

GVPT 409R
Human Rights and the Rule of Law in China
Course Syllabus: Fall 2009
MW: 2-3.15pm, SQH 1103
University of Maryland

Instructor: Irina Aervitz, Ph.D.

Office hours: M: 1.15-2.15pm; W: 3.15-4.15pm at TYD 3114G (appointments are encouraged)

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Course Overview

This course is designed to provide students the opportunity to learn about the growing importance of human rights and its impact on the world today with a particular stress on the intellectual debate between the proponents of the “universal” interpretation of human rights and their opponents. The objective of this course is to understand the major arguments at stake. The course will apply these arguments and concepts to China whose record of human rights practices has been particularly controversial. The Chinese case provides a wonderful opportunity to explore the meaning of the concept of human rights as well as human rights norms, institutions and enforcements in this region as compared to the rest of the world. This course will also explore the sources of international human rights in China, including the question of cultural relativism, central and regional institutional efforts, Chinese contribution on the international human rights dialogue, and finally, the incorporation of human rights norms into the domestic legal system.

Required Texts:

1. Hayden, Patrick (2001): *The Philosophy of Human Rights*, Paragon House Publishers
2. Donnelly, Jack (2006): *International Human Rights*, Westview Press; Third Edition.

Because this course requires understanding of current events and developments in the field of human rights in China, in addition to these books, students are required to regularly follow several different sources of news on China in major US and UK publications (such as *The Washington Post*, *The New York Times*, *The Economist* and *Financial Times*) as well as various China-focused sources. I expect you to follow one general publication of choice every day as well as 4-5 China-focused sources every day.

China-focused sources:

Asia Times, <http://www.atimes.com/>

Asia Society's Asia Source Homepage at <http://www.asiasource.org>

Asian Studies World Wide Web Virtual Library (WWWVL) at the Australian National University at <http://coombs.anu.edu.au/WWWVL-AsianStudies.html>

BBC Asia programming—listen to the China Service in Mandarin or to *East Asia Today* in English at <http://www.bbc.co.uk/worldservice/asiapacific/index.shtml>

Central News Agency, Taipei, Taiwan at www.taipei.org

China: A Country Study, U.S. Library of Congress at <http://lcweb2.loc.gov/frd/cs/cntoc.html>

China Daily at <http://www.chinadaily.net>

China Headline Links from *ChinaOnline* at <http://www.chinaonline.com/roundup/headlines.asp>

China Links from the University of Michigan at <http://www.lib.umich.edu/libhome/Area.Programs/Asia/china/weblist.htm>

China News Digest at <http://www.cnd.org/CND-Global/CND-Global.new.html>

Chinese Military Power page at <http://www.comw.org/cmp/>

CNN/*Time*/*Asiaweek* AsiaNow at <http://www.cnn.com/AsiaNow>

Constitution of the People's Republic of China at <http://english.peopledaily.com.cn/constitution/constitution.html>

East Asia Center Asialinks at <http://www.virginia.edu/~eastasia/easia13.html>

Embassy of China to the United States at <http://www.china-embassy.org/>

Far Eastern Economic Review at <http://www.feer.com>

Foreign, Comparative, and International Resources from the Department of Political Science at Louisiana State University at <http://www.artsci.lsu.edu/poli/foreign.html>

Hong Kong WWWVL at <http://www.asiawind.com/hkwwwvl>

Human Rights in China at <http://www.hrichina.org>

Human Rights Watch/Asia at <http://www.hrw.org/about/divisions/asia.html>

Inside China at <http://www.insidechina.com/>

International Affairs WWWVL at <http://www.etown.edu/vl>

Internet Guide for China Studies—Politics at <http://sun.sino.uni-heidelberg.de/igcs/igpol.htm>

Maps from the University of Texas at http://www.lib.utexas.edu/Libs/PCL/Map_collection/china.html

Ministry of Foreign Affairs (PRC) at <http://www.fmprc.gov.cn>

People's Daily English edition at <http://english.peopledaily.com.cn>

Political Resources on the Net: China at <http://www.politicalresources.net/china.htm>

Political Science WWWVL at <http://www.lib.uconn.edu/PoliSci>

South China Morning Post (Hong Kong) at <http://www.scmp.com>

Taiwan Government Information Office at <http://www.roc-taiwan.org>

Taiwan WWWVL at <http://peacock.tnrc.edu.tw/taiwan-wwwvl.html>

Tibet Government in Exile at <http://www.tibet.com/>

On Human Rights:

Amnesty International at www.amnesty.org

Human Rights Watch at www.hrw.org

Human Rights First at www.humanrightsfirst.org

International Committee of the Red Cross at www.icrc.org

United Nations at www.un.org

United Nations High Commission for Human Rights
<http://www.unhchr.ch/data.htm>

US Commission on Religious Freedom at <http://www.uscirf.gov/>

Course Requirements:

1. 6 Short Reaction Papers (5% each): 30%. These papers will help you keep up with the material and, most importantly, will provide you an opportunity to rethink your own understandings in light of the new material in class. The topics for the reaction papers will be suggested in class. Each paper requires you to identify an event/news happening that is related to the topic(s)/theories discussed in class. When you make a reference to a particular theory/argument, you must understand well what it is about and how current events/themes are relevant to it.

Make your own argument by agreeing or disagreeing with a theory/argument and use current events as examples to support your argument. You must weave the cases/examples into your discussion rather than simply summarize the events. Each paper must contain a minimum of two typed, double-spaced, 12 point Times New Roman pages with standard margins, and must be properly cited using at least three reputable sources (major newspapers, academic journals, reporting services, and academic texts count. Speculative reports, blogs, Wikipedia, and other non-juried information sources are not acceptable. The first paragraph or so of each paper could briefly describe, in your own words, the event itself. The remainder of the paper could contain your reflections on the event in terms of the appropriate course concepts. **The papers can only be turned in during lecture.**

2. Midterm Exam: 30%. The exam will require you to provide short definitions of the concepts, theories, and other materials from the readings or class discussions. Thus, attendance is strongly encouraged.
3. Final Paper: 40%.
The format of the final paper will be announced later. Topics will be discussed in class or on an individual basis.

Beside written requirements, you are expected to participate in class discussions. We will discuss the readings and current events every class. Come prepared. The failure to participate in class discussions will result in taking 10% off the grade. Attendance for the midterm and final is required with extremely rare exceptions. Make-up exams for unexcused absences will be penalized by taking 20% off the grade.

Course Evaluation: Your final course grade will be based on a 100-point scale (A 100-93, A- 92-90, B+ 89-87, B 86-83, B- 82-80, C+ 79-77, C 76-73, C- 72-70, D 69-60, F 59 or below). A zero in any one of the five requirements identified above constitutes grounds for failure in the course.

I do not curve grades, though I may offer grade-increasing opportunities (extra credit, make-up work) at my discretion.

Attendance: As noted in the current college catalog, you are expected to attend all class sessions. Attendance is defined as being in class on time, ready to work, and most importantly, participation in the class discussions.

The University of Maryland, College Park has a nationally recognized Code of Academic Integrity, administered by the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate and graduate students. As a student you are responsible for upholding these standards for this course. It is very important for you to be aware of the consequences of cheating, fabrication, facilitation, and plagiarism. For more information on the Code of Academic Integrity or the Student Honor Council, please visit <http://www.studenthonorcouncil.umd.edu/whatis.html>.

Students caught cheating or purposely plagiarizing will receive a failing grade in this course and be reported to the proper university authorities for further disciplinary action.

Lateness: Lateness is not encouraged. It disrupts class discussions. If you are more than 15 minutes late, please do not come in.

Submission of papers: All written assignments should be submitted in class. They should be printed out and properly stapled. If you are not in class when the paper is due, the electronic version can be accepted via E-mail under exceptional circumstances. Otherwise, late papers are not accepted.

References: Arrange your citations properly. Use footnotes or endnotes when making a reference to an article in a newspaper, periodical (the Economist), or the web site. You can cite your source (book, academic article, etc.) in the body of the text, for example (Huntington 2006:54), with full citation at the end of the text. Please consult the writing manuals (Harvard, Chicago or other style manuals) and be consistent.

Course Schedule

Monday, 8/31: Introduction

9/2: Introduction into Human Rights I

Donnelly, Jack (2006): *International Human Rights*, Westview Press; Third Edition.
To Read: Chapters 1-2

9/7 Labor Day: no class

9/9: Introduction into Human Rights II

Hayden, Patrick (2001): *The Philosophy of Human Rights*, Paragon House Publishers.
To Read: Section 2: Hobbes, Locke, and Rousseau.

9/14: Introduction into Human Rights III

Jerome J. Shestack (1998): The Philosophical Foundations of Human Rights, *Human Rights Quarterly*, 20, pp. 200-234.
See on Blackboard

9/16: Human Rights and International Law I

Hayden, Patrick (2001): *The Philosophy of Human Rights*, Paragon House Publishers.
To Read: Section 5

The International Covenant on Civil and Political Rights
(www.un.org)

The International Covenant on Economic, Social and Cultural Rights (www.un.org)

9/21: Human Rights and International Law II

Donnelly, Jack (2006): *International Human Rights*, Westview Press; Third Edition. Chapter 4

Buergenthal, Thomas (1983): The Normative and Institutional Evolution of International Human Rights, *Human Rights Quarterly*, Vol. 1. pp. 703-723.
See on Blackboard

9/23 Human Rights: Universalism and Relativism I

Hayden, Patrick (2001): *The Philosophy of Human Rights*, Paragon House Publishers.
To Read: Section 6

Tharoor, Shashi (1999/2000): Are Human Rights Universal? *World Policy Journal*, Vo. XVI, No4, available at www.worldpolicy.org/journal/tharoor.html

Thomas M. Franck (2001): Are Human Rights Universal? *Foreign Affairs*, January/February.
See on Blackboard

Short reaction paper 1 is due

9/28: Universalism and Relativism II

Hayden, Patrick (2001): *The Philosophy of Human Rights*, Paragon House Publishers.
To Read: Section 4: The Dalai Lama, Abdullahi Ahmed An-Na'im

Steiner, Alston, and Goodman (2007): *International Human Rights in Context: Law, Politics, Morals*, Oxford University Press, USA; 3 edition, pp. 517-528
Available on Google Books at
<http://books.google.com/books?id=UJ9spanaxwsC&printsec=frontcover&dq=Steiner,+Alston,+and+Goodman&ei=n1yVSteoKY6ENM6OnbYH#v=onepage&q=&f=false>

9/30 Universalism and Relativism III

Jack Donnelly (2007): The Relative Universality of Human Rights, *Human Rights Quarterly* Vol. 29, No. 2 May, 281-305 24pp
See on Blackboard or J-Store

Michael Goodhart (2008): Neither Relative nor Universal: A Response to Donnelly, *Human Rights Quarterly* Vol. 30, No. 1 February, pp.183-204 22pp
See on Blackboard or J-Store

10/5: Non-Western Conceptions of Human Rights I

Adbul Aziz Said (1979): Human Rights in Islamic Perspectives, *Universal Human Rights [Human Rights Quarterly]* 1, pp. 63-80.
See on Blackboard

Fouad Zakaria (1986): Human Rights in the Arab World? The Islamic Context, in

UNESCO, *Philosophical Foundations of Human Rights*.
See on Blackboard

The Cairo Declaration on Human Rights in Islam, 5 August 1990
<http://www.religlaw.org/interdocs/docs/cairohrislam1990.htm>

Surya P. Subedi (1999): Are the Principles of Human Rights 'Western' Ideas? An Analysis of the 'Asian' Concept of Human Rights from the Perspectives of Hinduism, *California Western International Law Journal*, 30, pp. 45-69.
See on Blackboard

Short reaction paper 2 is due

10/7: Non-Western Conceptions of Human Rights II

James C. Hsiung, Human Rights in an East Asian Perspective, in Hsiung, *Human Rights in an East Asian Perspective*, pp. 1-30
See on Blackboard

Lo Chung-Sho, Human Rights in the Chinese Tradition, in UNESCO, *Human Rights: Comments and Interpretations*.
See on Blackboard

Roger Ames (1997): Continuing the Conversation on Chinese Human Rights, *Ethics and International Affairs*, 11, pp. 177-205.
See on Blackboard

Angle, Stephen C. (2008): Human Rights and Harmony, *Human Rights Quarterly*, Volume 30, Number 1, February.
See on Blackboard

10/12: A Confucian Perspective on Human Rights

Joseph Chan (1999): A Confucian Perspective on Human Rights for Contemporary China, in: Joanne R. Bauer and Daniel A. Bell, eds, *The East Asian Challenge to Human Rights*, Cambridge: Cambridge University Press, pp. 212-237, See on Blackboard

De Bary, Wm. Theodore (1998): *Asian Values and Human Rights: A Confucian Communitarian Perspective*, Cambridge, Mass.: Harvard University Press, pp. 1-40
See on Blackboard

Shils, Edward (1996): Reflections on Civil Society and Civility in the Chinese Intellectual Tradition in Tu Wei-ming, ed., *Confucian Traditions in East Asian Modernity: Moral Education and Economic Culture in Japan and the Four Mini-Dragons*, Cambridge: Harvard University Press, pp. 38-71
See on Blackboard

Short reaction paper 3 is due

10/14: Again, Culture-Based Argument

Donnelly, Jack: (1997): Conversing with Straw Men While Ignoring Dictators: A Reply to Roger Ames, *Ethics & International Affairs*, Volume 11, pp. 207-213.
See on Blackboard

Aryeh Neier , The New Double Standard, *Foreign Policy*, No. 105 (Winter, 1996-1997), pp. 91-102
See on Blackboard

Jeffrey E. Garten (1996-1997): The Need for Pragmatism, *Foreign Policy*, No. 105, Winter, pp. 103-106
See on Blackboard

Start thinking about the topic for the final paper!

10/19: Midterm Exam

10/21: Human Rights in China I

China (includes Tibet, Hong Kong, and Macau), Country Report for 2009, Bureau of Democracy, Human Rights, and Labor, U.S. State Department
<http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119037.htm>

Kent, Ann (2001): States Monitoring States: The United States, Australia, and China's Human Rights, *Human Rights Quarterly*, Vol. 23, No. 3, pp. 583-624
See on Blackboard

10/26 : Human Rights in China II

De Bary, William Theodore and Wei-ming Tu (1998): *Confucianism and Human Rights*, Columbia University Press

To read: Wm. Theodore De Bary, Introduction, pp. 1-27; Irene Bloom, Mencian Confucianism and Human Rights, pp. 94-117; Julia Ching, Human Rights: A valid Chinese Concept, pp. 67-83.

Available on Google Books:

http://books.google.com/books?id=DsuZu_xRwc8C&pg=PP1&dq=Confucianism+and+human+rights&ei=VV6VStzbB4PCMo2mxKkH#v=onepage&q=&f=false

Short reaction paper 4 is due

10/28: Human Rights in China III

Angle & Svensson, *The Chinese Human Rights Reader: Documents and Commentary*, 1900-2000, pp. 355-372:

To Read: White Paper, "Statement on the Issue of Human Rights in China"; Zhang Wenxian, "Human Rights, Rights, and Collective Rights: A Response to

Comrade Lu Deshan"; Liu Junning, "What Are Asian Values?"

Available on Google Books:

<http://books.google.com/books?id=WRIn8OFP6TUC&printsec=frontcover&dq=Angle+%26+Svensson&ei=-ViVSsPhDoqukATJsbCWBw#v=onepage&q=&f=false>

Deadline to pick the topic for the final paper!

11/2: Human Rights in China IV

Angle & Svensson, *The Chinese Human Rights Reader: Documents and Commentary, 1900-2000*.

To Read: Du Guo, "Rebuttal to a Critique of 'Human Rights'; Lan Ying, "Is 'Human Rights' Always a Bourgeois Slogan? A Discussion with Comrade Xiao Weiyun and Others"

11/4: Civil Society in China I

Mao Zedong, "On New Democracy." 1940. Available at:

http://www.marxists.org/reference/archive/mao/selected-works/volume-2/mswv2_26.htm

Tony Saich (2000): Negotiating the State: The Development of Social Organization in China, *China Quarterly*, pp. 124-141.
See on Blackboard

Short reaction paper 5 is due

11/9: Civil Society in China II

The Internet Explosion; Combating the Digital Divide

Hachigian, Nina (2001): China's Cyber-Strategy, *Foreign Affairs* 80 (2):118-134.
See on Blackboard

GUOBIN YANG (2003): The Co-evolution of the Internet and Civil Society in China *Asian Survey*, Vol. XLIII, No. 3, May/June. Available at:

http://bc.barnard.columbia.edu/~gyang/Yang_AS_03.pdf

Also see on Blackboard

Zittrain, Jonathan and Benjamin Edelman (2002): Empirical Analysis of Internet Filtering in China, Berkman Center for Internet and Society, Harvard Law School,

<http://cyber.law.harvard.edu/filtering/china/>

11/11: Civil Society III

Donnelly, Jack (2006): *International Human Rights*, Westview Press; Third Edition. Chapter 6

Wei Jingsheng, The Fifth Modernization

See at <http://www.rjgeib.com/thoughts/china/jingshen.html>

11/16: China's Minority Nationalities

Information Office of the State Council, People's Republic of China. "Tibet—Its Ownership and Human Rights Situation." 1992. <http://www.china.org.cn/e-white/tibet/index.htm>

For more on the Tibet perspective, see "The Status of Tibet" at <http://www.tibet.com>

Uyghur minority in China

To Read: Uyghur packet on Blackboard

11/18: China's Minority Nationalities II

Iredale, Robyn, Naran Bilik, Wang Su, Fei Guo, and Caroline Hoy (2001): Ethnicity and Minority Education Policy in *Contemporary Minority, Migration, Education and Ethnicity in China*, pp. 51-85.

See on Blackboard

Schein, Louisa (1997): Gender and Internal Orientalism in China, *Modern China*, 23,1, pp. 69-99.

See on Blackboard

Short reaction paper 6 is due

11/23: Women in China

Tang, Wenfang and William L. Parish (2000): *Chinese Urban Life Under Reform*. New York: Cambridge University Press

To Read: Chapter 9, *Gender and Work* (Parish and Busse), and Chapter 10, *Gender and Family*.

See on Google Books at

<http://books.google.com/books?id=kNgoQIP4J90C&pg=PA232&dq=Tang,+Wenfang+and+William+L.+Parish.+2000.+Chinese+Urban+Life+Under+Reform&ei=H1aUSvO8OJ-UygSM0smZBw#v=onepage&q=&f=false>

And Parish and Busse on Blackboard

11/25: Women in China

Susan Perry (1999): Holding Up Half the Sky in *Current History*. Reprinted in Suzanne Ogden, ed. *Global Politics: China*. Guilford, CT: Dushkin, pp. 163-167

See on Blackboard

Chu, Junhong (2001): Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China, *Population and Development Review* 27, 2, pp. 259-281.
See on Blackboard and J-Store

11/30 Rule of law in China

Laura Paler (2005): China's Legislation Law and the Making of a More Orderly and Representative Legislative System, *China Quarterly*, no. 182, June, pp. 301-18
See on Blackboard

Jae Ho Chung, Hongyi Lai and Ming Xia (2006): Mounting Challenges to Governance in China: Surveying Collective Protestors, Religious Sects, and Criminal Organizations, *China Journal*, July, pp. 1-32
See on Blackboard

12/2: Rule of Law in China II

Randall Peerenboom (2002): Let One Hundred Flowers Bloom, One Hundred Schools Contend: Debating Rule of Law in China, 23, *Mich. J. Int'l L.*, 471. See on Blackboard

Albert H Y Chen (2000): The Interpretation of the Basic Law—Common Law and Mainland Chinese Perspectives, 30 *Hong Kong L.J.*, 380. See on Blackboard

Randall Peerenboom (2006): Law and Development of Constitutional Democracy: Is China a Problem Case? *The Annals*, 192. See on Blackboard

12/9: Conclusions

Final paper is due