

Professor Bonnie C. Brennan
Course Description and Syllabus
Spring 2008

HUMAN RIGHTS
&
HUMANITARIAN LAW

The purpose of this course is to introduce students of international relations to human rights and humanitarian law. It will be of especial value to three groups of students: first, those persons pursuing international relations who might one day have to speak to an international lawyer and decipher what he or she is talking about; secondly, those students who wish to work in the field of human rights and/or humanitarian law; and, lastly, those students who are toying with the idea of going to law school and want to get a feel for what it might be like. When we are done, you will not be lawyers, but you'll have some insight into how lawyers think. You will also have some idea of what human rights law is, what humanitarian law is, and how they differ.

Were you in law school, you would almost certainly be spending a full semester on human rights law and a full semester on humanitarian law. Clearly, we will not be covering either area of the law in that kind of depth. Rather, I will give you a

survey of both areas of the law and then we will dig deeper in connection with a number of highly politically salient, international legal issues of our time: as to human rights, genocide, gendercide, humanitarian intervention and international criminal tribunals; and as to humanitarian law, unlawful weapons of war, belligerent occupation, mass rape, unlawful detention of combatants, and torture. I intend to appeal to your compassion. But, by the end of the course, I hope you will also grasp why it is in our best interests both to observe human rights law and humanitarian law and to promote them as universal standards of international behavior.

Because this is a reading course, you will be called upon to write a take home midterm (35% of your grade) and a take home final exam (50% of your grade). For your midterm, you will be given a choice of five essay questions and you will be called upon to answer three. The midterm will deal exclusively with human rights. For your final, you will be given a choice of seven essay questions and will be called upon to answer five. The final exam will emphasize humanitarian law, but will offer questions in human rights as well. You may use any resources for both exams, but you may not discuss them with other students. You will have a week to finish your midterm examination and two weeks to finish your final. Finally, to encourage you to stay on top of your readings, you will be expected to attend class and make regular contributions to class discussions (15% of the final grade).

Wherever possible, the department has ordered paperback versions of the following books. They should be available at the bookstore or on-line. It is, I realize, a long reading list. You should note, however, that two of the books are purely reference books that will have indefinite value. As to the remainder of the readings, I have tried to balance international legal materials with books and articles that both address historical incidents and undertake an analysis of the political and legal issues they raise. In addition to a course reader, required texts for this course are:

1. Rosalyn Higgins, **Problems and Process: International Law and How We Use It** (Oxford University Press Reprint 1995).
2. Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002).
3. Ian Brownlie & Guy S. Goodwin-Gill, eds., **Basic Documents on Human Rights**, 5th Ed. (Oxford University Press 2006). (Hereinafter Brownlie & Goodwin.)
4. Julie Stone Peters & Andrea Wolper, eds., **Women's Rights, Human Rights** (Taylor & Francis, Inc. 1995).
5. Adam Jones, **Genocide: A Comprehensive Introduction** (Routledge/Taylor & Francis Publishers 2006).
6. Martha Finnemore, **The Purpose of Intervention: Changing Beliefs About the Use of Force** (Cornell University Press 2004).
7. Philippe Sands, ed., **From Nuremberg to the Hague: The Future of International Criminal Justice** (Cambridge University Press 2003).

8. Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000).
9. Adam Roberts & Richard Guelff, eds., **Documents on the Laws of War** (Oxford University Press 2000). (Hereinafter Roberts & Guelff.)
10. Alexandra Stiglmayer, ed., Marion Faber (translator), **Mass Rape: The War against Women in Bosnia-Herzegovina** (University of Nebraska Press 1994).
11. David Rose, **Guantanamo: The War on Human Rights** (The New Press 2004).
12. Alfred W. McCoy, **A Question of Torture: CIA Interrogation from the Cold War to the War on Terror** (Henry Holt & Company 2006).
13. William F. Schulz, **In Our Own Best Interests: How Defending Human Rights Benefits Us All** (Beacon Press 2002).

COURSE SYLLABUS

Week One: January 25, 2008

I. A Primer in International Law:

Rosalyn Higgins, **Problems and Process: International Law and How We Use It** (Oxford University Press Reprint 1995). Read chapters 1-4, 9-13.

Week Two: February 1, 2008

II. The Post-War System of Liberal Human Rights:

A. Readings:

Rosalyn Higgins, **Problems and Process: International Law and How We Use It** (Oxford University Press Reprint 1995). Read chapter 6.

Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002). Read chapters 1-3, 8, 10-11.

Judge Edward D. Re, "The Universal Declaration of Human Rights: Effective Remedies and the Domestic Courts," 33 Cal. W. Int'l L.J. 137 (2003). (Reading no. 1.)

Oona A. Hathaway, "Do Human Rights Treaties Make a Difference?" 111 Yale L.J. 1935 (2002). (Reading no. 2.)

B. Relevant Documents:

Relevant Provisions of the United Nations Charter, 1945, Brownlie & Goodwin, at 1.

Universal Declaration of Human Rights, 1948, Brownlie & Goodwin, at 23.

International Covenant on Economic, Cultural and Social Rights, 1966, Brownlie & Goodwin, at 348. *Passim*.

International Covenant on Civil and Political Rights, 1966, Brownlie & Goodwin, at 358. *Passim*.

Declaration on the Right to Development, 1986, Brownlie & Goodwin, at 83.

Appointment of a United Nations High Commissioner for Human Rights, 1993, Brownlie & Goodwin, at 191.

Week Three: February 8, 2008

III. Cultural Relativism v. the Universality of Human Rights:

Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002). Read chapters 4-7.

Thomas M. Franck, "Are Human Rights Universal?" 80 *Foreign Affairs* 191 (Jan/Feb 2001). (Reading no. 3.)

Daniel A. Bell, "The East Asian Challenge to Human Rights: Reflections on an East West Dialogue," 18 *Human Rights Quarterly* 641 (1996). (Reading no. 4.)

Heiner Bielefeldt, "Muslim Voices in the Human Rights Debate," 17 *Human Rights Quarterly* 587 (1995). (Reading no. 5.)

Samuel P. Huntington, "The Clash of Civilizations?" 72 *Foreign Affairs* 22 (Summer 1993). (Reading no. 6.)

Week Four: February 15, 2008

IV. Women's Rights as Human Rights:

A. Readings:

Julie Stone Peters & Andrea Wolper, eds., **Women's Rights, Human Rights** (Taylor & Francis, Inc. 1995). Read chapters 1-3, 13-20, 26-28, & 31-32.

Gila Stopler, "Countenancing the Oppression of Women: How Liberals Tolerate Religious and Cultural Practices that Discriminate Against Women," 12 Colum. J. Gender & L. 154 (2003). (Reading no. 7.)

B. Relevant Documents:

Convention on the Political Rights of Women, 1953, Brownlie & Goodwin, at 304.

Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974, Brownlie & Goodwin, at 66.

Convention of the Elimination of All Forms of Discrimination against Women, 1979, Brownlie & Goodwin, at 388. *Passim*.

Declaration on the Elimination of Violence against Women, 1993, Brownlie & Goodwin, at 186.

Beijing Declaration and Platform for Action, Fourth World Conference on Women: Action for Equality, Development and Peace, 1995, Brownlie & Goodwin, at 205. *Passim*.

Week Five: February 22, 2008

V. Genocide and Group Rights:

A. Readings:

Adam Jones, **Genocide: A Comprehensive Introduction** (Routledge/Taylor & Francis Publishers 2006). Read chapters 1-2, & 8-14.

Rosalyn Higgins, **Problems and Process: International Law and How We Use It** (Oxford University Press Reprint 1995). Read chapter 7.

Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002). Read chapter 12 (including Appendix.)

B. Relevant Documents:

Convention on the Prevention and Punishment of the Crime of Genocide, 1948, Brownlie & Goodwin, at 284.

Convention Concerning Indigenous and Tribal Peoples in Independent Countries, 1989, Brownlie & Goodwin, at 557. *Passim*.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, or Linguistic Minorities, 1992, Brownlie & Goodwin, at 134.

Draft United Nations Declaration on the Rights of Indigenous Peoples, 1994, Brownlie & Goodwin, at 195. (Adopted by the UNGA on September 13, 2007.) *Passim*.

Universal Declaration on Cultural Diversity, 2001, Brownlie & Goodwin, at 603.

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005, Brownlie & Goodwin, at 275.

Week Six: February 29, 2008

VI. Humanitarian Intervention:

Adam Jones, **Genocide: A Comprehensive Introduction** (Routledge/Taylor & Francis Publishers 2006). Read Chapter 16.

Martha Finnemore, **The Purpose of Intervention: Changing Beliefs About the Use of Force** (Cornell University Press 2004). Read book in its entirety.

Rosalyn Higgins, **Problems and Process: International Law and How We Use It** (Oxford University Press Reprint 1995). Read chapters 14-15.

Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002). Read chapter 14.

Chaim Kaufmann, "See No Evil," 8 Foreign Affairs 142 (Jul/Aug. 2002). (Reading no. 8.)

T. Modibo Ocran, "The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping," 25 B.C. Int'l & Comp. L. Rev. 1 (2002). (Reading no. 9.)

Jamie F. Metzl, "Information Intervention: When Switching Channels Isn't Enough," 76 Foreign Affairs 15 (Nov/Dec. 1997). (Reading no. 10.)

Richard Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge," 17 Mich. J. Int'l L. 491 (1996). (Reading no. 11.)

Week Seven: March 7, 2008

VII. Criminal Tribunals:

A. Readings:

Adam Jones, **Genocide: A Comprehensive Introduction** (Routledge/Taylor & Francis Publishers 2006). Read chapter 15.

Philippe Sands, ed., **From Nuremberg to the Hague: The Future of International Criminal Justice**(Cambridge University Press 2003). Read book in its entirety.

Theodor Meron, “Reflections on the Prosecution of War Crimes by International Tribunals,” 100 A.J.I.L. 551 (2006). (Reading no. 12.)

David Luban, “A Theory of Crimes Against Humanity,” 29 Yale J. Int’l L. 85 (2004). (Reading no. 13.)

Jamie Mayerfeld, “Who Shall Be the Judge?: The United States, the International Criminal Court, and the Global Enforcement of Human Rights,” 25 Human Rights Quarterly 93 (2003). (Reading no. 14.)

Guenael Mettraux, “Crimes Against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda,” 43 Harv. Int’l L.J. 237 (2002). (Reading no. 15.)

Henry A. Kissinger, “The Pitfalls of Universal Jurisdiction,” 80 Foreign Affairs 86 (July/Aug. 2001). (Reading no. 16.)

Payam Akhavan, “Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?” 95 A.J.I.L. 7 (2001). (Reading no. 17.)

B. Relevant Documents:

1946 Judgment of the International Military Tribunal at Nuremberg: Extract on Crimes against International Law, Roberts & Guelff, at 175.

1993 Statute of International Criminal Tribunal for the Former Yugoslavia: Extract, Roberts & Guelff, at 565.

1994 Statute of International Criminal Tribunal for Rwanda: Extract, Roberts & Guelff, at 615.

1998 Rome Statute of the International Criminal Court: Extract, Roberts & Guelff, at 667.

***** MIDTERM *****

Week Eight: March 14, 2007

VIII. A Primer in Humanitarian Law or *Jus in Bello*:

A. What is Humanitarian Law and How Does It Differ from Human Rights Law?

1. Readings:

Theodor Meron, "The Humanization of Humanitarian Law, 94 A.J.I.L. 239 (2000). (Reading no. 18.)

Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000). Read chapters 1-2.

2. Relevant Documents:

1991 Operation Desert Storm, US Rules of Engagement: Pocket Card, Roberts & Guelff, at 561.

1978 Red Cross Fundamental Rules of International Humanitarian Law Applicable in Armed Conflicts, Roberts & Guelff, at 513.

1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part V, Sect. II: Repression of Breaches of the Conventions and of the Protocol, Roberts & Guelff, at 470.

B. Methods and Means of Combat:

1. Readings:

Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000). Read chapter 4.

Lesley Wexler, “The International Deployment of Shame, Second-Best Responses, and Norm Entrepreneurship: The Campaign to Ban Landmines and the Landmine Ban Treaty,” 20 *Ariz. J. Int’l & Comp. Law* 561 (2003). (Reading no. 19.)

Thomas Michael McDonnell, “Cluster Bombs over Kosovo: A Violation of International Law?” 44 *Ariz. L. Rev.* 31 (2002). (Reading no. 20.)

Major Thomas J. Herthel, “On the Chopping Block: Cluster Munitions and the Law of War,” 51 *A.F.L. Rev.* 229 (2001). (Reading no. 21.)

Yvette Politis, “The Regulation of An Invisible Enemy: The International Community’s Response to Land Mine Proliferation,” 22 *B.C. Int’l & Comp. L. Rev.* 465 (1999). (Reading no. 22.)

Christian M. Capece, “The Ottawa Treaty and Its Impact on U.S. Military Policy and Planning,” 25 *Brooklyn J. Int’l L.* 183 (1999). (Reading no. 23.)

Diana, Princess of Wales, “Responding to Landmines: A Modern Tragedy and its Solutions: Keynote Address,” (June 12, 1997) <http://www.happychild.org.uk/nvs/focus/landmines/landmin2.htm> (Accessed on January 1, 2008). (Reading no. 24.)

2. Relevant Documents:

1868 St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, Roberts & Guelff, at 53. *Passim*.

1899 Hague Declaration 2 Concerning Asphyxiating Gases, Roberts & Guelff, at 59. *Passim*.

1899 Hague Declaration 3 Concerning Expanding Bullets, Roberts & Guelff, at 63. *Passim*.

1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Roberts & Guelff, at 155. *Passim*.

1976 U.N. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, at 407. *Passim*.

1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part III, Sect. I: Methods and Means of Warfare, Roberts & Guelff, at 442.

1980 U.N. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, 1907 Hague Convention IV Respecting the Laws and Customs of War on Land, Roberts & Guelff, at 515. *Passim*.

1996 Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons: Extract, Roberts & Guelff, at 639. (Read in its entirety.)

1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Roberts & Guelff, at 645. *Passim*.

Week Nine: March 28, 2007

IX. Belligerent Occupation and Humanitarian Law:

A. Readings:

Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000). Read chapter 5.

James Thuo Gathii, “Armed Activities on the Territory of the Congo,” 101 A.J.I.L. 142 (2007). (Reading no. 25.)

Orna Ben-Naftali & Keren Michaeli, “International Decisions: Public Committee Against Torture in Israel v. Government of Israel,” 101 A.J.I.L. 459 (2007). (Reading no. 26.)

Adam Roberts, “Transformative Military Occupation: Applying the Laws of War and Human Rights,” 100 A.J.I.L. 508 (2006). (Reading no. 27.)

Geoffrey R. Watson, “Israeli High Court of Justice Decision on the Legality of a Portion of Israel’s “Security Fence” in the West Bank under International Humanitarian Law,” 100 A.J.I.L. 895 (2006). (Reading no. 28.)

Charles S. Maier, “Democracy and its Discontents,” 73 Foreign Affairs 48 (Jul/Aug 1994). (Reading no. 29.)

B. Relevant Documents:

1949 Convention IV Relative to the Protection of Civilian Persons in Time of War, Roberts & Guelff, at 299. *Passim*.

1977 Geneva Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part IV, Civilian Populations, Roberts & Guelff, at 447.

Week Ten: April 4, 2008

X. Women and Humanitarian Law:

A. Readings:

Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000). Review chapter 5.

Alexandra Stiglmayer, ed., Marion Faber (translator), **Mass Rape: The War against Women in Bosnia-Herzegovina** (University of Nebraska Press 1994). Read Alexandra Stiglmayer, “The War in the Former Yugoslavia,” at **page 1**; Paul Parin, “Open Wounds: Ethnopschoanalytic Reflections on the Wars in the Former Yugoslavia, at **page 35**; Ruth Seifert, “War and Rape: A Preliminary Analysis,” at **page 54**; Catharine A. MacKinnon, “Turning Rape into Pornography: Postmodern Genocide,” at **page 73**; Vera Folnegovic-Smalc, “Psychiatric Aspects of the Rapes in the War against the Republics of Croatia and Bosnia-Herzegovina,” at **page 174**; Catharine A. MacKinnon, “Rape, Genocide, and Women’s Human Rights,” at **page 183**; & Rhonda Copelon, “Surfacing Gender: Reconceptualizing Crimes against Women in Time of War,” at **page 197**.

Wolfgang Schomburg & Ines Peterson, “Genuine Consent to Sexual Violence under International Criminal Law,” 101 A.J.I.L. 121 (2007). (Reading no. 30.)

Theodor Meron, “Rape as a Crime Under International Humanitarian Law,” 87 A.J.I.L. 424 (1993). (Reading no. 31.)

B. Relevant Documents:

1949 Convention IV Relative to the Protection of Civilian Persons in Time of War, Roberts & Guelff, at 299. *Passim*.

1977 Geneva Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part IV, Civilian Populations, Roberts & Guelff, at 447. (Especially Sect. III, Chapter II – Measures in Favour of Women and Children, at 466).

Week Eleven: April 11, 2008

XI. Detention and the War on Terror:

A. Readings:

David Rose, **Guantanamo: The War on Human Rights** (The New Press 2004). Read book in its entirety.

Dieter Fleck, et al., **Handbook of Humanitarian Law in Armed Conflicts** (Oxford University Press 2000). Read chapter 3 & 7.

Mary Ellen O’Connell, “The Legal Case against the Global War on Terror,” 37 Case W. Res. J. Int’l L. 349 (2005). (Reading no. 32.)

Knut Dörmann, “The Legal Situation of ‘Unlawful/Unprivileged Combatants,’” 85 IRRC 45 (2003). (Reading no. 33.)

B. Relevant Documents:

1. Human Rights Documents:

Standard Minimum Rules for the Treatment of Prisoners, 1955, Brownlie & Goodwin, at 29.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988, Brownlie & Goodwin, at 88.

Basic Principles for the Treatment of Prisoners, 1990, Brownlie & Goodwin, at 97.

2. Humanitarian Documents:

1949 Convention III Relative to the Treatment of Prisoners of War, Roberts & Guelff, at 243.

1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part III, Sect. II: Combatant and Prisoner-of-War Status, Roberts & Guelff, at 444.

Week Twelve: April 18, 2008

XII. Detention and Due Process:

A. Cases:

Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006). *Passim*. (Reading no. 34.)

Hamdi v. Rumsfeld, 542 U.S. 507 (2004). (Reading no. 35.)

Rasul v. Bush, 542 U.S. 466 (2004). (Reading no. 36.)

Rumsfeld v. Padilla, 542 U.S. 426 (2004). (Reading no. 37.)

B. Legal Analysis:

Detlav F. Vagts, "Military Commissions: A Concise History," 101 A.J.I.L. 35 (2007). (Reading no. 38.)

Michael J. Matheson, "The Amendment of the War Crimes Act," 101 A.J.I.L. 48 (2007). (Reading no. 39.)

Jack M. Beard, "The Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterrorism Operations," 101 A.J.I.L. 56 (2007). (Reading no. 40.)

Carlos Manuel Vazquez, "The Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide," 101 A.J.I.L. 73 (2007). (Reading no. 41.)

Curtis A. Bradley, "The Military Commissions Act, Habeas Corpus, and the Geneva Conventions," 101 A.J.I.L. 322 (2007). (Reading no. 42.)

David A. Martin, "Judicial Review and the Military Commissions Act: On Striking the Rights Balance," 101 A.J.I.L. 344 (2007). (Reading no. 43.)

Tom J. Farer, "The Two Faces of Terror," 101 A.J.I.L. 363 (2007). (Reading no. 44.)

John R. Crook, "Developments Regarding the Military Commission Act and Detentions at Guantanamo Bay," 101 A.J.I.L. 659 (2007). (Reading no. 45.)

Week Thirteen: April 25, 2008

XIII. Torture:

A. Readings:

Alfred W. McCoy, **A Question of Torture: CIA Interrogation from the Cold War to the War on Terror** (Henry Holt & Company 2006). Read book in its entirety.

Jose E. Alvarez, "Torturing the Law," 37 Case W. Res. J. Int'l L. 175 (2006). (Reading no. 46.)

Henry Shue, "Torture in Dreamland: Disposing of the Ticking Bomb," 37 Case W. J. Int'l L. 231 (2006). (Reading no. 47.)

Jeff McMahan, "Torture, Morality and Law," 37 Case W. Res. J. Int'l L. 241 (2006). (Reading no. 48.)

Leila Nadya Sadat, “Ghost Prisoners and Black Sites: Extraordinary Rendition under International Law,” 37 Case W. J. Int’l L. 309 (2006). (Reading no. 49.)

Richard Goldstone, “Combating Terrorism: Zero Tolerance for Torture,” 37 Case W. Res. J. Int’l L. 343 (2006). (Reading no. 50.)

William A Schabas, “The Crime of Torture and the International Criminal Tribunals,” 37 Case W. Res. J. Int’l L. 349 (2006). (Reading no. 51.)

John Huston, “Why Not the Courts?” 37 Case W. Res. J. Int’l L. 365 (2006). (Reading no. 52.)

Amos N. Guiora & Erin M. Page, “The Unholy Trinity: Intelligence, Interrogation and Torture,” 37 Case W. Res. J. Int’l L. 427 (2006). (Reading no. 53.)

Jennifer Van Bergen & Douglas Valentine, “The Dangerous World of Indefinite Detentions: Vietnam to Abu Ghraib,” 37 Case W. Res. J. Int’l L. 449 (2006). (Reading no. 54.)

B. Relevant Documents:

1. Human Rights Documents:

Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1975, Brownlie & Goodwin, at 68.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Brownlie & Goodwin, at 405.

2. Humanitarian Documents:

1949 Geneva Convention III Relative to the Treatment of Prisoners of War, Roberts & Guelff, at 243. (Review.)

1977 Geneva Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part III, Sect. II: Combatant and Prisoner-of-War Status, Roberts & Guelff, at 444. (Review.)

Week Fourteen: May 2, 2008

XIV. Human Rights, Humanitarian Law and Realpolitik:

William F. Schulz, **In Our Own Best Interests: How Defending Human Rights Benefits Us All** (Beacon Press 2002). Read in its entirety.

Jack Donnelly, **Human Rights in Theory and Practice**, 2d Ed. (Cornell University Press 2002). Read chapter 9.

Thomas M. Franck, "The Power of Legitimacy and the Legitimacy of Power: International Law in and Age of Power Disequilibrium," 100 A.J.I.L. 88 (2006). (Reading no. 55.)

Lisa H. Gelb & Justine A. Rosenthal, "The Rise of Ethics in Foreign Policy," 82 Foreign Affairs 2 (May/June 2003). (Reading no. 56.)

Stanley Hoffman, "In Defense of Mother Teresa: Morality in Foreign Policy," 75 Foreign Affairs 172 (Mar/Apr 1996). (Reading no. 57.)

David Carleton & Michael Stohl, "The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan," 7 Human Rights Quarterly 205 (May 1985). (Reading no. 58.)

George F. Kennan, "Morality and Foreign Policy," 64 Foreign Affairs 205 (1985-1986). (Reading no. 59.)

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