

Human Rights: Current Issues in Social Theory and Practice
SOC-STD 98 gd

Instructor: Theodore Macdonald

Course Description

This course provides an understanding of human rights practice, while also grounding that practice in social theory. Focusing largely on groups --ethnic, minority, and indigenous—students analyze and discuss timely and critical, political, ethical, and methodological problems. Several case studies, and general methodological caveats, draw from the instructor’s international practitioner experiences and other opportunities for direct observations.

The course *demonstrates* that human rights practice requires working within the formal structures of international law while also *encouraging* students’ creative use of social science theory and methods to contextualize and expand the interpretation and application of laws and norms. Students are also provided with opportunities to approach human rights work directly and/or to observe organizations that do so.

Required Texts:

- Anaya, S. James, *Indigenous Peoples in International Law*
- Donnelly, Jack, *Universal Human Rights in Theory and Practice*
- Gourevitch, Philip, *We wish to inform you that tomorrow we will be killed with our families.*
- Habermas, Jurgen, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*
- Hinton, Alexander Laban (ed.), *Annihilating Difference*
- Ignatieff, Michael, *Human Rights as Politics and Idolatry*
- Judah, Tim, *The Serbs: History, Myth and the Destruction of Yugoslavia*
- Kymlicka, Will, *Multicultural Citizenship*
- Scott, James, *Domination and the Arts of Resistance*
- Van Cott, Donna Lee, *The Friendly Liquidation of the Past*
- *Course Pack*

Recommended Texts:

- Alston, Philip, *Peoples’ Rights*
- Anderson, Benedict, *Imagined Communities*
- Melish, Tara, *Protecting Economic, Social, and Cultural Rights in the Inter-American Human Rights System: A Manual for Presenting Claims.*

Course requirements.

- One Major Research Paper
- One Class Presentation
- Weekly Response papers
- Class Participation

Grades: Grades will be determined as follows

- Final Paper – -----50%
- Class Presentation --10%
- Response papers--- -20%
- Class Participation--20%

Class Schedule

Part A. Introduction to International Human Rights

Week 1 (29 Sept)

Liberal Approaches to International Human Rights

Readings (**to be read before first class meeting**):

- Donnelly, Jack *Universal Human Rights in Theory and Practice* (pp.1-53 and 127-181)
- Ignatieff, Michael *Human Rights as Politics and Idolatry* (entire)
- Habermas, Jurgen, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (pp 1-81)

Response paper due

Week 2 (Oct 6)

Theoretical and Political Challenges: Universalism versus Cultural Relativism?

Readings:

- Donnelly, pp: 57-123
- Foucault, Michael, 'Truth and Power,' 'What is an author?' 'Politics and Ethics: An Interview' In *The Foucault Reader* (course pack)
- Engle, K., "From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947-1999" *Human Rights Quarterly* (e-resources)
- Geertz, Clifford, "Anti Anti-Relativism" in Geertz, Clifford, *Available Light Anthropological: Reflections on Philosophical Topics*. pp.42-67. (Course pack)
- Bauer, J and Daniel Bell *The East Asian Challenge for Human Rights* (selected chapters from Course Pack)
 - Tatsuo, Inoue, 'Liberal Democracy and Asian Orientalism.' pp. 27-59 (Course pack)
 - An'Na'im, Abdullah A., 'The Cultural Mediation of Human Rights: the Al-Arqam. pp. 147-168 (Course pack)
 - Othman, Norani, 'Grounding Human Rights Arguments in Non-Western Culture: Citizenship Rights of Women in a Modern Islamic State' pp. 169-192. (Course pack)
 - Chan, Joseph, 'A Confucian Perspective on Human Rights for Contemporary China' pp. 193-237 (Course pack)

Response paper due

Part B. Approaching Gross Human Rights Violations: Persistent Challenges to Civil and Political Rights

Week 3(Oct 13)

Culture, Ethnicity, and Nationalism: **How** do they matter?

Readings:

- Barth, Fredrick “Introduction,” *Ethnic Groups and Boundaries* (Course Pack)
- Geertz, Clifford, ‘Thick Description: Toward and Interpretive Theory of Culture’ and ‘Religion as a Cultural System’ in *The Interpretation of Cultures* (course pack)
- Kaplan “The Coming Anarchy” (e-resources)
- Huntington, Samuel “The Clash of Civilizations” (e-resources)

Response paper due

Week 4 (Oct 20)

Case Study: Nationalist Re-imaginings-- Bosnia.

Readings:

- Donnelly, pp. 242-260.
- Hinton, Alexander Laban, ‘The Dark Side of Modernity,’ *Annihilating Difference*, pp. 1-52.
- Bringa, Tone, ‘Averted Gaze: Genocide in Bosnia-Herzegovina’ *Annihilating Difference*. pp.194-225
- Judah, Tim, *The Serbs: History, Myth and the Destruction of Yugoslavia* (entire)
 - Film: Bosnia – *We are all Neighbors*

Response paper due

Week 5 (Oct. 27)

Case Study: Ethnicity, Colonialism, and History – Rwanda

Readings

- Gourevitch, Philip, *We wish to inform you that tomorrow we will be killed with our families.*
- Tylor, C. ‘The Cultural Face of Terror in the Rwandan Genocide.’ *Annihilating Difference*, pp.137-178
- Magnarella, Paul J. ‘Recent Development in the International Law of Genocide: An Anthropological Perspective on the International Criminal Tribunal for Rwanda’ *Annihilating Difference* pp. 310-322.
 - Film: Rwanda – *Gacaca* (and Review of Amnesty International’s Report on the Gacaca, or Rwanda Popular Tribunals)

Response Paper due

Part C. 21st Century issues: Negotiating Group rights, multiculturalism, and participatory citizenship

Week 6 (Nov. 3)

Multiculturalism and Group Differentiated Rights

Reading:

- Donnelly, Jack, pp 204-224
- Kymlicka, Will, *Multicultural Citizenship* (entire)
- International Labor Organization (ILO) Convention No. 169 (e-resource)

Recommended

- Alston, Philip, *Peoples' Rights*. Chapters 1.2, 3, and 4 (on Reserve)

Response paper due

Week 7 (Nov 10)

Case Study: Indigenous Rights and Natural Resources—Awas Tingni

Reading:

- Anaya, S. James, *Indigenous Peoples in International Law* (entire)
- *Guide to: International Labor Organization Convention # 169* (e-resource)
- Anaya S. James and Scott Cridder, “Indigenous Peoples, The Environment, and Commercial Forestry in Developing Countries: The Case of Awas Tingni, Nicaragua”. *Human Rights Quarterly* (e-resources)
- Macdonald, Theodore.. *Inter-American Court of Human Rights Rules in Favor of Nicaraguan Indians* (e-resources)
- *Macdonald, Theodore Awas Tingni: An Ethnography of a Community* (e-resources)

Response paper due

Weeks 8 (Nov. 17)

Reconfiguring Citizenships

Reading:

- Habermas, Jurgen *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy, Chapters 3 and 4.*
- Dussel, Enrique, from *The Invention of the Americas* (selections from e-resources)

Recommended:

- Kymlicka, Will *Politics in the Vernacular.*, chapters 2,4,5,10, 12 and 13.(On reserve)
- Eide, Asbjorn, Catarina Krause, and Allan Rosas, *Economic, Social, and Cultural Rights: A Textbook*. Chapters 1,2, 5, and 6.

Illustrative Case Study: The Ecuadorian Indian Movement

- Macdonald, Theodore, Ecuador's Indian Movement: Pawn in Short Game or Agent of State Reconfiguration. In Maybury-Lewis, David, *The Politics of Ethnicity*, pp.168-198 (e-resource)

Response paper due

Week 9 (Nov 24 – class date and time to be rescheduled)

Discourse Dilemmas

Readings:

- Scott, James *Domination and the Arts of Resistance* (entire)
- Clifford, James "Identity in Mashpee case" in *The Predicament of Culture*, pp. 277-346. (Course pack)
- Foucault, Michael, from *The Foucault Reader*, pp. 51-75, 101-120, 373-390 –(i.e., review readings from Week 2)

Illustrative Case Study (cont.): The Ecuadorian Indian Movement

- Macdonald, Theodore, Ecuador's Indian Movement: Pawn in Short Game or Agent of State Reconfiguration. In Maybury-Lewis, David, *The Politics of Ethnicity*, pp.168-198 (e-resource)

Response paper due

Week 10 (Dec 1)

Approaching Asymmetry Dilemmas: Human Rights, the State, and Civil Society

Readings:

- Habermas, chapters 7,8, 9 and postscript
- Dussel, Enrique, selections from *The Invention of the Americas* (e-resources)

Response paper due

Week 11 (Dec 8)

Case Study: The State, Civil Society, NGOs, and Indigenous Rights: The U'wa/Samore Case

Reading:

- Van Cott, Donna Lee *The Friendly Liquidation of the Past*. pp.1-122
- Macdonald, Theodore, S. James Anaya, and Yadira Soto. *The Samoré Case: Final Report of the Harvard/OAS Project in Colombia*. Washington: Organization of American States, 1997 (e-resource)
- Keck, M, E., and K. Sikkink, 'Human Rights Advocacy Networks in Latin America' in *Activists Beyond Borders: Advocacy Networks in International Politics* Ithaca, N.Y. : Cornell University Press, 1998, pp. 79-120 (Course pack)

Recommended

- Melish, Tara, *Protecting Economic, Social, and Cultural Rights in the Inter-American Human Rights System: A Manual for Presenting Claims*. New Haven: Orville H. Schell Jr. Center for International Human Rights, Yale Law School, 2002. (Reserve reading)

Response paper due

Week 12 (Dec 15)

Summary and Prospects: Rethinking Civil Society, Human Rights, and Law

Some of the readings for this final class will be determined or influenced by the 2004 US Presidential elections and other events

In addition, some illustrative themes will be drawn from:

- Berlin, Isaiah, 'In Pursuit of the Ideal' in *The Crooked Timber of Humanity*, New York: Knopf: Distributed by Random House, 1991, pp. 1-19 (Course pack)

Final paper due 15 December