

COLUMBIA HUMAN RIGHTS  
LAW REVIEW  
FIFTIETH ANNIVERSARY ISSUE

*FOREWORD*

by Robert A. Katzmann\*

With this issue, the *Columbia Human Rights Law Review*—the first law school publication dedicated to human rights—completes its fiftieth volume.<sup>1</sup> When its first volume went to print during the 1967–68 term, the academic study of international human rights was in its early years, the movement itself only a few decades old. In the years since, and under the watchful eye of the late great Louis Henkin, the father of the field, the *Review* has established itself as a distinguished journal in the legal academy, devoted to studying human rights and promoting human rights throughout the world.

Over the course of the last half-century, the *Review* has consistently asked questions that other institutions lacked the incentives or resources to ask. Judges and practitioners are constrained by precedent. Legislators and other policy makers are often focused on specific issues important to their constituency and are practically limited to solutions they believe are politically possible. But students and faculty are well-positioned to challenge precedent, identify meaningful but ignored first order concerns, and propose creative solutions. And when the status quo is questioned, it sometimes changes. In volume after volume, the *Review's* authors have spotted intersections between law and policy and broken down siloes, challenging conventional frameworks, fostering dialogue between

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\* Chief Judge, United States Court of Appeals for the Second Circuit. I thank my law clerk, Lev Menand, for his assistance in the preparation of this foreword.

1. See 1 COLUM. SUR. HUM. RTS. L. 1–170 (1967–1968). The *Survey* changed its name to the *Columbia Human Rights Law Review* in 1972, when it published its fourth volume. No volume was released during the 1968–1969 term and only two volumes were published between 1971 and 1974, which is why this fiftieth volume comes 52 years after the first issue.

practitioners, scholars, and civic leaders, and harnessing the law to advance human rights at home and abroad.

The *Review's* fifty volumes include scholarship on a diversity of topics. The *Review* has contributed along all the fronts you would expect, examining historically the major institutional steps forward in international human rights from the establishment of the United Nations High Commissioner for Human Rights<sup>2</sup> to the Convention on the Elimination of All Forms of Discrimination Against Women.<sup>3</sup> The *Review* has also given early and sustained attention to some of the emerging challenges facing human rights for which its authors perceive that international coordination is still lagging. For example, the *Review* features substantial contributions to the study of privacy rights.<sup>4</sup> In 1972, in its fourth volume, the *Review* ran a somewhat prophetic article by Arthur Miller that called attention to the growing importance of privacy rights and surveillance. "In a computerized society," Miller explained, "those who control the recordation and preservation of personal data will have a degree of power over the individual that is at once unprecedented and subject to abuse."<sup>5</sup> Professor Miller noted that "the same electronic sensors that can warn us of an impending heart attack might be used to locate us, track out movements, and measure our emotions and thoughts."<sup>6</sup> He even predicted the rise of "private data centers" and the use of computers to

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2. Louis Henkin, *Introduction: Symposium on the United Nations High Commissioner for Human Rights: The First Ten Years of the Office, and the Next*, 35 COLUM. HUM. RTS. L. REV. 465-468 (2004).

3. See, e.g., Laboni Amena Hoq, *The Women's Convention and Its Optional Protocol: Empowering Women to Claim Their Internationally Protected Rights*, 32 COLUM. HUM. RTS. L. REV. 677 (2000).

4. See, e.g., *Book Review: Privacy and Freedom*, 1 COLUM. SUR. HUM. RTS. L. 155 (1967-1968) (reviewing Alan Westin's book *PRIVACY AND FREEDOM*, examining wiretapping and electronic eavesdropping, polygraphs, personality testing, subliminal suggestion, and information-processing by computers); Nicholas de Katzenbach and Richard Tome, *Crime Data Centers: The Use of Computers in Crime Detection and Prevention*, 4 COLUM. HUM. RTS. L. REV. 49-48 (1972); Robert Belair and Charles Bock, *Police Use of Remote Camera Systems for Surveillance of Public Streets*, 4 COLUM. HUM. RTS. L. REV. 143-202 (1972); *Data Banks in a Free Society*, 4 COLUM. HUM. RTS. L. REV. 237-238 (1972).

5. Arthur R. Miller, *Computers, Data Banks and Individual Privacy: An Overview*, 4 COLUM. HUM. RTS. L. REV. 1, 3 (1972).

6. *Id.*

“collect, store, and exchange information about the activities of private citizens.”<sup>7</sup>

In 1977 and 1984, the *Review* dedicated entire issues to prisoners’ rights.<sup>8</sup> It has also tackled abortion rights,<sup>9</sup> travel rights,<sup>10</sup> the rights of the disabled,<sup>11</sup> LGBTQ rights,<sup>12</sup> the rights of children,<sup>13</sup> and published reflections by human rights leaders.<sup>14</sup> In more recent years, the *Review* has considered a range of important topics including animal rights,<sup>15</sup> the right to shelter,<sup>16</sup> domestic violence,<sup>17</sup> torture,<sup>18</sup> and the death penalty.<sup>19</sup> To take just one example of the *Review*’s recent scholarship, in 2005, it published an article by Ruth Bader Ginsburg

7. *Id.*

8. *See, e.g.*, 16 COLUM. HUM. RTS. L. REV. (1984); 9 COLUM. HUM. RTS. L. REV. (1977).

9. George Cameron Nixon, *Harris v. McRae: Cutting Back Abortion Rights*, 12 COLUM. HUM. RTS. L. REV. 113–36 (1980).

10. Peter Levitt, *Legality of the Ban on Travel to Iran*, 12 COLUM. HUM. RTS. L. REV. 91–112 (1980).

11. Stanley Herr, *Rights of Disabled Persons: International Principles and American Experiences*, 12 COLUM. HUM. RTS. L. REV. 1–56 (1980).

12. Steven A. Rosen, *Police Harassment of Homosexual Women and Men in New York City 1960-1980*, 12 COLUM. HUM. RTS. L. REV. 159–90 (1980); James Wilets, *Using International Law to Vindicate the Civil Rights of Gays and Lesbians in United States Courts*, 27 COLUM. HUM. RTS. L. REV. 33–56 (1995); Alon Harel, *The Rise and Fall of the Israeli Gay Legal Revolution*, 31 COLUM. HUM. RTS. L. REV. 443–72 (2000).

13. Marian Wright Edelman and James Weill, *Status of Children in the 1980s*, 17 COLUM. HUM. RTS. L. REV. 139–58 (1986); Tamara Rice Lave, *Breaking the Cycle of Despair: Street Children in Guatemala City*, 27 COLUM. HUM. RTS. L. REV. 57–122 (1995); Jonathan Todres, *Emerging Limitations on the Rights of the Child: The U.N. Convention on the Rights of the Child and its Early Case Law*, 30 COLUM. HUM. RTS. L. REV. 159–200 (1998).

14. Desmond Tutu, *The United States and South Africa: Human Rights and American Policy*, 17 COLUM. HUM. RTS. L. REV. 1–10 (1985).

15. Craig Ewaisuk, *Escape Routes: The Possibility of Habeas Corpus Protection for Animals Under Modern Social Contract Theory*, 48 COLUM. HUM. RTS. L. REV. 69–110 (2017).

16. Bradley Haywood, *The Right to Shelter as a Fundamental Interest under the New York State Constitution*, 34 COLUM. HUM. RTS. L. REV. 157–96 (2002); *Symposium on Bringing Economic & Social Rights Home: The Right to Adequate Housing in the United States*, 45 COLUM. HUM. RTS. L. REV. 732–895 (2014).

17. Caroline Bettinger-Lopez, *Human Rights at Home: Domestic Violence as a Human Rights Violation*, 40 COLUM. HUM. RTS. L. REV. 19–78 (2008).

18. *See, e.g.*, *40<sup>th</sup> Anniversary Special Issue Dedicated to Columbia University Professor Louis Henkin*, 38 COLUM. HUM. RTS. L. REV. 459 (2007).

19. *See infra* note 22.

examining *Brown v. Board of Education* in an international context.<sup>20</sup> Justice Ginsburg argued that *Brown* both reflected and propelled the development of human rights protection internationally: reflected because *Brown* was decided with the horrors of the Holocaust in full view and with the Cold War underway, and propelled because *Brown* has since served as an inspiration and example to courts in other countries around the world.<sup>21</sup>

In more recent decades, the *Review* has used its convening power to address a multitude of major issues. For example, in 2004, 2007, and 2014, the *Review* sponsored symposia on the right to adequate housing, racial fairness in criminal justice, and felon disenfranchisement—three issues that have (uncoincidentally) garnered increasing attention in recent years from voters and policy makers.<sup>22</sup> And in 2017, the *Review* put a spotlight on efforts to promote human rights at the local level,<sup>23</sup> soliciting input from officials like Lisa Madigan, Illinois’s Attorney General, who contributed a piece on the role of state attorneys-general in promoting human rights in criminal justice, the immigration system, and with regard to the student debt crisis.<sup>24</sup> The importance of cities and municipalities in human rights law, especially in the United States, is likely to increase in the years ahead; once again, the *Review* is at the forefront of the discussion.

Looking ahead, human rights scholars will no doubt grapple with the consequences of increasing economic inequality, democratic decline, and social polarization, all of which threaten to undermine the progress made domestically and internationally over the last fifty years. Access to justice for those unable to afford legal representation—a subject which has concerned me for some years,<sup>25</sup> most recently with

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20. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

21. Ruth Bader Ginsburg, *Brown v. Board of Education in International Context*, 36 COLUM. HUM. RTS. L. REV. 493, 501–02 (2005).

22. *Symposium on Pursuing Racial Fairness in Criminal Justice: Twenty Years After McCleskey v. Kemp*, 39 COLUM. HUM. RTS. L. REV. 1 (2007); *Symposium on Race, Crime, and Voting: Social, Political, and Philosophical Perspectives on Felony Disenfranchisement in America*, 36 COLUM. HUM. RTS. L. REV. 1 (2004).

23. See, e.g., Rise Kaufman & JoAnn Kamuf Ward, *The Local Turn in U.S. Human Rights*, 49 COLUM. HUM. RTS. L. REV. 1–11 (2017).

24. See Lisa Madigan, *Remarks*, 49 COLUM. HUM. RTS. L. REV. 12, 12 (2017).

25. See THE LAW FIRM AND THE PUBLIC GOOD (Robert A. Katzmann ed., 1995) (examining the role of law firms in undertaking pro bono work to assist those in need).

respect to immigrants<sup>26</sup>—will continue to need attention. A quarter century ago, on the occasion of the *Review*'s twenty-fifth anniversary, Louis Henkin observed that “[t]he next twenty-five years do not promise a rose garden for humans rights.”<sup>27</sup> Henkin’s words remain true today: progress is never promised or assured. Looking to the next fifty years, I am heartened to know that the *Review* exists and is flourishing, and that its pages will continue to serve as a forum for reasoned debate and discussion about fundamental challenges.

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26. See Robert A. Katzmann, *Study Group on Immigrant Representation: The First Decade*, 87 FORDHAM L. REV. 485 (2018). One advance, described as “groundbreaking” by the New York Times Editorial Board, Editorial, *On Immigration, a Huge Job Ahead*, N.Y. TIMES (Dec. 3, 2014), is the Immigrant Justice Corps, the country’s first national fellowship program devoted to recruiting and training a cadre of immigration lawyers serving the immigrant poor, see [www.justicecorps.org](http://www.justicecorps.org) (the Immigrant Justice Corps’ website).

27. Louis Henkin, *Human Rights: The Next Twenty-Five Years*, 25 COLUM. HUM. RTS. L. REV. 259, 261 (1994).