INTL190: Human Rights in Action

Prof. Shafir
Course REQUIREMENTS!!! - I

a. Human rights consultants
b. 3 books: Goodhart – frame
c. Becker - warp
d. Brysk - weft
Course REQUIREMENTS!!! - II

e. Seminar paper (research & class presentation & evaluation of human rights campaign)
f. Class participation!
g. Extra credit
What Is a Right?

• A depoliticized & decommodified legal entitlement (an ace)
Why are Human Rights so Powerful at this Moment in History?

a. Our age’s most potent ethical & emancipatory script that has a remarkable capacity for growth
b. Exhaustion of prior universalist promises
c. A proper legal framework for a globalizing world
d. Progress creates a ‘standard of civilization’
e. Rights reframe suffering as a modern problem
f. Democratic, bottom-up, mobilization
Rights Traditions & Their Relationship

a. Citizenship (starting in Greek polis).
b. Human rights (disagreement over its origins & scope, but it is a modern invention).
c. Humanitarian protections (1863-ICRC).
Major characteristics of Human Rights (Goodhart & Langlois) I

I. The Modernity of Human Rights
   a. Antecedents (religious, medieval, aristocratic privileges)
   b. The Enlightenment (natural rights)
   c. Abolition of torture, abolition of slavery, laws of war, minority & labor rights.
Major characteristics of Human Rights (Goodhart & Langlois) II

II. Human Right as a Political Invention
a. From supernatural (divine) to contractual natural rights
b. Normative claims or legal positivism (higher justifications & ethic of care)
c. Rights challenge domination & hierarchy
d. Claiming rights constitute people as political subjects
Major characteristics of Human Rights (Goodhart & Langlois) III

III. The Revolutionary Character of Human Rights

a. The “Age of Rights”

b. The moral standard for assessing political legitimacy

c. Partial and incomplete implementation
Critiques of Human Rights I

a. Conservative critique:
   Edmund Burke – breaks with tradition

a. Liberal critique: Jeremy Bentham – reform existing laws

b. Communists: Karl Marx – are limited to bourgeois rights
Critiques of Human Rights II

e. Cultural relativists: Western-centered & potentially imperialist

BUT

i. Born out of the crisis of the West & is sum total of humanity’s learning from its history.

ii. Self-serving objections by authoritarian & religious leaders. (G:19)
Types of rights

- a. Types of rights: negative (liberal, in particular physical integrity) & positive (enabling or welfare)
- b. generations of rights (Karel Vasak)
- b. Indivisibility of rights
- c. Individual & group rights
Why are human rights violated? (Cardenas)

a. Exclusionary ideologies to marginalize groups
b. National-security doctrines
c. Socio-economic privileges & interests
How can human rights violations be prevented? (Cardenas)

a. Most effective protection is democracy (formal & substantive)
b. Internalization of HR – spiral mode of human rights change
c. Naming & shaming
d. Legal reform of international human rights
e. Strategies + causes = HR campaigns (G:85)
International Law (Smith)

a. Declarations & conventions (treaties)
b. Treaty reservations & derogations
c. ‘Soft law’
International Institutions (Smith)

a. The United Nations General Assembly
b. UN primary monitoring & enforcement bodies - Human Rights Council & rapporteurs
c. UN secondary monitoring bodies - treaty bodies & International Criminal Court (in The Hague)
d. Regional & national monitoring
Brysk’s theory of rhetoric for political mobilization (a weapon of the weak) I

a. The power of communicative appeals (persuasive rhetoric, social imaginary), though it is just one determinant of success

b. Attempts by abusive regimes to ban, subvert & contest human rights campaigns testifies to their potency
Brysk’s theory of rhetoric for political mobilization (a weapon of the weak) II

c. Constructing solidarity through socialization & empathy

d. Appeal to hearts & minds

e. Rhetoric & narrative