**San José State University**

**Justice Studies 212-01**

**Local and Global Perspectives on Human Rights, Spring, 2019**

## Course and Contact Information

|  |  |
| --- | --- |
| **Instructor**: | Sambuddha Ghatak, Ph.D. |
| **Office** **Location**: | MacQuarrie Hall 525B, San Jose State University, San Jose, CA 95192-0050 |
| **Telephone**: | (408) (924 1836) |
| **Email**: | [sambuddha.ghatak@sjsu.edu](mailto:sambuddha.ghatak@sjsu.edu) |
| **Office Hours**: | Tuesday 3:30-4:30 pm; Monday 5:45 – 6:45 pm |
| **Class Days/Time**: | Tuesday, 4:30-7:15 pm |
| **Classroom**: | MH526 |

## Course Format: Seminar

## Course Description (Required)

Progress in human rights is one of the Twentieth Century's hallmark achievements. One hundred years ago, more than half the world lived under colonial rule; no country permitted all of its citizens to vote; and state terrorists operated with impunity, protected by the norm of noninterference in the internal affairs of other countries. Discrimination on the basis of race, ethnicity, religion, and gender were accepted official practices. But today, a half century after the adoption of the Universal Declaration of Human Rights, there has been a profound transformation in the way that governments are expected to treat their people and each other –even if they often do not comply. Expanding the scope of human rights protections has not been easy. While some important changes emerged out of religious belief and duty, compassion, or a sense of responsibility to others, most were the outcome from war, persecution, slavery, territorial conquest, state terror, torture, the exploitation of women and children, ethnic cleansings, and the mass exterminations of genocide. Furthermore, each attempt to create new visions of rights has been met with powerful opposition and enormous resistance. Winning the protection of rights continues to be a major global struggle – in a race against war and oppression.

This course examines the gradual construction of an international human rights regime and a universal culture of rights. This international regime is characterized by widely accepted norms, binding treaties with implementation mechanisms, access by individual victims to global and regional machinery, and transnational networks of activists who are both better informed through new communications and less willing to accept the limitations of traditional claims of national sovereignty. The course seeks to understand how and why human rights standards have come into being and how they change over time. While it makes use of legal cases and understands the importance of technological change in fostering new notions of rights, it focuses primarily on understanding the socio-political forces both propelling and opposing this rights regime. At the local level, this course focuses on the pressing questions for scholars on the definition or realizing of human rights in the U.S. How might human rights and a human rights discourse shape U.S. policy? What are the pressing questions for human rights activists in the U.S.?

All course material, except for the course book, will be available through Canvas. (A word to the wise: Students who do not follow the course lectures in sequential order as the semester progresses, or do not take notes on the contents, or do not do the required course readings will find it impossible to get a good grade and may well end up failing this course. Cutting corners, which is never a good idea for students who are serious about learning, is likely to lead to disaster in an online course!) To reiterate, course materials such as the syllabus, handouts, notes, assignment instructions, etc., can be found on the Canvas learning management system course website. You are responsible for regularly checking with the messaging system through MySJSU to learn of any updates.

### Course Learning Outcomes (CLO) (Required)

Upon successful completion of this course, students will be able to:

1: Have a clear understanding of the basic idea of human rights and the approaches to the concept such as universalism or cultural relativism.

2: Understand the logic of human rights violations by states and their implications.

3: Have an understanding of human rights documents and institutions to enforce those (conflict resolution).

4: Learn to engage in educated discourse on the conflicts between state security/economy and protection of human rights, and how human rights should play a role in US domestic and foreign policies.

# Graduate PLOs

1:  Creating assignments that are engaging, meaningful, and challenging.

2:  Providing students meaningful and relatively quick feedback.

3: Having high expectations for writing assignments.

4: Offering an academic experience that involves meaningful engagement with the professor and among the students to build an online community.

## Required Texts/Readings (Required)

### Textbook

Jack Donnelly, Universal Human Rights in Theory and Practice,2nd Edition, ISBN: 9780801487767

Taibbi, Matt and Molly Crabapple. (2014). The Divide: American Injustice in the Age of the Wealth Gap. NY, NY: Spiegel & Grau. ISBN: 0812983637

### Other Readings

# Other required readings will be posted on Canvas. The readings are subject to change by instructor.

## Course Requirements and Assignments (Required)

Five Critique papers: **In five different weeks,** you should prepare a four/five-page critique of the week’s assigned article. Critiques must be typed, double- spaced, and in a font size no smaller than 11. Critiques are required to be uploaded online through Canvas. **I will evaluate your critiques for critical content. Works that merely summarize the** **readings will receive poor marks.** When writing your critique, keep in mind the following points: what are the important claims made by the author? What has the author really shown? What are the strength and weakness of the arguments? What are the possibilities for related research? What interesting questions (at least three) can we ask to the author? I will not accept any critiques after the deadline.

Group Discussion: On six different days (see schedule), we will participate in a group discussion on some important topics related to Human Rights. You will write at least two pages single spaced (12 font) note on the discussion topic. The notes will be based on the readings related to the topic. One student will lead the discussion and others will participate in it. The discussion should be constructive and based on logic as well as evidence. You are required to upload the notes on canvas on the morning of discussion. Please write your full name on top of your response. You will be graded on the basis on your notes and participation.

Research Paper: Writing a research paper is a major part of this class. The students are required to select a topic in consultation with the instructor and write a research paper on a topic related to human rights issues. The research paper should include among others a research question, literature review, theory and hypothesis/hypotheses. Students will discuss their research papers in class on May 7. The final draft paper is due on **Tuesday, May 14.**

**Participation.** Participation includes but is not limited to: contributing to group discussions, and working together in groups on discussion. Class Exercises/Activities. As part of your participation grade, you will also complete various class exercises and activities during the course. The objective of the exercises is to practice the concepts needed to write your applied research projects. Some of these class activities/exercises will be submitted, others will be shared online, and yet others will be for your personal enrichment.

## Grading Information (Required)

Percent to Letter Grade Correspondence

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A plus = 100-98% | A =  97-91% | A minus = 90% | B plus = 89-88% | B = 87-81% | B minus = 80% | C plus =  79-78% |
| C =  77-71% | C minus = 70% | D plus =  69-68% | D = 67-61% | D minus = 60% | F = 59-0% |  |

### Determination of Grades

Five Critique papers: 30%

Group Discussion: 20%

Research Paper: 30%

Participation: 20%

## Classroom Protocol

Students should always be respectful of other students. I will not tolerate insensitive, rude, or abrasive comments. I will also not tolerate sexist, racist, homophobic, or any type of remarks that hinder instead of promote class discussion. Please remember that you are a community of professionals, and henceforth you are expected to interact with professionalism, courtesy, dignity, and ethical consideration for others.

## University Policies (Required)

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs’ [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>” You are responsible for university policies regarding, but not limited to, drop deadlines, plagiarism, and academic integrity.

# Justice Studies Department Reading and Writing Philosophy

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives–personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

**Sample Paper topic:**

Status of women in Sub-Saharan Africa and their human rights

Religious minorities in India and the violations of their human rights

Dilemma of international response in cases of genocide

# JS 212-01, Lcl. & Gbl. Perspectives on Human Rights, Spring, 2019,

# Course Schedule

*The schedule is subject to change with fair notice and the notice will be made available by email.*

## Course Schedule

| **Week** | **Date** | **Topics, Readings, Assignments, Deadlines** |
| --- | --- | --- |
| 1 | January 29 | Introduction |
| 2 | February 5 | Readings:  *Required*  Jack Donnelly 1. Chapter 1. The Concept of Human Rights 2. Chapter 2. The Universal Declaration Model  3. Jerome J. Shestack. 1998. The Philosophic Foundations of Human Rights. *Human Rights Quarterly,* Vol. 20, No. 2, pp. 201-234.  HR DOC: 1. Universal Declaration of Human Rights at <https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf> |
| 3 | February 12 | Readings:  *Required*  Jack Donnelly  1. Chapter 3. Equal Concern and Respect  2. Mark Lattimer. 2018. Two Concepts of Human Rights. *Human Rights Quarterly*, Volume 40, Number 2, pp. 406-419.  **Paper Critique 1 due by 3 pm (Lattimer 2018)**  **Issue Debate 1**  *HR Docs:* 1. International Covenant on Economic, Social and Cultural Rights at <https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf>  2. International Covenant on Civil and Political Rights at <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf> |
| 4 | February 19 | Readings: *Required* Jack Donnelly1. Chapter 4. Markets, States, and “The West”  2. Chapter 5. Non-Western Conceptions of Human Rights  3. Lila Abu-Lughod (2002) Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others. *American Anthropologist*, Vol. 104, No. 3, pp. 783-790.  **Issue Debate 2** |
| 5 | February 26 | Readings;  *Required*  Jack Donnelly  1. Chapter 6. Cultural Relativism and Universal Human Rights 2. Chapter 7. Human Rights and “Asian Values”  3. Bilahari Kausikan. "Asia's Different Standard." Foreign Policy Fall 1993, pp. 24-41.  4. Aryeh Neier, "Asia's Unacceptable Standard." Foreign Policy Fall 1993, pp.42-51. |
| 6 | March 5 | Readings:  *Required*  Jack Donnelly  1. Chapter 8. International Human Rights Regimes  2. Martha Finnemore. (1993) International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cutural Organization and Science Policy *International Organization*, Vol. 47, No. 4. (Autumn, 1993), pp. 565-597.  3. Ran Hirsch, "'Negative' Rights vs. 'Positive' Entitlements: A Comparative Study of Judicial Interpretation of Rights in an Emerging Neo-Liberal Economic Order," Human Rights Quarterly 22 (2000): 1060-1098.  4. Moravcsik, Andrew. (1995). Explaining International Human Rights Regimes: Liberal Theory and Western Europe. *European Journal of International Relations*, *1*(2), 157–189.  **Paper Critique 2 due (Finnemore 1993)** |
| 7 | March 12 | Readings:  *Required*  Jack Donnelly  1. Chapter 9. Human Rights and Foreign Policy  2. Chapter 10. The Priority of National Action 3. David Forsythe (2000) US foreign policy and human rights. Journal of Human Rights, Volume 1 (4), 501-521. 4. Foreign Policy and Human Rights (2009) CFR <https://www.cfr.org/backgrounder/human-rights-reporting-and-us-foreign-policy>    **Issue Debate 3** |
| 8 | March 19 | Readings:  *Required*  Jack Donnelly  1. Chapter 11. Democracy, Development and Human Rights  2. Andrew Moravcsik. The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe. *International Organization*, Vol. 54, No. 2. (Spring, 2000), pp. 217-252.  3. Davenport and Armstrong (2004) – “Democracy and the Violation of Human Rights: A Statistical Analysis from 1976 to 1996.” *American Journal of Political Science* Vol. 48, No. 3, July 2004, Pp. 538–554.  4. H.-O. Sano. (2000) Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development. Human Rights Quarterly, Volume 22, Number 3, August 2000, pp. 734-752  5. Udombana, N. J. "The Third World and the Right to Development: Agenda for the Next Millennium." *Human Rights Quarterly*, vol. 22 no. 3, 2000, pp. 753-787.  **Paper Critique 3 due (Moravcsik 2000)** |
| 9 | March 26 | Readings:  *Required*  Jack Donnelly  1. Chapter 12. Group Rights and Human Rights  2. Chapter 13: Nondiscrimination for All: The Case of Sexual Minorities  3. Ghatak, Sambuddha. “Gender Marginalization: A Discourse on the Status of Women in South Asia,” in E. Ike Udogu (ed.), *The Developing World: Critical Issues in Politics and Society*, Lanham, MD: Scarecrow Press/Rowman and Littlefield Group (2012): 69-93.  4. Ghatak, Sambuddha and E. Ike Udogu. “Minority Quandaries and Jihadist Terrorism in India, 1985-2013: An Overview,” in E. Ike Udogu and Sambuddha Ghatak (eds.). *Human Rights Dilemmas in the Developing World: The Case of Marginalized Populations at Risk.* Lanham, MD: Lexington Books (2017): 121-178.  5. Ghatak, Sambuddha. “Human Rights Violations of Minorities in South-East Asia: Indonesia and Malaysia,” in E. Ike Udogu and Sambuddha Ghatak (eds.,). *Human Rights Dilemmas in the Developing World: The Case of Marginalized Populations at Risk.* Lanham, MD: Lexington Books (2017): 91-119.  6. Ghatak, Sambuddha and E. Ike Udogu, “Human Rights Issues of Minorities in Contemporary India: A Concise Analysis,” *Journal of Third World Studies*, Vol. XXIX, No. 1 (Spring 2012): 203-230.  **Paper Critique 4 due (Ghatak & Udogu 2012)** |
| 10 | April 2 | Campus Closed |
| 11 | April 9 | Readings  *Required*  Jack Donnelly  1. Chapter 14. Humanitarian Intervention against Genocide  2. Bellamy, A. J. (2005). Responsibility to protect or Trojan horse? The crisis in Darfur and humanitarian intervention after Iraq. *Ethics & International Affairs*, *19*(2), 31-54.  3. Alan J. Kuperman (2008) The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans. *International Studies Quarterly*, Vol. 52, No. 1 (Mar., 2008), pp. 49-80  4. TBD  **Issue Debate 4** |
| 12 | April 16 | Taibbi, Matt and Molly Crabapple.  Bill of Rights (Amendments 1-10 of the Constitution)  (<http://www.archives.gov/exhibit_hall/charters_of_freedom/bill_of_rights/amendments_1-10.html)>  Cass R. Sunstein, "Why Does the American Constitution Lack Social and Economic Guarantees?" (University of Chicago Public Law & Legal Theory Working Paper No. 36, 2003).  **Paper Critique 5 due Bellamy, A. J. (2005).** |
| 13 | April 23 | Taibbi, Matt and Molly Crabapple. (Continued.)  **Issue Debate 5** |
| 14 | April 30 | Taibbi, Matt and Molly Crabapple. (Continued.)  Samantha Pearlman, Human Rights Violations at Guantánamo Bay: How the United States Has Avoided Enforcement of International Norms, 38 SEATTLE U. L. REV. 1109 (2015).  Sanders, R. 2018. Human Rights Abuse at the Limits of the Law: Legal Instabilities and Vulnerabilities in the “Global War on Terror” Review of International Studies, 44 (1): 2-23. Sarah Morgan 2018. America’s Retreat on Human Rights, Foreign Affairs <https://www.foreignaffairs.com/articles/united-states/2018-02-13/giving-high-ground> UN Report on Dakota Access Pipeline: <https://law.arizona.edu/sites/default/files/Indigenous%20Resistance%20to%20the%20Dakota%20Access%20Pipeline%20Criminalization%20of%20Dissent%20and%20Suppression%20of%20Protest.pdf> |
| 15 | May 7 | **Issue Debate 6**  **Discussion of Research Paper by students** |