

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Teaching Human Rights: Confronting the Contradictions

By John L. Hammond



LEWIS CARROLL'S ALICE IN WONDERLAND

"I've a right to think," said Alice sharply, for she was beginning to feel a little worried.

"Just about as much right," said the Duchess, "as pigs have to fly."

Lewis Carroll, Alice in Wonderland

In Alice's quandary is the dilemma of human rights, and the dilemma of teaching human rights: Do we have rights when we claim them, or are they only real if we can take advantage of them? Human rights offer a glorious promise of a life lived with dignity for all people. This promise is inspiring and will be the core of any course in human rights.

But students will realize very quickly that the promise is often not kept. Most people who acknowledge human rights believe that all people are entitled to freedom of speech, to a decent standard of living, and to treatment that does not discriminate by gender. But there are societies where political dissent is routinely repressed, where half the population goes to bed hungry, and where women are subordinated to men in myriad ways. Those rights are promised, and are enshrined in philosophy and in formal statements like the Universal Declaration of Human Rights (UDHR). Does that mean that people have those rights? Or do we only possess rights if we can actually exercise them? The answer is yes to both questions.

Jack Donnelly calls this the "possession paradox": we have rights, and we don't have them, simultaneously (2013: 9). Students resist accepting this; they want certainty—either we have rights or we don't. But the paradox is the key to what I have found to be a central point in a course on human rights, especially one taught from the standpoint of social science (I am a sociologist): to declare that something is a human right is to state an ideal, but while holding on to the ideal, we must examine how far reality departs from it and try to understand both the reason and the remedy for the deviation.

In designing a course, I begin with three principles: first, the course must be normative; second, it must combine analytic and experiential learning; and third, it must be interdisciplinary.

I have taught courses in human rights at Hunter College for about twenty-five years. Hunter College is a large public institution, a branch of the City University of New York. I have taught these courses under the rubric of sociology, Latin American studies, an honors program, and (since 2012) our new Human Rights program.¹ Hunter's student body is mostly women, with a large population of immigrants and children of immigrants, and a large (but decreasing) population of U.S.-born minorities. Many of them aim for careers in teaching and social service, a few in academics. They do not usually take a course in human rights for its relevance to their future careers. They have a

general notion that it will affirm and clarify values that they hold, but little or no specific knowledge of human rights.

The content of the course has varied over time with changing auspices and new priorities. My own thinking has evolved during that time as well. But there is a core that would be part of any human rights course that I would teach, and that is what I am going to describe here. My teaching is informed by my scholarship on Latin America and my experience as an activist on Latin American issues. I worked as a volunteer at the Nongovernmental Human Rights Commission of El Salvador during the civil war,² and I have served as an expert witness and volunteer translator for political asylum applicants in their immigration hearings.

I have also done work in human rights education outside the university. I wrote a book on "popular education" (grassroots education) in El Salvador during the civil war, in the course of which I collaborated with popular education organizations. I attended training courses in human rights education offered by Human Rights USA at the University of Minnesota and at Aprenderh (Acción pro Educación en Derechos Humanos), Querétaro, Mexico. I have put this training into practice as a volunteer facilitator of community engagement for the Campaign for Fiscal Equity, the organization that sued New York State for adequate funding of the public schools. The methods of popular education depart from those commonly used in the university classroom, but they have influenced my college teaching, and I draw on them somewhat in this article.

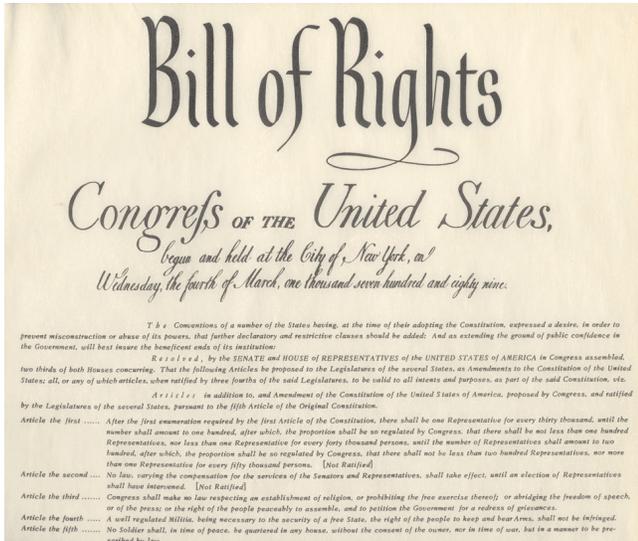
In designing a course, I begin with three principles: first, the course must be normative; second, it must combine analytic and experiential learning; and third, it must be interdisciplinary.

First, education in human rights is intrinsically normative, and is meant to convey not only intellectual knowledge but an appreciation of the value of human rights and the importance of their being respected. Sociologists, especially of my generation, were inculcated with the Weberian injunction to keep facts and values separate. While I believe that the distinction cannot be abandoned entirely, I also believe that values should not be excluded but integrated with empirical analysis.

Second, the normative content makes experiential learning important. Learning such normative principles requires more than learning a set of facts about rules and institutions. Following the principles of Paulo Freire, students must learn through active participation and the development of critical consciousness. The teaching of human rights should cultivate the values that underlie them, respect for the equal dignity of all human beings. Students' embrace of these values will depend on subjective experiences that engage them.

Third, education in human rights must be interdisciplinary because no single discipline captures the whole of the intellectual content. Traditionally, the study and practice of human rights—in the United States and Europe, at least—have been based on the disciplines of philosophy and law. To these, I will argue, must be added humanities and social science.

Each of these disciplines brings a specific perspective to the study of human rights. The main question for the philosophical approach is to identify the foundation of human rights. The main question for the legal approach is to ground human rights in international covenants and declarations and to create institutions, national and international, to protect human rights and assure their fulfillment. As I have already suggested, these approaches



are limited if they treat the ideals as if they represented reality.

In the humanities we encounter literary works such as novels and memoirs that convey emotional content and can communicate, better than any dry analysis, the depth of feeling that is evoked when human rights are violated and when they are enthusiastically affirmed and practiced. I say more below about how I integrate literary works into my course

For the social sciences, the point is to study actions related to human rights as forms of behavior and to explain them theoretically and empirically; to determine under what conditions rights are claimed, recognized, honored, and violated and violators are held accountable. Putting human rights into the context of social science necessarily means confronting ideals with empirical reality—Alice's dilemma—recognizing the disjunction between rights as moral claims and as actual practice.

Elements of each of these approaches must be present, at least to some degree, even in a course offered in one discipline. But I will emphasize the contributions of the social sciences, and specifically sociology, a discipline that has been unduly neglected by human rights scholars in the past.

Sociological Perspectives on Human Rights

Here is the relation I see between sociology and the study of human rights: sociology studies human behavior, so we examine human rights from the perspective of human behavior; human rights standards define forms of

behavior by which people honor, violate, promote, and enjoy human rights, and we can study these behaviors sociologically.

In that study, we sometimes assume that we know what human rights are. We accept the formal definition as contained in the UDHR and the covenants; we define behavior that corresponds to the fulfillment, promotion, and violation of those rights. We can then investigate empirically the prevalence of such behavior and its determinants. (I call this the positivist approach.) There is much research on human rights topics that is not labeled "human rights" in comparative government, penology, public health, media studies, and other fields. We can take advantage of this research to answer empirical questions about the state of human rights.

An alternative approach assumes that the definition of



FRENCH DECLARATION OF THE RIGHTS OF MAN AND CITIZEN.

human rights is a social construction: it changes over time and is contested at any point in time. For this approach, which I call the constructivist approach, the study of human rights tries to determine why and under what conditions certain norms come to be recognized as human rights norms.

The origin story of human rights lays heavy emphasis on two historical moments, the Enlightenment and the aftermath of World War II. The Enlightenment brought formal definitions of rights in the American Bill of Rights and the French Declaration of the Rights of Man and Citizen. 1945 saw the creation of the United Nations, today the headquarters of the formal system of international human rights, enshrined in the Universal Declaration of Human Rights and the human rights covenants, and enforced, or at least monitored, by the various bodies of

the United Nations system and the regional bodies in Europe, Latin America, and Africa. The United Nations includes all but a handful of the world's countries, and they have all nominally sworn to uphold and protect human rights as defined by that system. Many have gone further and voluntarily subscribed to the covenants protecting specific rights or the rights of specific groups and outlawing practices that violate human rights. So it might appear that there is a genuine international consensus among the world's cultures and its political systems supporting human rights.

Issues in the Fulfillment of Human Rights

But this apparent consensus hides a number of contentious issues. Many human rights principles are contested. Even if there is agreement on widely shared values, the application of those values is often not straightforward. Some issues arise from the (contested) nature of human rights itself, while others derive from the intersection of human rights with issues of especial salience in the contemporary world. When we teach human rights, those issues should be confronted.

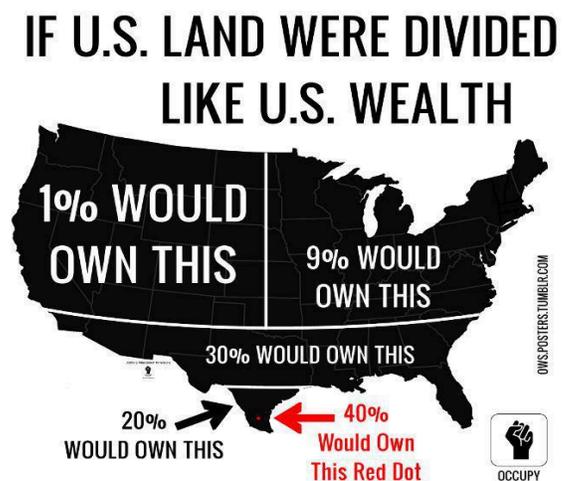
Because of the normative content, most if not all questions are simultaneously empirical and political questions. They have an objective content, but beyond the determination of facts lie differences of fundamental values regarding what upholding human rights actually requires. Many of these questions are related to Alice's dilemma, the disparity between declaration and fulfillment. Must economic and social rights yield to budgetary priorities? Do kids have rights, or should they be treated as dependents of their parents? Is it right to prosecute Slobodan Milosevic in an international tribunal, or should the Serbs be left to settle their own affairs? Is the death penalty permissible? To each of these questions, a human rights perspective seems to dictate only one possible answer. But there are arguments—legitimate and illegitimate—about what the observation of human rights demands. In the remainder of this article I will lay out a few of these issues.

Universality. Human rights advocates claim that human rights are universal, that is, all people are entitled to the same rights, regardless of nationality, status, or culture. In 1993 the UN-sponsored World Conference on Human Rights in Vienna produced a ringing Declaration and Program of Action in its final document, which declared that human rights are "universal, indivisible, interdependent, and interrelated" (World Conference on Human Rights, 1993). These are strong claims which need to be examined. I will discuss the first two. (Interdependence and interrelatedness are slight variations on indivisibility.)

First, are human rights universal? With all the diversity of cultures in the world, can we agree on a set of values that are applicable to all of humanity? If the rights claims are stated at a high level of generality, perhaps so, leaving room for cultural variation as to specifics. Still, there are provisions within the UDHR that do not gain universal assent from all peoples. Gender equality and protection of citizens against the claims of states are examples.

Indivisibility. The Vienna Declaration also posits that human rights are indivisible. That claim specifically addresses the distinction between civil and political rights, on the one hand, and economic and social rights, on the other. If they are indivisible, neither has priority over the other. The distinction pervades the literature on human rights. It is enshrined in the separation between the two main covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Civil and political rights are sometimes called "first-generation rights," because they were the rights first acknowledged in the seventeenth century. The covenants were meant to make the UDHR enforceable, but the adoption of separate covenants was a response to Cold War politics. Civil and political rights were privileged by the West, which emphasized those rights as a cudgel to denounce the lack of freedom in the Soviet bloc. The Soviet bloc replied that it honored people's economic and social rights by assuring that everyone had work and could achieve a decent standard of living.

To call human rights indivisible is to affirm that neither set of rights can be fully realized without the other. Some reject that claim. On one side, there are those who say that economic and social rights are not genuine human rights because they are not easily enforced, as civil and political rights (allegedly) are. On the other side, some argue that the fulfillment of economic and social rights may come only at the cost of civil and political rights: economic growth requires the suppression of basic liberties, leaving the government free to take coercive measures intended to stimulate economic development which will improve the economic well-being of the population. The protection of civil and political rights, in this view, can be an obstacle to the realization of economic and social rights. Proponents of indivisibility reject both claims: people cannot take advantage of civic liberties, they say, if their material needs are not met, and the full exercise of freedoms is



necessary to assure government responsibility for the welfare of the people.

Economic Inequality. One aspect of the relation of economic and social rights to human rights generally is the question of economic inequality. There has been a dramatic escalation of inequality in income and wealth in the United States in the last generation; other developed countries have experienced similar increases. It can be argued that inequality in itself is a violation of human rights because such disparities are a denial of equal human dignity; it can further be argued that economic inequality adversely affects conditions in ways that are themselves violations of human rights, including physical and mental health, political power, provision of public goods, and economic development.

The arguments against recognizing inequality as a violation of human rights include the claim that while human rights guarantee a satisfactory minimum material standard for all, any discrepancy between the least well off and everyone else is not, or should not be, a target of public action or human rights advocacy; that redressing serious inequalities would violate the individual rights of the otherwise privileged; and that the degree of state intervention necessary to reduce the trends toward growing inequality would have negative effects that outweigh the claims of human rights.

A human rights utopia vs. achievable standards.

Some students learning about the idea of human rights for the first time become so enamored of the concept that they want to apply it to all the world's problems, and decide that human rights are only fulfilled if states and societies guarantee the best possible life to everyone on the planet. This is a worthy goal, shared by some professionals and advocates who believe that human rights are aspirational and a model of what we strive for; it does not matter if declared rights go beyond the limit of possibility. Others argue that this "proliferation" or "inflation" of rights can actually impede the effort to set realistic standards that all people can enjoy and all societies can achieve. Rights, in this view, should only be declared if they are within the realm of feasibility.

Human rights and political struggle. The history of human rights shows that their definition has changed over time. The changes, moreover, often respond as much to the relative power of political groups as to the refinement of principles. The recognition of human rights arises out of social struggles; in the West, there are several important moments: the rise of the state from the seventeenth to the nineteenth century, in which it took the American and French Revolutions to get rights recognized; the acknowledgement of social rights of citizens and the establishment of a welfare state, largely due to the struggles of the labor movement in the emerging capitalist economies in the late nineteenth and early twentieth centuries; the creation of a human rights regime in the United Nations and the acceptance of human rights as a valid component of international law, in response to the Second World War.

Does this mean that rights are not truly universal? Again, the possession paradox must be kept in mind. The struggles that we learn about, moreover, remind us that many people have fought and sacrificed to make these

rights a reality, some of them famous as historical figures, and many more whose names are not known but who participated in struggles to make a better world. Together they are responsible for the progress that has been made in securing those rights. From their example, we learn that we too can contribute to progress.

"Special" rights. At times the protection of the human rights of subordinate groups may be pursued by special protective measures. Are they necessary, or are those groups best served by assuring equal treatment? The implications of this question are different for groups whose culture and aspirations are essentially the same as those of the dominant group, on the one hand, and for groups whose culture embraces a very different view of the good life, on the other.

Women's rights in the western world are an example of the first case. The Convention on the Elimination of All Forms of Discrimination Against Women (1979) seems contradictory on close reading. It calls for an end to discrimination against women, especially in the labor market, but also endorses temporary special measures (that is, affirmative action) to overcome historical discrimination. It recognizes that the social position of women in many societies is itself discriminatory and calls on governments and societies to remedy those discriminations, but it is silent on issues of sexual abuse and exploitation. Still, in general, international women's human rights can be understood as pursuing the long term objective of achieving equality between men and women, whatever the means chosen.

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The second case is that of oppressed groups sharing a culture that is at variance with the culture of the dominant group. Any remedies for oppression must make allowances for their cultural claims. Consider the situation of indigenous communities in the Americas (Hammond, 2011). Some rights cannot logically be enjoyed by individuals; language rights, for example, must be enjoyed by the group as a whole or not at all. In other cases the rights of individuals will suffer if the claims of a community or people are not recognized. Territorial integrity is a clear example. The right to territorial integrity cannot be satisfied by assuring that each person possesses a plot of land; it requires a large contiguous territory preserved as the homeland of the whole group. Many indigenous groups in the Americas, moreover, do not value economic growth as the society at large does. The environmental degradation that often accompanies it threatens not only

their livelihood but their entire culture. Any threat to a group's territorial integrity, whether by dispossession or environmental degradation, may threaten the group's survival. The United Nations Declaration on the Rights of Indigenous Peoples (2007) is unique among human rights covenants and declarations in its emphasis on rights held communally and collectively.

Some cultures emphasize adherence to group norms over respect for individual choices. This becomes a problem for human rights when group claims and individual choices conflict. The conflict between cultural rights and the dominant western tradition of individual rights then intersects with a conflict within the group itself. Any conflict must be resolved in a way that respects both the



rights of the individual and those of the group.

Global free trade and workers' rights. In the last three or four decades, a global production network has produced consumer commodities in poor Third World countries for sale in the chain stores of multinational corporations in the United States and Europe. These goods are cheap, thanks to the workers' low wages and (often) sweatshop conditions in the factories and repression of worker organization. Unsafe working conditions, leading to injuries, fires, and building collapses, have killed thousands of workers. Many countries where the factories are located offer no protection; they lack regulations or have lax enforcement, whether because of shortage of resources or to attract foreign capital.

Defenders of this system argue that it provides thousands of jobs to people for whom substandard wages are better than none at all, and that it can be a steppingstone to development of the poor countries' economies. Others say it is unfair for people in the wealthy countries to enjoy cheap consumer goods at the expense of these exploited workers, and that consumers, retailers, and governments in the wealthy world should refuse to import, buy, and sell goods made in factories where workers do not enjoy living wages and at least minimum standards of safety.

Some people try not to buy anything made under exploitative labor conditions. This is a great goal, but the problem is that most of us cannot go off the grid entirely and produce everything for ourselves, and many things that we need—whether coffee, clothing, or computers—will be hard to find with a guarantee that they have been made by workers who have been fairly treated and fairly compensated.

We can harness our unwillingness to buy these products for maximum effect, however, by joining campaigns that reach beyond the individual consumer. There are organizations that send monitors into factories and pressure retailers to pledge to buy only from factories



certified for adequate working conditions. Among them is United Students Against Sweatshops (online at <usas.org>), which organizes to get college stores to buy college-branded merchandise such as sweatshirts and caps only from certified manufacturers.

Organizations defending human rights. Social movements and nongovernmental organizations (NGOs) play a major role in the defense and promotion of human rights worldwide. They range from the very large—Amnesty International and Human Rights Watch, working worldwide and protecting the whole range of human rights—to small, local volunteer organizations focused on a specific right or defending a specific oppressed group and working in a single place. Though the contribution of these organizations is major, their forms of organization, support, and legitimacy all raise questions. How they appeal to the public, the consciousness of human rights that they promote, and the sources of their funds are all important issues.

The so-called "iron law of oligarchy"—the tendency of organizations to be more concerned to thrive as organizations than to promote their original cause—is far from an iron law, but it is often true that social movements that arise from human rights defenders' fiery and single-minded determination to fight abuses, if they last, become bureaucratized and devoted to self-preservation. They may become too cozy with governments or choose issues that make for attractive fund-raising appeals. Transnational activist networks make possible strategies to defend rights internationally, but since there are more, and bigger, organizations in the wealthy countries, they have sometimes been denounced as a form of cultural imperialism. In these and other ways, organizing to defend human rights can create new contradictions.

Distressingly, only a few of my students have been active in any social movement. They are often skeptical that movements can do any good or that they themselves can contribute anything. A few have participated in neighborhood associations or service projects, and I draw on them heavily to talk about their experience and the rewards (and frustrations) it has brought, and remind them all of the history of the civil rights movement and other

The massacre of some 800,000 people in Rwanda in 1994 was one case where calls for military intervention went unheeded. With the breakup of Yugoslavia, communal violence led to massive slaughter and NATO-sponsored military intervention. On a smaller scale, NATO intervened in Libya in 2011 to aid rebel forces seeking to oust Muammar Qaddafi. According to some, the need to stem the human rights abuses of Saddam Hussein was a valid reason for the U.S. invasion of Iraq in 2003. Emergencies affecting the lives and safety of tens of thousands in Darfur and Syria also led to calls for intervention.

The question of military intervention raises fundamental issues in international human rights. These massive abuses shock the conscience and seem to present a situation so extreme that it is incumbent on outside powers to do whatever they can to stop them. On the other hand, military intervention brings collateral damage and the risk of exacerbating the conflict. Precedents of intervention may encourage opposition forces to start or provoke a civil conflict that they are not capable of sustaining in the hope that outside powers will intervene in their favor. Who decides when intervention is called for? In the present era a resolution by the UN Security Council is



recent movements that they have learned about but do not see as something to emulate for their own goals. Everyone has been taught about Martin Luther King and Rosa Parks, but they need to be reminded that the civil rights movement depended on thousands of brave, anonymous activists who marched, demonstrated, and took risks, and that without their participation the victories would not have been won.

Humanitarian intervention. There is another issue that arises more forcefully with globalization. Brutal repression and civil strife have often given rise to massive human rights violations in the past, but in the age of globalized communication, they can be viewed in real time in government offices and living rooms around the world. The call for military "humanitarian" intervention (recently rebranded as the "responsibility to protect") in situations of grave violations of human rights has become part of the lexicon of human rights since the 1990s, when the collapse of the Soviet Union removed one of the principal obstacles to western intervention in small, poorer countries. The United States and its allies have often contemplated military action to protect innocent victims.

seen as sufficient warrant, but some object that on matters of intervention the permanent members, and especially the United States, exercise the dominant influence in the Security Council and often respond more to geopolitical interests than to human rights concerns.

Above all, the Hippocratic principle of doing no harm may need to be invoked here: countries or alliances considering intervention in other countries should carefully consider whether intervention is likely to improve the human rights situation or make it deteriorate further.

The role of states. The United Nations, the official arbiter of international law and custodian of the world's human rights, is an organization made up of states. As members of the UN, states are sworn to honor human rights and many of them have ratified the array of human rights covenants, promising to uphold them. But human rights violations are rife in many countries and in some cases government is the worst perpetrator. Or states, whether or not themselves major violators, may manipulate human rights claims to defend their interests and mystify their populations with accusations of violations by their adversaries. Once again, the disjunction between the promise and the reality of human rights is glaring.

When we teach about and advocate for human rights in the United States, it is especially incumbent on us to examine our country's role. The record of the United States is far from the worst, but it has not ratified most of the major covenants and has imposed significant reservations on the few that it has ratified, so that these covenants have no legal force (whereas in some countries, people have gone to court and won enforcement of their rights based on their government's ratification of human rights treaties).

Worse, the United States commits significant and systematic violations at home and abroad. Internationally, the so-called War on Terror has entailed invasion, arbitrary detention, interrogation, torture, and the Obama administration's signature extrajudicial assassination by drone. Domestically, the criminal justice system is rife with abuses. We are increasingly aware of tragic police killings since the killing of Eric Garner on Staten Island in 2014, but routine police treatment of people, especially young nonwhite men, on the streets is also abusive. Finally, the United States has often used human rights rhetoric in public affairs as a justification for invasion and as a tool for criticism of unfriendly countries, while whitewashing the human rights records of our allies. The United States is the most powerful country in the UN and a permanent member of the Security Council; if it can extract a Security Council resolution argued with a human rights justification, this resolution has the force of international law.

On the other hand, there is much in the country's human rights record in which we can take justified pride. In the last half of the twentieth century the United States underwent a rights revolution beginning with the movement for the civil rights of African Americans and expanding to other racial and ethnic groups, women, gays, and the disabled. In each of these cases, spearheaded by a vigorous popular movement and backed by courts, legislation, and public opinion, the definition of rights and of the bearers of rights expanded, not without struggle and opposition, but that is an essential part of the history of rights.

Students confront their own prejudices. These dilemmas lie within the realm of human rights, but students also experience dissonance when the promise of human rights clashes with the assumptions prevailing in the culture of the United States, in which they (even those from immigrant families) have been steeped at home and which they have usually absorbed unreflectively, for example, that our culture and political system are superior to those of other countries, that the fate of individuals is determined by their own efforts, and that victims are responsible for their deprivation and punishment. Students must work through the clash of these assumptions with the universal moral worth of all human beings and recognition of the ways in which the United States has sometimes undermined human rights around the world.

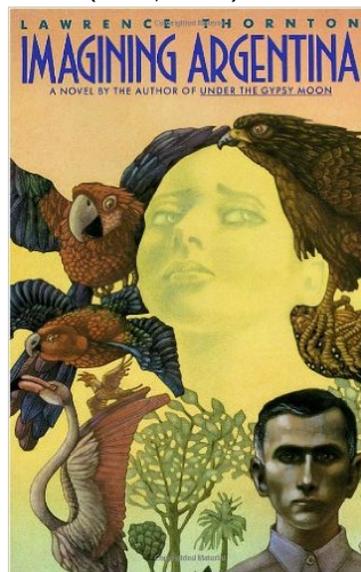
As I have shown, human rights principles are themselves subject to interpretation, so that most questions do not have a single, absolutely correct answer. While I have strong feelings about the issues I have discussed here, I generally do not confront students'

prejudices directly, but prefer to stimulate dialogue among students with different opinions. I believe that a vigorous discussion exposing alternative points of view is more likely to make them question their assumptions than a dictated conclusion.

Experience and Learning

I want to return to the issue of experiential learning. I incorporate it into my classes in the form of literary works and simulation games—for light relief, but at the same time for serious pedagogical objectives. The normative content of human rights makes experiential learning important. Freire teaches that learning requires more than studying facts and procedures, theories and evidence. Studying a subject like human rights cannot be a purely intellectual exercise; in any field in which the purpose is not only to teach a set of intellectual ideas but also, and possibly more important, a way of thinking and a set of commitments, the student must experience the kind of situation that produces the commitments. A course must engage students' emotions and values as well as their intellect.

Literary works like fiction and memoirs provide an important complement to the more analytical material because they engage the emotions. They describe personal experiences of people involved in situations that engage human rights, especially situations where they are massively violated. Though for the reader these experiences are vicarious, they can have a more profound impact than abstract analysis. In the words of the British fantasy writer Philip Pullman, "'Thou shalt not' might reach the head, but it takes 'Once upon a time' to reach the heart" (Miller, 2005). The reader sees individual people



(historical or fictional) responding to situations where human rights are challenged and can empathize with them.

I have found that students become intensely involved in a class devoted to a novel or a few poems. It is also a welcome relief from the denser, more content-heavy classes based on more analytical writings. One novel that I have used with great success is *Imagining Argentina* by Lawrence Thornton (1991), about the dirty war in Argentina in the 1970s. Though the author is North American, it is written in the Latin American tradition of magic realism; its elements of fantasy ease the burden of reading about the brutality. Responses have been intensely emotional. There are many poems and poetry collections (e.g. Forché, 1993) relating to human rights, often about the intense experiences of persecution and imprisonment. In condensed form they

convey and arouse the emotions that such experiences provoke. For a geographical and cultural balance to *Imagining Argentina*, I have used poems by Bertolt Brecht, Langston Hughes, the Palestinian Mahmoud Darwish, and Paul Celan, the Romanian-French poet of the holocaust. Films have even more immediacy for most students. A well-chosen film can inspire deeply felt reactions.

Simulation games ask participants to deal with human rights challenges. These games may also call on them to play the role of someone whose values are different from their own, itself a valuable vicarious learning experience. (Indeed, since I assign the roles, some outspoken students have accused me of deliberately casting them against type.) Simulation games are necessarily oversimplified versions of reality, but I have found that students generally become very involved and often express themselves more freely than they do in a class with a more conventional methodology.

I have used two games devised to simulate situations that require decisions based on human rights, one involving a large colony of Roma who show up and camp out in a German town where they are a generally despised group, the other involving police-minority relations at the community level when various constituency groups and town officials attempt to resolve a dispute arising from a confrontation. Most students have never encountered any Roma and know little about them; the second game is also somewhat foreign to them because it is not stated explicitly where it takes place or what minority group is at issue.

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Nevertheless students play the roles earnestly and enthusiastically enter into processes of negotiation between competing constituencies and, implicitly, competing value systems.³ These games are especially important because as students take the role of members of a despised minority or (in their roles) express negative stereotypes toward members of such a minority, they can acknowledge their own prejudices and deal with them in dialogue.

There are other sorts of games commonly played in popular education for children and adults, brief, intense physical activities that do not necessarily carry specific human rights lessons but are important for group process and group integration. They serve a variety of purposes. They combine physical and mental activities. For adults who have left school behind long ago, they can overcome the intimidation which is a heritage of many people's early experiences of schooling. Games integrate participants into a group both by making the process more congenial and by making participants more willing to join in. Most of these

games would be highly unusual in the college classroom, but some lessons can be learned from them.⁴

Don't Fall into the Gap

Most of this article has addressed the gap between the ideals of human rights and the reality of their (lack of) realization. There is a reason for that: we are more concerned about human rights when they are violated than when they are routinely honored. But too much emphasis on the inadequacy of realization and the hypocrisy of those charged with protecting human rights can leave students cynical or despairing. As I have mentioned, few of them start out with much sense of their own efficacy or the possible value of their own contribution. It is important, therefore, to show that the human rights regime can be both an ideal for which we strive, even if we know we will not achieve it completely, and a resource to help us in that effort.

People who learn about and deplore abuses of others' human rights should also learn that there are things they can do. We all, including student groups, can take small actions, like responsible consuming, protesting our own government's actions, and writing letters on behalf of political prisoners around the world. We can also collaborate with organizations working on a larger scale. For those on college campuses, the anti-sweatshop movement is a logical vehicle. The existence of a human rights regime is itself an important resource. The fact that these norms exist and are officially sanctioned validates our efforts to promote them and our protest against violations. It can also be an incentive to keep up our efforts. Learning about the gap between ideals and reality should not discourage us but instead should spur us to greater efforts to close it.

Pigs may never fly, but Alice does, after all, have a right to think. Teaching and learning about human rights should make us think about the world's problems, however seemingly intractable, and then help us to find ways to address them in the classroom and in life.



INDIGENOUS WOMEN OF PERU
COURTESY OF THE AUTHOR

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<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>>.

Notes

- ¹ Hunter College offers an undergraduate minor and a certificate (comparable in scope to a major) in human rights <<http://www.roosevelthouse.hunter.cuny.edu/hrp/>>.
- ² Interested readers can learn about my experience being detained by the Salvadoran army during my time at the Human Rights Commission (Hammond, 1998: 214).
- ³ These two games were devised by the European NGO Humanity in Action. They and other games can be consulted at http://www.humanityinaction.org/knowledgebase?article_type=teaching_tool>. Two other sources of games that can be played for human rights applications are the Global Justice Game, with several variations, from Boston College <www.globaljusticegame.mrap.info> and *The Bells of Freedom*, from Action Professionals Association for the People (Addas Ababa, Ethiopia) <www.hrea.org/erc/Library/Bells_of_Freedom>.
- ⁴ I describe these games in detail elsewhere (Hammond, 1998: 175-78).

Below is a recent syllabus. Not all of the issues discussed in this article appear on it, because the semester is not long enough to include all of them.

Human Rights 200. Introduction to Human Rights (Spring 2014)

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This course will examine the foundations and practices of international human rights. The course will be interdisciplinary, bringing to bear philosophical, legal, and social-science approaches to human rights. We will discuss the history of human rights, international treaties and documents about human rights, the implementation of human rights by intergovernmental organizations, individual states, nongovernmental organizations, and movements to protect human rights. Special topics will include torture, workers' rights, women's rights, and rights of indigenous people.

We will play a simulation game about a real-life human rights situation and the pressures that different parties experience in struggling for human rights or trying to avoid their responsibilities.

COURSE REQUIREMENTS:

This is a writing-intensive course and meets the college's writing requirement. That means there is a lot of writing, graded and ungraded. Since most of the writing is based on reading, there is also a lot of reading. You must plan to do the reading and assignments on time and come to class prepared to talk intelligently about them.

The following assignments will be required:

1. A short paper due February 5. This assignment will be read but not graded.

2. Every other week, each student will prepare a short essay based on the readings and post it on Blackboard. Posts are due before midnight Monday. The class will be divided into two groups, Group A and Group B. Each week, all the members of one group will post comments, the two groups in alternating weeks. (See last page of syllabus for schedule.) The first comment from group A is due Monday, February 3.

Read all the essays before class on Wednesday and bring them to class. Be prepared to discuss them. Any student can feel free to post a response to anyone else's comments, or to post your own comment even if it is not your week.

3. A short paper on an assigned topic. Details of the assignment will be posted.

4. Research paper on a topic of your choice. A proposal stating your thesis and discussing the evidence you will need to prove it is due March 26. The final paper will be due May 14.

5. On April 30 we will play a simulation game about a real-life human rights situation. Attendance is required.

6. A portion of the grade will be based on class participation in general discussions and small group discussions. Participation means contributing constructively to discussions based on your reading of the assignments and your personal knowledge of the topic being discussed. It does not mean always knowing the answers. A question can be as valuable as a statement; admitting that you are confused just means that you are more honest than most people, and can give rise to a clarification that others need too.

7. Final exam.

REQUIRED BOOKS:

Goodhart: *Human Rights: Policy and Practice* 2nd ed. (Oxford University Press)

Nickel: *Making Sense of Human Rights* 2nd ed. (Wiley; do not get first edition.)

Thornton, *Imagining Argentina* (Bantam)

1. Introduction (January 29)

Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights (in Goodhart, 397-424 or Nickel, 191-242)

Roth, Silver Lining: The Year 2013 in Human Rights. Democracy Lab, December 30, 2013.
<http://www.foreignpolicy.com/articles/2013/12/30/silver_lining_the_year_2013_in_human_rights>

University of Minnesota Human Rights Resource Center, A Short History of Human Rights.

<<http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/short-history.htm>>

2. The Idea of Human Rights (February 5)

Goodhart, "Introduction: Human Rights: Politics and Practice," in Goodhart, 1-7

Langlois, "Normative and Theoretical Foundations of Human Rights," in Goodhart, 11-25

Nickel, *Making Sense of Human Rights*, 1-52

(February 12: no class)

3. The Philosophical Basis and Historical Origins of Human Rights (February 19)

Nickel, 53-105

Short, "Sociological and Anthropological Approaches," in Goodhart, 91-168.

Tilly, Where do Rights Come From? In *Democracy, Revolution, and History*, ed. Skocpol, 55-72.

International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social, and Cultural Rights (ICESCR), in Nickel, 213-242

4. Legal foundations of human rights: international law (February 26)

Bilder, An Overview of International Human Rights Law. In Hannum, ed., *Guide to International Human Rights Practice* (3d ed.), 3-18

Smith, "Human Rights in International Law," in Goodhart. 59-74

Government of the Republic of South Africa vs. Grootboom <http://www.saflii.org/za/cases/ZACC/2000/19.pdf>>

Idasa, "The Grootboom case and women's housing rights." <http://hrbportal.org/wp-content/files/1244045760budget_brief_111.pdf>

Read the Idasa Brief on the Grootboom case. In the court's decision, read pp. 14-28; skim the rest. Pay particular attention to the bases of the decision in the South African Constitution.

5. Explaining human rights violations (March 5)

International Covenant on Civil and Political Rights (review)

Cardenas, Human Rights in Comparative Politics, in Goodhart, 75-910

Landman, Measuring and Monitoring Human Rights, in Goodhart, 303-79

Zimbardo, The Psychology of Evil. <http://www.psichi.org/pubs/articles/article_72.aspx>

6. Literary approaches to human rights (March 12)

Mignone, "Beyond Fear: Forms of Justice and Compensation." Pp. 250-63 in *Fear at the Edge: State Terror and Resistance in Latin America*, edited by Corradi, Weiss Fagen, and Garretón

Thornton, *Imagining Argentina* (complete)

Poems to be distributed

7. Economic and social rights (March 19)

Cassidy: 6 charts on inequality <<http://www.newyorker.com/online/blogs/johncassidy/2013/11/inequality-and-growth-what-do-we-know.html>>

Fukuda-Parr, "Human Rights and Politics in Development," in Goodhart, 161-178

Neier, "Social and Economic Rights: A Critique," Human Rights Brief, Vol. 13, No. 2 (2006)
<<http://www.wcl.american.edu/hrbrief/13/2neier.pdf?rd=1>>

Nickel, 123-53

Vienna Declaration and Program of Action of the World Conference on Human Rights (online)

ICESCR (review) and Optional protocol to the ICESCR <http://www.crin.org/docs/filemanager/icescr_op.pdf>

8. Social movements to claim and protect rights (March 26)

Brysk, "From Above and Below: Social Movements, the International System, and Human Rights in Argentina." *Comparative Political Studies* 26, No. 3 (October, 1993), 259-285.

Loveman, "High-Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina." *American Journal of Sociology* 104, No. 2 (September, 1998), 477-525.

Salamon, "The Rise of the Nonprofit Sector." *Foreign Affairs* 73, No. 4 (July-August, 1994), 109-22

Stammers, "Social Movements and the Social Construction of Human Rights." *Human Rights Quarterly* 21, No. 4 (November, 1999), 980-1008.

9. Workers' rights (April 2)

AFL-CIO, The Silent War: The Assault on Workers' Freedom to Choose a Union and Bargain Collectively in the United States (June, 2002). http://www.nlg-laboremploy-comm.org/media/ProjSolidarity_EFCA_Res-IssueBrief_TheSilentWar.pdf

ILO Declaration on Fundamental Principles and Rights at Work. 86th Session, Geneva, June 1998. http://www.ilocarib.org.tt/index.php?option=com_content&view=article&id=1152&Itemid=1216

Lichtenstein, "The Rights Revolution," *New Labor Forum* 12:1 (Spring 2003), 60-73

10. Women's rights as human rights (April 9)

Ackerly, "Feminist and Activist Approaches to Human Rights," in Goodhart, 27-41

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (on line)

Gould, "Conceptualizing Women's Human Rights," chapter 6 in *Globalizing Democracy and Human Rights*, 139-55

Okin, "Is Multiculturalism Bad for Women?" *Boston Review* Oct-Nov 1997. <http://bostonreview.net/BR22.5/okin.html>

(April 16: no class)

11. Self-determination: the rights of indigenous peoples (April 23)

Hammond, "Indigenous Community Justice in the Bolivian Constitution of 2009," *Human Rights Quarterly*, 33 (August, 2011), 649-681.

Hannum, "The Right of Self-Determination in the Twenty-First Century." *Washington and Lee Law Review*, vol. 55, no. 3, Summer 1998.

Havemann, "Indigenous Peoples' Human Rights," in Goodhart, 237-54

Nickel, 154-84

Sen, "What Clash of Civilizations?" *Slate*, March 29, 2006. <http://www.slate.com/articles/news_and_politics/politics/2006/03/what_clash_of_civilizations.single.html>

United Nations Declaration of the Rights of Indigenous Peoples (on line)

12. Human Rights Education (Simulation game: attendance required, on time) (April 30)

The Bells of Freedom, 2-16. <<http://www.apapeth.org/Docs/BELLS%20OF%20FREEDOM.pdf>>

Hammond, *Fighting to Learn: Popular Education and Guerrilla War in El Salvador*, 175-78.

Simulation game readings (TBA)

13. Torture (May 7)

Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (on line)

Nickel, 106-22

Holzer, "In Defense of Torture." *FrontPageMagazine.com*, November 29, 2002. <http://frontpagemag.com/Articles/Read.aspx?GUID=AAD9E640-182D-4D61-A43A-80D3FF539FDD>

"Luban, Liberalism, torture and ticking bomb." *Harper's Magazine*, March 2006 <http://maillists.uci.edu/mailman/public/ethnicstudies/2006-March/000620.html>

Schulz, "Torture," in Goodhart, 297-315

14. Critiques of rights; the future of human rights (May 14)

Baehr, "Controversies in the Current International Human Rights Debate," *Human Rights Review*, 2, No. 1 (October, 2000), 7-32.

Chandler, "Ideological (Mis)use of Human Rights," in Goodhart, 109-124

Goodhart, "Conclusion: The Future of Human Rights," in Goodhart, 370-378

Nickel, 185-90



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