

Massachusetts Institute of Technology

The History of Human Rights

21H.916, Fall 1999, MW 2:30-4, 3-0-9

Professor Lora Wildenthal
E51-188
Tel: 3-7895
Office Hours: MW 9-II, Tue 5-6
E-mail: wilden@mit.edu

Human rights organizations are gaining an unprecedented amount of attention and credibility among people and governments. While universal human rights may seem timeless, they have a long and checkered political and philosophical history. In this class, we will explore that history through anthropology and legal philosophy as well as through historical case studies of individual states and human rights organizations. Our main questions will be how a powerful rhetoric of human rights has developed, who has spoken on its behalf (and who has been heard), and how human rights claims have intersected with existing political, institutional, and legal structures. Students will undertake independent research on an issue, location, and period of their choosing.

This subject is a seminar that meets twice a week.

Subject goals and requirements

The main goal of this subject is to read together. Almost all classroom meetings will be discussions of assigned readings, with the goals of clarifying their contents, raising questions about them, and sharing ideas regarding our own ongoing projects. To facilitate comprehension and discussion, each week students will receive, or will be asked to develop 1-3 **questions on the reading** for the following week. Responses or questions of a few sentences to a paragraph or two are to be turned in by email by midnight before the day on which the readings are to be discussed. Students will probably wish to bring copies of their responses to class, for their own reference. Because reading is the main goal, there is plenty of it; however, most of the texts are written in an engaging style, and reading assignments are shortened or eliminated immediately before students' writing assignments fall due. **Students' weekly answers to questions on readings will be the basis for 40% of the subject grade.**

The second most important goal of this subject is to analyze some aspect of human rights practice at any point in the past that is of interest to each student. Therefore, the topic of the **final paper** (15-25 pages) is open. The paper may be organized around a human rights theme (e.g., women's rights, torture, political imprisonment, death penalty), an organization (e.g., The Hague tribunal, Amnesty International, Human Rights Watch), or the human rights history of a given country, or any combination of these. Probably Web research will be useful; however, print versions of any document should be cited wherever possible. Students will be asked over the course of the semester to produce a **paragraph-long proposal with some bibliography**, a **full draft** that one or more other students will read, and a **final version**. Each one of these items should be as carefully written as possible, representing the student's best effort at that point in the project. While the choice

and analysis of the topic will be independent, students and professor will cooperate in producing final versions through trading papers and through class presentations and discussion of research and writing. In addition, it is expected that students will draw upon assigned readings and discussions from class meetings, as relevant, in their papers. **Students' independent research paper, including proposal, draft, and cooperative work on other students' papers, will be the basis for 40% of the subject grade.**

Since this subject accords the Nuremberg War Crimes Trials a central role in the recent development of human rights discourse, a third goal is to gain better knowledge of these trials and the debates they have engendered. On the basis of assigned reading and on the primary sources produced by the trials, students will write a **midterm exercise** (5-10 pages) for which they choose a defendant and develop either a prosecution or defense statement on the basis of ideas of law and human rights at the time. **The midterm exercise will be the basis for 10% of the subject grade.**

To reward those students who contribute to class discussion through regular attendance, **general participation will be the basis for 10% of the subject grade.**

Deadlines for major assignments are in italics below. Anything late will receive a lower grade.

Books available for purchase at the Coop and on reserve at Hayden, in the order in which we will read them, with non-sale prices as of June 1999 on amazon.com as a guide to their cost:

- Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families. Stories from Rwanda* (New York: Farrar Straus and Giroux, 1998). ISBN 0-374-28697-3, \$25
- Paul Gordon Lauren, *The Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 1998). ISBN 0-812-21521-4, \$29.95
- Michael R. Marrus, *The Nuremberg War Crimes Trial. 1945-46. A Documentary History* (New York: St. Martin's, 1997). ISBN 0-312-13691-9, \$11.95
- David Brion Davis, *Slavery and Human Progress* (rpt. New York: Oxford University Press, 1986). ISBN 0-195-03733-2, \$17.95
- John Hutchinson, *Champions of Charity. War and the Rise of the Red Cross* (Boulder: Westview, 1996). ISBN 0-8133-3367-9, \$23

Articles or chapters available for purchase as a photocopied packet from the Copy Technology Center (11-004) and on reserve in the original at Hayden, in the order in which we will read them:

- John W. Dower, *Embracing Defeat. Japan in the Wake of World War II* (New York: W. W. Norton, 1999), Ch. 15.
- Omer Bartov, "Defining Enemies, Making Victims: Germans, Jews, and the Holocaust," *American Historical Review*, vol. 103, no. 3 (August 1998), pp. 771-816.
- Paul Miller, Samuel Moyn, Vinay Lal, Omer Bartov, "Forum Essay: Responses," *American Historical Review*, vol. 103, no. 4 (October 1998), pp. 1178-1194.
- Peter Novick, "Holocaust Memory in America," in *The Art of Memory. Holocaust Memorials in History*, ed. James E. Young (New York and Munich: Prestel, 1994), pp. 158-165.
- Lata Mani, "Contentious Traditions. The Debate on *Sati* in Colonial India," in *Recasting Women. Essays in Indian Colonial History*, ed. Kumkum Sangari and Sudesh Vaid (New Brunswick: Rutgers University Press, 1990), pp. 88-126.
- John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon, 1980), pp. 23-25, 198-230, 260-296
- H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon, 1961), pp. 181-207.
- Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977), pp. vii-xv, 184-205.
- Richard A. Wilson, "Human Rights, Culture and Context: An Introduction," in *Human Rights, Culture and Context. Anthropological Perspectives*, ed. idem (London: Pluto Press, 1997), pp. 1-18, 24-27.
- Joanne R. Bauer and Daniel A. Bell, "Introduction," in *The East Asian Challenge for Human Rights*, ed. Joanne R. Bauer and Daniel A. Bell (New York: Cambridge University Press, 1999), pp. 3-23.

The following article will be provided in class as a handout:

- C. Douglas Lummis, "Time to Watch the Watchers. United Nations' War Crimes Powers," *The Nation*, vol. 259, no. 9 (26 September 1994), pp. 302ff.

The following article is available free through www.jstor.org, a service on the MIT Libraries website. All students should print out their own copy, if possible (printing is a little tricky):

- Susan Pedersen, "National Bodies, Unspeakable Acts: The Sexual Politics of Colonial Policy-making," *Journal of Modern History*, vol. 63, no. 4 (December 1991), pp. 647-680.

The following articles are not in the photocopied packet because not everyone is expected to read all of them. They are all on reserve at Hayden; also, copies are available for lending at the professor's office. Students will read:

- Sally Engle Merry, "Legal Pluralism and Transnational Culture: The *Ka Ho'okolokolonui Kanaka Maoli* Tribunal, Hawai'i, 1993," in *Human Rights, Culture and Context. Anthropological Perspectives*, ed. Richard A. Wilson (London: Pluto Press, 1997), pp. 28-48.
- Richard A. Wilson, "Representing Human Rights Violations: Social Contexts and Subjectivities," in *Human Rights, Culture and Context. Anthropological Perspectives*, ed. idem (London: Pluto Press, 1997), pp. 134-160.

or

- Christine Walley, "Searching for 'Voices': Feminism, Anthropology, and the Global Debate over Female Genital Operations," *Cultural Anthropology*, vol. 12, no. 3 (August 1997), pp. 405-438.

and students will read:

- Norani Othman, "Grounding Human Rights Arguments in Non-Western Culture: *Shari'a* and the Citizenship Rights of Women in a Modern Islamic State," in *The East Asian Challenge for Human Rights*, ed. Joanne R. Bauer and Daniel A. Bell (New York: Cambridge University Press, 1999), pp. 169-192.

or

- Jale Ahmadi, "Women Between Feminism and Fundamentalism: On the Road," unpublished manuscript

Course Outline

Week 1 Recent history: Kosovo

Wednesday, 8 September

Introduction to class and discussion of Kosovo

Week 2 Recent History: Rwanda

Monday, 13 September

Gourevitch, *We wish to inform you that tomorrow we will be killed with our families*, pp. 3-241

(Class writes questions)

Wednesday, 15 September

Gourevitch, *We wish to inform you that tomorrow we will be killed with our families*, pp. 242-353

(Class writes questions)

Week 3 A Survey of the History of Human Rights

Monday, 20 September

Lauren, *The Evolution of International Human Rights*, chs. 1-4

(LW writes questions)

Wednesday, 22 September

Lauren, *The Evolution of International Human Rights*, ch. 5

(LW writes questions)

Week 4

Monday, 27 September

Lauren, *The Evolution of International Human Rights*, chs. 6-8;

(LW writes questions)

Wednesday, 29 September

In-class discussion: The specifics of human rights violations under Nazism; Using the records of the Nuremberg Trial for the midterm project

Friday, 1 October

Paragraph-long proposal, with some bibliography, for final project due at 5:00 p.m.

Week 5 The Holocaust and Nuremberg Trial

Monday, 4 October

Marrus, *The Nuremberg War Crimes Trial*, 1-148

(Class writes questions)

Wednesday, 5 October

Marrus, *The Nuremberg War Crimes Trial*, 149-260

(Class writes questions)

Week 6 The Holocaust and Nuremberg Trial; The Legacies of the Nuremberg Trial

Monday, 11 October

NO CLASS

Wednesday, 13 October

Dower, *Embracing Defeat*, Ch. 15

Lummis, "Time to Watch the Watchers. United Nations' War Crimes Powers"

(LW writes questions)

Week 7 The Legacies of the Holocaust and Nuremberg Trial, continued

Monday, 18 October

Bartov, "Defining Enemies, Making Victims"

Miller, Moyn, Lal, Bartov, "Forum Essay: Responses"

Novick, "Holocaust Memory in America"

(Class writes questions)

Wednesday, 20 October

No class meeting; individual meetings in special office hours

Friday, 22 October

Midterm paper due at 5:00 p.m.

Week 8 Antecedents of Today's Human Rights Discourse, Part I: Slavery and Antislavery

Monday, 25 October

Davis, *Slavery and Human Progress*, pp. xiii-226

(Class writes questions)

Wednesday, 27 October

Davis, *Slavery and Human Progress*, pp. 227-320

(Class writes questions)

Week 9 Antecedents of Today's Human Rights Discourse, Part II: War and Humanitarianism

Monday, 1 November

Hutchinson, *Champions of Charity*, pp. 1-201

(LW writes questions)

Wednesday, 3 November

Hutchinson, *Champions of Charity*, pp. 202-355

(LW writes questions)

Week 10 Antecedents of Today's Human Rights Discourse, Part III: Colonialism and Social Reform

Monday, 8 November

Mani, "Contentious Traditions"

(LW writes questions)

Wednesday, 10 November

Pedersen, "National Bodies, Unspeakable Acts: The Sexual Politics of Colonial Policy-Making"

(LW writes questions)

Week 11 Work on Student Papers

Monday, 15 November

Paper drafts due in class, read someone else's there

Wednesday, 17 November

Make short presentation on the paper you read and on what you plan to do for your own paper.

Week 12 Disciplinary Perspectives on Human Rights: Philosophy and Law

(What is a right? A human right? What is law? Haven't you been wondering?)

Monday, 22 November

Finnis, *Natural Law and Natural Rights*, pp. 23-25, 198-230, 260-296

(LW writes questions)

Wednesday, 24 November

Hart, *The Concept of Law*, pp. 181-207.

Dworkin, *Taking Rights Seriously*, pp. vii-xv, 184-205.

(LW writes questions)

Since this is the afternoon before Thanksgiving, we won't hold class, but you should email answers to my questions sometime before Monday, 29 November.

Week 13 Disciplinary Perspectives on Human Rights: Anthropology and the Example of the "Asian Values" Debate (What is culture?)

Monday, 29 November

All students read:

Wilson, "Human Rights, Culture and Context: An Introduction"

Students choose between:

Sally Engle Merry, "Legal Pluralism and Transnational Culture"

Richard A. Wilson, "Representing Human Rights Violations"

or

Christine Walley, "Searching for 'Voices'"

(Class writes questions)

Wednesday, 1 December

All students read:

Bauer and Bell, "Introduction"

Students choose between:

Othman, "Grounding Human Rights Arguments in Non-Western Culture"

or

Ahmadi, "Women Between Feminism and Fundamentalism"

(Class writes questions)

Week 14 Final papers

Monday, 6 December

Students present their own papers and bring copies of their penultimate drafts to exchange

Wednesday, 8 December

Students critique each other's drafts of final papers

Thursday, 9 December

(last day of classes) -- Papers due at 5:00 p.m.

There is no final exam.