to responses to terrorism (Are any rights inviolable in attempts to prevent terrorist attacks? Should they be?), to concerns about human trafficking across the Mediterranean into Europe (How do we identify human rights violations? How should destination governments respond?)

The fact that such questions can, and often do, make headlines is in itself an indication of progress. Indeed, formalizing a concern with human rights must be considered one of the signal achievements of international politics since World War II. Today, international human rights covenants subject states to increasing constraints, and gross human rights violations have become a justification for sanctions or even humanitarian intervention. But how did this come about? What has made states begin to care about whether their behaviour (or that of other states) violates human rights?

In this course, we will focus especially on the practical and political implications of human rights, in an attempt to understand how and why they matter for what actually *happens* in world politics (as opposed to what one might wish would happen). What obligations do states have to defend and guarantee human rights at home? How are those obligations enforced, if at all? To what degree do such obligations extend internationally? Who decides when international intervention is justified? Are some human rights more important than others? What are the pitfalls associated with humanitarian action? These are the types of questions we will be looking at over the course of the semester.

## **Course goals & requirements**

The goals of the course are: 1) to provide an overview of the different types of human rights and the history of their introduction into international norms and laws; 2) to analyze the politics of human rights and humanitarianism: why and how states improve their rights performance?; and 3) to study a number of human rights issues in more detail, so we can get a sense of how they play out in practice.

This is a senior-level seminar. Accordingly, I expect you to do all the required reading before class, and to arrive prepared to discuss the readings, even in weeks where the reading load is comparatively high. 30% of your grade is based on class participation, which will be judged in terms of the quality, not just the quantity, of your contributions. In addition, once during the first part of the semester you will be responsible for presenting one of the recommended readings to the class. This presentation will count for 5% of your grade. The remaining 65% of your grade is tied to your work on a research paper of 20-30 pages, addressing a key current human rights issue of your choosing.

We will work on the papers throughout the semester. You should choose your topic no later than October 3. A brief oral presentation of your topic, along with a 1-page written summary, is due that day (5%). An 8-10 page literature and empirical review of the issue (history, current situation, scholarly work on the issue) will be due on October 22 (10%). A first draft of the whole paper will be due on November 12 (15%). A blog post summarizing your paper for a general audience is due the next week (5%). You will make a presentation of your paper during one of the last classes (5%), and the final version will be due on December 9 (25%). One week before each due date I will hand out/present a sample of what I am looking for, from a paper I will be writing this semester myself.

## **Additional policies & comments**

You need to let me know ahead of time if you cannot make a class. Similarly, if you need an extension on any of the paper deadlines, and have a good reason, let me know in advance. Unapproved late submissions will be penalized 10% per day.

I take violations of academic honesty very seriously. All academic work must meet the standards set out in the Honor Code. In particular, if you commit plagiarism on your paper and I discover it, I will report the violation to the Dean's office, with all the potential repercussions that implies. The key point is that the work you submit must be your own — not that of a fellow student, nor that of someone whose work you found in the library or online.

## **Office hours &c**

My office hours are Wednesdays 2-4pm, and by appointment. Please do come see me if you have any questions about anything relating to the course. If you need to reach me to make an appointment, I am most easily reached by e-mail.

## Readings

Five books are required for the course. They are all written by participants in human rights advocacy and humanitarian action, who are themselves strongly committed to these concepts. This will make the readings more interesting, but possibly also more provocative than you would expect from a standard textbook treatment of these issues.

- Brauman, Rony, and Régis Meyran. 2019. *Humanitarian Wars? Lies and Brainwashing*. Hurst Publishers.
- Jones, Lynne. 2018. *Outside the Asylum: A Memoir of War, Disaster and Humanitarian Psychiatry*. Weidenfeld & Nicolson.
- Kara, Siddharth. 2017. *Modern Slavery: A Global Perspective*. New York: Columbia University Press.
- Kingsley, Patrick. 2017. *The New Odyssey: The Story of the Twenty-First Century Refugee Crisis*. New York: W.W. Norton.
- Sikkink, Kathryn. 2017. *Evidence for Hope: Making Human Rights Work in the 21<sup>st</sup> Century*. Princeton, NJ: Princeton University Press.

Each of these books is (or will be) available at the W&M bookstore, as well as from online booksellers.

All additional readings are available online, usually through the Electronic Journals feature of the W&M library website. If you do not know how to access these readings electronically or in print, please ask someone (a fellow student, a librarian, or me)!

In addition, there may be brief readings (mostly from newspapers) on ongoing human rights issues as the semester proceeds. These, too, will be available electronically. Links will be provided by email and on the course website.

The following list of readings is provisional. Any changes will be announced at least 1 week in advance.

## Calendar

### I. Introduction

Thu. Aug. 29 *No class — instructor out of town*

••• Please read the following three online texts (all quite brief). •••

United Nations Office of the High Commissioner for Human Rights “What Are Human Rights?”

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

Lea, Sian. 2016. “Humanitarianism and what it means for human rights.”

<https://rightsinfo.org/humanitarianism-human-rights/>

Seabrook, Jenny. 2014 “The doctrine of ‘humanitarianism’ is not as benign as you might think” *The Guardian*, 8 Sept.

(<https://www.theguardian.com/commentisfree/2014/sep/08/doctrine-humanitarianism-not-benign>)

## II. Human Rights and Humanitarianism: key concepts and actors

### Tue. Sep. 3 *Theorizing human rights*

Dembour, Marie-Bénédicte. 2010. “What Are Human Rights? Four Schools of Thought.” *Human Rights Quarterly* 32(1):1-20.

Floyd, Rita. 2011. “Why we need needs-based justifications of human rights.” *Journal of International Political Theory* 7(1):103-115.

*Recommended*

Osiel, Mark J. 2000. “Why Prosecute? Critics of Punishment for Mass Atrocity.” *Human Rights Quarterly* 22(1): 118-147.

### Thu. Sep. 5 *The universality of human rights*

Tharoor, Shashi. 1999. “Are Human Rights Universal?” *World Policy Journal* 16(4): 1-6.

Sen, Amartya. 1994. “Freedoms and Needs: An Argument for the Primacy of Political Rights.” *The New Republic* 210(2/3):31-38.

Whelan, Daniel J., and Jack Donnelly. 2007. “The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight.” *Human Rights Quarterly* 29(4):908-949.

*Recommended*

Donnelly, Jack. 2007. “The Relative Universality of Human Rights.” *Human Rights Quarterly* 29(2): 281-306 and Goodhart, Michael. 2008. “Neither Relative nor Universal: A Response to Donnelly.” *Human Rights Quarterly* 30(1):188-193.

Kirkup, Alex, and Tony Evans. 2009. “The Myth of Western Opposition to Economic, Social, and Cultural Rights? A Reply to Whelan and Donnelly.” *Human Rights Quarterly* 31(1):221-238 and Whelan, Daniel J., and Jack Donnelly.

2009. “Yes, A Myth: A Reply to Kirkup and Evans.” *Human Rights Quarterly* 31(1):239-255.

Kang, Susan L. 2009. “The Unsettled Relationship of Economic and Social Rights and the West: A Response to Whelan and Donnelly.” *Human Rights Quarterly* 31:

1006-1029 and Whelan, Daniel J., and Jack Donnelly. 2009. “The Reality of Western Support for Economic and Social Rights: A Reply to Susan L. Kang.” *Human Rights Quarterly* 31:1030-1054.

Agiomavritis, Dionysios S. 2018. “The applicability of human rights: A Voegelinian interpretation.” *Perspectives on Political Science*.

Tue. Sep. 10 ***Non-state actors in human rights: NGOs***

Bell, Daniel A., and Joseph H. Carens. 2004. "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs." *Human Rights Quarterly*, 26(2):300-329.

Rieffer-Flanagan, Barbara Ann. 2009. "Is Neutral Humanitarianism Dead? Red Cross Neutrality: Walking the Tightrope of Neutral Humanitarianism." *Human Rights Quarterly* 31: 888-915.

*Recommended*

Roth, Kenneth. 2004. "Defending Economic, Social and Cultural Rights." *Human Rights Quarterly* 26(1): 63-73 and Rubenstein, Leonard S. 2004. "How International Human Rights Organizations Can Advance Economic, Social, and Cultural Rights: A Response to Kenneth Roth." *Human Rights Quarterly* 26(4): 845-865.

Bernaz, Nadia, and Irene Pietropaoli. 2017. "The role of non-governmental organizations in the Business and Human Rights Treaty negotiations." *Journal of Human Rights Practice* 9: 287-311.

Dietrich, Simone, and Amanda Murdie. 2017 "Human rights shaming through INGOs and foreign aid delivery." *Review of International Organizations* 12: 95-120.

Thu. Sep. 12 ***Non-state actors in human rights: corporations***

Monshipouri, Mahmood, Claude E. Welch, Jr., and Evan T. Kennedy. 2003. "Multinational Corporations and the Ethics of Global Responsibility." *Human Rights Quarterly*, 25(4):965-989.

Wettstein, Florian. 2012. "CSR and the debate on business and human rights: Bridging the great divide." *Business Ethics Quarterly* 22(4): 739-770.

*Recommended*

Stephens, Beth. 2002. "The Amoralism of Profit: Transnational Corporations and Human Rights." *Berkeley Journal of International Law*, 20(1): 45-90.

Kinley, David, and Junko Tadaki. 2004. "From Talk to Walk: The Emergence of Human Rights Responsibilities for Corporations at International Law." *Virginia Journal of International Law* 44(4):931-1024.

Bonnitcha, Jonathan, and Robert McCorquodale. 2017. "The concept of 'due diligence' in the UN Guiding Principles on Business and Human Rights." *European Journal of International Law* 28(3): 899-919.

Ruggie, John Gerard, and John F. Sherman, III. 2017. "The concept of 'due diligence' in the UN Guiding Principles on Business and Human Rights: A reply to Jonathan Bonnitcha and Robert McCorquodale." *European Journal of International Law* 28(3):921-928.

Tue. Sep. 17 ***Global distributive justice***

Pogge, Thomas. 2005. “World Poverty and Human Rights.” *Ethics and International Affairs* 19(1).

Agartan, Kaan. 2014. “Globalization and the Question of Social Justice.” *Sociology Compass* 8(6): 903-915.

Blunt, Gwilym David. 2017. “Is there a human right to resistance?” *Human Rights Quarterly*, 39(4):860-881.

*Recommended*

Nagel, Thomas. 2005. “The problem of global justice.” *Philosophy & Public Affairs*, 33(2): 113-147.

Armstrong, Chris. 2011. “Citizenship, egalitarianism and global justice.” *Critical Review of International Social and Political Philosophy* 14(5)

Thu. Sep. 19 ***Transitional justice***

Leebaw, Bronwyn Anne. 2008. “The Irreconcilable Goals of Transitional Justice.” *Human Rights Quarterly* 30(1): 95-118.

Akhavan, Payam. 2009. “Are International Criminal Tribunals a Disincentive to Peace? Reconciling Judicial Romanticism with Political Realism.” *Human Rights Quarterly* 31(3): 624-654.

Balasco, Lauren Marie. 2013. “The transitions of transitional justice: Mapping the waves from promise to practice.” *Journal of Human Rights*, 12(2): 198-216.

*Recommended*

Dudai, Ron. 2017. “Transitional justice as social control: Political transitions, human rights norms and the reclassification of the past.” *British Journal of Sociology*.

Arthur, Paige. 2009. “How ‘Transitions’ reshaped human rights: A conceptual history of transitional justice.” *Human Rights Quarterly* 31:321-367.

Lambourne, Wendy. 2009. “Transitional justice and peacebuilding after mass violence.” *International Journal of Transitional Justice* 3(1):28-48.

### **III. Human Rights and Humanitarianism in Practice**

Tue. Sep. 24 ***Evidence about human rights***

Part I in Sikkink (chapters 1 & 2)

Thu. Sep. 26 ***Human rights ‘enforcement’: a history***

Part II in Sikkink (chapters 3 & 4)

Tue. Oct. 1 ***Effectiveness of human rights institutions***

Part III in Sikkink (chapters 5 & 6)

Thu. Oct. 3 ***Humanitarian work in practice: introduction***

**Paper topics due**

Chapters 1-3 in Jones

Tue. Oct. 8 ***Humanitarian work in practice: experiences***

Chapters 4-6 in Jones

Thu. Oct. 10 ***Challenges in humanitarianism***

Chapters 7-9 in Jones

Tue. Oct. 15 ***Fall Break (no class)***

Thu. Oct. 17 ***Humanitarianism looking forward***

Chapters 10-12 in Jones

Tue. Oct. 22 ***Human rights looking forward***

**Lit. review & context due**

Part IV in Sikkink (chapter 7)

#### **IV. Topics: Just wars, refugees, human trafficking**

Thu. Oct. 24 ***Defining just wars***

Walzer, Michael. 2002. "The Triumph of Just War Theory (and the Dangers of Success).  
*Social Research*, 69(4):925-944.  
Foreword & chapter 1 in Brauman & Meyran.

Tue. Oct. 29 ***"Just war" case studies***

Chapters 2-4 in Brauman & Meyran

Thu. Oct. 31 ***"Just wars" in the present***

Chapters 5-6 in Brauman & Meyran

Tue. Nov. 5 ***Refugees: causes, issues, solutions?***

Chapters 1-5 in Kingsley

Thu. Nov. 7 ***Refugees (continued)***

Chapters 6-10, plus epilogue, in Kingsley

Tue. Nov. 12 ***Refugees and humanitarianism***

**First draft due**

Schuster, Liza. 2010. "Turning refugees into 'illegal migrants': Afghan asylum seekers in Europe." *Ethnic and Racial Studies* 34(8):1392-1407.  
Easton-Calabria, Evan, and Naohiko Omata. 2018. "Panacea for the refugee crisis? Rethinking the promotion of 'self-reliance' for refugees." *Third World Quarterly*.

Thu. Nov. 14 ***Human Trafficking and modern slavery***

Chapters 1-2 in Kara.  
*Recommended*  
Chapter 5 in Kara

Tue. Nov. 19 ***Human trafficking beyond sex trafficking***

**Blog post due**

Chapters 3-4 in Kara

Thu. Nov. 21 ***Human trafficking (continued)***

Chapters 6-7 in Kara  
*Recommended*  
Chapter 8 in Kara

## **V. Presentations**

Tue. Nov. 26 **Paper presentations**

Thu. Nov. 28 *Thanksgiving Break (no class)*

Tue. Dec. 3 **Paper presentations**

Thu. Dec. 5 **Paper presentations**

Mon. Dec. 9 ***Paper due***