

Human Rights: Law, Politics, History

Summer term 2025

Prof. Dr. Helmut Philipp Aust

The protection of human rights is a legal issue, but certainly also goes beyond this dimension. This course will offer a series of snapshots and reflections on international human rights law, but will complement the legal perspectives with sessions which will deal with the history of international human rights law as well its current political salience. To this end, the course will feature a series of guest lectures from practitioners and scholars of human rights, most of whom will introduce practical perspectives into the course. Classical lectures are also complemented with designated reading weeks and a special session which involve the screening and discussion of a documentary which unpacks a particular aspect of the history of human rights protection.

Date and place: Monday, 10:15 to 11:45, Boltzmannstr. 3, Room 2213

Credits and exam requirements: 5 ECTS credits. Requirements: active participation in the course; willingness to present one of the readings; term paper of approx. 2.000 words including footnotes on a topic related to the issues covered in the class. Submission of term paper until 31 July (early submission possible).

Readings will be provided via the Blackboard e-learning platform.

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Office hours: Thursdays, 10:00 to 11:00 (in person or online; please register with Kerstin Oelstrom: sekretariat.aust@rewiss.fu-berlin.de).

Course outline

Session	Date	Topic
#1	14.4.	Introductory Session: Fundamental Issues of International Human Rights Law Reading: See #2.
#2	21.4.	NO CLASS (PUBLIC HOLIDAY): READING WEEK Readings: <ul style="list-style-type: none"> • Sir Nigel Rodley, International Human Rights Law, in: Malcolm D. Evans (ed.), International Law, 5th edn., Oxford 2018, 774-810. • Angelika Nußberger, The European Court of Human Rights, Oxford 2020, 1-37. • Anne Peters, Humanity as the A and {Omega} of Sovereignty, European Journal of International Law 20 (2009), 513-544.
#3	28.4.	The Regional Level of Human Rights Protection Reading: see #2: Angelika Nußberger.

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#4	5.5.	<p>Changing Historiographies of Human Rights</p> <p>Readings:</p> <ul style="list-style-type: none"> • Samuel Moyn, <i>The Last Utopia: Human Rights in History</i>, Cambridge, MA 2010, 84-119. • Anne Orford, <i>International Law and the Politics of History</i>, Cambridge (CUP) 2021, 1-17. • Samuel Moyn, Review of Anne Orford, <i>International Law and the Politics of History</i>, <i>American Journal of International Law</i> 116 (2022), 895-900.
#5	12.5.	<p>Critical Legal Studies and TWAIL Approaches to Human Rights</p> <p>Readings:</p> <ul style="list-style-type: none"> • Makau wa Mutua, <i>Savages, Victims, and Saviors: The Metaphor of Human Rights</i>, <i>Harvard International Law Journal</i> 42 (2001), 201-245. • Naz Khatoun Modirzadeh, “Let us all agree to die a little”: TWAIL’s unfulfilled promise, <i>Harvard International Law Journal</i> 65 (2023), 79-131.
#6	19.5.	<p>International law at the movies: “My Nazi Legacy: What Our Fathers Did” (documentary with Philippe Sands)</p> <p><i>Please note: This session will take longer as the movie itself is 90 minutes long and we will provide a room for reflection and discussion after the movie. Please expect the class to run until approx. 12:30 pm.</i></p> <p>Reading:</p> <ul style="list-style-type: none"> • Philippe Sands, <i>East West Street – On the Origins of Genocide and Crimes against Humanity</i>, London (Weidenfeld & Nicholson) 2016, 108-114, 181-198, 377-387.
#7	26.5.	<p>Human Rights and Gaza</p> <p>Readings:</p> <ul style="list-style-type: none"> • UN Human Rights Council, <i>Anatomy of a Genocide</i>, Report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, 1 July 2024, UN Doc. A/HRC/55/73. • Amichai Cohen and Yuval Shany, “A Cramped Interpretation of International Jurisprudence?” <i>Some Critical Observations on the Amnesty International Genocide Report on Gaza</i>, <i>Just Security</i>, 16 December 2024.

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		<ul style="list-style-type: none"> Orna Ben-Naftali, Eitan Diamond and Aner Shofty, <i>Esprit de Corpse: Genocide in the Shadowland of Gaza?</i>, <i>Journal of Genocide Research</i>, 25 October 2024, DOI: 10.1080/14623528.2024.2418670
#8	2.6.	<p>Guest Lecture: Representing Germany before the European Court of Human Rights – Dr. Nicola Wenzel, German Federal Ministry of Justice</p> <p>Reading:</p> <ul style="list-style-type: none"> Angelika Nußberger, <i>The European Court of Human Rights</i>, Oxford 2020, 38-72.
#9	9.6.	<p>NO CLASS (PUBLIC HOLIDAY): READING WEEK</p> <p>Readings:</p> <ul style="list-style-type: none"> Frédéric Mégret, <i>International Criminal Justice History Writing as Anachronism – The Past that Did Not Lead to the Present</i>, in: Immi Tallgren/Thomas Skouteris (eds.), <i>The New Histories of International Criminal Law – Retrials</i>, Oxford (OUP) 2019, 72-89. Samuel Moyn, <i>From Aggression to Atrocity: Rethinking the History of International Criminal Law</i>, in: Kevin John Heller et al (eds.), <i>The Oxford Handbook on International Criminal Law</i>, Oxford (OUP) 2020, 341-360.
#10	16.6.	<p>Human Rights, History and International Criminal Law</p> <p>Reading: see #9: Frédéric Mégret and Samuel Moyn.</p>
#11	23.6.	<p>Guest Lecture: Transitional Justice through International Criminal Law? – Dr. Eleni Chaitidou, Kosovo Specialist Chambers, Den Haag</p> <p>Reading:</p> <ul style="list-style-type: none"> Kai Ambos and Simon S Meisenberg, <i>Kosovo Specialist Chambers</i>, <i>Max Planck Encyclopedia of International Procedural Law</i>, 2019.
#12	30.6.	<p>Book presentation: Dr. Prisca Feihle, Administrative Court of Berlin: “An International Human Rights Law of Cooperation”</p> <p>Reading:</p> <ul style="list-style-type: none"> Prisca Feihle, <i>An International Human Rights Law of Cooperation</i>, Cheltenham (Edward Elgar) 2025, chapter one.
#13	7.7.	<p>Guest Lecture: Dr. Lê Phan-Warnke, Deutsches Institut für Menschenrechte</p> <p>Reading:</p>

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		<ul style="list-style-type: none">• Corina Lacatus and Valentina Carraro, National Human Rights Institutions: independent actors in global human rights governance?, <i>International Affairs</i> 99 (2023), 1167-1189.
#14	14.7.	Wrap-up session