

HUMAN RIGHTS IN INTERNATIONAL PERSPECTIVE

A Course Proposal to the Council on Educational Development
(University of California, Los Angeles) by Daniel Hirsch May 1977

COURSE OUTLINE

The course will examine human rights both from an international and an interdisciplinary perspective. It will deal first with the historical development of the concepts of human rights and then survey the degree to which these rights are observed at present throughout the world. The relation of political and economic systems to observation of human rights will be discussed as violations of such rights are examined in Communist countries, non-aligned nations, and those states aligned with the industrialized West.

The course will look critically at the various theories which attempt to explain the causation of violations of human rights from both a political science and social psychology perspective. It will also examine the methods variously advocated for enforcing human rights, particularly actions by international agencies and non-governmental organizations. In addition, the course will deal with dilemmas for U.S. foreign policy in dealing with countries which consistently violate human rights.

The course will examine the widely perceived conflict between economic and political rights, the problem of bias and impartiality in concern for human rights, and the manner in which human rights issues have been dealt with in literature. Finally, we will examine Dostoevsky's contention that if one wishes to understand a society one need only know who it jails and how it treats them.

SYLLABUS

week 1

General overview of the subject of human rights. Discussion of the competing definitions of "human rights," the development of the concept historically, and the variety of violations of these rights.

Introductory discussions of basic human rights questions: Are there basic rights which are inviolate, or are there situations in which some rights must be violated to defend "larger" rights, and, if so, under what conditions? How can one explain the various behaviors of torturers and their victims, the collaboration in such brutalities by attending physicians, and acquiescence in and support by people in power in governments whose policy it is to treat their dissidents thusly? To what degree are human rights issues raised by persons or governments selectively, i.e. with political bias? What policy options are available for the Government of the United States that would improve the human rights situation abroad, and what are the pitfalls in these policy options?

week 2

Discussion of the basic human rights documents, centering around the Universal Declaration of Human Rights and the ancillary Covenants and Protocols. We will divide the Universal Declaration into two parts--those rights which are essentially political and those which are primarily economic and social--and examine how this split complicates international understanding and observance of the documents.

(The course will focus on those human rights that are essentially political, with special emphasis placed on Articles 5, 9, 18, and 19 of the Universal Declaration.)

Presentation of three case studies of "prisoners of conscience": Vladimir Bukovsky of the USSR, Kim Chi Ha of South Korea, and Jayaprakash Narayan of India. Dividing the world into three political sub-worlds--non-aligned, Communist-allied, and Western and Western-allied--we will discuss in broad terms the general observance of human rights in these three areas of the world.

week 3
The Communist world. We will focus on the Soviet Union, because of the wealth of information, but will examine briefly in addition China, Vietnam, Cuba, Yugoslavia, Czechoslovakia, Cambodia and East Germany. The difference between the Vietnam and Cambodian experience will be analyzed, the recent human rights movement in Czechoslovakia reviewed, and the open admissions about and justification given for the maintenance of political prisons in Cuba discussed

Focusing on the Soviet Union, we will study some of the samizdat documents, the illegal and unofficial literature circulated clandestinely by Soviet dissidents. In addition, we will examine the Manual of Psychiatry for Dissidents and discuss the uses of psychiatry for political purposes in the USSR. Discussion of the degree of change from the Stalinist era to today will occur. There may also be a presentation by a speaker or a slide show on USSR prisons, work camps, and psychiatric hospitals.

week 4
The non-aligned nations. We will focus on the experience of India under the State of Emergency. Special readings will include an exchange of correspondence between Professor Richard Cross and then-Prime Minister Indira Gandhi, plus an open letter from JP Narayan shortly after his release from prison. Special attention will be paid to the ironies at work when Mrs. Gandhi, who had been herself briefly imprisoned under the British colonial rule, sent to jail thousands of followers of "Mahatma" Gandhi, the late independence leader.

week 5
The Western nations-- a) industrialized countries. Overview of problems of conscientious objection in Western Europe, training in resistance to torture in certain Western military services, and the allegations of domestic political imprisonment with fraudulent criminal charges and foreign involvement with human rights violations. (torture by the French forces in Algeria in the 'fifties, for example). Discussion of the relative degree of political freedom and the specific kinds of difficulties faced by minorities, Marxists, pacifists, and certain religious sects such as Jehovah's Witnesses in particular Western industrialized societies. Spain and Portugal will be examined for the period prior to their recent changes in government, as will be Greece (readings will include a report on the first torturers' trial recently completed in Greece.) The United States and Great Britain will also be reviewed, particularly in light of the report by the Council of Europe alleging

continued torture by British forces in Northern Ireland. The Western-allied nations--b) less-developed countries. Overview of the situation in Brazil, Uruguay, Argentina, Iran, South Korea, Indonesia, and the Philippines. Discussion of the exchange of torture technology and the cooperation between the security forces of countries in the "southern cone" of Latin America. The reply of the Philippines Government to Amnesty International's mission report will be examined.

week 6

Beginning of section on methods of enforcing observance of human rights. Focus on the human rights activities of the United Nations, the Organization of American States, the Organization of African Unity, and the Council of Europe.

week 7

The effectiveness of Non-Governmental Organizations in working for human rights, focusing on the following NGO's: the International Commission of Jurists, the League for Human Rights, Amnesty International, and the International Red Cross.

Possible strategies for governmental action by the United States will be discussed, as well as the ensuing dilemmas. 1) The controversy over section 502B of the foreign assistance act of last year, which mandates that aid be cut to countries which consistently violate human rights. 2) The controversy over U.S. training, arming and funding of foreign police, prison and military systems. 3) The dilemma regarding speaking publicly about human rights in the Soviet Union and thus facing more difficult arms control negotiations or a heating up of the Cold War.

week 8

What are the causes of human rights violations? On a psychological level, how can or why will one individual torture another? What are the psychological effects of torture on the torturer and the tortured? Where do some people find the emotional strength to resist torture? Possible film: Milgram Experiment.

On a political level, why do governments consciously choose to violate human rights? Does the nature of the economic system in a country have any effect on the degree of human rights violations? Contrasts between the US and the USSR will be made in terms of numbers of political prisoners, with Indonesia additionally considered. Similar contrasts with regards the use of torture will be made with Brazil, Cuba, and France.

week 9

How human rights are approached in literature. Koestler's Darkness at Noon, Costa-Gavras' State of Siege, Solzhenitsyn's Gulag Archipelago 1918-1956. Kim Chi Ha's Cry of the People and Other Poems, and Kafka's The Trial will be discussed. The 1984/Brave New World polarity will also be examined in the context of the power of massive negative vs. massive positive reinforcement as means of social control.

week 10

The political uses and abuses of the human rights issue. The biases in such concerns--the ease with which some parties can condemn violations of human rights by one type of government and justify similar violations by another.

Conclusion: Particularly discussing the debate over economic versus political rights. Must one set of rights necessitate the violation of the other set? Or is JP Narayan correct when he argues that "bread and liberty" are not mutually exclusive? Are systems theoretically possible in which both economic and political rights are observed in great degree within the same society?

READINGS

- I. General Overview: Amnesty International. REPORT ON TORTURE. (New York: Farrar, Straus and Giroux, 1975). With particular attention to the following sections: "World Survey of Torture," "Medical and Psychological Aspects of Torture," and "Legal Remedies."
- II. The Basic Documents:
 - Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, European Convention on Human Rights, American Declaration of the Rights and Duties of Man, United States Bill of Rights.
- III. Human Rights Observance in Specific Countries
 - A. Communist
 - Bukovsky, Vladimir and Gluzman, Semyon, MANUAL OF PSYCHIATRY FOR DISSIDENTS.
 - Rudenko, Mykola, "Open Letter to L.I. Brezhnev"
 - Amnesty International, BRIEFING PAPER ON CZECHOSLOVAKIA, 1977.
 - A CHRONICLE OF CURRENT EVENTS, Nos. 28-31, 1975 (Samizdat).
 - B. Western
 - Kim Chi Ha, "A Final Statement to the Court,"
 - Balbi, Selmar, "Appeal from an Uruguayan Parent"
 - "An Anguished Appeal from an Uruguayan Military Officer" (Anon)
 - Baraheni, Reza, "The Shah's Executioner," from INDEX ON CENSORSHIP, May 1976.
 - Council of Europe, "Report on Allegations of Torture in Northern Ireland," 1976.
 - C. Non-Aligned
 - Narayan, Jayaprakash, "My Last Will and Testament," 1975.
 - Amnesty International, BRIEFING PAPER ON RHODESIA, 1976, London.
 - "Exchange of Correspondence between Professor Richard Cross and Prime Minister Indira Gandhi of India," 1975.
 - "Women against Apartheid in South Africa," Publication No. 38/75 of the Unit of Apartheid of the United Nations, November 75.

(Note: in studying each of the above sub-worlds, the section of the REPORT ON TORTURE dealing with that area will also be utilized.)
- IV. The Factors Underlying Human Rights Violations
 - Morris, Fred B. (Reverend); "Torture in Brazil: Testimony before the Subcommittee on International Organizations (House)"
 - "I Was Only Following Orders," Transcript of a portion of CBS TV program 60 Minutes broadcast on March 31, 1974.
 - "The Nightmares of an Interrogator," pp.215-217 from THE WRETCHED OF THE EARTH by Frantz Fanon.
 - "Medical Aspects of Torture," from the Conference on the Abolition of Torture, Paris, December 10-11, 1973.
 - "The Case for the Use of Torture: One Man's View," pp.156-161 from A THEORY OF CONFLICT by C. Brian Crozier.

(Note: portions from Fromm's ANATOMY OF HUMAN DESTRUCTIVENESS and Hanah Arendt's THE ORIGINS OF TOTALITARIANISM may be added, depending on the availability of other sources.)

V. Dilemmas for U.S. Foreign Policy

A. In Relation to our Allies

HUMAN RIGHTS AND US POLICY: ARGENTINA, HAITI, INDONESIA, IRAN, PERU, AND THE PHILIPPINES. Reports Submitted to the Committee on International Relations, U.S. House of Representatives, by the Department of State, December 31, 1976.

HUMAN RIGHTS AND US FOREIGN POLICY. A RESPONSE BY NON-GOVERNMENTAL ORGANIZATIONS TO THE STATE DEPARTMENT REPORTS ON ARGENTINA, HAITI, INDONESIA, IRAN, PERU, AND THE PHILIPPINES. January 14, 1977. Distributed by the Human Rights Office of Clergy and Laity Concerned.

B. In Relation to our Adversaries

Not yet available: an analysis of the effect of the Carter administration's human rights offensive on the SALT negotiations.

VI. Human Rights in Literature

Kim Chi Ha, CRY OF THE PEOPLE AND OTHER POEMS. Japan: Autumn Press, (1974).

Kafka, Franz, THE TRIAL, New York: Random House, 1937.

Solzhenitsyn, Alexander, GULAG ARCHIPELAGO (1918-1956), New York, Harper & Row, 1973.

Solinas, Franco and Costa-Gavras. STATE OF SIEGE. New York: Ballantine Books, 1973. (See particularly the supporting documents in appendix).

Koestler, Arthur. DARKNESS AT NOON.

(Students are to choose one work from the above.)

VII. Recommended Works

Yieu, M.M. "The Competence of the United Nations' Organs Concerning Human Rights," INDIA QUARTERLY, 1974, pp.133-141.

Emerson, R. "The Fate of Human Rights in the Third World," WORLD POLITICS, 1975, pp.201-226.

RECENT PUBLICATIONS OF INTERNET MEMBERS

Christian Bay, "Liberalism's Liberty: Ideology and Myopia," a Sesquicentennial Lecture presented at New College, University of Toronto, February 23, 1977.

Homer A. Jack, "The United Nations and Religious Discrimination," LIBERTY, March/April 1977, pp.14-17. (Reprints available for 25¢ from World Conference on Religion and Peace, 777 UN Plaza, NY, NY 10017)

Brian H. Smith and T. Howland Sanks, "Liberation Ecclesiology: Praxis, Theory, Praxis," THEOLOGICAL STUDIES, Vol.38, No.1 (March 1977), pp.3-38.

Yoram Dinstein, "The International Human Rights of Soviet Jewry," ISRAELI YEARBOOK ON HUMAN RIGHTS, Vol.2, 1972, (Faculty of Law, Tel Aviv University), pp.194-210.

_____, "Freedom of Emigration and Soviet Jewry," ISRAELI YEARBOOK ON HUMAN RIGHTS, Vol.4, 1974, pp.266-274.

_____, "The International Law of Civil Wars and Human Rights," ISRAELI YEARBOOK ON HUMAN RIGHTS, Vol. 6, 1976, pp.62-80.