

International and Comparative Perspectives on Human Rights
Saint Louis University, Madrid Campus
SPRING 2009, Mon & Wed. 8pm-9.15pm
CASIANO HACKER-CORDON

Office hours: 6.45pm to 7.45pm Monday and Wednesday, and by appt.
e-mail: casiano1@gmail.com

This course is a reading-intensive analysis of some of the major ideas operative in international human rights jurisprudence and in U.S. constitutional law rights adjudication. We deal with the major disputes over the justification of rights, their scope and their content, as well as with alternative views about how best to implement human rights. The course covers a variety of topics that have gained much attention in recent years, such as gender and racial inequality, social and economic rights, genocide and war crimes, and the right to economic development. While a major aim of the course is to engage the particulars of rights analysis in general and in the specifics of gender and social welfare, we take an overriding concern with placing U.S. constitutional law and the international human rights regime in comparative perspective.

Requirements: **Attendance** and **reading** are mandatory. Contributions to class **discussion** are strongly encouraged, since a major goal of the course is to have each of us learn from each other so as to better articulate our views regarding the topics covered. There are **three papers** (two due during the term – each 5 pages long-- , one substantial research paper –some 15 pages long-- due the last day of finals). Topics for the first two, “midterm”, papers will be distributed one week in advance of their **due date**. Topics for the research paper will be determined in individual consultation with the instructor.

Materials:

B1. There is one major book for the course, available for purchase the SLU bookstore. . Henry J. STEINER & Philip ALSTON (eds), International Human Rights in Context. Readings from U.S. case law are available online, and theoretical articles will be made available piecemeal as we proceed with the semester.

Schedule

Session 1 (Jan 14)–Introduction to the course

Session 2 (Jan 19) Introduction to Human Rights Issues, with a focus on the Death Penalty
Steiner & Alston 3-54.

Session 3 (Jan 21) Alan Gewirth, “Are There Any Absolute Rights?”; Ronald Dworkin, “Rights as Trumps”.

January 21 is the last day to drop a course without a “W” grade. This is also the last day to add courses.

Session 4 (Jan 26) Overview of Human Rights in the past Fifty Years, with a focus on the United Nations Charter and the International Covenant on Civil and Political Rights.
Steiner & Alston 112-157.

Session 5 (Jan 28)- Universalism and Cultural Relativism.
Steiner & Alston 366-404.

Session 6 (Feb 02)- H.L.A. Hart “Are There Any Natural Rights?”

Session 7 (Feb 04)— Economic Laissez Faire in U.S. Constitutional Law I: *Lochner v. New York*; *Nebbia v. New York*; *Williamson v. Lee Optical*.

Session 8 (Feb 09)— Economic Laissez Faire in U.S. Constitutional Law II: *Pennsylvania Coal Co. V. Mahon*; *Home Building & Loan Ass’n v. Blaisdell*.

Session 09 (Feb 11)—Personal Laissez Faire in U.S. Constitutional Law I: *Griswold v. Connecticut, Roe v. Wade, Panned Parenthood of Sotheastern Pa v. Casey*

Session 10 (Feb 16)—Personal Laissez Faire in U.S. Constitutional Law II: Family Relationships, Sexuality and Death.

Session 11 (Feb 18)—Gregory Vlastos, “Justice and Equality.”

First Paper Due.

Session 12 (Feb 23)—Basic Analytics of Equal Proection in U.S. Constitutional Law.

Session 13 (Feb 25)—Racial Classification and Discrimination in U.S. Constitutional Law I

Session 14 (Mar 02)—Racial Classification and Discrimination in U.S. Constitutional Law II.

Session 15 (Mar 04) - Women’s Rights I: Background to CEDAW –Its Socioeconomic Context
Discrimination and Abuse (Public and Private).
Steiner & Alston 140-176.

Spring BREAK March 07-March 15.

Session 16 (Mar 16)—Women’s Rights II: CEDAW: Provisions and Committee
Steiner & Alston 176-210.

Session 17 (Mar 18)-- Economic and Social Rights I: Context, Background and Disputation
Steiner & Alston 237-260.

Session 18 (Mar 23)—Economic and Social Rights II: Analytical Content and Relationship to Civil and
Political Rights.
Steiner & Alston 261-275.

Session 19 (Mar 25)—Economic and Social Rights III: Justiciability
Steiner & Alston 275-300.

Session 20 (Mar 30)—Economic and Social Rights IV: Resource Constraints, Political Will, Effective
Monitoring.
Steiner & Alston 300-320

Second Paper Due.

Session 21 (Apr 01)—Denial and Dilution of Voting Rights in U.S. Constitutional Law I

April 01 is the last day to drop a course and receive a “W” grade.

Session 22 (Apr 06)—Denial and Dilution of Voting Rights in U.S. Constitutional Law II.

April 06 is the beginning of Preregistration for Summer and Fall 2009

Session 23 (Apr 08)—Economic Inequality and the U.S. Equal Protection Clause: *San Antonio
Independent School District v. Rodriguez*

Session 24 (April 13)— Gender and Cultural Relativism Revisited.
Steiner & Alston 403-445.

Session 25 (April 15)-- Universal Jurisdiction and International Crimes
Steiner & Alston, 1132-1142; 1192-1216.

Session 26 (April 20) —War Crimes in Yugoslavia and Rwanda I.

Steiner & Alston, 1143-1192.

Session 27 (April 22)— War Crimes in Yugoslavia and Rwanda II.

Steiner & Alston, 1143-1192 again.

Session 28 (April 27) --Globalization, Development and Human Rights I

Steiner & Alston 1306-1361.

Session 29 (April 29) –Globalization, Development and Human Rights II.

Steiner & Alston 1306-136. again.

Session 30 (May 04) -- Closing Discussion.

May 12—RESEARCH Paper Due