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2-2016

### International Human Rights; International Human Rights Law

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## BOOK REVIEW

**International Human Rights**, by Philip Alston and Ryan Goodman, Oxford, Oxford University Press, 2012, US\$55.79, pp., 1580, ISBN:

**International Human Rights Law: Cases, Materials, Commentary**, by Olivier De Schutter, 2nd ed., Cambridge, Cambridge University Press, 2014, US\$63.85; Kindle edition US\$44.80, pp., 1052, ISBN:

These monumental textbooks, each weighing more than two kilograms, provide excellent materials for comprehensive courses in international human rights law. There are, of course, many good competitors in this field – as a quick internet search will reveal. As big casebooks go these two are relatively inexpensive; for example, the widely used Foundation Press casebook, *Human Rights*, 2nd edition, by Henkin, Cleveland, Helfer, Neuman, and Orentlicher sells for far more – US\$209.

De Schutter's book, as an individual effort, has the pleasing impression of representing his personal view of the subject, of telling the story of human rights as he sees it. The Alston and Goodman (A&G) book is a team effort – with Henry Steiner having contributed to earlier editions. The story A&G write is a bit more like one of Ronald Dworkin's chain novels. Both books have fairly small print in spite of each having more than a thousand pages.

These books are clearly 'casebooks', but De Schutter's book fits this description more closely because it has a higher percentage of collected materials to author-written text than the A&G book. A quick tally of five random selections of five pages in each book revealed that De Schutter's percentage of collected materials is nearly 90 per cent while the percentage of A&G was near 70 per cent. De Schutter's book puts all of the collected materials into boxes of text with a gray background. This makes it easy to distinguish written from collected materials (a distinction not clearly marked in the A&G book), but I find that it makes the cases and other collected materials harder to read. It also makes almost all of the pages grey because of the high percentage of collected materials.

Full disclosure requires me to reveal that I have taught from the A&G casebook and its predecessors on many occasions and thus know it better than De Schutter's book. I continue to prefer it, but not by a large margin. I cannot say that my students enjoy the A&G book (but who *enjoys* casebooks anyhow?). They complain that it is dense while usually admitting that they learn a lot when they seriously work their way through it. My guess is that their reaction to the De Schutter book would be similar, although they would probably find it easier to read.

Earlier versions of the A&G text – which had a different title, namely, *International Human Rights in Context: Law, Politics and Morals* – attempted to reach a market broader than law students, one that includes students in political science and philosophy. Since Ryan Goodman came on board, the book has become more legally oriented, but it continues to provide material on controversial topics such as relativism and 'Asian values', terrorism, reproductive rights, indigenous rights, and climate change that are likely to spark student interest. De Schutter does this as well, but a little less obviously.

Both books do a good job presenting the main topics in international human rights law. For example, both cover the historical development of human rights; families of human rights such as civil and political rights, economic and social rights, women's rights, and minority and group rights; UN human rights mechanisms, treaties, and treaty bodies; regional systems of human rights protection; human rights courts; emergencies – including terrorism – and

human rights; and non-state actors and human rights. The story De Schutter tells is heavily oriented towards Europe and it consequently gives less attention to materials from the United Nations and other regional systems. Indeed, one could use De Schutter's book for a course exclusively devoted to European human rights law. A&G, who both teach at NYU, include more material pertaining – often critically – to the USA.

An interesting difference between the two books is found in their treatment of discrimination and women's rights. A&G have a long and very good section on women's rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This section has a short discussion of the concept of discrimination. In contrast, De Schutter has a long (over 100 pages) and very good section on discrimination that contains a fairly brief discussion of CEDAW and women's rights. It gives slightly more pages to discrimination on the basis of sexual orientation than to discrimination on the basis of sex.

I'll conclude this review by raising the question of whether monster casebooks are really needed for teaching international human rights law. I sometimes think of big casebooks as dinosaurs, as heavy-to-carry relics from an earlier era of law teaching. De Schutter's book is arguably less of a dinosaur since it at least offers a Kindle edition that can be read on any laptop or tablet using the Kindle app. What one gets from using a casebook is not the availability of the collected materials since almost all of them are easily found on the internet. What's most valuable is rather the selections of materials (and introductions to the materials) that the authors provide and the excerpting that they (or their research assistants) do so as to make the materials easier and quicker to read. An alternative approach would be to use a small treatise on human rights law as the textbook while putting on the course website links to cases, treaties, and scholarly articles. This would place a lighter burden on student's budgets and backpacks. But if one sees advantages in having a casebook, as I still do, these two are good choices.

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<http://dx.doi.org/10.1080/18918131.2016.1154272>