

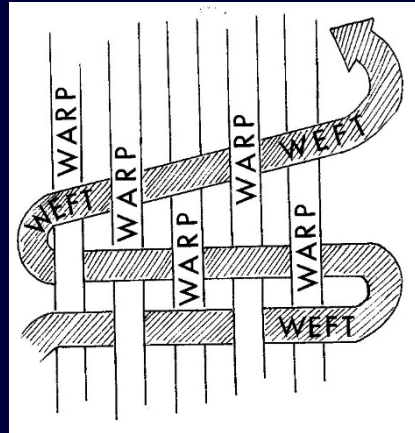


INTL190: Human Rights in Action

Prof. Shafir

Course REQUIREMENTS!!! - I

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



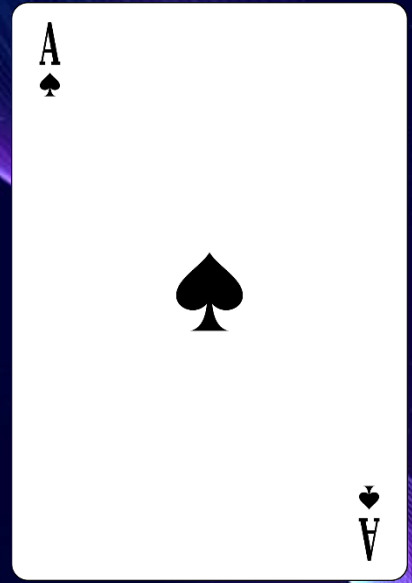
Course REQUIREMENTS!!! - II

- e. Seminar paper (research & class presentation & evaluation of human rights campaign)
- f. Class participation!
- g. Extra credit



What Is a Right?

- A depoliticized & decommmodified 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

- Antecedents (religious, medieval, aristocratic privileges)
- The Enlightenment (natural rights)
- Abolition of torture, abolition of slavery, laws of war, minority & labor rights.



The Declaration of the Rights of Man and of the Citizen (Aug 26, 1789)

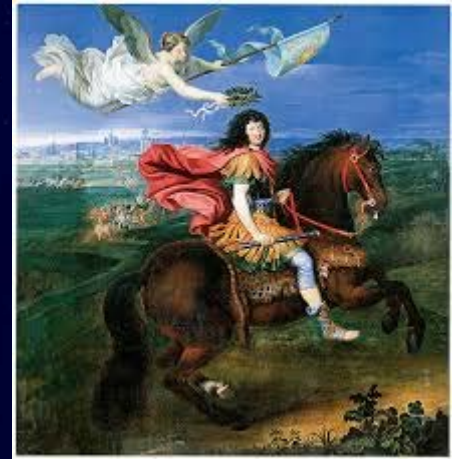


- 5 rights stated in the Declaration of the Rights of Man.
- men are born and remain equal before the law
 - Freedom of speech, press, and religion
 - Right to take part in government
 - Right to hold public office
 - Right to a fair trial

Major characteristics of Human Rights (Goodhart & Langlois) II

II. Human Right as a Political Invention

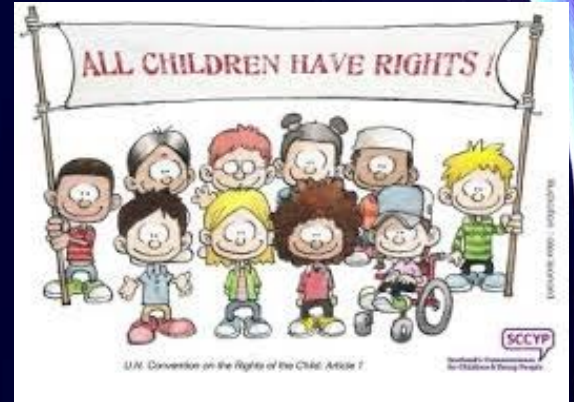
- a. From supernatural (divine) to contractual natural rights
- b. Normative claims or legal positivism (higher justifications & ethic of care)
- c. Rights challenge domination & hierarchy
- d. Claiming rights constitute people as political subjects



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



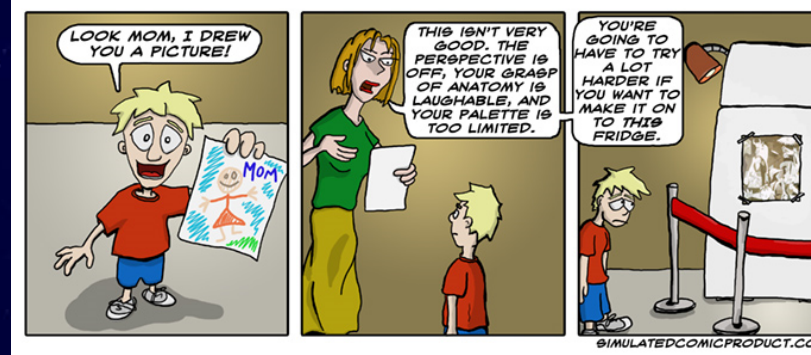
Critiques of Human Rights I

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

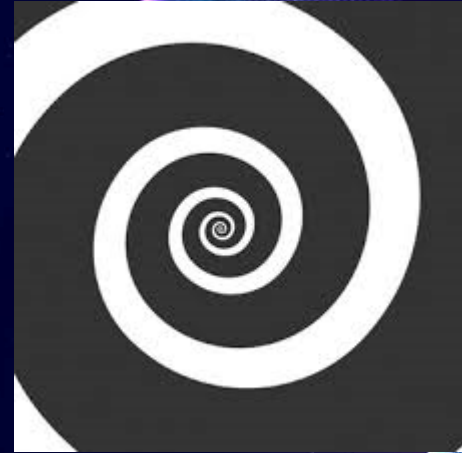


Why are human rights violated? (Cardenas)

- 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

