

5.2

Note-taking from a Journal Article

This is an example and an exercise in note-taking from an academic article. The article in question is: Nash, K. (2009) 'Between citizenship and human rights', *Sociology*, vol. 43, no. 6, pp. 1067–83.

The article is 16 pages long and if you'd like lots of practice, you might experiment with taking notes about the whole article. It's worth a read for anybody with any inclination towards sociology, politics or law, because it examines fundamental questions about power and about the relationship between individuals and states.

We have chosen to concentrate on one section, reproduced below (starting on page 1071). After the section we have added notes on it in summary form, and in mindmap form. Once you have looked at these try reading and taking notes on the whole article.

Cosmopolitan law is differentially institutionalized across the world. The cosmopolitan law of human rights is especially well developed in Europe, with the European Court of Human Rights effectively acting as a 'constitutional court for civil and political rights' for all the member states of the Council of Europe (Burgenthal et al., 2002, p. 172). Both citizens and non-citizens have the right to bring cases to the European Court if they believe their human rights have been violated, though the Court only has powers to recommend to a state that it finds in violation of human rights that it should make new legislation. In addition, however, states have bound themselves to observe the European Convention on Human Rights, and in many cases it is now part of national law. In 'monist'

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member states of the Council of Europe the European Convention of Human Rights is automatically the standard against which national law is judged; in 'dualist' states it may be made so by the national legislature (Smith, 2007, pp. 227–9). In the UK, for example, a dualist state, the Human Rights Act 1998 incorporated the European Convention into national law, which means that public authorities, including judges who interpret domestic law and ministers passing legislation in government, are now bound to act with respect for human rights (Klug, 2000).

The cosmopolitanization of Europe is all the more striking when it is contrasted, as it often is, to the 'unilateral reassertion of sovereignty' of the US state (Benhabib, 2007, p. 28). There are undoubtedly differences between the USA and Europe in the way in which human rights have been legalized within these states. Most notably, for the most part only weak references to human rights law are possible in US courts (i.e. for persuasive effect, without drawing on codified US law). International treaties are not self-executing in the dualist legal system of the USA. In order to become US law they must not only be signed and ratified with other contracting states, but also passed as legislation by Congress. Congress has not passed legislation to make the International Covenant on Civil and Political Rights, the civil and political rights listed in the Universal Declaration of Human Rights, into domestic law. In addition, the USA is one of the few states in the world that has not ratified the International Covenant on Economic, Social and Cultural Rights, which lists in detail the social and economic rights that make up over half the Universal Declaration of Human Rights. It is not just, then, that the Bush Administration was particularly opposed to the interference of the international community in US foreign and domestic affairs (whilst, of course, using the rhetoric of human rights to justify military aggression in Afghanistan and Iraq); resistance to the cosmopolitanization of international law has been well established for a much longer period in the political culture of the USA (Ignatieff, 2005).

It is important to note, however, that although human rights law is much more institutionalized in Europe than it is in the USA, it is still very unevenly applied in Europe too. This is especially notable where issues of immigration and security tempt political authorities into sacrificing the rights of unpopular minorities – precisely those groups who are most in need of human rights. In fact, analysing the relationship between citizenship and human rights in Europe and the USA, what is most striking in both cases is a proliferation of statuses produced out of the interplay of citizenship and human rights. The distinction between citizens and non-citizens is not abolished in this proliferation of citizenship statuses, but it does become far more complex.

Notes

In this example of note-taking:

- Regular font is for our summary of the original
- **Bold** is for direct quotations, making them easier to spot for assignment purposes. Note also that the page number is given to make referencing less tiresome at the assignment writing stage.
- *Italics* are for our reactions to and comments on the material.

CL (cosmopolitan law) applied (institutionalized) differently in different places. Europe very important, with Eur states (*note for follow up: how many/which?*) signed up to European Court of Human Rights (ECHR). Available to citizens and non-citizens.

Contrast US '**unilateral reassertion of sovereignty**' (Benhabib, on p. 1071). More hurdles for adoption of international law, incl. vote by Congress. Congress has not voted in International Covenant on Civil and Political Rights (part of universal Declaration of Human Rights) or International Covenant on Economic, Social and Cultural Rights. Bush admin. not unique, but carrying on long tradition (*so it's not 're'-assertion if they've always been like that. Why use that word?*) '**resistance to the cosmopolitanization of international law has been well established for a much longer period in the political culture of the USA (Ignatieff, 2005)**' cited p. 1072.

Note uneven application of HR law in Europe, esp. re. immigration and security. Citizen/non-citizen distinction becomes much more complex.

Note what is excluded, e.g. the issue of the way international law is adopted in monist and dualist states. This could be important for some purposes, but we decided this wasn't essential for our notes here.

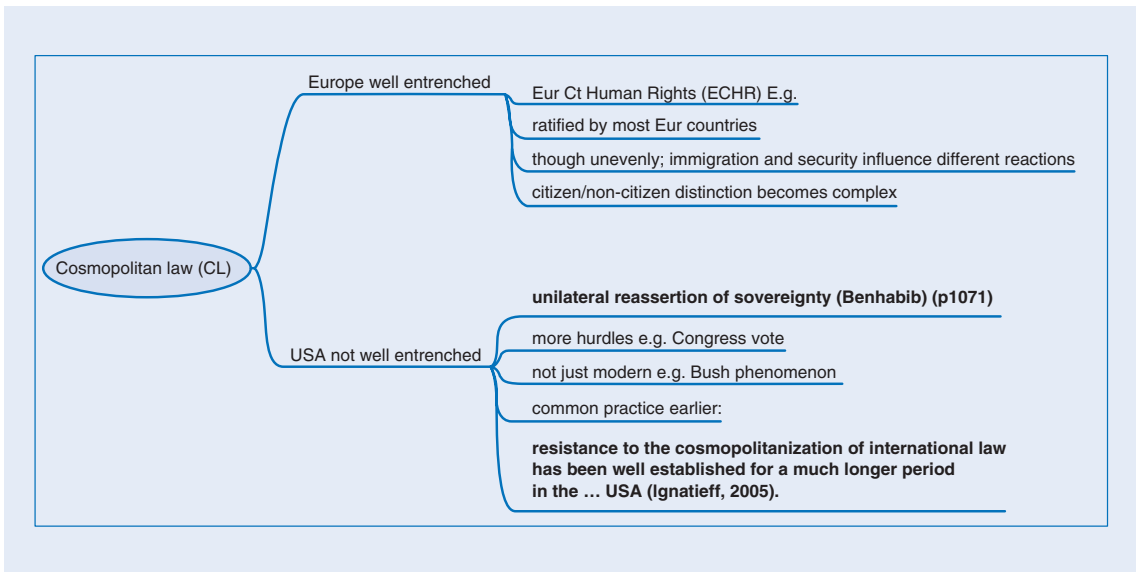
Short notes

Cosmopolitan law different in different places:

Advanced in Europe (Eur Court of Human Rights); but variable between countries, e.g. different stances on immigration and security.

Not advanced in US '**unilateral reassertion of sovereignty**' (Benhabib, cited on p. 1071). Not just Bush, etc., but history of unwillingness to ratify international laws, e.g. on human rights.

Mindmap version



Now try to unpack our process of note-taking here. You may notice that the first or ‘topic’ sentences of each paragraph figure prominently in the linear notes forms. You should also notice that keywords are explained or interrogated *and* that there is an overarching summary of the extract in our own words. You may also notice that the longer linear notes seem a bit disjointed; that once we were able to reflect on the passage, we were able to summarize it *better* and more succinctly. How do you think the two styles compare? Which do you prefer?

Word lengths:

Original: 608 words
 Notes: 153 words
 Short notes: 51 words
 Mindmap: 74 words