

Anthropology E-169
Fall 2005
Anthropology and Human Rights

Instructor: Theodore Macdonald

Time: Wed 7:35-9:35

Room: William James 105

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Office Hours: Wednesday 5-7 PM
(Or, **preferably**, by appointment)

Description

Anthropology and Human Rights combines an introduction to the formal, theoretical, and normative structures of human rights with analyses of contemporary case studies. The course illustrates several critical human rights issues, debates, and practices, which demonstrate the increasing significance of ethnographic field methods and related interpretive analysis. Accepting that agreement on and realization of human rights often require negotiation and compromise, the course illustrates why, and suggests how, realization of many broadly-defined human rights requires specific contextualization.

The course begins with a general historical, theoretical, and institutional review of human rights concepts, approaches, and debates. Then drawing from specific cases, the course contextualizes broad principles, and thus "puts faces" onto current interpretations of rights and corresponding obligations. The case studies – including Rwanda and Bosnia and others drawn from the instructor's practitioner work in Latin America – focus on ethnic groups and national minorities (particularly indigenous peoples), intrastate conflict, and land/natural resource disputes. The final section of the course, and the case studies review human rights violations from the perspective of current rights-based citizenship claims and related participatory processes (consultation, negotiation, non-violence, dialogue, and other forms of discursive/deliberative politics) in Latin America, where proactive processes now stand out in high relief. The course thus emphasizes the need to understand human rights within established formal structures of national and international law while recognizing the value of complementary, creative, social science research and methods as a means to realize rights.

Readings

The required books have been ordered at the Coop. The readings are also on reserve in the libraries (Tozzer and Lamont), with the exception of papers available from the web (marked [W] in the syllabus). A separate syllabus has been posted on the course website to provide you with easy access to all electronic resources [W].

Required Texts:

- Hinton, Alexander Laban (ed.) *Annihilating Difference*. Berkeley: Univ. of Cal. Press, 2002
- Donnelly, Jack, *Universal Human Rights in Theory and Practice*. Ithaca: Cornell U. Press, 2003.
- Gourevitch, Philip, *We wish to inform you that tomorrow we will be killed with our families*. New York: Picador, 1998
- Ignatieff, Michael, *Human Rights as Politics and Idolatry*. Princeton: Princeton U. Press. 2003
- Anderson, Benedict, *Imagined Communities*. New York: Verso, 1991
- Anaya, S. James, *Indigenous Peoples in International Law* (2nd Edition). Oxford U. Press, 2004
- **Course Pack**

Course Requirements

- One mid-term exam
- One final exam
- One short (10-12 pages) research paper
- Two Response papers (2 page summaries of readings)

Grading

Mid-term exam ----- 20%
Final Exam ----- 30%
Paper ----- 20%
Response Papers----- 20%
Class Participation----- 10%

Readings listed for each class should be completed *before* class. This will allow students to understand the lectures more easily and to participate more effectively in class discussions.

Anthropology and Human Rights

Anthropology E-169

Week 1

Introduction

- Course overview
- An historical view of “rights.”-- *Putting the “human” in rights*: How did we get to a universal declaration of them?
 - “*Duties*” as reciprocity
 - *Kin groups, subjects, and citizens*
 - *Universals: Considering the Needs of Strangers in the “Modern” World*
 - *From the Treaty of Westphalia (1648) to the Universal Declaration of Human Rights (1948)*

Week 2

General Human Rights Concepts: Liberal Focus and Negotiated Agreements

Readings:

- Donnelly: Part 1 (pp. 7-53)
- Ignatieff: Chapters 1 and 2 (pp. 3-98)

Week 3 *Anthropological perspectives on gross human rights violations*

Case Study: Rwanda: Ethnicity, Colonialism, and History

Readings:

- Gourevitch, Philip, *We wish to inform you that tomorrow we will be killed with our families*. (pp. 5-274, or entire if you have time).
- 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).
- Amnesty International Review of the Gacaca tribunals (W)

(Class Review of Film: *Gacaca*—Community-based human rights Tribunals in Rwanda)

Week 4 (1st Response paper due)

Ethnicity and Nationalism

Readings:

- Anderson, Benedict *Imagined Communities*, pp.xi-82
- Course pack:
 - Barth, Fredrick “Introduction,” *Ethnic Groups and Boundaries*

Week 5

Case Study: Bosnia: Nationalist Re-imaginings

Readings:

- Anderson, Benedict *Imagined Communities*, pp.113-206.
- Bringa, Tone, *Averted Gaze: Genocide in Bosnia-Herzegovina*
- *Annihilating Difference*) pp.194-225
- Additional e-resources to be added

(Class review of Film: Bosnia “We are all Neighbors”)

Week 6

Institutional Structures, Strengths, and Limitations on Human Rights Practice–Reporting, Monitoring, and Judging

Readings:

Donnelly: Chapters 8, 9, and 10 (pp.127-181)

Document Review:

- UN Structure
- *Universal Declaration of Human Rights*
- *International Covenant of Civil and Political Rights* (ICCPR)
- *International Covenant on Economic, Social, and Cultural Rights* (ICESCR)

International systems

- United Nations
- International Labor Organization
- European System
- Inter-American System
- African System

Limits of International Law: The Primacy of local courts

Week 7

NGOs: The delicate line between “rights” and “partisan politics.”

Readings:

- Donnelly Part III pp. 127-181

Course pack:

- 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)
- Stoll, David, 1997, To Whom Should We Listen? Human Rights Activism in Two Guatemalan Land Disputes. In *Human Rights, Culture and Context*. Richard A. Wilson. Chicago: Pluto Press. (pp. 187-215)

Week 8

Hour Exam (one hour, lecture will follow)

Anthropological Considerations on Universalism and Cultural Relativism

Readings:

- Engle, K., "From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947-1999" *Human Rights Quarterly* [w]
- Course Pack:
 - Geertz, Clifford, "Anti Anti-Relativism" in Geertz, Clifford, *Available Light Anthropological: Reflections on Philosophical Topics*. pp.42-67

Week 9 (2nd Response paper due)

Contemporary Political Debates on Universalism and Cultural Relativism, genuine response to "Imperialism" or a exercise in self-essentialization?

Readings:

- Donnelly pp: 57-119
- 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)
 - Chan, Joseph, 'A Confucian Perspective on Human Rights for Contemporary China' pp. 193-237 (Course pack)

Week 10

Indigenous Rights: Exception or Bellwether?

Reading:

- Anaya pp. 1-96

Week 11

Case Study: Colombia: The State, Civil Society, NGOs, and Indigenous Rights

The U'wa/Samore Case

Readings:

- 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)
- International Labor Organization (ILO) Convention # 169 [W]
- *Guide to: International Labor Organization Convention # 169* [W]

Week 12

Case Study: Nicaragua: Claims to Land and Resources-- Awas Tingni

Readings:

- Donnelly, Chapter 11 (pp.185-203)
 - 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* [W]
 - Macdonald, Theodore.. Inter-American Court of Human Rights Rules in Favor of Nicaraguan Indians [W]
 - Macdonald, Theodore Awas Tingni: An Ethnography of a Community [W]
 - *Compliance Updates* [W]
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Week 13

Experimenting with Compliance: Rights and/in Constitutions

Case Study--The Ecuadorian Indian Movement: Ethnic Nations and Civic Nationalism

- 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 (w)
- Macdonald, Theodore, Approaching Indigenous Rights in the Early 21st Century: International Norms, Social Movements, and Citizenship Claims. In: *Economic, Social and Cultural Rights in Latin America: From Ideals to Tools*. Alicia Ely Yamin (ed.) Lima: APRODEH (Asociación Pro Derechos Humanos del Perú) In Press.(w)

Week 14

Thinking About Cultures and Human Rights in the 21st Century

Readings:

Course pack:

- Rao, Vijayendra and Micheal Walton, eds. *Culture and Public Action*. Stanford: Stanford Social Sciences. (Chapters 1-4, pp. 3-109-course pack.
- 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)