PY/LL/ED/TH/UN 461.01
HUMAN RIGHTS and INTERNATIONAL JUSTICE:
INTERDISCIPLINARY SEMINAR
SPRING 2014

Instructors: M. Brinton Lykes & Daniel Kanstroom

Class Meets: Stuart House Room 410, Newton Campus
Thursday 9:30 AM-12:00 PM

First Class: THURSDAY, JANUARY 16

Phone & Email: Prof. Lykes: 617-552-0670, lykes@bc.edu
Prof. Kanstroom 617-552-0880, kanstroo@bc.edu

Offices: Prof. Lykes: Campion Hall 308
Prof. Kanstroom: Stuart House 538

Office Hours: Prof. Lykes: Wednesday: 2:00 – 4:00 pm
Thursday: 12:30 – 2:00 pm
and by appointment.

Prof. Kanstroom: Wednesday: 12:30-1:30 pm
Thursday: 12:30-1:30 pm
and by appointment.

Webpage: http://www2.bc.edu/~brinton.lykes

COURSE DESCRIPTION

This interdisciplinary seminar is sponsored by the Center for Human Rights and International Justice (CHRIJ). It draws faculty affiliated with the Center and students from across the university into dialogue with each other, with guest speakers and with visiting scholars on issues of human rights and international justice. During the Spring 2014 semester, the seminar will be taught by Professor M. Brinton Lykes, Community-Cultural Psychologist and Law Professor Daniel Kanstroom, both of whom are Associate Directors of the CHIRJ.
The seminar draws on interdisciplinary understandings of—and responses to—some of the most compelling human rights challenges of our times. This spring the seminar will explore:

--the philosophical and historical origins of Western ideas of human rights and how those ideas differ from other conceptions;

--the international law, treaties, instruments, “customary” norms, etc. that create and protect human rights, including economic and social rights, rights against racial, ethnic, religious, and gender discrimination, rights to self-determination, and the rights of children;

--ethical, legal, and psychosocial aspects of the human rights issues confronting migrants, refugees and internally displaced populations throughout the world with a particular focus on issues ‘at home’, that is, here within the United States.

--the institutions that monitor and enforce human rights law, including in particular regional systems such as those of Europe and the Inter-American system, as well as national systems such as those of South Africa and India;

--particular human rights issues relating to refugees, non-citizens’ rights, and deportation.

The seminar will begin with an overview and brief historical review of human rights instruments and then explore a series of complexities for those seeking to engage in human rights scholarship, advocacy, and activism. We seek to engage critically with human rights discourse and actions as they intersect with gender, culture/ethnicity, and race.

Specifically, we will explore how structural inequalities and/or oppressions due to race, gender, nationality or ethnicity, and culture negatively constrain populations “on the move”—and how those situated at these intersections of power engage themselves and their communities as resources for resisting gross violations of their rights.

REQUIRED TEXT:

ALSTON, & GOODMAN, INTERNATIONAL HUMAN RIGHTS LAW (OXFORD UNIVERSITY PRESS FOURTH EDITION) (2013) (“TEXT”)

Required Articles are posted on the course Blackboard Vista site (“Articles”)

Optional Articles are also posted on the course Blackboard Vista site (“Optional”)

Various Human Rights Conventions, Declarations, etc. are posted on the course Blackboard Vista site or via Text Supplementary Documents (“Doc. Supp.”)
I. Class Requirements:

1. **Attend and participate in all seminar sessions.** You are also encouraged to attend CHRIJ sponsored or co-sponsored events throughout the semester.

2. **Do the assigned readings for the seminar sessions in advance of the sessions.** All students should come to class prepared to discuss the readings, to interact with the student presenters, and to engage in substantive discussion with the faculty member or guest speaker facilitating the session that day.

3. **Class participation:** Prepare a discussion paper handout and EITHER:
   
   (1) lead part of one class discussion once OR
   
   (2) participate in at least one class exercise

   You will have an opportunity to sign up for these assignments during the first class and thereafter. *See detailed instructions below.*

4. **One short Critical Article or Book Review,** 3-8 double-spaced pages, 12 point font, of any book with an asterisk or that is listed as supplementary reading for this class at the end of the syllabus or a book of your choosing which is approved by both instructors **no later than February 1, 2014.** For this assignment you will not only report (briefly) on the content of the book you have chosen but also assess its strengths and weaknesses vis-à-vis the author’s arguments and as a reading for students in a university course OR practitioners [activists, advocates, researchers, etc.] in the field of human rights and international justice. Please pick your audience (academic; practitioner; both) by identifying the journal or magazine or news outlet to which you would submit your review and include this information in your paper. **Due on or before Thursday, February 27.**

   [See guidelines posted on Blackboard Vista for suggestions on how to write a Critical Review if you are not familiar with this format.]

5. **Fact Pattern/Case Study Analysis.** Students will be divided into interdisciplinary teams. You will work in these interdisciplinary teams of 3-4 students from mid-February through the end of the semester. You are expected to research and discuss all questions attached to the Fact Pattern/Case Study. Guidelines for the GROUP DISCUSSION and PRESENTATION as well as the WRITTEN ASSIGNMENT will be distributed in class and posted on Blackboard Vista.

   Each team will present its responses to a sub-set of the questions attached distributed with the Fact Pattern/Case Study in an **in-class presentation on April 24 or May 1.**

   Each student will prepare an Essay/Final Paper, which must be 12-15 double-spaced pages, 12 point font, including references.

   **Final papers must be submitted no later than Monday, May 12, at 5 pm.**
FOR CHRIJ CERTIFICATE STUDENTS ONLY: Students who are enrolled in the CHRIJ Certificate Program – or who anticipate enrolling – are also required to substitute an integrative action-reflection critical research paper of 10-15 double-spaced pages, 12 point font, in addition to the above listed assignments. Specifically, students should select a human rights issue, problem, violation about which they have had some applied experiences. Your issue, problem, or violation – that is, the focus of your integrative action-reflection critical research paper must be approved by course instructors NO LATER THAN Thursday, March 13 but preferably prior to spring break, that is, March 3-7. You should critically review the literature from your own discipline of origin AND one of the following: Psychology, sociology, law, and/or critical theory, bearing on the issue(s) to contextualize your applied experience(s). The paper should conclude by recommending new strategies for better responding to the issue, problem and/or violation from an interdisciplinary perspective. As importantly your response must draw on the literature reviewed as well as class readings. PAPER IS DUE no later than Thursday, April 3, at class. It can be submitted electronically prior to class on that day.

Detailed Instructions for Class Participation:

A. Discussion paper handout:

Each student will prepare ONE 1-2 page (250-500 words, double-spaced, 12 point font) handout based on your understanding and application of the readings to lived experiences. Your discussion paper handout must be posted to BlackBoard Vista no later than Wednesday at 5 pm the day before the articles are to be discussed.

The handout should contain:

(1) Two or three major theses based on the readings for the day, stated in complete sentences, and integrating at least two of the readings.

A thesis is a direct, simple statement in propositional form based on at least one of the affirmations made by the authors. These theses should indicate how the readings contribute to your understanding of the issues to be discussed for the class. You may also present alternative points of view or arguments.

Do not just write one discrete paragraph for each reading. We will be looking for connections across readings, and between the readings and experiences in your own lives.

(2) One application from your professional or personal experience at the intersection of race or ethnicity, legal status, gender, or social/economic class that exemplifies one of the theses summarized above. If you have no relevant past experience, think of how the issues raised in the readings might better inform your responses to an issue or problem that you anticipate encountering in a planned training or work context.

B. Leading a class discussion:

For classes WITHOUT a guest speaker:

Identify one or two central questions the class might address in order to assess the meaning and significance of the theses advanced by the readings and their application.
to lived experiences. These should be based on your understanding of the readings and any posted summaries. You will be responsible for leading off one part of the discussion for the class

For classes WITH a guest speaker:

Prepare one or two questions that you will address to the guest speaker based on your understanding of the readings, the summaries that are posted, and other experiences you have related to the topic. You will be responsible for leading off the discussion for the class after the guest speaker has made her/his presentation.

Please be sure to discuss (or email) your plans for the class in which you will lead off the discussion with either (or both) of the professors no later than 5 pm on the Wednesday before Thursday class (but ideally earlier than this) of the week in which you will be facilitating the discussion or responding to the guest. This can be done in person during office hours or via email.

C. When you volunteer for a class exercise, please follow these guidelines:

Review the description of the class exercise that is posted on the Blackboard Vista site. Some exercises will require you to solicit other volunteers from the class; others will not.

Review the readings for the week in which you are facilitating an exercise (and prior weeks) with the exercise you are facilitating in mind. Be prepared to facilitate a discussion of key points across the readings as they interface with the exercise.

II. GRADING and DEADLINES:

FOR CERTIFICATE STUDENTS:

Class Participation and Short Essay for Class Discussion (DUE PER SIGN UP) 20%

Book Review (DUE ON or BEFORE FEBRUARY 27) 20%

CHRIJ Certificate Student Paper Topic (DUE ON or BEFORE MARCH 13)

CHRIJ Certificate Student Paper (DUE ON or BEFORE APRIL 3) 25%

Fact Pattern/Case Study Presentation and Analysis (DUE MAY 12) 35%

FOR NON-CERTIFICATE STUDENTS:

Class Participation and Short Essays for Class Discussion (DUE PER SIGN UP) 40%

Book Review (DUE ON or BEFORE FEBRUARY 27) 25%

Fact Pattern/Case Study Presentation and Analysis (DUE MAY 12) 35%
Deadlines will be strictly respected. Late papers will be down-graded at least one-half grade.

III. STUDENTS WITH DISABILITIES

If you have a documented disability, you are entitled by law to equal access to University programs and facilities. The Connors Family Learning Center provides academic support services and accommodations to students with learning disabilities and attention deficit hyperactivity disorder. For more information, please visit the website at www.bc.edu/libraries/centers/connors If you have a learning disability and will be requesting accommodations please register with Kathy Duggan [kathleen.duggan@bc.edu], Associate Director, Academic Support Services, The Connors Family Learning Center (learning disabilities and ADHD). To be considered eligible for services for all other disabilities through the Disability Services Office, students must make an appointment to meet with the Assistant Dean for Students with Disabilities in addition to providing documentation of a disability. The documentation serves as the foundation for legitimizing the request for a reasonable accommodation. For more information, please visit the website at http://www.bc.edu/offices/odsd/services/disabilityservices/ or contact Paulette Durrett (paulette.durrett@bc.edu), Assistant Dean for Students with Disabilities.

IV. ACADEMIC INTEGRITY

The educational process requires that individuals present their own ideas and insights for evaluation, critique, and eventual reformulation. Presentation of others' work as one's own is not only intellectual dishonesty, but also undermines the educational process. Plagiarism, that is, failure to properly acknowledge sources, written or electronic, used for verbatim quotations or ideas, is a violation of academic integrity. Each student is responsible for learning and using proper methods of paraphrasing and footnoting, quotation, and other forms of citation, to ensure that the original author, speaker, illustrator, or source of the material used is clearly acknowledged. Students should consult the university policies on Academic Integrity (for additional details about Academic Integrity see http://www.bc.edu/offices/stserv/academic/resources/policy.html#integrity). Please also note specific www resources on the Responsible Conduct of Research (http://www.bc.edu/research/oric/rcr.html) as well as those within your individual disciplines.
V.  CLASS SCHEDULE AND REQUIRED READINGS

All page numbers refer to the TEXT unless otherwise noted.

CLASS #1:  January 16:  Introductions, Expectations, and Opportunities (and CHRIJ activities)

Part 1:  Introduction to Class and of Participants (Lykes)

Part 2:  Introduction to Human Rights (Kanstroom)

Please read before class and be prepared to discuss:

1.  TEXT: pp. 1-17
2.  *The American Declaration of Independence* (1776) (posted)
3.  *The Declaration of the Rights of Man and of the Citizen* (1789)  (posted)
4.  Please pick one of the vignettes in the TEXT pages 1-17 and consider:
What is the human rights violation, if any?  These are thinking exercises.  You are not required to do any outside research or writing.
5.  Kanstroom, *Questions to Think About From First Readings* (posted)

Part 3:  Thinking about Rights from the Global South (Lykes)


Suggested (OPTIONAL) background readings:

Roth, *Taking Back the Initiative From the Human Rights Spoilers*,
http://www.hrw.org/en/node/79269 (posted)
Excerpts from:
2.  Thomas Paine: *The Rights of Man* (1791) (posted)

CLASS #2  January 23:  Defining and Historically Situating Human Rights:

Please read and be prepared to discuss:

1. TEXT: pp. 238-276  
   (Bentham on Torture)  
   (Public Committee Against Torture in Israel v. Government of Israel [Supreme Court of Israel, 1999])

2. Luban, Liberalism, Torture, and the Ticking Bomb (posted)

3. Kanstroom, On Waterboarding (posted)


6. The Convention Against Torture (available at: www.oxfordtextbooks.co.uk/orc/ihr3e/)

7. Think about and prepare to discuss in class:  
   Questions 1, 2 p. 245;  
   Questions 1, 4 p. 253-254;  
   Questions 1 p. 264;  
   Question 1 p. 275.

Two sets of Volunteers (2 in each set) for class exercise will prepare and debate: (1) Is waterboarding illegal torture under international human rights law? (2) Is it ethical for psychologists to participate in interrogations when waterboarding is used?

PART 2: A Historical Interlude

Please read and be prepared to discuss:

1. TEXT: pp. 139-154


Suggested (OPTIONAL) background readings:

CLASS #3 January 30: Human Rights in Theory and Practice Introduction

Part 1: UN System: The Basic Civil and Political Rights Documents

Please read and be prepared to discuss:

1. TEXT: pp. 157-166
2. Prepare: Questions 1, 2 p. 161
3. The U.N. Charter (DOC. SUPP.)
4. The Universal Declaration of Human Rights (DOC. SUPP.)
5. The ICCPR (DOC. SUPP.)
6. The website of UN Human Rights Council & High Commissioner (links in PACKET)

Two volunteers will prepare for class debate: French head scarf problem

Part 2: Thinking critically about Human Rights in the 21st Century: The Realities of Women’s Lives

Please read and be prepared to discuss:

1. TEXT: pp. 166-220
2. Susan Moller Okin et. al, Is Multiculturalism Bad for Women? And Responses (select at last 3) http://bostonreview.net/BR22.5/okin.html (MUST DOWNLOAD ON LINE)

Suggested (OPTIONAL) background readings:


CLASS #4 February 6: Basic Economic and Social Rights:
GUEST LECTURE: Professor Katharine Young

Please read and be prepared to discuss:

1. Selections from: Katharine Young: Constituting Economic and Social Rights (posted)
2. TEXT: pp. 277-287; 299-301; 310-315; 353-378;
3. The ICESCR (DOC. SUPP.);
4. F.D. Roosevelt, “Four Freedoms Speech” (posted)
5. Prepare: ESR Assignment (posted) Volunteers will debate. Others will act as judges. Everyone should prepare the assignment.

Suggested (OPTIONAL) background readings:

Amartya Sen, The Idea of Justice

CLASS #5 February 13: Comparing Models

Part 1: The European Human Rights Model

Please read and be prepared to discuss:

2. Volunteers prepare: Terrorism Act 2000 Questions (posted) (all should read and think about the questions in advance)

Think about:
• How does the idea of derogation function in the A v. Sec’y of State case?
• What is a “margin of appreciation”?
• What is the meaning of “proportionality”?
• What is the meaning of “discrimination”?

Suggested (OPTIONAL) background readings:

Feldman, Human Rights, Terrorism, and Risk (posted);
Gearty, Rethinking Civil Liberties (posted)

Part 2: Cultural Diversities and Indigenous Peoples within a Human Rights Framework

Please read and be prepared to discuss:

1. TEXT: pp. 531-544; 557-562; 578-582.

4. Prepare: Questions p. 555 #1; 581

CLASS #6 February 20: Introduction to asylum and gender issues

Part 1: Sexual Orientation

Please read and be prepared to discuss:

1. TEXT: pp. 220-238
2. 1951 Geneva Refugee Convention (posted)
3. 8 USC 1101(a) (posted)
4. Hernandez-Montiel v. INS (posted)
5. UNHCR Handbook paragraphs 51-86 (posted)
6. Refugee law exercise (posted)

Part 2: “Domestic” Violence Claims

Please read and be prepared to discuss:

1. Matter of R.A. (various cases posted)

Recommended (OPTIONAL) Background Reading:

Kanstroom, Sexuality-based Asylum Claims: A Few Answers, Many Questions (posted)

CLASS #7 February 27: Genocide and Racism

Part 1: Genocide: Definitions and Controversies

Please read and be prepared to discuss:

1. The Genocide Convention (posted)
2. Stein, Genocide: Definitions and Controversies (posted)
3. Volunteers prepare: GENOCIDE Questions (posted) (all should read and think about the questions in advance)
Part 2: The Case of Guatemala

Please read/view and be prepared to discuss:

1. Judging a Dictator: The Trial of Guatemala’s Rios Montt (Open Society Initiative)
3. In class: Genocide in Guatemala? (posted)

Recommended (OPTIONAL) Background Reading and Viewing:

When the Mountains Tremble (1983) Rigoberta Menchú (Actor), Susan Sarandon (Actor), Newton Thomas Sigel (Director), Pamela Yates (Director)
Granito: How to Nail a Dictator (2012) http://www.pbs.org/pov/granito/

MARCH 3 – 7: SPRING VACATION

CLASS #8 March 13: Remembering a Forgotten War: Still Present Pasts –

GUEST LECTURE and FILM: Ramsay Liem

READINGS TO BE ASSIGNED

CLASS #9 March 20: Forced migration, detention and deportation: Mixed status and transnational families

REQUIRED VIEWING: *Harvest of Empire: The Untold Story of Latinos in America*
http://harvestofempiremovie.com/ (see CHRIJ Events Listing or in O’Neill Library)

Please read and be prepared to discuss:


Recommended (OPTIONAL) Background Reading and Viewing:


CLASS #10: March 27: Post-Deportation Human Rights Law: Aspiration, Oxymoron or Necessity?

Please read and be prepared to discuss:

1. Smith v. Armendarez case (Inter-American Commission);
2. Boston Principles on the Rights of Non-citizens (posted);
3. ILC Draft (posted)
4. Kanstroom, AFTERMATH: DEPORTATION LAW AND THE NEW AMERICAN DIASPORA (Read the Preface and Introduction only—posted)
5. Prepare: We are going to begin to draft a Convention on the Rights of Deportees in class. Please think about how you might structure such a document and prepare at least 3 provisions in advance.
CLASS #11  April 3:  Gender Violence against Women in Post-Conflict Transitions: Human Rights and International Justice

Please read and be prepared to discuss:

1. TEXT: pp. 1370-1390 Readings on Alternative Justice Systems: the Gacaca in Rwanda
2. Think about and prepare to discuss in class:
   Question 2, 3 p. 1390

Recommended (OPTIONAL) Background Reading and Viewing:

CD: So that Memory Can Blossom: Performance of Yuyachkani in the Public Hearing of the Truth and Reconciliation Commission, Peru, April 2002 (posted)  
M. Brinton Lykes and Erzulie D. Coquillon (2009) Psychosocial Trauma, Poverty, and Human Rights in Communities Emerging from War In D. Fox, I. Prilleltensky, & S. Austin (Eds.), Critical Psychology II. London: SAGE, pp. 285-299. (posted)
CLASS #12 April 10: Human Rights, Advocacy, and Activism in the United States and Beyond

Please read and be prepared to discuss:

5. ADDITIONAL READING TO BE ASSIGNED.

Recommended (OPTIONAL) Background Reading:


CLASS 13 April 17: Human Rights in the Context of Forced Migrations: New Migrants and Urban Poverty

GUEST LECTURE: Maryanne Loughry, PhD, CHRIJ Visiting Scholar.

*READINGS TO BE ASSIGNED*

CLASS #14 April 24 and CLASS #15 May 1 Student presentations
Books to Review – Choose 1


