TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI

VICTORIA
UNIVERSITY OF WELLINGTON

School of History, Philosophy, Political Science and International Relations

Political Science and International Relations Programme

POLS/INTP 363:
POLITY, ECONOMY, CULTURE AND THE DIALECTICS OF HUMAN RIGHTS

TRIMESTER 1 2010
1 March to 4 July 2010

COURSE OUTLINE

Teaching dates: 1 March 2010 to 4 June 2010
Mid-trimester break: 5 April to 18 April 2010
Study week: 7 June to 11 June 2010
Examination/Assessment period: 11 June to 4 July2010

Withdrawal dates
Information on withdrawals and refunds may be found at
http://www.victoria.ac.nz/home/admisenrol/payments/withdrawlsrefunds.aspx

Lecturer:	Dr Robbie Shilliam
Room:	MY509
Phone:	5612
Email:	Robbie.shilliam@vuw.ac.nz
Lecture:	Tuesdays 11.00 – 12.50 COTTON LT122 *Lectures start the first week of the trimester.*
Office Hours:	will be announced at the first lecture and posted on my office door and Blackboard. You are also welcome to telephone or email me.

Course delivery:
There will be a weekly two hour meeting. The first part of the meeting will consist of a lecture that will outline the main themes and issues of the topic under consideration. The second part will consist of group work wherein students will be expected to discuss not only the themes of the lecture but also issues arising from the required readings.

Communication of additional information:
Information about any changes to the timetable or programme will be announced in lectures and posted on the Political Science and International Relations and Philosophy notice boards.

Course content:

The aim of this course is to use a dialectical approach in order to introduce students to the contested meaning of human rights in theory and practice. The purpose of the course is neither to convince students of the moral superiority of any particular interpretation of human rights, nor to implant a dismissive attitude in students regarding human rights in general. Rather, the course seeks to cultivate a critical attitude to the fact and possibility of human rights by exploring how the term has been – and continues to be – part of a *contested* political project. We will examine how this project is contested in both theory and practice across three inter-linked domains: culture (especially in a pluralistic world of values and practices, polity (especially the state system), and economy (especially capitalist globalization). The course is organized by investigating each of these domains followed by some thoughts on the future of human rights; however, you should remember that many of the issues and themes will intersect across these areas.

Learning objectives:

By the end of the course, students passing the paper should be able to:

- Understand the contested nature of human rights in theory and practice.
- Identify political, economic, and cultural issues of importance to the literature on human rights.
- Identify some major institutional and frameworks for the governing of human rights today as well as understand some of the contemporary challenges that face these institutions and frameworks.
- Have some empirical knowledge of events and circumstances that are referenced by – or important for - debates in the human rights literature.

As with all POLS and INTP courses, learning objectives of this course contribute to the attainment of specific attributes in the areas of critical thinking, creative thinking, communication and leadership.

Expected workloads:

In accordance with FHSS guidelines, the overall workload for this course is 200 hours in total.

Assessment:

The course will be assessed on the following basis:

1) Two research essays (each worth 30% of your total course mark)
Students will be required to submit two research essays each of **1,500-2,000 words**. *Detailed instructions for writing and submitting essays are provided at the end of this course outline.* If you would like to construct your own question, please clear it with me first in my office hours. **The first research essay is due by 5pm on Friday, 2nd April; the second is due by 5pm on Friday 21st May.**

2) Final Exam (worth 40% of your total course mark)
There will be a **three hour**, closed-book examination at the end of the trimester. Students will be required to write answers to **three** essay questions, with each question carrying **equal marks**.
Note: The date, time and venue of the final exam will be determined when the University completes its timetable during the second half of the trimester. The examination period runs from 8th to 30th June 2010.

The purpose of the research essays is to appraise the ability of students to conduct research and formulate an argument on a specific topic at some length.

The purpose of the examination is to assess the ability of students to integrate and use the knowledge they acquire during the course and their ability to structure ideas in accessible, comprehensive, and coherent essays.

Mandatory Course Requirements:
To gain a pass in this course each student must:

   a) Submit the written work specified for this course, on or by the specified dates (subject to such provisions as are stated for late submission of work).
   b) Sit the final exam at the end of the course.

Essential texts:
The prescribed textbook for the course, *POLS/INTP/PHIL 363 Course book 2010,* is available at Student Notes on the ground floor of the Student Union Building. Good overview of the issues and concepts at play in the field of human rights are: Michael Freeman, *Human Rights: An Interdisciplinary Approach,* Cambridge: Polity, 2002; and David Forsythe, *Human Rights in International Relations*, Cambridge University Press, 2007. These books can be purchased from Vicbooks located in the Student Union Building on Kelburn Campus. You can order textbooks and student notes online at www.vicbooks.co.nz or can email an order or enquiry to enquiries@vicbooks.co.nz. Books can be couriered to customers or they can be picked up from the shop the day after placing an order online. Opening hours are 8.00 am – 6.00 pm, Monday – Friday during term time (closing at 5.00 pm in the holidays) 10.00 am – 1.00 pm Saturdays. Phone: 463 5515 (Kelburn campus)

Useful resources:
A comprehensive reference work for human rights instruments can be found in: P. R. Ghandi (ed.) *International Human Rights Documents*, London, 2nd ed. (2000) or online at www1.umn.edu/humanrts/instree/ainstls1.htm

Key journals include the following (but feel free to explore using the search facilities for relevant articles in other journals):
   African Human Rights Law Journal
   Harvard Human Rights Journal
   Human Rights Quarterly (previously, Universal Human Rights)
   International Journal of Transitional Justice
   The Journal of Human Rights
   Philosophy and Public Affairs
   Review of International Studies
   Global Society

Some useful websites include:
   www.un.org/rights/
   www.unhchr.ch/
   www.amnesty.org/
   www.liberty-human-rights.org.uk/
   www.hrw.org/

Penalties:
Students will be penalised for late submission of essays—a deduction of 5% for the first day late, and 2% per day thereafter, up to a maximum of 8 days. Work that is more than 8 days late can be accepted for mandatory course requirements but will not be marked. However, penalties may be waived if there are valid grounds, e.g., illness (presentation of a medical certificate will be necessary) or similar other contingencies. In such cases prior information will be necessary.

Academic Integrity and Plagiarism:
Academic integrity means that university staff and students, in their teaching and learning are expected to treat others honestly, fairly and with respect at all times. It is not acceptable to mistreat academic, intellectual or creative work that has been done by other people by representing it as your own original work.

Academic integrity is important because it is the core value on which the University's learning, teaching and research activities are based. Victoria University's reputation for academic integrity adds value to your qualification.

The University defines plagiarism as presenting someone else's work as if it were your own, whether you mean to or not. 'Someone else's work' means anything that is not your own idea. Even if it is presented in your own style, you must acknowledge your sources fully and appropriately. This includes:

- Material from books, journals or any other printed source

- The work of other students or staff

- Information from the internet

- Software programs and other electronic material

- Designs and ideas

- The organisation or structuring of any such material

Find out more about plagiarism, how to avoid it and penalties, on the University's website:
http://www.victoria.ac.nz/home/study/plagiarism.aspx

Use of Turnitin:
Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine http://www.turnitin.com. Turnitin is an online plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted material on behalf of the University for detection of future plagiarism, but access to the full text of submissions is not made available to any other party.

GENERAL UNIVERSITY POLICIES AND STATUTES
Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the *Victoria University Calendar* or go to the Academic Policy and Student Policy sections on:

http://www.victoria.ac.nz/home/about/policy

The AVC(Academic) website also provides information for students in a number of areas including Academic Grievances, Student and Staff conduct, Meeting the needs of students with impairments, and student support/VUWSA student advocates. This website can be accessed at:

http://www.victoria.ac.nz/home/about/avcacademic/Publications.aspx

Course outline:

Week 1	Introduction
PART 1: HUMAN RIGHTS AS A CONTESTED CULTURAL PROJECT	
Week 2	Secularism versus Religion
Week 3	Universalism versus cultural relativism: multiculturalism as a solution?
Week 4	Representation versus silence: Law, NGOs and social movements
PART 2: HUMAN RIGHTS AS A PROBLEM FOR THE SYSTEM OF STATES	
Week 5	The geo-politics of the UN system **Research essay due 2ⁿᵈ April**
Week 6	Human Security and Humanitarian Intervention: the state versus the individual?
Week 7	Indigeneity versus state sovereignty
PART 3: GLOBALISATION AS A PROBLEM FOR HUMAN RIGHTS	
Week 8	Global poverty and "dignity" as a human right
Week 9	Privatisation: property rights as human rights
Week 10	The movement of people: migrants and refugees **Research essay due 21ˢᵗ May**
PART 4: THE FUTURE OF HUMAN RIGHTS	
Week 11	Genocide and transitional justice
Week 12	"Democracy Promotion" and the question of violence

Course content and reading list:
NB:, "further readings" listed in each week are there to facilitate your investigation into specific topics when you come to writing your essays. THERE IS NO REQUIREMENT FOR YOU TO READ EVERY SINGLE READING ON THIS LIST!

Week 1: Introduction
As an introduction we shall start to think about two main problems. Firstly, what does it mean to grapple with issues of rights, order and justice through the language of, or belief in, "human rights"? Is this a good or bad thing, in fact, isn't talk of human rights merely "nonsense upon stilts" (as Jeremy Bentham once said of natural rights). Secondly, do human rights actually exist in the world? Are they the answer to problems of

order and justice, a potentiality, or simply a delusion? How come in our present age of human rights there are so many human wrongs? This week's discussions will introduce some of the fundamental issues for the course as a whole.

Required reading:
- **Maurice Cranston, "Are there any human rights?"** *Daedalus* **112 (4) 1983**
- **Upendra Baxi,** *The Future of Human Rights 2ⁿᵈ ed* **(Oxford University Press, 2006) ch.1**

Further readings on the political philosophy of universal rights:
- Richard Falk , "Cultural Foundations for the International Protection of Human Rights", in A. An-Naim et al (eds), Human Rights in Cross-Cultural Perspectives (University of Penn Press, 1991). *An attempt to balance a universal understanding of human rights with the cultural bases of values*
- Bikhu Parekh "Non-ethnocentric Universalism", in T. Dunne et al (eds), *Human Rights in Global Politics* (Cambridge University Press, 1999)
- Peter Jones, Rights (London: Palgrave, 1994), ch.4 *On the relationship between natural rights and human rights*
- E.M. Schneider, "The Dialectic of Rights and Politics: Perspectives from the Women's Movement", *New York University Law Review* 61 (1986)
- Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights", *Harvard International Law Journal* Winter, 2001. *Provocative article on the language of human rights as imperialist*
- Jerome Shestack, "The Philosophic Foundations of Human Rights", *Human Rights Quarterly* 20, 1998
- G. Dinsmore, "Debate: When Less Really is Less - What's Wrong with Minimalist Approaches to Human Rights", *Journal of Political Philosophy* 15 (4), 2007
- Michael Freeman, "The Philosophical Foundations of Human Rights", Human Rights Quarterly 16 (3), 1994
- Jack Donnelly, *Universal human rights in theory and practice 2ⁿᵈ edition*. (Ithaca: Cornell University Press, 2003) chs 4,5.
- A. Ely-Yamin, "Empowering Visions: Toward a Dialectical Pedagogy of Human Rights", *Human Rights Quarterly* 15, 1993
- S. Zizek, "Against Human Rights", *New Left Review 2005* http://www.reifiedrecords.com/drew/dl/zizekRights.pdf
- C. Douzinas, "The End(s) of Human Rights" *Melbourne University Law Review* 26 (2002)

PART 1: HUMAN RIGHTS AS A CONTESTED CULTURAL PROJECT

Week 2: Secularism versus Religion
A major philosophical challenge to the idea of human rights is the degree to which a secular notion of the sources and legitimacy of rights based upon "reason" can engage with religious notions of rights based upon "faith". In the present conjuncture this challenge has become politically charged with some arguing that Western societies are peculiarly well matched for institutionalising human rights due to their separation of church and state. In this argument human rights are not Western in origin and are still universal in reach, however, it just so happens that the values that underpin human rights have been developed most prominently in Western societies. But critics argue that not only are human rights an instrument for Western domination over non-Western value systems, but that there is no reason why "faith" cannot be used as a basis to meaningfully develop these rights. This contestation between the putatively secular West and putatively religious "Rest" is not only of importance to debates over the "war on terror" but is deeply inscribed in the history of human rights, a history that is often taken to primarily unfold within Europe and the West in general. In order to critically assess just how closely this history might be said to map onto a history of human rights we explore Islamic notions of rights and the possibility of an Islamic tradition of "human rights".

Required reading:

- **Michael Freeman, "The Problem of Secularism in Human Rights Theory",** *Human Rights Quarterly* **26.2 (2004) 375-400**
- **Abdullah Ahmed An-Na'im, "Islamic Law, International Relations, and Human Rights: Challenge and Response",** *Cornell International Law Journal* **317, 1987**
- **Tony Blair, "A battle for Global Values",** *Foreign Affairs* **Jan/Feb 2007**
  http://www.foreignaffairs.org/20070101faessay86106/tony-blair/a-battle-for-global-values.html

Further readings on religion, secularlism, rights and justice

- Fred Dallmayr and Abbas Manoochehri, *Civilizational Dialogue and Political Thought* (Lexington: 2007). *This is a collection of essays responding to the former President of Iran, the reformist Mohammed Khatami. Khatami uses faith as the basis to ask for a dialogue between civilizations*
- Euben, R.L. 1997. Comparative Political Theory: An Islamic Fundamentalist Critique of Rationalism. *Journal of Politics* 59 (1): 28-55
- Habermas, J. 1998. "A Genealogical Analysis of the Cognitive Content of Morality", in *The Inclusion of the Other: Studies in Political Theory*, edited by Cronin, C. and De Greiff, P. Cambridge MA: MIT Press: 3-46. *Habermas is probably the most influential political-philosopher who takes the position that the content of morality in modernity CANNOT reference religious beliefs.*
- Hurd, E.S. 2004. The Political Authority of Secularism in International Relations. *European Journal of International Relations* 10 (2): 235-262
- Lynch, M. 2000. The Dialogue of Civilizations and International Public Spheres. *Millennium* 29 (2): 307-330
- Dallmayr, F. 1994. Western Though and Indian Thought: Comments on Ramanujan. *Philosophy East and West* 44 (3): 527-542
- J. Miles, "Religion and American Foreign Policy", *Survival* 46 (1), 2004
- R. Williams, "Civil and Religious Law in England", http://www.archbishopofcanterbury.org/1575. *A speech by the present Archbishop of Canterbury accepting the inevitable persistence of some Sharia law in the UK. This inflamed many people – what do you think?*
- D. Little, "A Christian perspective on Human Rights", in A. An-Naim and F.M. Deng, *Human Rights in Africa: Cross-Cultural Perspectives* (Brookings, 1990)
- J.P. Martin and F. Roosevelt, "The Three Monootheistic World Religions and International Human Rights", *Journal of Social Issues* 61 (4), 2005
- Special issue: Secularism's Crisis of Faith (including Tony Blair and Jurgen Habermas) in *New Perspectives Quarterly* 25 (4), 2008
- Stephen Hopgood, "Moral Authority, Modernity and the Politics of the Sacred", *European Journal of International Relations* 15 (2), 2009. *A fantastic article on Amnesty International and the problem of finding moral significance for rights in a secular modernity.*

Further readings on Islam and human rights:

- Abdullah Ahmed An-Na'im, "Islamic Law, International Relations, and Human Rights: Challenge and Response", *Cornell International Law Journal* 317, 1987
- Abdullah Ahmed An-Na'im, "Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law", *Third World Quarterly* 27 (5), 2006
- Abdul Aziz Said, "Human Rights in Islamic Perspective", in Adamantia Pollis et al (Eds.), *Human Rights: Cultural and Ideological Perspectives* (London: Praeger, 1979)
- Bassam Tibi, "Islamic Law/Shari'a, Human Rights, Universal Morality and International Relations", *Human Rights Quarterly* 16 (2), 1994. *For Tibi, Islam and human rights don't get along so well..*
- Heiner Bielefeldt, "'Western' versus 'Islamic' Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights", *Political Theory* 28 (1), 2000
- Susan Waltz, "Universal Human Rights: The Contribution of Small States", *Human Rights Quartely* 26, 2004. *On the often forgotten involvement by Muslim states in drafting the UN human rights documents*
- Hashmi, S.H. 1998. Islamic Ethics in International Society. In *International Society: Diverse Ethical Perspectives* (Princeton: Princeton University Press, 1998): 215-236

- Piscatori, J. 2003. Order, Justice and Global Islam. In *Order and Justice in International Relations,* edited by Foot, R., Gaddis, J. and Hurrell, A. Oxford: Oxford University Press: 262-286
- Shani, G. 2007. Provincialising Critical Theory: Islam, Sikhism and International Relations" *Cambridge Review of International Affairs* 20 (2)
- Soroush, A. 2000. Tolerance and Governance: A Discourse on Religion and Democracy. In *Reason, Freedom and Democracy in Islam: Essential Writings of ´Abdolkarim Soroush*, edited by Sadri, M. and Sadri, A. Oxford: Oxford University Press: 156-170. *A very influential muslim political philosopher.*
- Tariq Ramadan, *Radical Reform : Ethics and Liberation* http://www.tariqramadan.com/ *Ramadan is one of the foremost scholars arguing today that one can be a "good European" AND a muslim.*

Documents:
- Islamic Human Rights Commission http://www.ihrc.org/
- Cairo Declaration on Human Rights in Islam http://www1.umn.edu/humanrts/instree/cairodeclaration.html

Week 3: Universalism versus cultural relativity: multiculturalism as a solution?
How can any "rights" by universally applicable if all are derived from culturally specific value systems? And yet, if all rights are culturally relative, how can we have any kind of ethical orientation to societies and value systems outside of our own? Must we be silent on what we believe to be suffering and injustice world-wide? Moreover, this problem becomes a very intimate one when we consider that, because of migration, even our own society might host a variety of different value systems. How do we develop an ethical orientation to cultural difference both within our society and between our society and others? Crucially, these challenges have been most vehemently debated in the arena of women's rights. A number of scholars have asked whether the "tradition" of female circumcision is an affront to human rights even if it is a cultural norm in another society. Others have wondered whether our toleration of different cultural traditions in our own society might encourage the oppression of women closer to home. And yet, even in Western societies the human rights tradition has at best ignored women's subordination and at worst excluded women's issues from the agenda…

Required readings:
- **Susan Okin, Is Multiculturalism Bad for Women? (Princeton University Press, 1999)**
- **Azizah Y. Al-Hibri, "Is Western Patriarchal Feminism Good for Third World/Minority Women?" in *Is Multiculturalism Bad for Women?* (Reply to Okin)**
- **Christine Walley, "Searching for 'Voices': Feminism, Anthropology, and the Global Debate over Female Genital Operations", *Cultural Anthropology* 12 (3), 1997**

Further readings on women's rights as human rights:
- Gayle Binion, "Human Rights: A Feminist Perspective", *Human Rights Quarterly* 17 (3), 1995 *Good on public/private and challenges to the state*
- Hilary Charlesworth, "Human Rights as Men's Rights", in Julie Peters et al (eds.), *Women's Rights / Human Rights: International Feminist Perspectives* (London: Routledge, 1995)
- Arvonne Fraser, "Becoming Human: The Origins and Development of Women's Human Rights", *Human Rights Quarterly* 21 (1999) *A History*
- Susan Okin, "Gender, the Public and the Private", A. Philips, *Feminism and Politics* (Oxford University Press, 1998)
- J. Oloka-Onyango and Sylvia Tamale, "'The Personal is Political', or Why Women's Rights are Indeed Human Rights: An African Perspective on International Feminism", *Human Rights Quarterly* 17 (4), 1995
- Amarti Sen, "Mary, Mary Quite Contrary", Feminist Economics 11 (1), 2005 *This article is on Mary Wollstonecraft*
- V. Spike Peterson & Laura Parisi, "Are Women Human? It's Not an Academic Question", in Tony Evans (ed), *Human Rights Fifty Years On: A Reappraisal* (Manchester University Press, 1998) *Another good political-philosophy discussion that goes through the different "generations" of human rights.*

Further readings on women, culture and multiculturalism:

- Abdullahi Ahmed An-Na'im, "Problems of Universal Cultural Legitimacy for Human Rights", in An-Na'im & Deng (eds), *Human Rights in Africa: Cross-Cultural Perspectives* (Washington, 1990)
- Richard Falk , "Cultural Foundations for the International Protection of Human Rights", in A. An-Naim et al (eds), *Human Rights in Cross-Cultural Perspectives* (University of Penn Press, 1991).
- Upendra Baxi, The Future of Human Rights 2nd ed (Oxford, 2006), ch.6
- Jane Freedman, "Women, Islam and Rights in Europe: Beyond a Universal/Culturalist Dichotomy", *Review of International Studies* 33, 2007
- Ratna Kapur, "The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics", *Harvard Human Rights Journal* 15 (Spring), 2002
- Janice Boddy, "Womb as Oasis: The Symbolic Context of Pharaonic Circumcision in rural Northern Sudan", in Lncaster and di Leonardo, *The Gender/Sexuality Reader* (London: Routledge, 1997) , pp.309-324
- Seyla Benhabib, "Sexual Difference and Collective Identities: The New Global Constellation", *Signs* 24 (2), 1999
- Marie Dembour, "Following the Movement of a Pendulum: Between Universalism and Relativism" in Jane Cowan et al (eds), *Culture and Rights: Anthropological Perspectives* (Cambridge University Press, 2001) *This article is on Female Circumcision.*
- Ellen Gruenbaum, "The Cultural Debate over Female Circumcision: The Sudanese Are Arguing This One Out for Themselves", *Medical Anthropology Quarterly* 10 (4), 1996
- Henriette Kalev, "Cultural Rights or Human Rights: The Case of Female Genital Mutilation", *Sex Roles,* 51 (5/6), 2004
- Hage, Ghassan 1998. *White nation. Fantasies of white supremacy in a multicultural society.* Annandale: Pluto
- Santos, Boaventura de Sousas 1999. 'Towards a multicultural conception of human rights' in Mike Featherstone and Scott Lash (eds.) *Space of culture. City, nation, world.* London: Sage, pp214-29
- Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (NY: Palgrave, 2006). *Very influential.*
- Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995). *Very influential.*
- *http://www.musawah.org/* - For Equality in the Family
- Zainah Anwar, "Women's Rights: Bearers of Change", New York Times 2009, http://www.nytimes.com/2009/03/05/opinion/05iht-edanwar.1.20613399.html?_r=1
- Various authors in "Special Issue: The Rights of Women and Crisis of Multiculturalism", *Ethnicities* 8 (3), 2008
- Boaventura de Sousa Santos, "Toward a Multicultural Conception of Human Rights", in Featherstone and Lash (eds), *Spaces of Culture: City, Nation, World* (London: Sage, 1999) - *EXCELLENT!*

Documents:

- United Nations (1979) *Convention on the Elimination of All Forms of Discrimination Against Women* http://www1.umn.edu/humanrts/instree/e1cedaw.htm
- United Nations (1993) *Declaration on the Elimination of Violence against Women* http://www1.umn.edu/humanrts/instree/e4devw.htm
- United Nations (1995) *Fourth World Conference on Women: Beijing Declaration* http://www.un.org/womenwatch/daw/beijing/platform/declar.htm

Week 4: Representation or silence? Law, NGOs and social movements

If the cultural roots of human rights can be contested, as can the content of these rights, we must also then consider who decides what kind of "rights" are universal and should be upheld by law. In other words, who decides that *they* legitimately promote the aspirations not of a particular cultural grouping of people but of humanity as a whole? And who has the ability – and enjoys a social or political position - that allows them to

speak authoritatively on these issues? These questions are crucial for our investigation of the cultural dimension of human rights because they bring into focus the problem of "representation" and "voice". This week we will consider whether human rights can be understood as the language of the marginalized and oppressed, or, instead, as the legal and political instrument of the powerful used to maintain a monolithic rather than diverse world order.

Required readings:
- **Wendy Brown, "Freedom's Silences", in Robert Post (ed),** *Censorship and Silencing: Practices of Cultural Regulation* **(Getty Research Institute, 1998)**
- **Neil Stammers, "Social Movements and the Social Construction of Human Rights",** *Human Rights Quarterly* **21, 1999**
- **D. Bell and J. Carens, "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue Between Practitioners and Theorists",** *Human Rights Quarterly* **26 (2), 2004**

Further readings on representation, voice and silence:
- Amy Bartholomew and Jennifer Breakspear, "Human Rights as Swords of Empire", *Socialist Register 2004*. *By reference to the current war on terror argues that human rights can be a crucial arena of struggle against US " imperialism".*
- Gurminder Bhambra & Robbie Shilliam, "'Silence' And Human Rights", in Bhambra & Shilliam (eds), *Silencing Human Rights: Critical Engagements with the History, Theory and Contemporary Practices of a Contested Project* (2008)
- Tony Evans, "International Human Rights Law as Power/Knowledge", *Human Rights Quarterly* 27, 2005
- Joseph Slaughter, "A Question of narration: the voice in international human rights law" *Human Rights Quarterly* 192 1997. *A consideration of how the meaning of human rights have been determined by struggle using the torture of Algerians by colonial French officials in the 1950s as a case in point.*
- Boaventura de Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization and Emancipation* (London: Butterworths, 2002), ch.1 *A critical examination of the putative emancipatory power of law*
- Perrin, Colin 2004. 'Breath from nowhere. The silent foundation of human rights', *Social and Legal Studies* 131: 133-51
- Conklin, William 1997. 'The assimilation of the other within a master discourse' in Stephen Harold Riggins (ed.) *The language and politics of exclusion. Others in discourse*. London: Sage Publications, pp226-48
- B. Rajagopal, "Counter-hegemonic international law: rethinking human rights and development as a Third World strategy", *Third World Quarterly* 27 (5), 2006
- James Ingram, "What is a "Right to have Rights"? Three Images of the Politics of Human Rights", *American Political Science Review* 102 (4), 2008
- Dipesh Chakrabarty, "The Subject of Law and the Subject of Narratives", in *Habitations of Modernity* (Chicago, 2002)
- Carol C. Gould, "Structuring Global Democracy: Political Communities, Universal Human Rights, and Transnational Representation", *Metaphilosophy* 40 (1), 2009

Further readings on social movements:
- William Carroll & Robert Ratner, "Master Frames and Counter-Hegmeony: Political Sensibilities in Contemporary Social Movements", *Canadian Review of Sociology and Anthropology* 33 (4), 1996
- Alan Hunt, "Rights and Social Movements: Counter-Hegemonic Strategies", *Journal of Law and Society* 17 (3), 1990
- Alexander, Amanda 2004. ''Not the democracy we struggled for': The Landless People's Movement and the politicization of urban-rural division in South Africa'. Honours Thesis, Harvard College. Available at www.ukzn.ac.za/ccs
- Escobar, Arturo. 2004. 'Beyond the Third World: Imperial globality, global coloniality and anti-globalisation social movements'. *Third World Quarterly* 25: 207-230

- Rajagopal, B. 2003. *International law from below. Development, social movements and Third World resistance.* Cambridge: Cambridge University Press.
- Stephen Gill, "Towards a Postmodern Prince?", *Millennium* 29 (1), 2000
- Samir Amin, "Is the World Social Forum of Use for Popular Struggles?" (Centre for Civil Society, University of Kwazulu-Natal, 2007) http://www.ukzn.ac.za/ccs/default.asp?2,40,5,1234
- C. Eschle, "Skeleton Women: Feminism and the Anti-Globalisation Movement", *Signs: Journal of Women in Culture and Society* 30 (3) 2005
- Arturo Escobar, "Beyond the Third World: Imperial Globality, Global Coloniality and Anti-Globalisation Social Movements", *Third World Quarterly* 25 (1), 2004 *A positive take on the potential of the "anti-globalisation movement".*
- Michael Hardt, "Porto Alegre: Today's Bandung?", *New Left Review* 14 2002 *Influential leftist scholar on the World Social Forum as a new kind of social movement*.
- S. Mattiace, "Representation and Rights: Recent Scholarship on Social Movements in Latin America", *Latin American Research Review* 40 (1), 2005. *A good overview of this literature.*
- Fiona Robinson, "Human Rights and the Global Politics of Resistance: Feminist Perspectives", *Review of International Studies* 29, 2003
- Neil Stammers, "Social Movements and the Challenge ot Power", in M. Shaw (ed), *Politics and Globalisation* (Routledge: London, 1999) *Very good overview of the analytical issues involved in understanding social movements and their relation to power.*

Further readings on NGO advocacy:
- Min Tang, "Transnational Human Rights Networks", *Political Studies Review* 7 (2), 2009
- M. Keck and K. Sikkink, "Transnational Advocacy Networks in International and Regional Politics", *International Social Science Journal* 51 (1), 1999
- Upendra Baxi, *The Future of Human Rights* (Oxford, 2006), ch.8 *Complex but fascinating argument on NGOs, globalisation and the "marketization" of human rights.*
- D. Chandler, "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda", *Human Rights Quarterly* 23 (3), 2001 *How humanitarian NGOs have unintentionally allowed the human rights agenda to be mobilised for state interests.*
- D. Rieff, "Humanitarianism in Crisis", *Foreign Affairs* 81 (6), 2002 *On the "politicisation of aid" and the difference between US/UK NGOs and French NGOs especially MSF.*
- B. Steele and J. Amoureux, "NGOs and Monitoring Genocide: The Benefits and Limits to Human Rights Panopticism", *Millennium* 34 (2), 2005. *On the positives and negatives of NGOs as an extension of Western state power, using Rwanda and East Timor as examples.*
- J. Tong, "Questionable Accountability: MSF and Sphere in 2003", *Disasters* 28 (2), 2004. *On the difficulties of the project to codify minimum standards and accountability for humanitarian NGOs.*
- P. Kilby, "Accountability for Empowerment: Dilemmas Facing Non-Governmental Organizations", *World Development* 34 (6), 2006

Documents and websites:
- *The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response* http://www.sphereproject.org/
- *World Social Forum* Statement of Principles: http://www.forumsocialmundial.org.br/main.php?id_menu=4&cd_language=2
- Report of the Commission on Global Governance, "Our Global Neighbourhood", 1995: http://www.libertymatters.org/globalgovernance.htm

PART 2: HUMAN RIGHTS AS A PROBLEM FOR THE SYSTEM OF STATES

Week 5: The geo-politics of the UN system
Of all institutions it is the United Nations that is most closely associated with the promotion and protection of human rights. In a number of charters that cover political, economic, social and cultural aspects, the UN

has succeeded in codifying human rights as part of international law. And yet, at the core of the UN charter exists a clash between its professed principles and purposes that seek to promote human rights at the same time as preserving the sovereignty of states. Are these two claims – human rights and the rights of state sovereignty – compatible, especially when it is state elites that are orchestrating at home - or supporting abroad - human rights abuses? Moreover, we must consider whether it has been the societal values of the most powerful states that have been privileged within the UN's codification of human rights. These issues require us to consider the fact that because humanity is fractured into a world of states we can never institutionalise human rights as part of a global form of governance. Or perhaps after Kofi Annan's stewardship the balance between state rights and human rights has shifted…

Required readings:
- **Articles 1 and 2 of the UN Charter (Chapter 1) http://www.un.org/aboutun/charter/**
- **David Forsythe, *Human Rights in International Relations 2nd ed* (Cambridge University Press, 2006), ch.2**
- **Kofi Annan, "'In Larger Freedom': Decision Time at the UN", *Foreign Affairs* May/June, 2005**

Further readings:
- Susan Waltz, "Reclaiming and rebuilding the history of the Universal Declaration of Human Rights", *Third World Quarterly 23 (3), 2002. A fascinating debunking of myths surrounding who authored and who supported the UDHR.*
- Paul Gordon Lauren, *The Evolution of International Human Rights* (University of Penn State Press, 2003), ch.8. *Excellent contextualisation of the human rights project within the UN paying special attention to the profound importance of countering colonialism and racism.*
- S. Scheipers, "Civilization vs toleration: the new UN Human Rights Council and the normative foundations of the international order.", *Journal of International Relations and Development* 10 (3), 2007
- Z. Arat, "Forging a global culture of human rights: Origins and prospects of the International Bill of Rights", *Human Rights Quarterly* 28 (2), 2006
- Charles Beitz, "What Human Rights Means", *Daedalus* 132 (1), 2003. *A prominent political-philosopher on the UN Declarations*
- Oona Hathaway, "Do Human Rights Treaties Make a Difference?", *Yale Law Journal* 111 (8), 2002. *Very detailed investigation*
- F. Hoffmann and F. Megret, "The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities", *Human Rights Quarterly* 25 (2), 2003
- Stephen Marks, "From the 'Single Confused Page' to the 'Decalogue for Six Billion Persons': The Roots of the Universal Declaration of Human Rights in the French Revolution", *Human Rights Quarterly* 20k, 1998
- Ladan Rahmani-Ocora, "Giving the Emperor Real Clothes: The UN Human Rights Council", *Global Governance* 12, 2006. *On the new UN organ for the protection of human rights*
- Jason Ralph, "International Society, the International Criminal Court and American Foreign Policy", *Review of International Studies* 31, 2005. *On the latest institution to pursue international justice.*
- Susan Waltz, "Universal Human Rights: The Contribution of Muslim States", Human Rights Quartely 26, 2004. *On the often forgotten involvement by Muslim states in the drafting of the UN human rights documents*
- J. Alves, "The Declaration of Human Rights in Postmodernity", *Human Rights Quarterly* 22 (2) 2000
- R. Normand and S. Zaidi, *Human Rights at the UN: The Political History of Universal Justice,* (Indiana University Press, 2008)
- I. Barnsley and R. Bleiker, "Self-determination: From Decolonization to Deterritorialization", *Global Change, Peace and Security* 20 (2), 2008
- Susan Waltz, "Universal Human Rights: The Contribution of Small States", *Human Rights Quartely* 26, 2004. *On the often forgotten involvement by Muslim states in the drafting of the UN human rights documents*

- Jon Nguyet Erni, "Human Rights in the Neo-Liberal imagination: Mapping the "new sovereignties"", *Cultural Studies* 23 (3) 2009

Documents:

For the International Bill of Human Rights as well as the core Human Rights instruments in the UN and their monitoring bodies, visit the Office of the United Nations High Commissioner for Human Rights: **http://www.ohchr.org/english/law/**

Week 6: Human Security and Humanitarian Intervention: the state versus the individual?

Until recently, "sovereignty" in modern international law primarily referred to the right of self-determination; or at least, it referred to the principle of non-interference. Article 2 of the UN charter effectively proclaims just such a principle. But increasingly, and in the UN especially, sovereignty is being talked of in terms of a "responsibility to protect" – not just one's own citizens, but citizens of other states also. This re-definition of sovereignty tends to place the responsibility to intervene morally above the right to self-determination especially with regards to states whose elites can no longer protect their populations or might even being abusing their own citizens. And yet, the core normative debate on humanitarian intervention pitches a "cosmopolitan" position, which claims that the rights of the individual are primary, again a "communitarian" position, which, if again supportive of individual rights, nevertheless claims that without the sovereignty of the state these rights are institutionally homeless. It seems, then, that the ethics of humanitarian intervention are not clear-cut. And we must carefully consider the ethical and practical aspects of when it is right and wrong to intervene.

Required Readings:

- **O. O'Neill, "Bounded and Cosmopolitan Justice",** *Review of International Studies* **26 (5), 2000**
- **G. Evans, M. Sahnoun, "The Responsibility to Protect",** *Foreign Affairs* **81 (6) 2002**
- **Thakur Ramesh (2004): "Developing Countries and the Intervention-Sovereignty Debate" In Price Richard M.; Zacher Mark W. (Hg.):** *The United Nations and Global Security.* **Houndmills New York: Macmillan**

On the related UN notion of "human security":

- Tara McCormack, "From State of War to State of Nature: Human Security and Sovereignty", in Chris Bickerton et al, *Politics without Sovereignty* (London: UCL Press, 2006). *A not so favourable view*
- G. Oberleitner "Human Security: A Challenge to International Law", *Global Governance* 11 (2) 2005. *A favourable view*
- UN, *Human Development Report 1994,* ch.2 http://hdr.undp.org/reports/global/1994/en/pdf/hdr_1994_ch2.pdf
- UN, A More Secure World: Our Shared Responsibility, 2004. Part 1 http://www.un.org/secureworld/report2.pdf

Further Readings on intervention:

- Gareth Evans, "The Responsibility to Protect: An Idea Whose Time has Come… and Gone?", *International Relations* 22 (3), 2008
- Tony Blair, "Doctrine of the International Community", 1999 http://www.globalpolicy.org/globaliz/politics/blair.htm
- R. Thakur, "Global norms and international humanitarian law: an Asian perspective", *International Review of the Red Cross* 841 (2001)
- Michael Glennon, "The New Interventionism: The Search for a Just International Law", *Foreign Affairs*, May/June 1999
- N. Grono, "Briefing - Darfur: The international community's failure to protect" *African Affairs* 105 (421): 2006

- Peter Spiro, "The New Sovereigntists: American Exceptionalism and its False Prophets", *Foreign Affairs* Nov/Dec, 2000 <u>*A critique of US "unilateralism".*</u>
- N.J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press, 2000)
- Kofi Annan, "The Legitimacy to Intervene," <u>Financial Times</u>, December 31, 1999 http://www.globalpolicy.org/secgen/interven.htm
- J.L. Holzgrefe and R.O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge University Press, 2003)
- J.M. Welsh (ed), Humanitarian Intervention and International Relations (Oxford University Press, 2004)
- T. Olesen, "The Institutionalization of Solidarity and Globalization: The Case of Darfur", *Globalizations* 5 (3), 2008

On Iraq as a just war:
- Jean Bethke Elshtain, *Just War against Terror: the burden of American power in a violent world* (Basic books, 2004). <u>*An argument for Iraq as a just war by a very influential scholar*</u>
- Special edition on Elshtain's argument: *International Relations*, Vol. 21, No. 4, 502-509 (2007)
- Tony Judt. "Bush's useful idiots", *London Review of Books* 21 Sept 2006
- M. Walzer, "Regime change and Just War", *Dissent* Summer 2006
- Burke, "Just war or ethical peace? Moral discourses of strategic violence after 9/11" *International Affairs* 80 (2), 2004

Further Readings on the cosmopolitan/communitarian debate:
- David Morrice, "The Liberal-Communitarian Debate in Contemporary Political Philosophy and its Significance for International Relations", *Review of International Studies* 26, 2000
- Kimberly Hutchings, "The Possibility of Judgment: Moralizing and Theorizing in International Relations" *Review of International Studies* 18 (1), 1992 <u>*A good critique of the philosophical assumptions behind the "cosmopolitan/communitarian debate"*</u>.
- Andrew Linklater, "The Harm Principle and Global Ethics", *Global Society*, 20 (3) 2006 <u>*An attempt to lay out a thin cosmopolitanism based on the "harm principle".*</u>
- RBJ Walker "Citizenship After the Modern Subject" in Hutchings et al (eds), *Cosmopolitan Citizenship* (London: Macmillan, 1999). <u>*A citique of the notion of citizenship as mobilised in the cosmopolitan/communitarian debate.*</u>
- Michael Walzer "The Communitarian Critique of Liberalism", *Political Theory* 18 (1), 1990. <u>*A very famous "communitarian"*</u>.
- M. Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustrations* (NY: Basic Books, 1977). <u>*A classic, still influential today, using Vietnam as a case study*</u>
- D. Heater, *World Citizenship* (London: Continuum, 2002). <u>*A cosmopolitan argument*</u>
- I. Kant, "On Perpetual Peace" (Various editions and publications, you can find online too). <u>*Assumed to be the "original" and most influential cosmopolitan philosopher… Is he?*</u>

Week 7: Indigeneity versus state sovereignty
Recent years have seen an increase in concerns over the rights of "indigenous peoples". The question of indigenous rights is challenging because human rights heavily relies upon the subject of rights being a citizen. In this sense, the realm of "rights" – reflected in the language of law - is implicitly assumed to be the public sphere of "civil society". And yet, historically, indigenous peoples who have attempted to retain their own value systems and social practices have been excluded from the public sphere. This is because social identities defined by personal affiliations have to be discarded upon political entry to the impersonalised individualist world of civil society. Should indigenous people be made to assimilate because their culture is composed of relations of personal hierarchy and thus against the fundamental principles of human rights? But then again, if we are talking about universal "human" rights, rather than a limited set of rights accorded to the individual only by virtue of him/her being a "citizen", why should anyone have to assimilate? Nevertheless, we should be careful not to assume that indigenous society is homogenous: "natives" are not

all the same! In fact, some argue that indigenous politics is based upon old colonial ideologies that painted the "native" as qualitatively different from the "settler". The issue of indigenous rights is ultimately so important because it problematises the institutional form that human rights has almost exclusively taken in modernity – citizenship of a state. So while ethical debates on human rights have to engage with the issue of self-determination *among* states, they also have to seriously consider claims of self-determination emanating from *within* the territorial boundary of the state.

Required readings:
- **Paul Keat, "Indigenous Self-Determination and the Legitimacy of Sovereign States",** *International Politics* **44 (2/3), 2005**
- **Paul Oldham, and Miriam Anne Frank "'We the peoples…': The United Nations Declaration on the Rights of Indigenous Peoples",** *Anthropology Today* **24 (2) 2008**
- **Adam Kuper, "The Return of the Native",** *Current Anthropology* **44 (3), 2003**

Further readings:
- Te Maire Tau, "The discovery of islands and the stories of settlement", *Thesis Eleven* 92 (2008), 11-28. *suggests Europeans became "indigenous" as well upon settlement.*
- R. Maaka and A. Fleras, *The Politics of Indigeneity: Challenging the state in Canada and Aotearoa New Zealand* (Otago)
- A. Hanson, "The Making of the Māori: Culture Invention and its Logic", *American Anthropologist* 91 (4) 1989
- G. Oddie, and R. Perrett, *Justice, Ethics, and New Zealand Society* (Oxford University Press), *especially chapter by Moana Jackson*
- R. Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Uni of California Press, 2003)
- R. Overmyer-Velazquez, "The self-determination of indigenous peoples and the limits of UN advocacy in Guerrero, Mexio", *Identities: Global Studies in Culture and Power* 10 2003, pp.9-29
- Katherine Smits, "John Stuart Mill on the Antipodes: Settler Violence against Indegnous Peoples and the Legitimacy of Colonial Rule", *Australian Journal of Politics and History* 54 (1), 2008
- E. Povinelli, "Settler Modernity and the quest for an indigenous tradition", *Public Culture* 11 (1) 1999. *On aborigines in Australia*
- Bob Clifford, ""Dalit Rights are Human Rights": Caste Discrimination, international Activism, and the Construction of a New Human Rights Issue", *Human Rights Quarterly* 29 (1), 2007
- R. Morgan, "On political institutions and social movement dynamics: the case of the UN and the global indigenous movement", *International Political Science Review* 28 2007 pp.273-292
- Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"* (London, 1999) http://www.hrw.org/reports/1999/india/ *On the important issue of "dalits"as the "untouchable caste" in India*.
- Benedict Kingsbury, "Reconciling Five Competing Conceptual Structures of Indigenous Peoples' Claims in International and Comparative Law", in Philip Alston, *People's Rights* (Oxford University Press, 2001). *Discussion of the problems of differing legal definitions o "indegnous", "minority", "human rights" and "self-determination".*
- Andrea Muehlebach, "What Self in Self-Determination? Notes from the Frontiers of Transnational Indigenous Activism", *Identities: Global Studies in Culture and Power* 10, 2003
- H. Quane, "The Rights of Indigenous Peoples and the Development Process", *Human Rights Quarterly* 27 (2), 2005
- Craig Scott, "Indigenous Self-Determination and Decolonization of the Intenational Imagination: A Plea", *Human Rights Quarterly* 18, 1996. *Reproduction of an intervention by the author in the working group session for elaborating a draft declaration in the UN on rights of indigenous peoples.*
- Boaventura de Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization and Emancipation* (Butterworths, 2002), pp.237-259. *Interesting critical analysis of the challenge to existing forms of politics presented by the notion of indigenous rights.*

- U.O. Umozurike, "The African Charter on Human and Peoples' Rights", *The American Journal of International Law* 77 (4), 1983. *Good overview of this historically important charter on "peoples' rights"*
- Carole Nagengast, "Women, Minorities, and Indigenous Peoples: Universalism and Cultural Relativity", *Journal of Anthropological Research* 53 (3), 1997
- K. Shaw, "Indigeneity and the International", *Millennium* 31 (1) 2002
- C. Jung, "The Politics of Indigenous Identity: Neoliberalism, Cultural Rights, and the Mexican Zapatistas", *Social Research* 70 (2), 2003

Documents:
- Māori Party, "NZ indigenous rights stance 'shameful'", www.win-hec.org/?q=node/180
- NZ Ministry of Foreign Affairs and Trade, "Explanation of Vote by HE Rosemary Banks". *Search for this at www.mfat.govt.nz*
- UN Economic and Social Council, Report of Special Rapporteur on Mission to New Zealand", 2006 http://www.converge.org.nz/pma/srnzmarch06.pdf
- *Universal Periodic Review of the NZ Government* by UN: see http://www.converge.org.nz/pma/nzupr09r.htm
- Organisation of African Unity (1981) *African (Banjul) Charter on Human and People's Rights* http://www.achpr.org/english/_info/charter_en.html
- International Labour Organisation (1991) *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*. http://www1.umn.edu/humanrts/instree/r1citp.htm
- United Nations (1993) *Declaration on the Rights of Persons Belonging to National or Ethnic, or ReligiousLinguistic Minorities* http://www1.umn.edu/humanrts/instree/d5drm.htm
- UN *Declaration on the Rights of Indigenous Peoples* http://www.un.org/esa/socdev/unpfii/en/declaration.html
- Zapatistas (EZLN) *Declarations of the Lacandon Jungle*, http://www.struggle.ws/mexico/ezlnco.html

PART 3: GLOBALISATION AS A PROBLEM FOR HUMAN RIGHTS

Week 8: Poverty and global justice

Usually, the most important human rights are understood to be negative political rights – i.e. freedom from torture, freedom from violence, freedom from arbitrary arrest. And this emphasis is reflected, for example, in the 1948 UN declaration of human rights. However, by the 1960s a political coalition, mainly from the "third world", had managed to place "economic rights" (among other issues) on the human rights agenda. This raised the possibility that the effects of poverty should be considered an affront to human rights, and by the 1980s this had become incorporated within a "right to development". The basic argument for this right was that without access to education, health care, sanitation, food, water, clothing and shelter, there could be no institutional basis for ensuring political and civil rights. Moreover, poverty denied people the right to live a dignified life, i.e. as a fully functioning member of the community. And this was seemingly backed up by statistical evidence: where are political human rights most often abused? In poor countries! Moreover, these claims prompted a further question: should rich societies redistribute some of their wealth to poor societies? And if so, do we need to organise the world economy by reference to principles of global justice"? Global poverty therefore remains a contested issue both of moral philosophy and of practical policy making.

Required readings:
- **UNDP Human Development Report 2000, ch.4**
- **Nancy Kokaz, "Poverty and Global Justice" *Ethics and International Affairs* 21 (3) 2007**
- **Thomas Nagel, "The Problem of Global Justice", *Philosophy and Public Affairs* 33 (2), 2005**

Further readings:
- Katherine Eddy, "On revaluing the Currency of Human Rights", *Centre for the Study of Social Justice Working Paper Series* SJ003, 2006. *Defence of a "welfare" approach to distributive justice*

- Simon Caney, "International Distributive Justice", *Political Studies* 49, 2001
- Louis-Edmond Pettiti & Patrice Meyer-Bisch, "Human Rights and Extreme Poverty", in Symonides, J. (ed.) *Human Rights: New Dimensions and Challenges* (Dartmouth: Ashgate, 1998)
- Pablo Gilabert, "The Duty to Eradicate Global Poverty: Positive or Negative?", *Ethical Theory and Moral Practice* 7, 2004. *A sympathetic critique of Pogge.*
- Daniel Hausman, "Are Markets Morally Free Zones?" *Philosophy and Public Affairs* 18 (4), 1989
- Philip Nel, "The Return of Inequality", *Third World Quarterly* 27 (4), 2006 *Recent review of literature on growing inequality, including some figures*
- James Nickel, "Poverty and Rights", *The Philosophical Quarterly* 55 (220), 2005. *On economic and social rights as more than just the right to "subsistence".*
- Thomas Pogge, "World Poverty and Human Rights", Ethics and International Affairs 19 (1), 2005. A summary of an influential position on distributive justice.
- Amartyi Sen, *Development as Freedom* (Oxford, 1989), ch.4 *The importance of alleviating poverty for the pursuit of human rights*
- Henry Shue, *Basic Rights, 2nd Ed* (1996), pp.131-180.
- Various responses to Nagel in *Philosophy & Public Affairs*, 34 (2), Spring 2006
- Tim di Muzio, "Silencing the Sovereignty of the Poor in Haiti ", in Bhambra and Shilliam, *Silencing Human Rights* (Palgrave, 2008)

Relative documents:
- United Nations (1966), *International Covenant on Economic, Social and Cultural Rights* http://www.ohchr.org/english/law/cescr.htm
- United Nations (1986), *Declaration on the Right to Development* http://www.unhchr.ch/html/menu3/b/74.htm
- United Nations (1995), *Copenhagen Declaration on Social Development* http://www.un.org/esa/socdev/wssd/agreements/index.html
- UNDP (2002) Human Development Report: Human Rights and Human Development (New York: UN). Available online at http://www.undp.org/hdr2000/english/HDR2000.html
- International Labour Organisation (ILO) (1998), *Declaration on Fundamental Principles and Rights at Work* http://www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE
- World Bank (2006), *World Development Report 2006: Equity and Development* http://go.worldbank.org/UWYLBR43C0
- *UN Millennium Goals*: http://www.un.org/millenniumgoals/
- Magdalena Sepúlveda Carmona, *UN Independent Expert on the question of human rights and extreme poverty*, Feb 2009 http://www2.ohchr.org/english/issues/poverty/expert/docs/IE_Extreme_Poverty_Statement_HRC.pdf

Week 9: Privatisation: Property Rights as Human Rights

Property rights have been a key issue of contestation in the debates on poverty reduction. It is often assumed by economists that private property is the natural condition of property ownership. At the very least, it is considered the most optimal form of property rights for the creation of wealth. Many commentators have even gone so far as to claim that the guarantee of private property rights in law is a crucial pillar of human rights law in general. After all if we, as individuals, can legally own property privately and absolutely, then no political interest can rob us of what is rightfully ours. However, some scholars have argued that private property is not a natural condition but one historically created with the birth of capitalism. Furthermore, they claim that the privatisation of property in many non-European countries was historically effected by colonial edict, and that this act was part of an imperial movement that effectively denied peoples and communities access to – and self-governance over – their means of livelihood. Some even say that colonialism continues in an expanded and intensified form through processes of globalisation. For nowadays, the promotion of private property rights emanates most forcefully from international institutions (such as the World Trade Organization) that charge governments with the responsibility to guarantee these rights. And if we believe that there is a "right to development" then the global privatisation of property has

either radically promoted the human rights agenda or provided a huge setback for this agenda. But then, of course, all this talk of property rights might just be a narrowly economic issue and have nothing to do with human rights at all… We investigate these issues by looking at the recent furore of the Foreshore and Seabed Act here in Aotearoa New Zealand.

Questions:
- **Is private property a necessary pillar of human rights law or part of (neo-)colonial rule?**
- **Who should property rightfully belong to?**

Required readings:
- **Hernando de Soto, "The Mystery of Capital",** *Finance and Development (IMF journal)* **38 (1) 2001**
- **Midnight Notes Collective, "The New Enclosures" 1991: www.commoner.org.uk/02midnight.pdf**
- **Maria Bargh, "Maori Development and Neoliberalism" in M. Bargh,** *Resistance: An Indigenous Response to Neoliberalism* **(Huia, 2007)**

Further readings:
- Amanda Alexander, "Rights beyond the urban-rural divide. South Africa's Landless People's Movement and the creation of a landless subject", in Shilliam and Bhambra, *Silencing Human Rights* (Forthcoming, 2008). *On the post-apartheid contestation over land reform.*
- J. Chapman, "The Human Rights Implications of Intellectual Property Protection", *Journal of International Economic Law 5 2002*
- T. Evans, "If Democracy, then Human Rights?", *Third World Quarterly* 22 (4) 2001. *Claims that democracy promotion has more to do with global economic interests than with delivering human rights to the poor and excluded.*
- T. Hayward, "Global Justice and the Distribution of Natural Resources", *Political Studies* 54 (2), 2006 *Political theory on natural resource allocation and distribution.*
- Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (1999) http://www.hrw.org/reports/1999/nigeria/
- John Locke, *Two Treaties on Government* (numerous editions), ch.5 "Of Property". *Extremely influential classical liberal philosopher on the rights of private property. Note especially the argument about "..in the beginning all the world was America".*
- Karl Marx, "On the Jewish Question" (various editions): http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm *Marx's famous argument on the limits of "bourgeois" rights and political freedom*.
- Robert Nozick, *Anarchy, State and Utopia* (various editions), ch.7. *A very influential "libertarian" philosopher on property rights.*
- Christopher Pierson, "Marxism and Rights", in M. Cowling and L. Wilde (Eds), *Approaches to Marx* (Open University Press, 1989). *Good short summary of the Marxist engagement with property and rights.*
- P. Nadasdy, ""Property" and aboriginal land claims in the Canadian Subarctic: Some theoretical considerations", *American Anthropologist* **104 (1), 2002**
- K. Bakker, "The 'commons' versus the 'commodity': alter-globalization, anti-privatization and the human right to water in the Global South", *Antipode* 39 (3), 2007
- J. Erni, "Human rights in the neo-liberal imagination", *Cultural Studies* 23 (3), 2009

Further readings on Māori and Land:
- Jane Kelsey, "Old Wine in New Bottles: Globalisation, Colonisation, Resource Management and Māori", in M. Kawharu (ed), *Whenua: Managing Our Resources* (Auckland: Reed, 2002)
- Ranginui Walker, "The Treaty of Waitangi in the Postcolonial Era", in Belgrave et al (eds), *Waitangi Revisited* (Oxord Unviersity Press, 2005) *Detailed history of Maori struggles against resource appropriation.*

- D. Keenan, "Bound to the land: Māori retention and assertion of land and identity", in E. Pawson and T. Brooking (eds) *Environmental Histories of New Zealand*, Oxford (Melbourne), 2002
- B. Coombes, "Defending community? Indigeneity, self-determination and institutional ambivalence in the restoration of Lake Whakaki", *Geoforum* 38 (2007), pp.60-72
- E. Rata, "An overview of neotribal capitalism", *Ethnologies compares* 6 2003. *Very important argument about the transformation of the "tribe" into a corporate unit. You can find this online.*
- M. Baugh, "Changing the game plan: the Foreshore and Seabed Act and constitutional change", *Kotuitui: New Zealand Journal of Social Sciences Online,* 1 (2006)

Documents on the Foreshore and Seabed Act:
- UN Committee on the Elimination of Racial Discrimination, 2007, "New Zealand". *The committee found that the NZ government was racist in its implementation of the Act*.
- Don Brash, "Nationhood" (Orewa Speech), 2004 www.onenzfoundation.co.nz/DonBrashSpeech.htm
- Moana Jackson, "Like a Beached Whale", http://aotearoa.wellington.net.nz/he/taku.htm
- *FOR AN EXTENSIVE LIST OF DOCUMENTS RELATED TO THE ACT INCLUDING THE CURRENT REVIEW SEE:*
  - **http://www.converge.org.nz/pma/fsinfo.htm**
  - **http://www.converge.org.nz/pma/fsarev.htm**

Documents:
- Ogoni *Bill of Rights* (1990) *See article above on Nigeria, Oil and Human Rights abuses* http://www.waado.org/nigerdelta/RightsDeclaration/Ogoni.html
- UN *High Commissioner for Human Rights*, "Intellectual Property and Human Rights"*, 2001: http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.SUB.2.RES.2001.21.En?Opendocument
- UN *Global Compact* (regarding business and human rights) http://www.unglobalcompact.org/
- *Waitangi Tribunal*: http://www.waitangi-tribunal.govt.nz/
- World Bank, "Pro-Human Rights Growth Policies", Oct 2006: http://www1.worldbank.org/devoutreach/october06/article.asp?id=381
- Briefing paper to the UN Special Rapporteur on the WAI262 claims to indigenous flora and fauna me o o ratou taonga katoa. http://www.pcpd.org.nz/sr/wai262.pdf

Week 10: The movement of people: migrants and refugees
Globalisation is widely understood as the free flow of goods, capital, information and people across national borders. In truth, however, only certain kinds of people can move freely, and for the vast majority of humanity migration is still fraught with significant political, social and economic obstacles. Indeed, at the same time as our world of states has apparently become globalized, immigrants to the West have become subject to increased government scrutiny and surveillance,. And additionally, the public mind-set in many Western countries has seen a return of the "fear" of the foreigner. All these issues might be compounded by the fact that, according to some observers, the world, under the forces of globalisation, has become geographically divided into "zones of life" (the EU, the US etc) and "zones of death" (Sudan, Iraq, DRC etc). These issues seriously impact on the idea of universal human rights. If illegal immigrants and asylum seekers are not "yet" citizens of the societies they reach, how can their human rights be guaranteed? The "liminal" juridical condition of these people is compounded by popular discourses in their countries of destination that see the immigrant as a "free rider", criminal, or even terrorist. Such challenges to the universal reach of human rights are especially prevalent in the EU. While the EU likes to see its ethical place in the world as the defender of human rights, it is erecting juridical and very concrete walls and fences to stem the flow of migrants.

Required readings:
- **P.A. Taran, "Human Rights of Migrants: Challenges of the New Decade",** *International Migration* **38 (6), 2000**

- **Etienne Balibar, "Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence", *Constellations* 8 (1), 2001**

Further readings:
- S. Benhabib, "The Law of Peoples, Distributive Justice, and Migrations", Fordham Law Review 72 (5), 2004 <u>On the inadequacies of theories of distributive justice that don't take migration into account.</u>
- Colin Harvey, "Dissident Voices: Refugees, Human Rights and Asylum in Europe", in *Social and Legal Studies* 9, 2000
- Erika Feller, "The Evolution of the International Refugee Protection Regime", *Journal of Law and Policy* 5 2001 <u>Good overview of the history of the UN mechanisms to protect refugees.</u>
- M. Ibrahim, "The Securitization of Migration: A Racial Discourse", *International Migration* 43 (5), 2005 <u>On the effects of the increasing linking by Western states of migrants, terrorism and crime.</u>
- V.A. Leary, "Globalization and Human Rights", in J. Symonides (ed), *Human Rights: New Dimensions and Challenges* (Ashgate, 1998)
- Randolph Persaud, "Power, Production and Racialization in Global Labor Recruitment and Supply", in Gill and Bakkar (eds), *Power, Production and Social Reproduction* (Routledge, 2003) <u>On the historical links between racism and the forging of a global labour supply for capitalism.</u>
- M. Satterthwaite, "Women migrants' rights under international human rights law", *Feminist Review* 77 2004
- Martha Scarpellino, "'Corriendo': Hard Boundaries, Human Rights and the Undocumented Immigrant", *Geopolitics* 12 2007. <u>On Mexican undocumented migrants in the USA.</u>
- R. Thomas, "Biometrics, International Migrants and Human Rights", *European Journal of Migration and Law* 7 (4), 2005
- Gwynne Dyer, "A world of walls", *NZ Herald,* 12th feb 2007 http://www.nzherald.co.nz/category/story.cfm?c_id=32&objectid=10423425
- Ian Harper and Parvathi Raman, "Less than Human? Diaspora, Disease and the Question of Citizenship", *International Migration* Vol. 46 (5) 2008
- Special issue of *International Migration* 44 (4), 2006 on the GLOBAL COMMISSION ON INTERNATIONAL MIGRATION (GCIM) REPORT
- Peo Hansen, "Post-national Europe: without Cosmopolitan guarantees", *Race and Class* 50 (4), 2009-05-28
- John Exdell, "Immigration, Nationalism, and Human Rights", *Metaphilosophy* 40 (1), 2009

Documents and Websites:
- ILO *International Migration Programme* http://www.ilo.org/public/english/protection/migrant/
- Office of the UN High Commissioner for Human Rights, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* 1990: http://www.ohchr.org/english/law/cmw.htm
- UN High Commissioner for Refugees: http://www.unhcr.org
- *UN World Conference Against Racism and Xenophobia*, 2001: http://www.un.org/WCAR/
- Various data and reports on international migration: http://www.un.org/esa/population/migration/

PART 4: THE FUTURE OF HUMAN RIGHTS

Week 11: Genocide and transitional justice
Transitional justice – associated with famous issues such as apartheid and genocide – is a novel and unprecedented attempt to deal with mass and gross violations of human rights, that is to say, it is a form of justice that attempts to come to terms with an incredibly brutal recent past from which all surviving members of groups and parties still inhabit the same society. Does a focus on justice as retribution simply lead to more inter-communal violence in the near future, or is a focus on reconciliation effectively an abdication of the pursuit of justice in order to ensure an orderly society in the short time? Who represents

the "truth" in these commissions and courts, and to what extent can the suffering represent their own experiences? Finally, what is the complicity of the international community in the successes and failures of these novel experiments in the pursuit of human rights? We look at these issues this week through the example of Rwanda's *Gacaca* courts.

Required readings:
- **Aneta Wierzynksa, "Consolidating Democracy through Transitional Justice: Rwanda's Gacaca Courts",** *New York University Law Review* **1935, 2004**
- **Barbara Oomen, "Donor-Driven Justice and its Discontents: The Case of Rwanda",** *Development and Change* **36 (5), 2005**

Further readings in general:
- Rajeev Bhargava, "Restoring Decency to Barbaric Societies", in Rotberg and Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions* (Princeton, 2000). *A political theory approach to the problems of truth commissions acting as transitional mechanisms towards lawful societies.*
- Rama Mani, "Rebuilding an Inclusive Political Community After War", *Security Dialogue* 36 (4), 2005
- Juan Mendez, "National Reconciliation, Transnational Justice, and the International Criminal Court", *Ethics & International Affairs*, Volume 15 (1), 2001. *Good article addressing the impact of the new UN mechanisms for pursuing crimes against humanity.*
- Charles Lerche, "Truth Commissions and National Reconciliation: Some Reflections on Theory and Practice", *Peace and Conflict Studies* 7 (1), 2000
- Jonathan Tepperman, "Truth and Consequences", *Foreign Affairs* 81 (2), 2002. *Overview of the limits and potentials of truth commissions.*
- M. Gibbs, "Justice as reconciliation and restoring Mana in New Zealand's Treaty of Waitangi Settlement Process, *Political Science* 58 (2), 2006
- J. Williams, "Truth, Reconciliation and the Clash of Cultures in the Waitangi Tribunal", *ANZLH E-Journal* 2005
- Erin Baines, 'The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda', *International Journal of Transitional Justice 1*, 2007
- C. Bell and C. O'Rourke, "Does Feminism need a theory of transitional justice?", *International Journal of Transitional Justice* 1 (1) 2007

Further readings on the Rwandan Genocide:
- Michael Barnett, "The UN Security Council, Indifference, and Genocide in Rwanda", Cultural Anthropology 12 (4), 1997. *A personal account of the UN's effective complicity in the genocide.*
- Human Rights Watch, "Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath", 1996: http://www.hrw.org/reports/1996/Rwanda.htm
- Mahmood Mandani, "From Conquest to Consent as the Basic of State Formation: Reflections on Rwanda", *New Left Review* 216, 1996. *An excellent historical contextualisation of the genocide.*
- Filip Reyntjens, "Post-1994 Politics in Rwanda: Problematising "Liberation" and "Democratization", *Third World Quarterly* 27 (6), 2006. *An "up-to-date"on the situation in Rwanda.*
- Peter Uvin and Charles Mironko, "Western and Local Approaches to Justice in Rwanda", *Global Governance* 9, 2003
- Erin Daly, "Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda", *New York University Journal of International Law and Politics* 355, 2002
- P. Gourevitch, *We wish to inform you that tomorrow we will be killed with our families: stories from Rwanda* (Picador, 1999)

Further readings on the South African Truth and Reconciliation Commission (TRC):
- Richard Wilson, The Politics of Truth and Reconciliation in South Africa (Cambridge University Press, 2001), ch.1

- Yazir Henri, "Reconciling Reconciliation: A Personal and Public Journey of Testifying Before the South African Truth and Reconciliation Commission", in P. Gready (ed), *Political Transition* (Pluto Press, 2003)
- Penny Enslin [and] Kai Horsthemke, "Can *ubuntu* provide a model for citizenship education in African democracies?", *Comparative Education* 40 (4), 2004
- Mahmood Mamdani, "Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa", *Diacritics* Fall-Winter, 2002. *Claims that political compromise turned into moral compromise and robbed Black South Africans of justice.*
- Fiona Ross, "Speech and silence: Women's testimony in the first five weeks of public hearings of the TRC", in Das et al. (eds), *Remaking a World: Violence, Social Suffering and Recovery* (University of California Press, 2001). *On the gendered nature of the truth hearings.*
- Paul van Zyl, "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission", *Journal of International Affairs* 52 (2), 1999. *A sympathetic assessment of the TRC*.

Documents and websites:
- The Committees of the South African TRC: http://www.doj.gov.za/trc/trccom.htm
- South African *Promotion of National Unity and Reconciliation Act*, 1995 http://www.doj.gov.za/trc/legal/act9534.htm
- *Rome Statute on the International Criminal Court:* http://www.un.org/law/icc/statute/romefra.htm
- *International Criminal Tribunal for Rwanda:* http://69.94.11.53/default.htm

Week 12: "Democracy Promotion" and the question of violence

If the recent forays of the US and its allies in promoting democracy around the world have highlighted one thing it is the tension between means and ends in foreign policy. That is to say, is it ever right – or even prudent – to use undemocratic means (e.g. intervention/invasion) for democratic ends (e.g. self-determination). In fact this problem of means and ends informs some fundamental ethical questions of political philosophy: when is it right to use violence for right? Can and should oppressed people use violence to free themselves? And does the very use of violence deny the possibility of freedom? In this last session we discuss these issues that are at the heart of the problematical relationship between social and political transformation and the protection and promotion of human rights. We will do this by examining the recent discourse among quasi-official US organisations of "democracy promotion" that commands the subordinated to use non-violent methods of change at the same time as the US state apparatus deploys violent methods in its own international relations.

Required reading:
- **Freedom House,** *How Freedom is Won: From Civic Struggle to Durable Democracy* **http://www.freedomhouse.org/uploads/special_report/29.pdf, pp.3-15**
- **Mark Beissinger, "Promoting Democracy: Is exporting revolution a constructive strategy?",** *Dissent* **Winter 2006 http://www.dissentmagazine.org/article/?article=155**
- **Elizabeth Frazer and Kimberly Hutchings, "On Politics and Violence: Arendt Contra Fanon",** *Contemporary Political Theory* **7 (2008)**

Further reading on democracy promotion:
- A. Karatnycky, "Ukraine's Orange Revolution", *Foreign Affairs* March/April, 2005
- T. Carothers, "Promoting Democracy and Fighting Terror", *Foreign Affairs* Jan/Feb,2003
- T. Carothers and M. Ottaway, *Funding Virtue: Civil Society Aid and Democracy Promotion* (Carnegie Endowment for International Peace, 2000)
- T. Carothers, *Critical Mission: Essays on Democracy Promotion* (Carnegie Endowment for International Peace, 2004)
- S. Zunes, "Nonviolent Action and Pro-Democracy Struggles", *Foreign Policy in Focus* Jan 24, 2008
- W. Robinson, "Promoting Polyarchy in Latin America: The Oxymoron of Market Democracy", http://www.soc.ucsb.edu/faculty/robinson/Assets/pdf/marketdemocracy.pdf

- W. Robinson, "What to expect from US "democracy promotion" in Iraq" *New Political Science* 26 (3), 2004
- N. Chomsky, "Democracy Promotion, Past and Present: Rhetoric and Reality", (recorded speech) http://www.hampshire.edu/cms/index.php?id=7421
- Leftwich, "Democracy and Development – Is there Institutional Incompatibility?" in *Democratization* 12 (5), 2005
- G. Crawford, "The European Union and Democracy Promotion – the case of Ghana", *European Journal of Development Research* 17 (4), 2005
- M. Cox, J. Ikenberry and T. Inoguchi, *American Democracy Promotion: Impulses, Strategies and Impacts* (NY: Oxford Uni Press, 2000)
- J. Gidin, "The battle for global civil society", 2005. http://www.venezuelanalysis.com/analysis/1186 *On Chavez.*
- J.S.Mill, *Considerations on Representative Government* (Various). *The classical liberal authority on democratic development. However, see the less commented upon ch.4: "under what social conditions is representative government inapplicable?"*

Further reading on violence and democracy:
- F. Fanon, *The Wretched of the Earth* (1963), esp. ch.1
- H. Arendt, *On Violence* (1970)
- Murphy, "Violence and the denigration of community – Between transcendental and revolutionary violence in Fanon", *Philosophy Today* 47 (5), 2003
- Presby, G. (1996) Fanon on the Role of Violence in Liberation: A Comparison with Gandhi and Mandela. In Gordon, L. Sharpley-Whiting, T and White R. *Fanon: A Critical Reader*. Oxford: Blackwell Publishers.
- King, M. 1957. *Non-violence and Racial Justice*. In James Washington ed. *A testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* San Francisco: Harper.
- Salmi, J. 1993. *Violence and Democratic Society*. London: Zed.
- Barrington Moore, *Social origins of dictatorship and democracy; lord and peasant in the making of the modern world* (Beacon Press, 1966)

Classical sources on violence and democracy:
- T. Adorno and M. Horkheimer, Dialectic of Enlightenment (Verso, various editions)
- J.A. Schumpeter, *Capitalism, Socialism and Democracy* (Various editions)
- K. Marx, *Capital Vol.1* Part 8: "So called Primitive Accumulation", (Various editions)
- E. Burke, *Reflections on the Revolution in France* (various editions)
- Kant, *The Metaphysics of Morals,* especially : "The theory of Right, part II: Public Right", (Various editions)

Reports and Websites:
- UNDP (2002) Human Development Report - Deepening democracy in a fragmented world
- National Endowment For Democracy http://www.ned.org
- Freedom House http://www.freedomhouse.org

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RESEARCH ESSAY INSTRUCTIONS

1) **You must pick your essay questions from the list provided below**. You must choose different topics for each of your research essays. If you wish to formulate your own question you MUST FIRST okay this with me.
2) The mark for your essay will be affected by the following:

a) You must use substantially (not just references in passing) at least 3 additional readings that are *not* required readings. **Failure to do so will be penalised by a deduction of 10% off your final mark.**

b) If you do not use a correct citation style with consistency **you will be deducted 10% of your final mark**.

c) If you do not adequately and correctly reference your work, **your essay will fail**.

d) If you do not provide a bibliography **your essay will fail**.

3) Instructions for **ELECTRONIC** submission are to be found on Blackboard, in the "announcements" section. Follow these instructions exactly. **I will NOT accept printed submissions.**

NOTE: the following questions posit themes that run throughout the course as a whole. You are encouraged to be imaginative. To this effect, you don't necessarily have to limit your readings to the list of any one week. Study the reading lists closely and try and make connections between various topics when you write your research essay. The additional readings are there for you as a resource for further research. However, you do not have to feel bound by these lists.

1. Do we possess inalienable rights by virtue of simply being human?
2. Does a belief in human rights require us to believe in good and evil?
3. "In order to ensure that Muslim women enjoy human rights we must eradicate the religion of Islam." Do you agree?
4. "The oppressed do not have a voice hence advocates of human rights must speak to the powerful on their behalf." Discuss.
5. "International Non Governmental Organizations are tools of Western imperialism." Discuss.
6. Why are human rights so contested within the UN system?
7. Are states morally significant entities?
8. Should the international community have intervened in Myanmar in order to provide humanitarian relief to the victims of cyclone Nargis?
9. Outline some of the key challenges to state sovereignty posed by the indigenous rights movement.
10. Does the land have human rights?
11. Can human rights exist without the right to private property?
12. "Only rich people can fully enjoy their human rights". Do you agree?
13. "Rather than talk of human rights we should talk of human dignity". Discuss.
14. "Human rights should really be called citizen's rights." Discuss.
15. Which form of justice is most appropriate for addressing gross abuses to human rights: reconciliatory or retributive?
16. "Sometimes violence is a necessary means through which to pursue justice." Do you agree?