

University of California at Berkeley

Power, Culture and Human Rights

Spring 1999 - CCN: 47259
ISA 250
460 Stephens Hall
Tuesday 9-12

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The discourse of human rights is increasingly becoming one of the most globalized values of our times, yet by no means does this resolve numerous tensions and contradictions embodied in various political contexts where rights talk is central. This course will attempt to examine recent poststructuralist and feminist theoretical works on the politics of rights in a manner which moves beyond traditional liberal interpretations of rights. Until recently much of the discussion of the 'universality' of rights was influenced by natural law theorists or legal positivism with little engagement with recent writing on 'culture' from anthropology or cultural studies which have moved beyond reified notions of 'culture' and have been heavily influenced by Foucaultian conceptualizations of power. Liberal discussions of rights have tended to view rights as trumps to political argument as one theorist has described it. Through an engagement with recent theoretical works in anthropology, critical theory, and feminist theory this course will attempt to come to a more nuanced understanding of the politics of human rights and a discussion of the limits of rights within various political struggles where rights have become central to political discourse. The course will ask questions such as the following: How does rights talk become constitutive of identities? How is 'culture' invoked in specific political contexts where rights struggles are central and what are the effects of these discourses? What are the effects of particular constructions or understandings of the 'state' and 'civil society'? As social scientists, what are other ways to think theoretically about the state in relation to particular human rights movements? Bringing the critiques of liberalism to human rights debates how does one re-examine the experience of truth and reconciliation commissions and war crimes tribunals which are increasingly playing a major role in post-conflict situations? 'Civil Society' has become a central keyword in human rights discourses yet rarely is the concept problematized---therefore we will examine recent work by philosophers and social scientists on the politics of the usage of the term to better understand the discursive effects of its evocation. How have policy-makers, human rights activists and diplomats understood or constructed ethnic conflicts and 'solutions' and what are the contradictions in these policies which often reinscribe nationalist agendas? Can Foucault's writings on liberalism which contain an indirect criticism of rights discourses inform human rights debates of the present as well as activist politics? These are just some of the debates we will address in this seminar.

Course Requirements:

A 20 page term paper and weekly participation in discussions are the core requirements. Each week will also be facilitated by 1-2 students.

Reader Available at Metro Publishing 2440 Bancroft Way

Week 1: January 19

Introduction and Overview of Seminar

Week 2: January 26

Beyond Universalism vs. Relativism

- Preis, Ann-Belinda (1996). "Human Rights as Cultural Practice: An Anthropological Critique." *Human Rights Quarterly*, 18:286-315.
- Wilson, Richard (1997). *Human Rights, Culture and Context: An Introduction*. p.1-27.
- "Representing Human Rights Violations: Social Contexts and Subjectivities," p. 134-160. In Wilson ed. *Human Rights, Culture and Context. Anthropological Perspectives*. Pluto Press, London.
- Eriksen, Thomas Hylland (1997). "Multiculturalism, Individualism and Human Rights: Romanticism, the Enlightenment and Lessons from Mauritius." p. 49-69, In Wilson, ed. *Human Rights, Culture and Context*.
- Gledhill, John (1997). "Liberalism, Socio-Economic Rights and the Politics of Identity: From Moral Economy to Indigenous Rights." p. 70-110, in Wilson, ed.

Week 3: February 2

Identities, Politics and Rights

- Austin Sarat and Thomas Kearns, eds. (1997). *Identities, Politics and Rights. Amherst Series in Law, Jurisprudence, and Social Thought*. University of Michigan, Ann Arbor.
Following chapters:
 - Sarat and Kearns (Editorial Introduction). p. 1-20.
 - Cornell, Drucilla - "Bodily Integrity and the Right to Abortion." p. 21-84.
 - Comaroff, John - "The Discourse of Rights in Colonial South Africa: Subjectivity, Sovereignty, Modernity." p.193-238.
 - Kristie McClure - "Taking Liberties in Foucault's Triangle: Sovereignty, Discipline, Governmentality, and the Subject of Rights." p.149-192.

Week 4: February 9

Identities, Politics and Rights (cont.)

- Brown, Wendy (1995). Freedom and the Plastic Cage (p.3-29), and Wounded Attachments (p.52-76), Chap. 5 Rights and Losses (p.96-134). In *States of Injury. Power and Freedom in Late Modernity*. Princeton University Press, Princeton.
- Scott, Joan (1996). Only Paradoxes to Offer. French Feminists and the Rights of Man. Harvard University Press. Chapters 1 (Rereading the History of Feminism), 3 (The Duties of the Citizen: Jeanne Deroin in the Revolution of 1848), 6 (Citizens but not Individuals: The Vote and After)

Week 5: February 16

Democracy, Rights and Capitalism

- Lefort, Claude (1988). *Democracy and Political Theory*. Polity Press, Cambridge.
- Following Chapters:
 - The Question of Democracy (p.9-20),
 - Human Rights and the Welfare State (p. 21-44).
- Etienne Balibar (1994). "What is a Politics of the Rights of Man?" In *Masses, Classes and Ideas*. Routledge, NY. (p. 205-226)
- Keenan, Thomas (1997). "The "Paradox" of Knowledge and Power: Foucault on Bias." In *Fables of Responsibility. Aberrations and Predicaments in Ethics and Politics*. Stanford University. (p.134-174)

- Cheah, Pheng (1997). "Posit(ion)ing Human Rights in the Current Global Conjuncture." *Public Culture*, 9:233-266.

Week 6: February 23

State and Civil Society (Theory and History)

- Kumar, Krishan (1993). "Civil Society: an inquiry into the usefulness of an historical term." *British Journal of Sociology*, 44 (3):375-395.
- Mitchell, Timothy (1991). "The Limits of the State: Beyond Statist Approaches and Their Critics." *American Political Science Review*, 85(1):77-96.
- Abrams, Philip (1988). "Notes on the Difficulty of Studying the State." *Journal of Historical Sociology*, 1(1):58-89.
- Taylor, Charles (1990). "Modes of Civil Society." *Public Culture*, 3(1).
- Chatterjee, Partha (response to Taylor)

Week 7: March 2

State and Civil Society (cont.)

- Hardt, Michael (1995). "The Withering of Civil Society." *Social Text*, 14(4)
- Luke, Timothy (1996). "Governmentality and contragovernmentality: rethinking sovereignty and territory after the Cold War." *Political Geography*, 15(6/7).
- Verdery, Katherine (1996). "Civil Society or Nation? "Europe" in the Symbolism of Postsocialist Politics." In *What Was Socialism and What Comes Next?* Princeton University Press, Princeton.
- Dagnino, Evelina (1998). "Culture, Citizenship, and Democracy: Changing Discourses and Practices of the Latin American Left." In *Alvarez et al. Cultures of Politics, Politics of Cultures. Re-visioning Latin American Social Movements.* Westview Press, Boulder.
- Fisher, William (1997). "Doing Good? The Politics and Antipolitics of NGO Practices." *Annual Review of Anthropology*, 26:439-64.

Week 8: March 9

Critical Legal Theory and Race

- Williams, Patricia (1991). *The Alchemy of Race and Rights. Diary of a Law Professor.* Harvard University, Cambridge.

Week 9: March 16

Violence, Identity and Rights

- Campbell, David (1998). *National Deconstruction. Violence, Identity and Justice in Bosnia.* University of Minnesota, Minneapolis.

Week 10: March 23

Memory and Justice

- Osiel, Mark (1997). *Mass Atrocity, Collective Memory and the Law.* Transaction Press, New Brunswick, NJ.

Week 11: April 5

Suggested Topic: Gender, Nationalism and Human Rights

suggested text:

- Taylor, Diana (1997). *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"* Duke University, Durham.

Week 12: April 12

Open

Week 13: April 19

Open

Week 14: April 26

Open

Week 15: May 2

Summary and Conclusion