

University of California Berkeley

Cultural Relativism and Human Rights

Spring 97 - Anthropology 250
2224 Piedmont Ave., Rm 15
Wed. 2-4

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From corporate abuses to domestic violence, from global international policy to disciplinary micro-techniques of power, from "ethnic cleansing" to genetic engineering, from hunger to development, from nuclear war to psychological torture, from institutionalized racism to popular justice, from artificial conception to medicalized dying, from mutilation to rape, from private property to economic pillage, from language to law, from sexual discrimination to the punishment and institutionalization of "deviance," human rights considerations are deeply embedded in every area of human action. Offsprings of a liberal western ideology (at least in their hegemonic form), human rights are the stuff of conflict. One possible way of assessing these controversies is through the careful exploration of the deep divide between universalist and cultural relativist perspectives. If heated debates surrounding the nature and of human rights have always been present since their inception, the current critique of western ideologies as depositaries of universal and positive truths has truly opened up multitude of spaces for the articulation of alternative discourses and practices from a wide range of locations. Still, these controversies shouldn't be oversimplified as a clear cut political and ideological struggle between first, second and third world nation-states. Both universalism and cultural relativism have been recklessly abused for political and economic reasons on all sides of the isle. Feminists, sexual and ethnic minorities, refugee "communities" and subaltern groups of every nature struggling for survival in civil societies around the world frequently challenge the validity of policies originated in institutions of power either in the West or in the East. In turn, consensus among these subaltern social agents in terms of the definition and implementation of human rights in both local and global contexts are not always forthcoming.

Within this framework, this course is an attempt to map out the limits of both universalistic and relativistic standpoints in the light of recent debates in the social sciences. In order to create a common language for the discussion, the first two weeks of the course analyze both the philosophical foundations of human rights and some modern controversies that are taking place within the field. The next two weeks deal with developments within the discipline of anthropology, where the notion of cultural relativism has found one of its most characteristic niches. While sometimes bitter debates on the pertinence of notions like "psychic unity of mankind" or cultural relativism and determinism are a trademark of the discipline, anthropologists have been, for many years, hardly present in both the theoretical debates on rights and the actual implementation of human right policies. In the third week we will explore the highlights of debates on human rights and ethics in the discipline, from Herskovit's famous rejection of the possibility of universal human rights (the official position of the AAA in 1947, which inaugurated a tradition of disengagement of anthropology from human rights debates), to the institutional controversies of the 70s, where the AAA raged over the collaboration of certain anthropologists in US counterinsurgency operations in

Thailand. In week four, the discussion will shift to recent developments in anthropology regarding the concept of culture and the uses by anthropologists and non-anthropologists of "anthropologizing" discourses to either erase or de-politize human rights issues. This session also includes samples of new voices from within anthropology reclaiming a space in debates on ethics and human rights, as the discipline engages in self-criticism and shifts its priorities.

The course then engages a series of issues where the ambiguities or "gray areas" contained in the controversies on the universalism cultural relativism of human rights can be spelled out. From the level of international relations to the phenomenological experience of human right abuses, this itinerary will lead the class through the following issues: the "orientalism" of human rights and the political implications of recent debates between universalist positions and challenges articulated from Muslim fundamentalist and Asian perspectives; the contribution of feminist perspectives to a critique of human rights (including demands for the recognition of feminine spaces of rights), as well as the debates between first and third world feminist scholars; the importance of rethinking the body as the fundamental locus of disciplinary techniques and human right abuses; how the structural entanglements characteristic of some forms of lack of human rights, like in cases of everyday violence, might challenge the categories "victim" and "perpetrator" as absolute, universal modes of human action; the nightmares, oblique traces and silences left by human rights abuses in the memories of individuals and groups, and the nature and textures of what Culberston calls "survivor's knowledge;" the crucial issue of the aftermath of human right abuses, particularly regarding the recovery and healing of trauma, rooted in local meanings and therapies; the articulation of alternative legal spaces, in situations of legal pluralism, as a step forward in the democratization of societies; the importance of rethinking civil society and concepts of citizenship to catch up with the growing flow of peoples across the globe, with a particular emphasis on the controversies around refugee issues; and the debates on the impact of multinational corporations in the improvement or infringement of human rights, and the nature of "corporate cultures" and the idea of corporations as "moral persons."

There is a crucial question running throughout the course: the articulation of relevant role for humanists interested in the definition and negotiation of human rights not just in theory but also on the ground. From the unspeakable phenomenological trauma of genocidal violence to the international legalist languages of "condemnation," "truth" and "reconciliation," in this long and complex chain of political and existential predicaments, is there a space in which a new critical humanism can be significant? Is it condemned to irrelevance?

Course Assignment: Students will be responsible for introducing and facilitating discussions on the readings each week. A sign-up sheet will be circulated for students to choose which weeks they would like to lead the discussion. A final paper at least 20 pages long will be the main assignment for the course. For this course we will permit group papers provided that a maximum of 2-3 authors participate. A paper proposal will be required after approximately the first month of class, date to be announced.

In addition to the lectures we will be having several guest speakers throughout the course. Some of these lectures may be outside of the scheduled time, but students should make every effort to attend. We will also be periodically viewing selected videos and documentaries related to the course content. If possible, we will arrange a time when all class participants can attend.

Syllabus

Week 1

Introduction to the Universalism vs. Relativism Debate and Foundations of Human Rights

- Locke, John (1690). "Second Treatise of Government." In *The Human Rights Reader*. (1989). Ed. by Walter Laqueur & Barry Rubin, Meridian Books, NY.
- Mill, John Stuart (1862). "Essay on Liberty." Ibid.
- Kant, Immanuel (1792). "On the Relationship of Theory to Practice in Political Right."
- Buckle, Stephen (1993). "Natural Law." In Peter Singer, ed. *A Companion to Ethics*. Basil Blackwell, London. pp.161-174.
- "The French Declaration of the Rights of Man and Citizen" (1789).
- Buckle, Stephen (1993). "Natural Law." In Peter Singer, eds. *A Companion to Ethics*. Blackwell Companions to Philosophy, London.
- O'Neill, Onora (1993). "Kantian Ethics." In Peter Singer, eds. *A Companion to Ethics*. Blackwell Companions to Philosophy, London.
- Weston, B.H. (1992). International Human Rights: Overview, pp.14-31. In Claude and B.H. Weston, ed. *Human Rights in the World Community: Issues and Actions*. University of Pennsylvania Press, Philadelphia, PA.
- Blackstone, William (1970). "Human Rights and Human Dignity." In *Human Dignity. This Century and the Next. An Interdisciplinary Inquiry into Human Rights, Technology, War and the Ideal Society*. Gordon and Breach, NY. pp. 3-39.
- Maduagwu, (1988). *Ethical Relativism versus Human Rights*. (selected chapters)

Recommended:

- Rosenbaum, Alan (1980). The Editor's Perspective on the Philosophy of Human Rights. In Rosenbaum, ed. *The Philosophy of Human Rights. International Perspectives*. Greenwood Press, Westport, CN. pp. 1-42.

Week 2

Ethical & Cultural Relativism and Contemporary Challenges to the Foundations of Human Rights

- Donnelly Jack (1989). "Cultural Relativism and Universal Human Rights." *Human Rights Quarterly*, pp. 400-419.
- An-Naim, Abdullahi (1994). "What Do We Mean by Universal?" *Index on Citizenship*, 4/5:120-128.
- Rorty, Richard (1993). "Human Rights, Rationality, and Sentimentality." In Shute & Hurley, eds. *On Human Rights*, Oxford Amnesty Lectures 1993. Basic Books, NY. pp. 111-134.
- Lyotard, Jean-Francois (1993). "The Other's Rights." In Shute & Hurley, eds. *On Human Rights*. Oxford Amnesty Lectures 1993. Basic Books, NY. pp. 135-149.
- Freeman, Michael (1994). "The Philosophical Foundations of Human Rights." *Human Rights Quarterly*, 16:491-514.
- Said, Edward (1993). "Nationalism, Human Rights and Interpretation." In Barbara Johnson, ed. *Freedom and Interpretation*. Amnesty/Oxford Lecture Series 1992, Basic Books, NY. pp. 175-206.
- Wallerstein, Immanuel (1995). "The Insurmountable Contradictions of Liberalism: Human Rights and the Rights of Peoples in the Geoculture of the Modern World System." *South Atlantic Quarterly*, Fall, 94:4,1161-1177
- Pannikar, Raimundo (1982). "Is the Notion of Human Rights a Western Concept?" *Diogenes*, 120, Winter, 75-102.
- Joy, James (1996). "Erasing the Spectacle of Racialized State Violence." In Joy (1996). *Resisting State Violence. Radicalism, Gender & Race in US Culture*. University of Minnesota Press.

Recommended:

- Johnson, Barbara (1993). Introduction to *Freedom and Interpretation*, Oxford Amnesty Lectures 1992. Barbara Johnson, ed., Basic Books, Ltd. pp.1-16.
- Gaete, Rolando (1991). "Postmodernism and Human Rights: Some Insidious Questions." *Law and Critique*, 2(2):149-170.
- Heller, Agnes (1993). "The Limits to Natural Law and the Paradox of Evil." In Shute & Hurley, eds. *On Human Rights*. Oxford Amnesty Lectures 1993. Basic Books, NY. pp.149-175.

Week 3

History of the Debate in Anthropology

- American Anthropological Association (1947). "Statement on Human Rights." *American Anthropologist*, 49(4):539-543.
- Cohen, Ronald (1989). "Human Rights and Cultural Relativism: The Need for a New Approach." *American Anthropologist*, 91:1014.
- Washburn, Wilcomb (1987). "Cultural Relativism, Human Rights and the AAA." *American Anthropologist*, 89:939.
- Barnett, H.G. (1948). "On Science and Human Rights." *American Anthropologist*, 50(8):352.
- Geertz, Clifford. "Anti Anti-Relativism." In Krausz, Michael, ed. (1989). *Relativism. Interpretation and Confrontation*. University of Notre Dame Press, South Bend.
- Spiro, Melford (1992). "Cultural Relativism and the Future of Anthropology." In *Rereading Cultural Anthropology*. Duke University Press, Durham.
- Renteln, Alison Dundes (1988). "Relativism and the Search for Rights." *American Anthropologist*, 90(1).
- Preis, Ann-Belinda (1996). "Human Rights as Cultural Practice: An Anthropological Critique." *Human Rights Quarterly*, 18:286-315.

Recommended:

- Roy D'Andrade and Nancy Scheper-Hughes Debate In *Current Anthropology*, 1995, 36(3):399-439.

Speaker(s):Berreman

Week 4

Cultural Theory and Case Studies of Anthropologists on Human Rights

- Abu-Lughod (1991). "Writing Against Culture." In Richard Fox, ed. *Recapturing Anthropology. Working in the Present*. School of American Research Advanced Seminar Series, Santa Fe.
- Appadurai, Arjun (1991). "Global Ethnoscapes: Notes and Queries for a Transnational Anthropology." In Richard Fox, ed. *Recapturing Anthropology. Working in the Present*. School of American Research Advanced Seminar Series, Santa Fe.
- Ortner, Sherry (1995). "Resistance and the Problem of Ethnographic Refusal." *Society for the Comparative Study of Society and History*,37(1):Jan. 1995.
- Barth, Fredrik (1989). "The Analysis of Culture in Complex Societies." *Ethnos*, 54(120).
- Bourgois, Phillippe(1990). "Confronting Anthropological Ethics: Ethnographic Lessons from Central America." *Journal of Peace Research*, 27(1):Feb. 1990:43.
- Starn, Orin (1992). "Missing the Revolution: Anthropologists and the War in Peru." *Rereading Cultural Anthropology*, George Marcus, ed.; Duke University Press, Durham.
- Mayer, Enrique (1992). "Peru in Deep Trouble:Mario Vargas Llosa's "Inquest in the Andes" Reexamined." *Rereading Cultural Anthropology*, ed. Marcus, George, Duke University Press, Durham.
- Martinez, Samuel (1996). "Indifference within Indignation: Anthropology, Human Rights, and the Haitian Bracero." *American Anthropologist*, 98(1):17-25.
- Zulaika, Joseba (1995). "The Anthropologist as Terrorist." In Nordstrom & Robben, eds.*Fieldwork Under Fire*. UC Press, Berkeley.pp.206-223.

Recommended:

- Nordstrom, Carolyn (1995). "The Anthropology and Ethnography of Violence and Sociopolitical Conflict." In *Fieldwork Under Fire*. University of California Press, Berkeley.

Week 5

International Relations, Culture, and Human Rights

- Goulet, Denis (1992). "International Ethics and Human Rights." *Alternatives*, 17:231-246.
- Cochran, Molly (1995). "Postmodernism, Ethics and International Political Theory." *Review of International Studies*, 21:237-250.
- Campbell, David (1996). "The Politics of Radical Interdependence." *Millenium: Journal of International Studies*, 25(1):129-141.
- Feldman, Allen (1994). "On Cultural Anesthesia: from Desert Storm to Rodney King." *American Ethnologist*, 21(2):404-418.
- Shapiro, Michael (1994). "Moral Geographies and the Ethics of Post-Sovereignty." *Public Culture*, 6:479-502.
- Dugger, Celia (1996). "Tug of Taboos: African Genital Rite vs. US Law." *New York Times*, December 28, 1996, 1, 8.
- Bhabha, Jacqueline (1996). "Embodied Rights: Gender Persecution, State Sovereignty, and Refugees." *Public Culture*, 9:3-32.
- Slawner, Karen (1995). "Violence, Law, and Justice." *Alternatives*, 20: 459-478.
- Lovering, John (1994). "The Production and Consumption of the 'Means of Violence': Implications of the Reconfiguration of the State, Economic Internationalisation, and the End of the Cold War." *Geoforum*, 25(4):471-486.
- Keen, David (1996). "Organized Chaos: Not the New World We Ordered." *The World Today*. January.

Recommended:

- Manzo, Kate (1992). "Global Power and South African Politics: A Foucauldian Analysis." *Alternatives*, 17:23-66.

Week 6

Islam and Asia

- Huntington, Samuel (1993). "Clash of Civilizations." *Foreign Affairs*. Summer, 72(3):22-49. Also recommend responses, especially Ajami.
- Mayer, Ann Elizabeth (1994). "Universal Versus Islamic Human Rights: A Clash of Cultures or a Clash with a Construct?" *Michigan Journal of International Law*, 15:307.
- Bielefeldt, Heiner (1995). "Muslim Voices in the Human Rights Debate." *Human Rights Quarterly*, 17:587-617.
- Ghai, Yash (1995). "The Asian Perspective on Human Rights." In Jawahar Kaul, ed. *Human Rights. Issues and Perspectives*. Regency Publications, New Delhi. pp.31-47.
- Kandiyoti, Deniz (1995). "Reflections on the Policies of Gender in Muslim Societies: From Nairobi to Beijing." In Afkhami, Mahnaz. *Faith and Freedom. Women's Human Rights in the Muslim World*. Syracuse University Press, Syracuse. pp. 19-32.
- Mernissi, Fatima (1995). "Arab Women's Rights and the Muslim State in the Twenty-first Century: Reflections on Islam as Religion and State." In *Afkhami*. pp. 33-50.

Week 6

Feminist Theory/Gender

Speaker: Aihwa Ong

- Binion, Gayle (1995). "Human Rights: A Feminist Perspective." *Human Rights Quarterly*, 17:509-526.
- Olujic, Maria (1996). "Embodiment of Terror: Gendered Violence in Peacetime and Wartime Croatia and Bosnia-Herzegovina." *Medical Anthropology Quarterly*.
- Cuomo, Chris (1996). "War is not just an event: Reflections on the Significance of Everyday Violence." *Hypatia*, 11(4):30-45.
- Oloka-Onyango, J. and Sylvia Tamale (1995). "The Personal is Political," or "Why Women's Rights are Indeed Human Rights: An African Perspective on International Feminism." *Human Rights Quarterly*, 17:691-731.
- Udayagiri, Mridula (1995). "Challenging Modernization. Gender and Development, postmodern feminism and activism." In *Feminism/Postmodernism/Development*. Routledge, NY.

- Marchand, Marianne (1995). "Latin American Women Speak on Development. Are We Listening Yet?" In *Feminism/Postmodernism/Development.*, Marchand and Parpart.
- Rao, Arati (1995). "The Politics of Gender and Culture in International Human Rights Discourse." In *Women's Rights, Human Rights. International Feminist Perspectives.* eds. Julie Peters and Andrea Wolper, Routledge, NY.
- Suarez-Toro, Maria (1995). "Popularizing Women's Human Rights at the Local Level: A Grassroots Methodology for Setting the International Agenda." In Peters and Wolper, eds.
- Winter, Bronwyn (1994). "Women, the Law, and Cultural Relativism in France: The Case of Excision." *Signs*, 19:41, pp.939-974.
- Africa Rights (1994). *When Women Become Killers.* Africa Rights, London.

Recommended:

- Lamb, Claire (1992). "Female Excision: The Feminist Conundrum." *Ufahamu*, 20(3):13-31.

Film:

- "Calling the Ghosts/Warrior Marks"

Week 8

Violence and the Body

- Turner, Terence (1994). "Bodies and anti-bodies: flesh and fetish in contemporary social theory." In Csordas, Thomas. *Embodiment and Experience. The Existential Ground of Culture and Self.* Cambridge Studies in Medical Anthropology, Cambridge.
- Turner, Bryan (1993). "Outline of a Theory of Human Rights." *Sociology*, 27(3):489-512.
- Stover, Eric. *The Breaking of Bodies and Minds.* Introduction by Stover and Nightingale.
- Stamp, Patricia (1991). "Burying Otieno. The politics of gender and ethnicity in Kenya." *Signs*, 16/4, summer.
- Feldman, Allen (1991). *Formations of Violence. The Narrative of the Body and Political Terror in Northern Ireland.* University of Chicago, Chicago. Selected Chapters.

Week 9

Victims and Perpetrators

- Scheper-Hughes, Nancy (1992). *Death Without Weeping. The Violence of Everyday Life in Brazil.* University of California Press, Berkeley. (Chapters 6,8,9: 216-267, 340-400, 400-446).
- Scheper-Hughes, Nancy (1995). "Who's the Killer? Popular Justice and Human Rights in a South African Squatter Camp." *Social Justice*, 22(3):143-164.
- Levi, Primo (1988). *The Drowned and the Saved.* Vintage Books, NY. (Selected Chapters).

Nina, Daniel (1993). "[Re]making Justice in South Africa: Popular Justice in Transition." *Beyond Law*, 3(7):13-38.

- Foucault, Michel (1980). "On Popular Justice: A Discussion with Maoists." In Gordon, ed. (1980). *Power/Knowledge: Selected Interviews & Other Writings. 1972-1977.* Pantheon Books, NY.

Week 10

Memory and Violence

- Langer, Lawrence (1991). *Holocaust Testimonies. The Ruins of Memory.* Yale University Press, New Haven. Chapters 1-3.

- Freud, Sigmund . *Beyond the Pleasure Principle*. Norton and Co., NY.
- Culbertson, Roberta (1995). "Embodied Memory, Transcendence, and Telling: Recounting Trauma, Re-establishing the Self." In *New Literary History*, 26:169-195.
- Antze, Paul and Michael Lambeck (1996). *Tense Past. Cultural Essays in Trauma and Memory*, Routledge, 1996 (Intro, chap 8, chap. 11)
- La Capra, Dominick (1994) *Representing the Holocaust. History, Theory, Trauma*, Cornell University Press, Ithaca (Selected chapters: The Return of the Historically Repressed, pp.169-203, & Acting-Out and Working-Through, pp 205-223.).
- Friedlander, Saul (1992). "Trauma, Transference and 'Working Through'." *History and Memory*, 4:39-55.
- White, Hayden (1992). "Historical Emplotment and the Problem of Truth." In Friedlander, Saul, ed. *Probing the Limits of Representation. Nazism and the "Final Solution"*. Harvard University Press, Cambridge.
- Schirmer, Jennifer (1994). "The Claiming of Space and the Body Politic within National-Security States. The Plaza de Mayo Mothers and the Greenham Common Women." In Boyarin, ed. *Remapping Memory. The Politics of TimeSpace*, University of Minnesota, Minneapolis.

Week 11

Trauma and 'Recovery'

- Agger, Inger (1994). *The Blue Room*. Zed Books, NY. Selected.
- Kieber, Rolf ; Charles Figley; Berthold Gersons (1995). *Beyond Trauma. Cultural and Societal Dynamics*, Plenum Press, NY. (Selected chapters: Derek Summerfield, David Becker, Kornfield,
- Martin-Baro, Ignacio. "War and Mental Health." & "War and the Psychosocial Trauma of Salvadoran Children." In *Writings for a Liberation Psychology. Ignacio Martin-Baro*, (1994). Ed. by Adriaan Aron and Shawn Corne, Harvard University Press, Cambridge.
- Parker, Melissa (1996). "The Mental Health of War-damaged Populations." *IDS Bulletin*, 27(3):77-85.
- Ignatieff, Michael (1996). "Articles of Faith." *Index on Censorship*. 5/96:110-122.
- Weschler, Lawrence (1993). Getting Over. *The New Yorker*, April 5, 1993.
- Rapone, Anita and Charles Simpson (1996). "Women's Responses to Violence in Guatemala: Resistance and Rebuilding." *International Journal of Politics, Culture and Society*. 10(1):115-140.

Week 12

The Law and Human Rights

- Das, Veena (1995). "Communities as Political Actors: The Question of Cultural Rights." In Das, *Critical Events. An Anthropological Perspective on Contemporary India*. Oxford University Press, New Delhi. pp.84-117.
- Rodney, N. (1995). "Conceptual Problems in the Protection of Minorities." *Human Rights Quarterly*, 17(1):48-99.
- Nader, Laura (1989). "The Crown, the Colonists, and the Course of Zapotec Village Law." In Starr, June and Jane Collier, eds. *History and Power in the Study of Law. New Directions in Legal Anthropology*. Cornell University Press, Ithaca.
- Hirsch, Susan (1994). "Kadhi's courts as complex sites of resistance: The state, islam, and gender in postcolonial Kenya." In Lazarus-Black, Mindie and Susan Hirsch, eds. (1994). *Contested States. Law, Hegemony and Resistance*. Routledge, London. (Also see Forward by John Comaroff).
- Findji, Maria Teresa (1992). "From Resistance to Social Movement: The Indigenous Authorities Movement in Columbia." In Arturo Escobar and Sonia Alvarez, eds. *The Making of Social Movements in Latin America*. Westview Press, Boulder.
- Hazlehurst, Kayleen 1995 "Introduction: Unyielding domains in the post -colonial relationship," In *Legal Pluralism and the Colonial Legacy: Indigenous experiences of justice in Canada, Australia, and New Zealand*, pp. ix-xxxv

Week 13

Citizenship, Civil Society, and Refugees

- Malkki, Liisa (1995). "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization." *Cultural Anthropology*, 11(3):377-404.
- Turner, Bryan (1992). "Outline of a Theory of Citizenship." In Chantal Mouffe, *Dimensions of Radical Democracy*, Verso, London.
- McClure, Kristie (1992). "On the Subject of Rights: Pluralism, Plurality and Political Identity." In Chantal Mouffe, ed. *Dimensions of Radical Democracy*, Verso, London.
- Aleinikoff, T. Alexander (1995). "State-Centered Refugee Law: From Resettlement to Containment." In Daniel and Knudsen, eds. *Mistrusting Refugees*, UC Press, Berkeley.
- Shahrani, M. Nazif (1995). "Afghanistan's Muhajirin (Muslim "Refugee-Warriors"): Politics of Mistrust and Distrust of Politics." In *Mistrusting Refugees*.
- Xenos, Nicholas (1996). "Refugees: The Modern Political Condition." In Shapiro and Alker, eds. *Challenging Boundaries*, University of Minnesota, Minneapolis.

Week 14

Multinationals and Transnationalism

- Myer, W. (1996). "Human Rights and MNCs: Theory vs. Quantitative Analysis." *Human Rights Quarterly*, 18(2):368-379.
- French, P. (1979). "The Corporation as a Moral Person." *American Philosophical Quarterly*, 16(3).
- Das, Veena (1995). "Suffering, Legitimacy and Healing: The Bhopal Case." In *Critical Events*. Oxford University Press, Oxford.,
- Lalanter, M. (1986). "When legal worlds collide: reflections on Bhopal, the good lawyer and American law school." *Journal of Legal Education*, 36:292-310.
- Amnesty International (1996). "Introduction: Investing in Terror." *The 1996 Report on Human Rights Around the World*. Amnesty International, London.
- Stephens, Sharon (1995). "Children and the Politics of Culture In Late Capitalism". In Stephens, ed. *Children and the Politics of Culture*. Princeton University, Princeton.

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