# Teaching International Human Rights Law: A Textbook Review

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#### **Abstract**

The increased focus on, and incorporation of, human rights into university curricula have led to a significant number of recently published (international) human rights textbooks. In a field that is distinctly known for idealism, human rights textbooks are the first introduction for students to the international human rights framework. With varying focus, methodology, tool sets and depth of engagement with a topic, there is a broad variety available on the market from which to choose. This review offers a selection of human rights textbooks that represent different writing styles and meet different teaching needs and preferences.

#### 1 Introduction

Human rights not only form part of legal education but also span across all disciplines. They constitute a truly crosscutting subject in university curricula. This reflects the Plan of Action of the World Programme for Human Rights Education, which emphasizes the need to develop 'strategies for infusing human rights as a cross-cutting issue into all higher-education disciplines' – that is, not only law but also social studies, history, technical or scientific fields.¹ As teaching materials constitute one of the essential elements for the implementation of these strategies, this review essay considers recently published human rights textbooks, with a special emphasis on textbooks designed for general overview courses.

Since the discipline of human rights has reached a certain maturity, critical voices are becoming more prominent.<sup>2</sup> Still, we would like to note at the outset that we have

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- United Nations General Assembly (UNGA), Plan of Action for the Second Phase (2010–2014) of the World Programme for Human Rights Education, UN Doc. A/HRC/15/28, 27 July 2010, para. 28(a)(i, ii, iii).
- For literature offering nuanced reflections on the development of the field, see, inter alia, R. Dickinson et al. (eds), Examining Critical Perspectives on Human Rights (2012); S. Moyn, The Last Utopia: Human Rights

reviewed the textbooks from the perspective of what some might term 'traditional' international legal scholarship and, thus, with a focus on how they may assist (primarily law) students to acquire the necessary technical skills to apply international human rights. On this basis, the review seeks to offer orientation with respect to the numerous human rights textbooks available.

# 2 Teaching Human Rights: A Policy Background to Human Rights Education

With the emergence of the human rights movement in the 1970s, human rights education (HRE) was put on the agenda of the international community in the form of international policy programmes.<sup>3</sup> In the years to follow, HRE has been defined through several general and programmatic statements. In classical United Nations (UN) language, '[e]ducation should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives'.<sup>4</sup> In detailing the implementation of such aspirational policy, guidelines have been issued that list the development of human right educational materials according to the overarching principles of HRE as one of their key points.<sup>5</sup> These principles are broad and focus, *inter alia*, on the promotion of the interdependence, indivisibility and universality of human rights. HRE is portrayed as being instrumental for democracy, sustainable development, the rule of law, the protection of the environment and peace as well as being a tool of empowerment.<sup>6</sup>

This view is not uncontested. In her recent book *Human Rights Education and the Politics of Knowledge*, Joanne Coysh highlights the dangers associated with the manner of how global institutions<sup>7</sup> control the formation of discourse in the field of HRE.

in History (2010); A. Neier, *The International Human Rights Movement: A History* (2012); M. Freeman, *Human Rights: An Interdisciplinary Approach* (2011). The volume edited by J.-M. Barreto, *Human Rights from a Third World Perspective: Critique, History and International Law* (2013), breaks with the Eurocentric account of the history of human rights as a linear series of events and introduces stories of 'alternate geographies'.

See, inter alia, T. Buergenthal and J. Torney, International Human Rights and International Education (1976).

World Conference on Human Rights, Vienna Declaration and Programme of Action, UN Doc. A/CONF.157/23, 25 June 1993, para 33. It continues: '[E]ducation on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human Rights notes that resource constraints and institutional inadequacies may impede the immediate realization of these objectives.'

<sup>&</sup>lt;sup>5</sup> UN Decade for Human Rights Education (1995–2004), Guidelines for National Plans of Action for Human Rights Education, UN Doc. A/52/469/Add.1, 20 October 1997, para. 16. UNGA, *supra* note 1, para. 28(b)(i).

<sup>6</sup> UN Decade for Human Rights Education, *supra* note 5, para. 16.

Global institutions referring in this context primarily to United Nations (UN) bodies.

In reference to Michel Foucault's concept of institutional control, she argues that the power that institutions possess consists of:

the discourse orientation of individuals that determines, in part at least, how they make sense of both their own and others' experiences in the world and the types of action they choose to engage in as a result. ... [T]he way in which discursive practices are constitutive of knowledge, and how scientific discourse penetrates fields of knowledge in the formation of the subject, are important because they can reveal truths for what they really are, a socially constructed reality and one particular way of seeing the world.<sup>8</sup>

From this perspective, the objective of HRE to cultivate a better world must not be followed blindly. Rather, being formed by certain dominant groups/institutions, there is a threat that HRE can be used to perpetuate a particular cultural form or political truth. In that sense, the global discourse of HRE, as pushed by the UN agenda, is also not free of 'complexity and uncertainty, doubt and reflexivity about its production and claims to knowledge. '10 The 'institutionalized' concept of HRE – rooted more strongly in the above-mentioned programmatic aspirations of peace and development than in specific international legal standards<sup>11</sup> – seeks to use human rights as instruments of empowerment and social change. It presents the human rights framework as the result of one single truth rather than the engagement of critical discourse. The elusiveness of normativity often continues with regard to human rights textbooks. Thus, most textbooks tend to assume the existing human rights framework (often uncritically) as given. They validate it by pointing to its origins in natural justice and, thereby, presenting human rights as a legalized form of universally applicable morality. In comparison, few textbooks problematize human rights as a socio-political construction of contemporary society with a clear normative drive. From a practical viewpoint, there emerges the danger of taking human rights for granted and disregarding the political context in which they apply.

Undoubtedly, attention in international law is shifting increasingly to the individual. Some scholars even argue that human rights have replaced the state-centred global framework and have become the contemporary paradigm of the civilizing mission of public international law.<sup>12</sup> Particularly from the (traditional) international law perspective,

- S J. Coysh, Human Rights Education and the Politics of Knowledge (2017), ch. 1, n. 45ff [footnotes omitted], referring, inter alia, to M. Foucault, Power Knowledge: Selected Interviews and other Writings, 1972–1977 (1980).
- <sup>9</sup> Ibid., ch. 1, n. 53ff. See also C. Douzinas, The End of Human Rights: Critical Legal Thought at the Turn of the Century (2000).
- 10 Covsh, *supra* note 8, ch. 1, n. 56ff.
- 11 Ibid., ch. 3.
- S. Moyn, The Last Utopia: Human Rights in History (2010), at 9; C.R. Beitz, The Idea of Human Rights (2009), at xi, stating at the outset that 'the language of human rights has become the common idiom of social criticism in global politics'. This is also particularly prominent in H.E. Trindade's writings. See A.A. Cançado Trindade, The Construction of a Humanized International Law (2015), vols 1, 2; (2017), vol. 3; A. Peters, Beyond Human Rights: The Legal Status of the Individual in International Law (2016). On the historical discourse and the uprise of human rights in Lauterpacht's concept of international law, see M. Koskenniemi, The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960 (2001); For a collection of essays on the topic, see M.T. Kamminga and M. Scheinin (eds), The Impact of Human Rights Law on General International Law (2009).

however, one might disagree.<sup>13</sup> Human rights have indeed become legal instruments that are used to scrutinize and lobby against the (unjust) exercise of state power, but they do so within a legal system that is (still) being shaped primarily by states. Despite their legal character, one may not disregard the social context in which human rights instruments operate. At times, they mask policy choices by states, disguising imperialism as humanitarianism;<sup>14</sup> at other times, they are the product of overly ambitious projects of members of the human rights movement.<sup>15</sup> The latter is also discernible in the field of education – to a certain degree in HRE generally<sup>16</sup> and to a larger extent in human rights textbooks. With a certain degree of uniformity,<sup>17</sup> most human rights textbooks used for traditional human rights classes structure the subject according to a certain understanding of human rights – a dialectic between rights, duties and violations – but this does not necessarily correspond to the actual state of human rights (law).<sup>18</sup>

Thus, one can often observe a divergence between human rights theory and practice, particularly in regard to implementation. However, presenting human rights as a magical unicorn solution to ongoing struggles and conflicts only increases the system's begrudged ineffectiveness with regard to enforcement. The founder of Harvard Law School's Human Rights Program, Henry J. Steiner, has pointed to this danger when speaking about the challenges of HRE: 'Because [the human rights movement] offers such rare features in international life as idealism and hope for a better world – even for a better human nature – and because students often bring their deep moral commitment to those ideals, the movement runs the risk of excessive veneration.' Considering that international legal positivism still remains the *lingua franca* of international law, <sup>20</sup> students will fail when trying to effect change if they are left oblivious

- 13 Cf. A. Neier, The International Human Rights Movement: A History (2012), at 4; see also Pellet, "Human Rightism" and International Law', 10 Italian Yearbook of International Law (2000) 3.
- E.g., referencing J. Bricmont's book Humanitarian Imperialism (2006), Noam Chomsky has highlighted how post-Cold War rhetoric regarding Western values of freedom, democracy, justice and human rights has been used as justification for implementing global strategy. Chomsky, 'Humanitarian Imperialism: The New Doctrine of Imperial Right', 60(4) Monthly Review (2008).
- Alston, 'Against a World Court for Human Rights', 28(2) Ethics and International Affairs (2014) 197; Kapur, 'Human Rights in the 21st Century: Take a Walk on the Dark Side', 28 Sydney Law Review (2006) 665; see also D. Kennedy, The Dark Sides of Virtue: Reassessing International Humanitarianism (2004), at 3ff (arguing that human rights are often too narrow (focusing on the state that is, the public dimension) and too generalizing by propagating a 'one-size-fits-all emancipatory practice').
- It has been argued that alongside a lecturer's professional competence to teach a course on human rights comes an inherent social responsibility to install certain values in students. Lecturers thereby may even transcend from mere educators to participants of human rights activism. On the accompanying difficulties, see also Griffin, "The Dilemmas of the Postgraduate International Human Rights Law Educator', 7(1) Journal of Human Rights Practice (2015) 18.
- 17 See also note 36 below.
- Bianchi notes similar tendencies with regard to international law in general, owing to tradition: "Tradition can be understood as a commitment to a certain worldview, which is reiterated in specific communicative situations and handed down from one generation ... to another.' A. Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking* (2016), at 22.
- Steiner, 'The University's Critical Role in the Human Rights Movement', 15 Harvard Human Rights Journal (2002) 317, at 324.
- <sup>20</sup> S.R. Ratner, The Thin Justice of International Law: A Moral Reckoning of the Law of Nations (2015), at 20.

of the legal intricacies arising in human rights practice. This goes to the roots of HRE and poses also major challenges for human rights textbooks.

The variety of approaches to human rights, and the fact that at times human rights scholars are at least subliminally susceptible to blur the line between descriptive and prescriptive in their writings on the status of human rights, make the selection of human rights course books a delicate task for lecturers. After all, it is through the selected textbook that students (and future practitioners) are introduced to the international human rights framework. In the following, we have opted to select human rights textbooks that best meet the objective – however disputed it may be – of teaching international human rights law as portrayed in the global discourse – that is, books that adopt a concept of human rights as universal and indivisible and that are aimed at the empowerment of individuals.

### 3 A Review of International Human Rights Textbooks

#### A Selecting Teaching Materials

With the increased attention to HRE and the inclusion of human rights in various university and extra-university curricula, the number of available human rights textbooks has grown, particularly over the past decade.<sup>22</sup> Not all human rights textbooks, however, constitute ideal study aids,<sup>23</sup> instil critical thought and provide a good guide to the function and purpose of human rights. Choice is enhanced since both electronic and print formats are available today. Although both formats have their advantages

- Many scholars themselves caution against adopting a 'textbook narrative' of human rights. See, e.g., Halme-Tuomisaari and Slotte, 'Revisiting the Origins of Human Rights: Introduction', in P. Slotte and M. Halme-Tuomisaari (eds), Revisiting the Origins of Human Rights (2015) 1.
- Which discipline human rights are taught in will be a crucial component for the choice of a relevant textbook. Even within a legal curriculum, there are a wide variety of possibilities of how to include human rights. Often they are taught as part of other subjects, such as international law, constitutional law or administrative law. In Europe, human rights might play a role in courses on European Union (EU) law. There are also numerous fields of specializations available that will include human rights dimensions (e.g., legal philosophy, critical legal theory, gender studies and so on). Depending on the law school, there might be a free-standing human rights course within the undergraduate degree in the curriculum. Law schools might also offer specializations on human rights, both at the undergraduate level and, increasingly, at the postgraduate level.
- In particular, this is for a generation of students who have grown accustomed to receiving lecture information in the form of bullet points and linear structure. PowerPoint has even been accused by some as a threat to national security by giving users a false sense of simplicity and control of information. General McMaster, for example, warned that PowerPoint presentations constituted an internal threat to the military: 'It's dangerous because it can create the illusion of understanding and the illusion of control. Some problems are not bullet-izable.' Quoted in Bumiller, 'We Have Met the Enemy and He Is PowerPoint', New York Times (26 April 2010). F. Frommer, How PowerPoint Makes You Stupid: The Faulty Causality, Sloppy Logic, Decontextualized Data, and Seductive Showmanship That Have Taken over Our Thinking (2012), at 200ff, explores the dangers of PowerPoint from various angles, agreeing with growing sentiment that PowerPoint tends to simplify matters to a point where students no longer take notes or even do the readings anymore.

and disadvantages, particularly regarding readability and accessibility,<sup>24</sup> recent surveys indicate that students still slightly prefer printed books.<sup>25</sup> The physical interaction with a textbook is found to be 'still the best suited to the optical, cognitive, and metacognitive requirements of the reading brain'.<sup>26</sup> We have therefore primarily focused on printed textbooks, though we have indicated where both formats are available, particularly since approximately 20 per cent of students prefer to have access to both versions.<sup>27</sup>

We hold the view that a good human rights textbook should encourage critical reflection on the subject matter and convey knowledge at the same time. Regarding the former, we place an emphasis on the 'tool sets' that the textbooks incorporate, including readability (language, engagement of the reader), presentation of different theories/opinions (depth of theoretical treatment, use of excerpts) and learning techniques (for example, the use of learning aids such as questions, case studies, discussion points; the use of visual aids or different media sources; access to additional material). With regard to the latter, we focus on whether the textbook conveys the technical legal skills and knowledge on institutional mechanisms and processes, substantive human rights standards and avenues for international relief. We also consider whether or not the textbook provides insight into practice. Finally, we have kept practical considerations in mind such as cost and accessibility.

Obviously, our assessment is to some extent subjective, as is the teaching philosophy of lecturers and the determination of the primary objectives of a course. We hope, however, to provide some guidance on the most popular human rights textbooks currently on the market. A considerable number of textbooks can be considered comprehensive 'course books' that may serve as the basis of a general human rights course.<sup>29</sup> Others are compilations, written by experts on the respective issue, and can also serve

- According to surveys, print textbooks are preferred primarily as they are found easier to read, it is possible to engage with them on a different level, there are less distractions from the Internet and students do not want to lose access once the semester ends. The most important advantages of e-textbooks are their portability, the fact that students have all of their materials on one spot, the fact that they sometimes are cheaper (especially if the library purchased access) and they save paper. See Miller and Schrier, 'Digital or Printed Textbooks: Which Do Students Prefer and Why?', 15(2) Journal of Teaching in Travel and Tourism (2015) 166.
- 25 Ibid., at 182-183.
- <sup>26</sup> Tanner, 'Digital vs. Print: Reading Comprehension and the Future of the Book', 4 School of Library and Information Science Student Research Journal (2014) 1.
- G. Moodie, Universities, Disruptive Technologies, and Continuity in Higher Education: The Impact of Information Revolutions (2016), at 199, referring to R. Burnett's survey from 2015 at San Jose State University, available at https://community.macmillan.com/groups/macmillan-news/blog/2015/10/20/the-future-of-the-print-book.
- <sup>28</sup> A similar viewpoint can be found in Bilder and Cassel, "Teaching International Human Rights Law', 91(1) American Journal of International Law (1997) 215.
- The review addresses only specific human rights textbooks and does not cover textbooks with single chapters or sections on human rights. Of course, by virtue of the crosscutting nature of human rights, law students, in particular, will also encounter human rights in their textbooks used in their classes on constitutional or public law, sometimes also in their classes on EU law, legal anthropology, philosophy or ethics. With human rights having become an important field of international law, most textbooks on international law also include a chapter on the international human rights framework.

as points of departure for specific human rights courses and thematic explorations. Although the outlines of both types of books are similar, a well-edited compilation will have the advantage that the contributing experts can provide practical insights into their field of expertise.

#### B Textbooks for an Introduction to International Human Rights

Considering that almost all higher-education disciplines shall strive to streamline human rights into their curricula, an introductory course on human rights can be as diverse as its participants. We have selected three books that offer a concise overview for students, regardless of their background. The first is Andrew Clapham's *Human Rights: A Very Short Introduction* (2015, £7.99), which provides a (very affordable) overview of the origins of the human rights regime together with a first glance at six core topics (torture; deprivations of life and liberty; balancing free speech and privacy; right to food, education, health, housing and work; discrimination and equality and the death penalty). The book, which is also available as an ebook as well as audiobook, only has 200 pages and with its boxes, including anecdotes as well as several illustrations, makes a quick read and enjoyable introduction.

Despite its brevity, it challenges the reader with historical and philosophical thought on the state of human rights, making the reader well aware of the unfulfilled promise of human rights. At the same time, Clapham highlights what the threat of ineffectiveness means for human rights both in political terms (especially with regard to human rights as foreign policy) and in legal terms (particularly in regard to the lack of implementation). An accompanying website includes not only the relevant legal texts and instruments but also most of the references (in full text). In light of these assets, and despite the book's brevity, Clapham's *Very Short Introduction* also serves as a great supplement to more advanced courses on human rights.

The other two books approach the field of human rights from an interdisciplinary perspective and, thus, can be used for courses of all disciplines and for classes that consist of students with different educational backgrounds. Similar in length to the book by Clapham, Michael Freeman's *Human Rights: An Interdisciplinary Approach* (2011, €21.60, also available as etext) provides an introduction to the field of human rights from a legal, philosophical and social-scientific perspective. Although the author acknowledges that the field of human rights is predominantly 'legalistic', he notes that the social science of human rights, particularly in light of new challenges to human rights that require more than purely legal answers, is on the uprising. Freeman aims to provide a conceptual overview of the tensions between the idea of human rights and its implementation in practice in the context of new developments such as counter-terrorism measures following 9/11, globalization and climate change. Of the three books mentioned in this section, this book focuses the least on

On the potential and danger of interdisciplinarity in the field of human rights, see most recently Langford, 'Interdisciplinarity and Multimethod Research', in B.A. Andreassen, H.-O. Sano and S. McInerney-Lankford (eds), Research Methods in Human Rights (2017) 161.

<sup>&</sup>lt;sup>31</sup> 'Recent Articles/Book Chapters', available at http://graduateinstitute.ch/clapham-humanrights.

the legal framework but, instead, concentrates on the social science critique of human rights and their (lack of) implementation. It is ideal for a first introduction to human rights in the growing field of multi- or interdisciplinary human rights courses, which has developed at the university level.

Finally, a textbook expressly designed for an interdisciplinary human rights program is Manfred Nowak *et al.*'s *Vienna Manual on Human Rights* (2012, €34.80). This volume, *inter alia*, serves as an introductory book in the master's programme on human rights at the University of Vienna.<sup>32</sup> The manual was written by academics from 10 disciplines<sup>33</sup> and offers a general and interdisciplinary introduction in its 672 pages to the field of human rights, opening with short sections on what human rights entail for each discipline, before proceeding to the institutional framework, human rights theory, substantive human rights standards, specific groups and human rights in context − for example, in the field of peace and security; democratization, good governance and anti-corruption; development and environment; business and legal pluralism. The manual ends with a chapter on practical human rights work, ranging from training, consulting, lobbying and fact-finding to litigation. Of the three books, the manual addresses the broadest range of issues, leaving hardly any aspect untouched. On the downside, however, each subsection is only a few pages long and often only scratches the surface and covers the bare minimum of an issue.<sup>34</sup>

#### C Textbooks to Accompany a General Human Rights Course

Most general (international) human rights courses for law students or students of closely related fields (for example, international relations, political science) seek to provide the reader with an introduction to the concept of human rights, an overview of the origins, the underpinnings and development of the existing international human rights framework and institutions as well as an understanding of how human rights function and how they are being implemented. This is also the case for the eight books that we present in this section. Most of them follow a very similar standardized outline, with sections on human rights theory; historical origins; human rights as part of international law (sources); institutional mechanisms of protection; scope of application; typology of state obligations; substantive human rights guarantees and current challenges, although they approach these topics in

<sup>32</sup> The master's program aims at providing students coming from a broad variety of academic disciplines with scientific knowledge and practical skills to work as human rights experts. The master's program's curriculum is made up of courses across a spectrum of 10 disciplines. For more information on the curriculum's content, see Postgraduate Center, available at www.postgraduatecenter.at/en/programs/international-affairs-business/human-rights/curriculum/.

<sup>333</sup> Law, history, theology, philosophy, anthropology, psychology, sociology, political science, international relations and media.

<sup>34</sup> As the editors expressly write in their preface, the objective is to cover 'most aspects of the current international human rights discourse, [but] the various contributions are fairly short and written in a language easily to be understood by students new to the topic'.

<sup>35</sup> Cf. Jennings, 'Human Rights Education Standards for Teachers and Teacher Education', 17 Teaching Education (2006) 287, at 289.

varying detail.<sup>36</sup> In comparison, the reviewed textbooks generally focus to a lesser extent on the limitations of human rights<sup>37</sup> – whether on a doctrinal or practical level – and on their implementation in practice.<sup>38</sup>

Olivier de Schutter's International Human Rights Law (2014, £42.99, also available as an ebook) is an exemplary case of a 'course book'. Providing theoretical foundations alongside case excerpts and additional materials, the book is structured in three parts extending over more than 1,000 pages: the sources of the international law of human rights; the substantive human rights obligations of states under international human rights law and institutional protection. The book conceives of international human rights law as a self-contained branch of international law, balancing domestic constitutional developments with certain elements of general international law. To demonstrate this understanding, the author has selected texts and documents - for example, domestic court decisions - that highlight the specificity of human rights when contrasted with general international law and focuses on the development of a transnational jus commune of human rights. With respect to the international level, the book places an emphasis on state obligations – the typology of state obligations, the regime of rights and their restrictions, the means of implementation - rather than investigating the content of each right. According to the author, this approach seeks to provide students with the conceptual tools of the human rights framework rather than with a momentary picture of the content of rights.<sup>39</sup> Although this approach is convincing, lecturers will still need to provide examples of substantive human rights standards to render a more complete picture.

Moreover, the book's design does not facilitate further research on particular rights (though the index refers the reader to those pages where specific rights are dealt with as examples). The book largely uses a problem-oriented approach, focusing on the application of human rights law rather than presenting the content of substantive human rights in the abstract, and raises many issues that readers will have to answer on their own. Therefore, the primary audience will be advanced students of law or political science, who already have some understanding of legal processes. An added benefit that de Schutter's book provides for teaching are the discussion points included

- Six of the eight sections contain a separate chapter on human rights theory (not Smith and de Schutter); seven have a chapter on the historical origins of human rights (while de Schutter deals instead with the history of international human rights); all include a chapter on human rights as part of international law as well as the institutional mechanisms of protection; seven include a chapter on substantive human rights guarantees (though different in scope) (not de Schutter, see also below in more detail); six explicitly include a chapter on current challenges (not de Schutter and Kälin/Künzli); five explicitly deal with the scope of application of the human rights framework (not Weston/Grear, Smith and Haas); four look at the typology of state obligations (not Weston/Grear, Smith, Haas and Alston/Goodman). A minority of the reviewed books deals with non-legal methodology (Alston/Goodman and Haas) and the interaction of human rights with other fields (Bantekas/Oette, Alston/Goodman and Moeckli/Shah/Sivakumaran).
- Primarily this is discussed in the two textbooks with a stronger focus on political science (Weston/Grear and Haas). Alston/Goodman's textbook, through a use of a variety of materials, provides the basis for a discussion in this direction as well.
- This is a key focus in Bantekas/Oette, with an entire chapter dedicated thereto. Weston/Grear also touches upon this aspect, though largely from a political science perspective.
- O. de Schutter, International Human Rights Law (2014), at 2.

at the end of each subsection. These are not aimed at simply revising the chapter's content but, rather, raise new issues that can guide students in their class preparation and may also assist lecturers in initiating classroom discussions. Finally, although de Schutter does provide in-text references to help students pursue particular issues further, these are unfortunately not compiled in separate sections.

International Human Rights Law, edited by Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (2014, £34.99, available online) is a compilation of 29 chapters, each authored by a different human rights expert (covering a wide range of disciplines). Covering a wide range of disciplines). Since most authors have an academic background, only some chapters depart from the traditional desk research. Overall, the book follows the general outline of a human rights course (foundations, international law framework, substantive human rights, institutional protection systems, cross-linkages between human rights and other sectors and recent challenges to the effective protection of human rights). Thus, the volume covers a wide range of perspectives and expertise but still constitutes a comprehensive human rights textbook. On the whole, the volume does not follow one policy approach or outlook on the world of human rights, but each author brings their own perspective to the chapter. Nevertheless, the editors have taken care that a consistent structure is generally followed throughout the chapters. Further, reading suggestions are listed at the end of every chapter, providing an easy and clear introduction to the field and aiding students in their further research.

A different approach to a human rights textbook is offered in *International Human Rights: A Comprehensive Introduction* (2014, £34.99, also available as an ebook) by political scientist Michael Haas. In the preface to the second edition of his textbook, Haas boldly asserts that 'no comprehensive textbook on human rights has existed until [the first edition from 2008]'.<sup>42</sup> Although this is most certainly not the case – at least in regard to European scholarship – he does take students who are new to the field through the 688 pages of the book on an adventure ride through the world of human rights. His fascination for the topic becomes evident from the first page ('[a] most astonishing development in world history is occurring today') to the last (ending with a quote by Victor Hugo: 'Nothing can stop an idea whose time has come'). The layout of the book is spiked with boxes, numbers, tables, and other special features such as the life spans of prominent persons. While law students might miss some explanations

<sup>&</sup>lt;sup>40</sup> The third edition was published in December 2017.

Of the 29 chapters, only six are written by human rights practitioners. The few exceptions are the chapter on 'Categories of Rights', written by Theo van Boven, the former United Nations special rapporteur on torture and the former director of the UN Division for Human Rights; the chapter on 'Integrity of the Person', written by the late Sir Nigel Rodley, Amnesty International's first legal officer and later UN special rapporteur on torture; the chapter on 'Sexual Orientation and Gender Identity', written by Michael O'Flaherty, the director of the EU Fundamental Rights Agency, the chapter on the 'United Nations', cowritten by Markus Schmidt, an international civil servant working with the United Nations; the chapter on 'Africa', co-written by Christof Heyns, former UN special rapporteur on extrajudicial, summary or arbitrary executions; and the chapter on 'International Refugee Law', written by Alice Edwards, formerly UN High Commissioner for Refugee's chief of protection policy and legal advice and the senior legal coordinator in the Division of International Protection.

<sup>&</sup>lt;sup>42</sup> M. Haas, International Human Rights: A Comprehensive Introduction (2nd edn, 2014), at xi.

on the legal implications, the textbook presents a fresh and unusual take on explaining the world of human rights. Focus is placed, *inter alia*, on the tools that have been used to foster human rights activism, far exceeding legal instruments. Hence, aside from listing examples of philosophical pleas or direct action that have resulted in change, Haas sheds light particularly on the historical, legal and socio-political context of human rights.<sup>43</sup>

Already in its seventh edition, Rhona Smith's Textbook on International Human Rights (2015, £32.99, also available online), with 448 pages, is one of the most concise introductory texts. 44 It not only provides the reader 'with a flavour of the substance of human rights', as promised by the author, but also renders a historical recollection of the development of the international human rights framework and an overview of the UN and regional human rights regimes. 45 The book is ambitious in scope and also includes discussions of human rights responses to current challenges such as terrorism or environmental destruction. Yet these sections are limited to approximately a page each and sometimes leave the reader with more questions than answers. The depth of theoretical treatment of issues therefore sometimes remains insufficient. Still, each section indicates additional reading suggestions for students who wish to engage more closely with a topic. It also includes a list of cases and relevant web links to the respective institutions and collections of materials such as the University of Minnesota's Human Rights Library. 46 Links to these cases and web links are also compiled online and are available at the online resource centre, although the publishing house does not seemingly update them on a regular schedule. 47 In addition, the preface explains that basic documents and conventions can either be accessed online at the respective institution's websites or through a compilation of basic documents such as Blackstone's International Human Rights Documents (10th edition, 2016, £16.99). Due to its broad range, the book speaks to a large audience across several disciplines. Still, non-lawyers might need some additional guidance on the legal implications of certain aspects such as the value of sources (dealt with literally in a 'whichever' manner)<sup>48</sup>

- 43 E.g., he includes not only a list of 'people power' mobilizations with their outcome (at 100) but also an overview of the role of the UN in ending apartheid.
- <sup>44</sup> The eighth edition was published in December 2017.
- <sup>45</sup> R. Smith, Textbook on International Human Rights (7th edn, 2015), at 2.
- Although these are links that are widely known and can easily be found through a simple Google search, the collection will be particularly useful to students new to the field and at the early stages of their higher education.
- 47 The online resource centre linked with the seventh edition of the textbook, published in 2015, still notes that these resources are forthcoming and thus not available yet. The sixth edition, however, is still available in the online resource centre.
- E.g., in discussing whether the Universal Declaration on Human Rights (UDHR), GA Res. 217, 10 December 1948, is binding, Smith states that it has a strong moral force and that it can be argued that the rights contained in the UDHR are general principles of law, 'although they may not have crystallized into customary international law'. The separate opinion of Judge Ammoun in the *Namibia* case is then referenced, which states that indeed provisions of the UDHR are custom. Smith concludes this short paragraph: 'Whichever, undoubtedly no State can avoid the impact of the Universal Declaration.' R. Smith, *Textbook on International Human Rights* (7th edn, 2015), at 39. For a student new to international law, or with a non-legal background, such explanations seem confusing and complicate the process of teaching human rights as 'legally binding rights and obligations'.

or how these relate to the implementation or enforcement of international (human rights) law.

The volume written by Philip Alston and Ryan Goodman, *International Human Rights* (2013, £42.99), is the exact opposite in detail and volume to Rhona Smith's textbook. The volume, according to the authors, is designed for a 'basic course in human rights' but will 'educate students to see the "big picture". <sup>49</sup> The book compiles materials from different political, cultural, moral and geopolitical perspectives and, over the course of an impressive 1,500 + pages, attempts to portray the human rights framework in an unbiased and multi-layered manner. Following an introductory comment, each chapter is made up of multiple (annotated) materials reflecting on the issue. Each subsection concludes with questions to encourage the critical reflection of the materials and spark debate. <sup>50</sup> As the book is explicitly directed at students coming from diverse academic disciplines, it provides background information on general international law in the first chapters, before turning to the place of human rights within the international framework.

Basic documents that are needed for the 'understanding of materials ... of the course book' are compiled in a documents supplement available at the online resource centre. For lecturers, the variety of opinions reflected in the materials provides a good basis to give students a balanced view on the scope and content of the international human rights framework. For example, the chapter dedicated to substantive human rights guarantees (such as freedom of religion or freedom of speech) addresses them through the lens of 'dilemmas of universalism', offering context and critical discourse. Although the topics covered are largely found in any general human rights course, some chapters may also be used for more specialized human rights classes. In particular, the final three chapters entitled 'Massive Human Rights Tragedies: Prosecutions and Truth Commissions', 'Non-State Actors' and 'Human Rights, Development and Climate Change' provide excellent preliminary readings to introduce students to these specific fields.

When it comes to 'tool sets' and readability, one of the most innovative course books currently on the market is Ilias Bantekas and Lutz Oette's *International Human Rights – Law and Practice* (2016, £36.99, also available as an ebook). In the second edition of this volume, the authors continue to combine the theory of human rights with practical insights into the challenges and threats to effective human rights protection. Thus, the conventional coverage of topics that are usually part of general human

<sup>&</sup>lt;sup>49</sup> P. Alston and R. Goodman, International Human Rights: The Successor to International Human Rights in Context (2013), preface.

E.g., in order to convey the 'international' roots of the current human rights regime, Chapter 2 explores the sources of international law through national court decisions, arbitral awards, judgments by international courts and international documents. The value of these materials and the topic in general is further explored through excerpts from academic articles.

Mainly, these are the respective international human rights treaties. Some provisions, however, are deleted where the authors found that they 'are unnecessary for an understanding of those materials'. See Documents Supplement, 'Introduction and Contents', available at http://global.oup.com/uk/orc/law/human/alston\_goodman/resources/documents/.

rights courses is complemented, *inter alia*, with a special chapter on human rights in practice, sections with particular regard to the effectiveness and limits of the current legal framework and a number of other practical insights. These include interviews with experts from practice on topical issues. One interview, for example, is conducted with Moataz El Fegiery, the former executive director of the Cairo Institute for Human Rights Studies, on how the debate on universalism has resurfaced during the Arab Spring; another with Clive Stafford Smith, one of the legal defenders of Guantánamo detainees. Additionally, case studies included in each chapter bring selected examples of application into focus while simultaneously challenging students with questions on the basis thereof. Throughout the text, there are separate sections with additional reading suggestions as well as revision questions. It is the authors' self-proclaimed aim to 'clarify not simplify' the matter. The book's scope is broad and current, not only covering the classical corpus of human rights from a substantive angle (without going into too many specifics) but also turning to current challenges such as counterterrorism, globalization, the right to development and non-state actors.

Other lecturers might prefer the more straightforward legal textbook style. The Swiss human rights experts Walter Kälin and Jörg Künzli had their revised German textbook Universeller Menschenrechtsschutz (2nd edition, 2008) translated, leaving intact its style and appearance as a (legal) textbook in the traditional continental European manner (less shenanigans, more dense typesetting). Comprehensive and concise in approximately 500 pages, The Law of International Human Rights Protection (2009, £78, also available as an ebook) addresses the main pillars of the human rights system, focusing on a broad selection of substantive human rights guarantees. To underline the indivisibility of human rights, the authors group these guarantees into thematic areas – for example, right to life – that include all relevant instruments, encompassing related economic, social and cultural rights (such as the right to food or right to health). In accordance with the expertise of Walter Kälin, the former representative of the UN Secretary-General on the human rights of internally displaced persons, the book also adds a specific chapter on protection during migration, forced displacement and flight. The book concludes with a structured bibliography section. The strength of this volume lies in combining the classical textbook content and structure (including footnoting) with an engaging writing style. Boxes in a minimalistic layout draw attention to interesting (case) examples or focus on specific issues, without overwhelming students with long case or text excerpts.<sup>52</sup>

In comparison, *Human Rights in the World Community: Issues and Actions*, edited by Burns H. Weston and Anna Grear (4th edition, 2016, £32) opts for a more essayist approach with 39 essays by scholars and practitioners,<sup>53</sup> grouped in slightly different categories than those found in classical textbooks. These essays range from

Compared to many newly published textbooks that use grey or other coloured boxes and different style formats, Kälin and Künzli's book resorts to simple black table borders, as used in a Word document.

Still, only two of the chapters are written by practitioners. The chapter on 'American Exceptionalism and Human Rights', written by Michael Ignatieff, former member of parliament in Canada, and the chapter on 'Peace: A Sacred Right', written by Douglas Roche, former member of the Senate in Canada.

traditional topics such as the debate on universalism versus cultural relativism, to sections on absolute rights (for example, the prohibition of torture), basic human needs (focusing particularly on economic, social and cultural rights) and community and group rights (for example, right to peace and indigenous peoples' rights), to essays studying the effectiveness of human rights treaties or reflecting on a human right to revolution. The outline of the book deviates from other textbooks particularly regarding the mechanisms of implementation, which are dealt with quite late in the book (Chapters 30–36). Instead of going through the various institutional approaches, the book offers debate on different approaches to human rights implementation (international, regional, domestic). On the one hand, these chapters are less detailed, particularly in regard to the process and procedure of institutional implementation. On the other hand, implementation is discussed from a much broader angle than is normally the case, including private sector approaches (nongovernmental organizations, corporate accountability and the human right to revolution as a right of the people).

This perspective is also owed to the fact that the book expressly addresses a broad audience, ranging from international relations to law, political science, economics and philosophy students. Still, for the purpose of acquiring technical skills, these chapters work better as a secondary text. Overall, the compilation proves particularly student friendly with each chapter concluding with questions for reflection and discussion. All of these features reveal the editors' awareness of the role of textbooks in HRE. Indeed, of those reviewed, this is the only volume to specifically mention its role in facilitating 'human rights education'.54 The focus, therefore, lies not only on human rights topics but also on human rights action, and it seeks to speak to a broad audience in clear and understandable language. Additionally, in line with the HRE objective and principle of encouraging self-awareness, the book also comes with an accompanying online database, which includes a bibliography, key human rights instruments and an annotated human rights filmography. The latter sorts several hundred films according to the themes of the book, including documentaries, short films, historical and fictional human rights stories and interviews. 55 As the editors explain, such material can be particularly helpful to convey an eyewitness experience and supports the learning experience of any lecture-based human rights course. The filmography, in particular, constitutes an excellent addition to any human rights course, whether used in class or recommended to students for individual study.

#### 4 Conclusion

It should be pointed out once again that the books discussed above in no way exhaust the available literature that can be used to teach an introductory or general course on

<sup>54</sup> B.H. Weston and A. Grear (eds), Human Rights in the World Community: Issues and Action (4th edn, 2016), at xiv. This is also owed to Richard P. Claude and Felisa L. Tibbitts, 'The Right to Education and to Human Rights Education' (at 207ff).

<sup>55</sup> See http://westongrear.org/filmography/.

international human rights.<sup>56</sup> Instead, this review offers a selection that represents different writing styles and meets different teaching needs and preferences. A rather recent trend is that, with the emergence of HRE as a policy area and particularly the UN's focus on higher HRE between 2010 and 2014, human rights textbooks have been revamped and have become teaching modules on their own, offering everything a lecturer will need to teach a human rights course. The introduction of modern media elements, self-examination questions, additional reading suggestions and discussion points not only constitute invaluable elements particularly for self-study, but they can also contribute to the critical thought process and learning progress of students attending classroom lectures. Moreover, whereas lectures tend to storyboard human rights and the international legal framework, particularly when relying on presentation tools such as PowerPoint, the addition of film to any teaching concept can change the narrative by providing different perspectives and, thereby, might even inspire the next generations' human rights activists. Despite these innovative features, which improve the reading and learning experience of human rights textbooks, we would argue that the majority of books still lack attention to the practical hurdles that human rights realization faces. Conveying practical insight alongside technical skills is a crucial part of effective HRE.<sup>57</sup>

To conclude, we hope that some guidance has been offered to lecturers on the wide variety of textbooks currently available as well as on their different approaches towards the teaching of human rights. The level of student learning will often depend on the quality and depth of a textbook, and lecturers should spend some time researching which of the many textbooks best suits their teaching styles and objectives.

## 5 Select Bibliography

We have divided the bibliography into four sections: commentaries and casebooks, textbooks, handbooks and other treatises focusing on fundamental aspects of international human rights (law). This provides an overview over most of the international human rights textbooks that have been published since 2003 as well as additional references and research resources that are suitable to complement textbooks.

#### A Commentaries and Casebooks

Laurence Burgorgue-Larsen and Amaya Ubeda de Torres, *The Inter-American Court of Human Rights: Case Law and Commentary* (Oxford University Press 2011)

Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on* 

Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press 2012)

- We have focused on textbooks, and not considered casebooks, manuals or handbooks, which are particularly suitable as additional resources to complement textbooks for advanced human rights classes. Some of the most prominent, which are of potential interest, are listed below in the Bibliography.
- 57 Of course, there are a number of alternative lecture formats to teach human rights (e.g., law clinics, moot courts, role plays and simulations), which are suitable for gaining practical insight.

Francisco Forest Martin, Stephen J. Schnably, Richard J. Wilson, Jonathan S. Simon and Mark V. Tushnet, *International Human Rights and Humanitarian Law: Treaties, Cases and Analysis* (Cambridge University Press 2006)

Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights – Cases, Materials, and Commentary* (Oxford University Press 2013)

Christoph Grabenwarter, European Convention on Human Rights: Commentary (C.H. Beck 2014)

Alastair Mowbray, Cases, Materials, and Commentary on the European Convention on Human Rights (Oxford University Press 2012)

Manfred Nowak and Elizabeth McArthur, *The United Nations Convention against Torture: A Commentary* (Oxford University Press 2008)

William A. Schabas, *The European Convention on Human Rights: A Commentary* (Oxford University Press 2015)

Patrick Thornberry, *The International Convention on the Elimination of All Forms of Racial Discrimination: A Commentary* (Oxford University Press 2016)

#### B Textbooks (International and Regional)

Michael K. Addo, *The Legal Nature of International Human Rights* (Martinus Nijhoff 2010)

Philip Alston and Ryan Goodman, *International Human Rights: The Successor to International Human Rights in Context* (Oxford University Press 2013)

Ilias Bantekas and Lutz Oette, *International Human Rights: Law and Practice* (2nd edition, Cambridge University Press 2016)

Marc Bossuyt, International Human Rights Protection (Intersentia 2016)

Andrew Clapham, *Human Rights: A Very Short Introduction* (2nd edition, Oxford University Press 2015)

Olivier De Schutter, International Human Rights Law (2nd edition, Cambridge University Press 2014)

Jack Donnelly and Daniel J. Whelan, *International Human Rights: Dilemmas in World Politics* (5th edition, Westview Press 2017)

Kanstantsin Dzehtsiarou, Theodore Konstadinides, Tobias Lock and Noreen O'Meara (eds), *Human Rights in Europe: The Influence, Overlaps and Contradictions of the EU and the ECHR* (Routledge 2014)

Michael Freeman, *Human Rights: An Interdisciplinary Approach* (2nd edition, Polity Press 2011)

Michael Goodheart, *Human Rights: Politics and Practice* (3rd edition, Oxford University Press 2016)

Michael Haas, *International Human Rights: A Comprehensive Introduction* (2nd edition, Routledge 2014)

Hurst Hannum, James A. Anaya and Dinah Shelton, *International Human Rights: Problems of Law, Policy and Practice* (5th edition, Aspen 2011)

David Harris, Michael O'Boyle, Edward Bates and Carla Buckley, Law of the European Convention on Human Rights (Oxford University Press 2014)

Yves Haeck, Oswaldo Ruiz-Chiriboga and Clara Burano Herrera (eds), *The Inter-American Court of Human Rights: Theory and Practice, Present and Future* (Intersentia 2015)

Walter Kälin and Jörg Künzli, *The Law of International Human Rights Protection* (Oxford University Press 2009)

Catarina Krause and Martin Scheinin (eds), *International Protection of Human Rights: A Textbook* (2nd edition, Åbo Akademi University Institute for Human Rights 2012)

Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), *International Human Rights Law* (2nd edition, Oxford University Press 2014)

Manfred Nowak, Introduction to the International Human Rights Regime (Martinus Nijhoff 2003)

Manfred Nowak, Karolina Januszewski and Tina Hofstätter (eds), All Human Rights for All: Vienna Manual on Human Rights (Intersentia 2012)

Bernadette Rainey, Elizabeth Wicks and Clare Ovey, *Jacobs, White and Ovey: The European Convention on Human Rights* (7th edition, Oxford University Press 2017)

Dinah Shelton, *Advanced Introduction to International Human Rights Law* (Edward Elgar Publishing 2014)

Rhona Smith, *Textbook on International Human Rights* (7th edition, Oxford University Press 2015)

Pieter van Dijk, Fried van Hoof, Arjen van Rijn and Leo Zwaak (eds), *Theory and Practice of the European Convention on Human Rights* (4th edition, Intersentia 2006)

Frans Viljoen, *International Human Rights Law in Africa* (2nd edition, Oxford University Press 2012)

Burns H. Weston and Anna Grear (eds), *Human Rights in the World Community: Issues and Action* (4th edition, University of Pennsylvania Press 2016)

#### C Handbooks

Bård A. Andreassen, Hans-Otto Sano and Siobhán McInerney-Lankford (eds), Research Methods in Human Rights (Edward Elgar 2017)

Thomas Cushman (ed), Handbook of Human Rights (Routlegde 2012)

Conor Gearty and Costas Douzinas (eds), *The Cambridge Companion to Human Rights Law* (Cambridge University Press 2012)

Anna Grear and Louis J. Kotzé (eds), *Research Handbook on Human Rights and the Environment* (Edward Elgar Publishing 2015)

Sarah Joseph and Adam McBeth (eds), Research Handbook on International Human Rights Law (Edward Elgar Publishing 2010)

Robert Kolb and Gloria Gaggioli (eds), Research Handbook on Human Rights and Humanitarian Law (Edward Elgar Publishing 2013)

Anja Mihr and Mark Gibney (eds), *The SAGE Handbook of Human Rights* (SAGE Publishing 2014)

Scott Sheeran and Nigel Rodley (eds), Routledge Handbook of International Human Rights Law (Routledge 2013)

Dinah Selton (ed.), *The Oxford Handbook of International Human Rights Law* (Oxford University Press 2013)

#### D Other Treatises on Fundamental Aspects of Human Rights

Mashood A. Baderin, *International Human Rights and Islamic Law* (Oxford University Press 2003)

Mashood A. Baderin and Manisuli Ssenyonjo (eds), *International Human Rights Law:* Six Decades after the UDHR and Beyond (Ashgate 2010)

Jose-Manuel Barreto (ed.), *Human Rights from a Third World Perspective: Critique, History and International Law* (Cambridge Scholars Publishing 2013)

Uprendra Baxi, *The Future of Human Rights* (2nd edition, Oxford University Press 2008) Charles R. Beitz, *The Idea of Human Rights* (Oxford University Press 2009)

Danwood Mzikenege Chirwa amd Lilian Chenwi (eds), *The Protection of Economic, Social and Cultural Rights in Africa: International, Regional and National Perspectives* (Cambridge University Press 2016)

Rob Dickinson, Elena Katselli, Colin Murray and Ole W. Pedersen (eds), *Examining Critical Perspectives on Human Rights* (Cambridge University Press 2012)

Jack Donnelly, Universal Human Rights: In Theory and Practice (Cornell University Press 2013)

Mark Goodale, Surrendering to Utopia: An Anthropology of Human Rights (Stanford University Press 2009)

Menno T. Kamminga and Martin Scheinin (eds), *The Impact of Human Rights Law on General International Law* (Oxford University Press 2009)

David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton University Press 2004)

Paul G. Lauren, *The Evolution of International Human Rights: Visions Seen* (3rd edition, University of Pennsylvania Press 2011)

Federico Lenzerini, *The Culturalization of Human Rights Law* (Oxford University Press 2014)

Samuel Moyn, *The Last Utopia: Human Rights in History* (Harvard University Press 2010)

Aryeh Neier, The International Human Rights Movement: A History (Princeton University Press 2012)

Anne Peters, *Beyond Human Rights: The Legal Status of the Individual in International Law* (Cambridge University Press 2016)

Pamela Slotte and Mila Halme-Tuomisaari (eds), *Revisiting the Origins of Human Rights* (Cambridge University Press 2015)

Manisuli Ssenyonjo, *Economic, Social and Cultural Rights in International Law* (2nd edition, Bloomsbury 2016)

Christian Tomuschat, Human Rights: Between Idealism and Realism (Oxford University Press 2014)

Daniel J. Whelan, *Indivisible Human Rights: A History* (University of Pennsylvania Press 2011)