

NYU Madrid

POL-UA 9709.M01 / SOC-UA 9709.M01 Comparative European and U.S. Human Rights

Instructor Information

- Name: Adam Dubin
- Office hours: After or before class, by appointment
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Course Description

This course is a study of comparative human rights primarily between European countries and the United States of America. We will focus on how human rights norms, despite their supposed universality, are applied and interpreted differently between the United States and Europe as a result of cultural, historical and other differences. We will analyze and compare the jurisprudence coming from the United States Supreme Court and the European Court of Human Rights to understand how the interpretation of human rights norms varies between regions, and then explore larger questions as to how this interpretation and application reflects cultural and historical questions common to individual European countries and Europe as a whole.

- Co-requisite or prerequisite: *N/A*
- Class meeting days and times: Mondays from 16:30 – 19:20

Desired Outcomes

Upon Completion of this Course, students will be able to:

- To develop students' knowledge of how rights are formed at international and national levels.
- To be able to critically analyze international, regional and national rights frameworks, with a particular emphasis on the U.S and Europe.

- To understand how and why the implementation of international human rights norms differs between countries.
- To understand some of the cultural and historical differences between the United States and European countries through the use of human rights legislation, case law and newspaper/media articles.

Assessment Components

Participation: 10%

The student is expected to engage actively in the class room discussion and not use his or her computer for anything but note taking. The student is also expected to come to class having done the readings. If I see that students are using computers for anything other than taking notes, I reserve the right to ban computers. Please also refrain from using cell phones.

2 Reflection papers: 15% each (due Feb 13 & April 17th. Approx length: 3 pages each).

The reflection papers will ask students to analyze a question put forth by the professor. Students are expected to answer the question by drawing on class discussion and readings.

Midterm: 30% Examination

The mid term examination will test knowledge on international human rights jurisprudence up until, but not including Freedom of Expression. The format will be short answer/essay.

Final: 30% Examination

The final exam is made up of approximately 15 legal case studies that students will have to analyze based on the human rights jurisprudence discussed in class.

Grading of Assignments

The grade for this course will be determined according to the following formula:

Assignments/Activities	% of Final Grade
Class participation	10%
2 Reflection papers	15% each
Mid-term examination	30%
Final Examination	30%

Failure to submit or fulfill any required course component will result in failure of the class,

regardless of grades achieved in other assignments.

Letter Grades

Letter grades for the entire course will be assigned as follows:

Letter Grade	Points	Percent
A	4.00	Example: 92.5% and higher
A-	3.67	Example: 90.0 – 92.49%
B+	3.33	Example: 87.5% - 89.99%
B	3.00	Example: 82.5% - 87.49%
B-	2.67	Example: 80% - 82.49%
C+	2.33	Example: 77.5% - 79.99%
C	2.00	Example: 72.5% - 77.49%
C-	1.67	Example: 70% - 72.49%
D+	1.33	Example: 67.5% - 69.99%
D	1.00	Example: 62.5% - 67.49%
D-	.67	Example: 60% - 62.49%
F	.00	Example: 59.99% and lower

Course Schedule

Topics and Assignments

Week/Date	Topic	Reading
Session 1, February 4th	Class Introduction and Introduction to Human Rights	Douglas Donoho, <i>What are International Human Rights? in</i>

Week/Date	Topic	Reading
		<u>International Human Rights Law, (2016).</u>
Session 2, February 11th	Human Rights as International Law	<p>Douglad Donoho, <i>Basic Principles of International Law Relevant to Human Rights? in International Human Rights Law.</i> (2016)</p> <p>Douglas Donoho, “<i>International Rights as Domestic Obligations</i>” in <u>International Human Rights Law (2016).</u></p>
Session 3, February 18th	Human Rights Enforcement Mechanism	<p>Douglas Donoho “<i>International Promotion and Enforcement Under the United Nations Charter Based System</i>” in <u>International Human Rights Law.</u></p> <p>Douglas Donoho, “<i>International Promotion and Enforcement of Rights Through the U.N. Treaty Based System</i>” in <u>International Human Rights Law.</u></p>
Session 4, February 25th	Introduction to the U.S. and European Human Rights Protection Systems	<p>Michael Ignatieff, <i>Introduction: American Exceptionalism and Human Rights</i> in <u>American Exceptionalism and Human Rights, pages 1 – 26, Princeton University Press (2005).</u></p> <p>European Convention on Human Rights</p> <p>The U.S. Bill of Rights</p> <p>Janis et al., <i>The European Convention on Human Rights</i> in <u>European Human Rights: Text and Material, pages 3 – 19, Oxford University Press (2008).</u></p>

Week/Date	Topic	Reading
		Janis et al., <i>The Effect in National Law of the European Convention on Human Rights</i> in <u>European Human Rights: Text and Materials</u> , 829 – 873, Oxford University Press (2008).
Session 5, March 4th	Freedom of Expression: Hate Speech	<p><i>Norwood v. U.K (Europe)</i> <i>Peta v. Deutschland (Europe)</i> <i>Virginia v. Black (U.S.)</i> <i>Brandenburg v. UK (U.S.)</i></p> <p>Adam Liptak, <i>Unlike Others, U.S. Defends Freedom to Offend in Speech</i>, New York Times (June 12, 2008)</p> <p>Matthew Rojansky, <i>Europe Doesn't Get Free Speech</i>, New York Times (February 24, 2006).</p> <p>Ralph Minder, <i>Crackdowns on Free Speech Rise Across A Europe War of Terror</i>, New York Times (February 24, 2016).</p> <p><i>International Covenant on Civil and Political Rights</i> <i>Bill of Rights:</i> <i>Convention:</i></p>
Session 6, March 11th	Mid – Term examination	
Session 7, March 15 th , FRIDAY	No Class. Make up TBD	
Session 8, March 18th	Freedom of Expression: Time, Place and Manner Restrictions	<p>NY Times Editorial Board, <i>Spain's Ominous Gag Law</i>, New York Times (April 22, 2015).</p> <p><i>Schenk v. Pro Choice Network of Western NY (U.S.)</i> <i>Cox v. Louisiana (U.S.)</i></p>

Week/Date	Topic	Reading
Session 9, March 25th	Freedom of Expression: Comparative Obscenity Laws	<i>Handyside v. U.K (Europe)</i> <i>Miller v. California (U.S.)</i>
Session 10, April 1st	Freedom of Religion: Free Exercise	<i>Headscarf Band Violates Religious Freedom</i> , Human Rights Watch (2004). <i>The ACLU and the Freedom of Religion and Belief</i> , American Civil Liberties Union. <i>Dogru v. France (Europe)</i> <i>Church of Lukumi Babalu v. City of Hialeah (U.S.)</i> International Covenant on Civil and Political Rights: Bill of Rights: 1 st Amendment Convention:
Session 11, April 8th	Freedom of Religion: Establishment Clause	<i>Lemon v. Kurtzman (U.S.)</i> <i>Liatsu v. Italy (European)</i>
Session 12, April 22nd	Sexual Orientation	<i>Gas and Dubois v. France (European)</i> <i>Schalk & Knopf v. Austria (European)</i> <i>Lawrence v Texas (U.S.)</i> <i>Griswold v Connecticut (U.S.)</i> <i>Obergefell v. Hodges (U.S.)</i> U.S. Constitution: 5 & 14 Convention: 8 Covenant on Economic, Social and Cultural Rights:
Session 13, April 29th	Reproductive Rights	<i>A, B, C. v. Ireland (European)</i> <i>Planned Parenthood v. Casey (U.S.)</i> <i>Roe v. Wade (U.S.)</i>

Week/Date	Topic	Reading
		U.S. Constitution: 5 & 14 Convention: 8 CEDAW General Comment 12
Session 14, May 6th	Cruel and Unusual Punishment / Torture	<p><i>Soering v. U.K.(European)</i> <i>Baze v. Reese (U.S.)</i></p> <p>Janis et al., <i>The Death Penalty in European Human Rights: Text and Material</i>, pages 161 – 163 Oxford University Press (2008).</p> <p>Adam Liptak, <i>Lifelong Death Sentences</i>, NY Times (October 31, 2011).</p> <p>Convention: 3 Constitution: 8 Convention Against Torture</p>

Course Materials

Required Textbooks & Materials in Print Form

Book Chapters:

Douglas Donoho, *What are International Human Rights?* in International Human Rights Law, (2016).

Douglas Donoho, *Basic Principles of International Law Relevant to Human Rights?* in International Human Rights Law, (2016).

Douglas Donoho, *“International Rights as Domestic Obligations”* in International Human Rights Law, (2016).

Douglas Donoho *“International Promotion and Enforcement Under the United Nations Charter Based System”* in International Human Rights Law, (2016).

Douglas Donoho, “*International Promotion and Enforcement of Rights Through the U.N. Treaty Based System*” in International Human Rights Law, (2016).

Janis et al., *The Death Penalty* in European Human Rights: Text and Material, pages 161 – 163 Oxford University Press (2008).

Janis et al., *Freedom of Religion – An American Comparison* in European Human Rights: Text and Material, pages 371 – 373 Oxford University Press (2008).

Janis et al., *The Effect in National Law of the European Convention on Human Rights* in European Human Rights: Text and Material, 829 – 873, Oxford University Press (2008).

Michael Ignatieff, *Introduction: American Exceptionalism and Human Rights* in American Exceptionalism and Human Rights, pages 1 – 26, Princeton University Press (2005).

Jurisprudence:

A B & C v. Ireland

Baze v. Reese

Bowers v. Hardwick

Brandenburg v. Ohio

Church of Lukumi Babalu v. City of Hialeah

Dogru v. France

Griswald v. Connecticut

Handyside v. U.K

Lawrence v. Texas

Norwood v. U.K

Planned Parenthood v. Casey

Roe. v. Wade

Schalk and Knopf v. Austria

Schenk v. Pro Choice Network of Western NY (U.S.)

Soering v. U.K.

Virginia v. Black (U.S.)

Legislation:

European Convention on Human Rights

International Covenants

U.S. Constitution

Newspaper Articles:

Adam Liptak, “Unlike Others, U.S. Defends Freedom to Offend in Speech” New York Times (June 12, 2008).

Adam Liptak, *Lifelong Death Sentences*, NY Times (October 31, 2011).

Carol Ryan, *Irish Poised to Revisit Abortion Law*, NY Times (Feb 21, 2012).

Fiona Govan, *Spain Announces Plans to Change Abortion Law*, The Telegraph (March 8, 2012)

Jean-Clause Mignon, *European Court of Human Rights is not Perfect, but it's Still Precious*, The Guardian (April 19, 2011).

Kim Severson, *Chick-fil-A Thrust Back Into Spotlight in Gay Rights*, NY Times (July 25, 2012)

Matthew Rojansky, *Europe Doesn't Get Free Speech*, New York Times (February 24, 2006).

Paul Geitner, *On Gay Marriage, Europe Strains to Reconcile 27 Interests*, NY Times (July 25, 2012)

NOTE: There will be approximately 60 – 80 pages a week of jurisprudence to read. Cases vary between 10 – 50 pages.

Resources

- **Access your course materials:** [NYU Classes](http://nyu.edu/its/classes) (nyu.edu/its/classes)
- **Databases, journal articles, and more:** [Bobst Library](http://library.nyu.edu) (library.nyu.edu)
- **Assistance with strengthening your writing:** [NYU Writing Center](http://nyu.mywconline.com) (nyu.mywconline.com)
- **Obtain 24/7 technology assistance:** [IT Help Desk](http://nyu.edu/it/servicedesk) (nyu.edu/it/servicedesk)

Course Policies

Attendance Policy

Study abroad at Global Academic Centers is an academically intensive and immersive experience in which students from a wide range of backgrounds exchange ideas in discussion-based seminars. Learning in such an environment depends on the active participation of all students. And since classes typically meet once or twice a week, even a single absence can cause a student to miss a significant portion of a course. To ensure the integrity of this academic experience, class attendance at the centers is mandatory, and unexcused absences will be penalized with a two percent deduction

from the student's final course grade for every week's worth of classes missed. Students are responsible for making up any work missed due to absence. Repeated absences in a course may result in harsher penalties including failure.

Unexcused absences affect students' grades: In classes meeting once a week, a 2% deduction from the student's final course grade occurs on the occasion of the first unexcused absence.

Absences are excused only for illness, religious observance, and emergencies.

Illness: For a single absence, students may be required to provide a doctor's note, at the discretion of the Assistant Directors of Academics. In the case of two consecutive absences, students must provide a doctor's note. Exams, quizzes, and presentations will not be made up without a doctor's note.

Religious Observance: Students observing a religious holiday during regularly scheduled class time are entitled to miss class without any penalty to their grade. This is for the holiday only and does not include the days of travel that may come before and/or after the holiday. Students must notify their instructor and the Academic Office in writing via email one week in advance before being absent for this purpose. If exams, quizzes, and presentations are scheduled on a holiday a student will observe, the Assistant Directors, in coordination with the instructor, will reschedule them.

Please note: if you are unable to attend class, you are required to email your professors directly and notify them.

Late Submission of Work

Late work will be penalized by one letter grade per 24-hour period after the due date, with a maximum submission date of 48 hours. All work submitted outside of this 48-hour period will receive a 0.

In the event of illness or some other circumstance that prevents the student from submitting the work on time, please notify the professor as soon as possible. It will be up to the discretion of the professor whether or not to accept the late assignment.

Academic Honesty/Plagiarism

At NYU, a commitment to excellence, fairness, honesty, and respect within and outside the classroom is essential to maintaining the integrity of our community.

Plagiarism: *presenting others' work without adequate acknowledgement of its source, as though it were one's own. Plagiarism is a form of fraud. We all stand on the*

shoulders of others, and we must give credit to the creators of the works that we incorporate into products that we call our own. Some examples of plagiarism:

- *a sequence of words incorporated without quotation marks*
- *an unacknowledged passage paraphrased from another's work*
- *the use of ideas, sound recordings, computer data or images created by others as though it were one's own*
- *submitting evaluations of group members' work for an assigned group project which misrepresent the work that was performed by another group member*
- *altering or forging academic documents, including but not limited to admissions materials, academic records, grade reports, add/drop forms, course registration forms, etc.*
- *using language translation software.*

For further information, students are encouraged to check [NYU Policies and Guidelines on Academic Integrity](#) ([about/policies-guidelines-compliance/policies-and-guidelines/academic-integrity-for-students-at-nyu.html](#))

Disability Disclosure Statement

Academic accommodations are available for students with disabilities. Please contact the Moses Center for Students with Disabilities (212-998-4980 or mosescsd@nyu.edu) for further information. Students who are requesting academic accommodations are advised to reach out to the Moses Center as early as possible in the semester for assistance. For more information, see [Study Away and Disability](#) (nyu.edu/students/communities-and-groups/students-with-disabilities/study-away.html)