

## Swarthmore College

### Human Rights In Theory and Practice

Honors Seminar, Spring 1999

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This seminar aims to provide students with a broad working knowledge of human rights as both an intellectual discourse and a realm of political action. The first part of the course deals with the emergence and institutionalization of human rights in the 20th century. We begin with a consideration of its roots in political theory (rights of man, sovereignty, conventional and customary international law), which gave rise to the "first generation" of human rights: political and civil rights. We also examine the transformations and extensions of human rights into the social and economic realms, "second generation" rights, and the emergence of a "third generation" pertaining to the rights of peoples (ie social collectivities). We also examine the debates over the universality of existing human rights instruments and the substance of critiques that human rights standards are biased in favor of Western socio-political formations. In this regard, we highlight the issue of women's human rights, which tends to be central to the debates over universalism versus cultural relativism.

In the second part of the course, we consider some of the practical (and practicable) dimensions of human rights from a variety of angles. We examine human rights as a form of international politics, and the difficulties in enforcing international standards and protections in the state-centered international order. We also consider the cooptation of human rights discourse by state governments to serve political ends, and the ways in which international politics shape the articulation of criticisms by international human rights organizations in the format of published reports.

In the final part of the semester, we will engage in a more in-depth examination of several distinct human rights issues: torture, genocide, humanitarian intervention, and prosecution of perpetrators. We also look at human rights as a genre in literature and cinema.

#### **Writing assignments and projects**

Two seminar papers (approx. 1500 words/6 pages), one on the readings for one of the weeks in Part I, and one on a topic covered in Part III.

Two short essays (approx. 750 words/3 pages) reflecting on the readings for 2/23 (human rights and politics) and 3/2 (monitoring, reporting, advocating).

Two group projects, one for 3/16 (an analysis of the content and context of several recent human rights reports), and the other "guided tour" of internet resources on human rights.

Final assignment involves revising and resubmitting one of your two seminar papers.

#### **Readings**

The following books have been ordered in the bookstore. There is also a copy of each on reserve.

1. Austin Sarat and Thomas Kearns, eds., *Identities, Politics and Rights*
2. Louis Henkin, *The Age of Rights*
3. Margaret Keck and Kathryn Sikkink, *Activists beyond Borders*
4. Lawrence Weschler, *A Miracle, a Universe*
5. Allen Feldman, *Formations of Violence*
6. Zygmunt Bauman, *Modernity and the Holocaust*
7. George Andreopoulos, ed., *Genocide: Conceptual and Historical Dimensions*
8. Stanley Cohen, *Denial and Acknowledgement: The Impact of Information about Human Rights Violations*
9. Rebecca Cook, ed., *Human Rights of Women: National and International Perspectives*
10. Human Rights Watch, *Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories*
11. "Humanitarian Intervention and North-South Politics in the '90s," *Middle East Report* 187-88 (March-June 1994)
12. Ian Brownlie, ed., *Basic Documents on Human Rights* [note: this book is not assigned reading; it was ordered as a resource for research and writing]

All of the readings marked with an asterisk are available in the reserve binders. The number of asterisks indicates which volume holds that particular reading (Vols. I - III). Suggested readings are in Vol. IV, but are not indicated by asterisks.

## January 19

### Introduction

We will discuss Michel Foucault, *Discipline and Punish*

### Part I: Human Rights in Theory

## January 26

### Normative and Political Issues

- Louis Henkin, *The Age of Rights*, chaps. 1-3, 9, 10, Epilogue.
- \* Jack Donnelly, *The Concept of Human Rights*, chaps. 2-5.
- \* Richard Falk, "Theoretical Foundations of Human Rights" (Chapt. 3), in *Human Rights and State Sovereignty*
- \* Immanuel Wallerstein, "The Insurmountable Contradictions of Liberalism: Human Rights and the Rights of Peoples in the Geoculture of the Modern World-System," *South Atlantic Quarterly* 94/4 (Fall 1995).

### Suggested:

- Paul Sieghart, *The Lawful Rights of Mankind*.
- Jeffrey Isaac, "A New Guarantee on Earth: Hannah Arendt on Human Dignity and the Politics of Human Rights," *American Political Science Rev.* 90/1 (March 1996).
- Richard Falk, "Appraising the UN at 50: The Looming Challenge," *Journal of International Affairs* 48/2 (Winter 1995).
- Allan Rosas, "State Sovereignty and Human Rights: Towards a Global Constitutional Project," *Political Studies* 43 (1995).

## February 3

### Who Is the "Human" in Human Rights?

- Drucilla Cornell, "Bodily Integrity and the Right to Abortion," in *Identities, Politics and Rights*, eds. Austin Sarat and Thomas Kearns.
- John Comaroff, "The Discourse of Rights in Colonial South Africa: Subjectivity, Sovereignty, Modernity," in *Identities, Politics and Rights*.
- Sally Engle Merry, "Wife Battering and the Ambiguities of Rights," in *Identities, Politics and Rights*.
- \*Lata Mani, "Contentious Traditions: The Debate on Sati in Colonial India," in *Recasting Women: Essays in Indian Colonial History*, eds. Kumkum Sangari and Sudesh Vaid.
- \*Charles Taylor, "A World Consensus on Human Rights?" *Dissent*, Summer 1996.

#### Suggested:

- Patrick Thornberry, "Minorities and Human Rights Law," *Minority Rights Group Report 73* (1987). [This is a monograph.]

## February 9

### Universalism versus Relativism: The Debate

- Abdullahi An-Na`im, "State Responsibility under International Human Rights Law to Change Religious and Customary Laws," in *Human Rights of Women*, ed. Rebecca Cook.
- \* Fred Halliday, "Relativism and Universalism in Human Rights: The Case of the Islamic Middle East," *Political Studies* 43 (1995).
- \* Partha Chatterjee, "Religious Minorities and the Secular State: Reflections on an Indian Impasse," *Public Culture* 8 (1995).
- \* Adamantia Pollis, "Cultural Relativism Revisited: Through a State Prism," *Human Rights Quarterly* 18 (1996).
- \* Alison Rentelin, "Relativism and the Search for Human Rights," *American Anthropologist* 90 (1988).
- \* Raimundo Panikkar, "Is the Notion of Human Rights a Western Concept?" *Diogenes* 120 (1982).

#### Suggested:

- Ellen Messer, "Anthropology and Human Rights in Latin America," *Journal of Latin American Anthropology* 1/1 (1995).
- Ann E. Mayer, "Underestimating the Importance of International Human Rights Law: A Troubling Proclivity of Middle Eastern Scholarship," n.p., 1996.

## February 16

### Women's Rights as Human Rights

- \*\* Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," monograph, Center for Women's Global Leadership, 1991.
- \*\* V. Spike Peterson, "Whose Rights? A Critique of the 'Givens' in Human Rights Discourse," *Alternatives* 15 (1990).
- Hilary Charlesworth, "What Are 'Women's International Human Rights'?" in *Human Rights of Women*, ed. Rebecca Cook.
- Radhika Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights," in *Human Rights of Women*.
- Adetoun Ilumoka, "African Women's Economic, Social, and Cultural Rights--Toward a Relevant Theory and Practice," in *Human Rights of Women*.
- \*\* Christine Walley, "Searching for 'Voices': Feminism, Anthropology, and the Global Debate over Female Genital Operations," *Cultural Anthropology* 12/3 (1997).

#### Suggested:

- Charlotte Bunch and Niamh Reilly, *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights* .
- Amnesty International, *Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces* , 1993.
- Amnesty International, *Women in the Middle East: Human Rights under Attack*, 1995.

## Part II: Human Rights in Practice

### February 23

#### Human Rights as/and International Politics

- Lawrence Weschler, *A Miracle, a Universe*.
- \*\* Elizabeth Jelin, "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives* 21/2 (Spring 1994).

#### Suggested:

- Human Rights Watch, *1999 World Report*.
- Francisco Panizza, "Human Rights in the Process of Transition and Consolidation of Democracy in Latin America," *Political Studies* 43 (1995).
- Sidgi Kabbalo, "Human Rights and Democratization in Africa," *Political Studies* 43 (1995).

### March 2

#### Monitoring, Reporting, Advocating: Trafficking in Information

- Stanley Cohen, *Denial and Acknowledgement: The Impact of Information about Human Rights Violations*, chaps 1, 4, 5, 6.
- Margaret Keck and Kathryn Sikkink, *Activists beyond Borders*, chaps. 1-3.

#### Suggested:

- Jonathan Powers, *Amnesty International: The Human Rights Story*
- Mahnaz Afkhami and Haleh Vaziri, *Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies*.

### March 16

#### Who Cares? "The Human Rights Report": Contents and Context

Do a comparative analysis of the contents and context of three of the following reports:

- *Children of Sudan: Slaves, Street Children and Child Soldiers* (Human Rights Watch/Africa).
- *Final Justice: Police and Death Squad Homicides of Adolescents in Brazil* (HRW/Americas).
- *Genocide in Iraq: The Anfal Campaign against the Kurds* (HRW/Middle East).
- *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand* (HRW/Asia Watch and Women's Rights Project).
- *Playing the "Communal Card": Communal Violence and Human Rights* (HRW).
- *Death by Default: A Policy of Fetal Neglect in China's State Orphanages* (HRW/Asia).
- *Modern Capital of Human Rights?: Abuses in the State of Georgia (US)* (HRW).
- *Shattered Lives: Sexual Violence during the Rwandan Genocide and Its Aftermath* (HRW/Africa).

#### Project: report on internet resources.

## Part III: Topics in Human Rights

### March 23

#### Torture in Theory and Practice

- \*\* Edward Peters, *Torture*, Intro, chaps. 3-5.
- \*\* Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World*, chap. 1.
- Allen Feldman, *Formations of Violence*, chaps. 1, 2, 4, 5.

### March 30

#### Torture and Security: The Case of Israel

- \*\*\* *Commission of Inquiry into the Methods of Investigation of the General Security Service regarding Hostile Terrorist Activity* (government report, a.k.a. Landau Commission Report), chaps. 2, 4.
- \*\*\* Alan Dershowitz, "Is It Necessary to Apply 'Physical Pressure' to Terrorists--and to Lie about It?" *Israel Law Review* 23/2-3 (1989).
- \*\*\* Stanley Cohen, "Talking about Torture in Israel," *Tikkun*, 1991.
- \*\*\* Lisa Hajjar, "Sovereign Bodies, Sovereign States: Torture and the Nation," n.p. (1999).
- Human Rights Watch/Middle East, *Israel's Interrogation of Palestinians from the Occupied Territories*, chaps. 1, 3, 4, 5, 7, 13, 15, 19.

#### Suggested:

- Mordechai Kremnitzer, "The Landau Commission Report--Was the Security Service Subordinated to the Law, or the Law to the 'Needs' of the Security Service?" *Israel Law Review* 23/2-3 (1989).
- Itzhak Zamir, "Human Rights and National Security," *Israel Law Review* 23/2-3 (1989).

### April 6

#### Humanitarian Intervention: How Humanitarian?

- \*\*\* "Rescue: The Paradoxes of Virtue," special issue of *Social Research* 62/1 (Spring 1995).
- \*\*\* Martha Finnemore, "Constructing Norms of Humanitarian Intervention," in *The Culture of National Security*, ed. Peter Katzenstein.
- "Humanitarian Intervention and North-South Politics in the '90s," special issue of *Middle East Report* 187-88 (March-April/May-June 1994).

#### Suggested:

- Amnesty International, *Peace Keeping and Human Rights* (New York, January 1994).
- Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention," Princeton Center of International Studies, Number 9 (1995).

### April 13

#### Genocide: The Ultimate Violation

- Zygmunt Bauman, *Modernity and the Holocaust*, chaps. 1-4.
- George Andreopoulos, "Introduction: The Calculus of Genocide," in *Genocide: Conceptual and Historical Dimensions*, ed. Andreopoulos.
- Leo Kuper, "Theoretical Issues Relating to Genocide: Uses and Abuses," in *Genocide*.
- Israel Charny, "Toward a Generic Definition of Genocide," in *Genocide*.

- Helen Fein, "Genocide, Terror, Life Integrity, and War Crimes: The Case for Discrimination," in *Genocide*.

Suggested:

- Barbara Harff, *Genocide and Human Rights: International Legal and Political Issues*.
- Isidor Wallimann and Michael Dobkowski, eds., *Genocide and the Modern Age*.

## **April 20**

### **Accountability and Enforcement**

- \*\*\* Stanley Cohen, "State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past," *Law and Social Inquiry* 20/1 (Winter 1995).

Possibility of more readings, as suggested by guest speaker.

Suggested:

- *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice*

## **April 27**

### **Human Rights as a Genre in Literature and Film**

The class will select a novel to read and a film to watch, and we will discuss them in class.