Lecture 1
Introduction to the course

Human Rights – A summary: The rights we have as humans (homo-sapiens) that we are entitled to, that we expect such as freedom. There are a total of 30 human rights (in the list of the universal declaration of human rights).

- Human Rights are defined as universal (for humans)
- In modern times, the idea was put forward in:
    - US declaration of independence
    - French Revolution 1789 (Liberty, Equality, Fraternity)
    - UN declaration of Human Rights
- Invented in Europe, while colonising most of the rest of the world
- But Eventually, everyone finally agreed that human rights apply to everyone and they all lived happily ever after…
    - Well actually, the UN agreed to the human rights
    - Many people still do not recognise the concept
    - They are often ignored
- Nonetheless, the idea is one of the most recognised ideas that has ever circulated in the world
- The question is; who will make those words a reality?

WATCH: http://www.youtube.com/watch?v=oh3BbLk5UIQ

1. All human begins are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
    a. Problem: "Brotherhood" seems to not include women!
    b. They (rights, in general) are a simple idea – which makes it attractive, but the world is complicated and human rights violations seem to go on.

The philosophy of rights:

- From natural rights -1632 – 1704
- Rights came from Liberal political theory which values:
    - Freedom and liberty
    - Dignity and equality
    - Law

- To natural law – 1588-1679

    - Private property
    - Freedom of religion and expression

Early Criticisms:

- There is an obvious difference between the idea of entitlement to rights and actually having them – we often only think of rights, when we don't have them.
- Both conservatives and liberals said it was obvious that there were no such thing as natural rights
- Radicals said it was all based on private property (great for capitalist societies) and no help for those who didn't own anything.
- Rights can be very masculinist and phallocentric
- Savages, victims and saviours – we think of 'saviours' who understand and know about human rights that venture into strange areas to educate people about what their rights are – kind of patronising.
- Apolitical - They are designed to get what we want within a system of society – what we really need is to reorganise and re-structure society.
- Imperialist and top-down
- Individualist and western

Rights as social construction:

- Rights are created
- Not only through the negotiations of the UN member states
- But on the ground – through the ways in which people pick up the idea and run with it
- Rights as practice

Four Schools: reading for first week

- Natural – human rights as a given
- Deliberative – Human rights as agreed upon
- Protest - human rights as fought for
- Discourse – Human rights as talked about

Human rights as practice: 5 contemporary practices

- Bearing witness
- Forgiveness
- Foresight
- Aid
- Solidarity

The issue of disciplines:

- **Philosophy:** Questions – what are rights? Where do they come from? How do we know?
- **Law:** Answers – Rights are about international law, declarations, conventions and tribunals
- **Politics –** how do people struggle over rights in particular contexts? Power struggles and social movements
- **Sociology and Anthropology –** rights as socially constructed: what makes them relevant, what do people mean by them, how does each society understand them and how do they influence society? Rights as variable.
- **Humanities –** rights as texts. How are rights talked about, how is the human portrayed, whose voices heard? The role of images, testimonies, narratives and witnessing.

The universal declaration of human rights:

- Instituted by the UN after the second world war and was the result of campaigning since the early 20th C
- In part, the idea took hold because citizen's rights did not cover the refugees produced by WWII, who had lost their citizen's rights.
- Defines 30 rights.

Lecture 2
Critiques of Human Rights

Postcolonial Critiques:

Savages, Victims and Saviours:

3 positions:

- The victim – helpless, innocent, passive, often nameless, more of a symbol than a person
- The savage – the third world state – or behind that, the culture
- The saviour – the one who knows about human rights, has the power to act and can save the victim.

Women and Children

The Saviour? – the third dimension of the prism is the saviour, or redeemer, the good angel who protects, vindicates, civilizes, restrains and safeguards. The saviour is the victim's bulwark against tyranny – Mutua p. 11

Sensationalist 'harmful traditional practices':

- No picture because they are often offensive and voyeuristic
- The idea of tradition used as an explanation. Leading to blame of culture, rather than thinking about power, inequality, financial exploitation, labour exploitation, colonialism or history
- Culture appears as fixed, unchanging and homogenous – not as something always changing, debated and contested from within as well as without.

Imperialism:

- Rudyard Kipling's poem 'the white man's burden' justified colonialism (specifically the US occupation of the Philippines) as a (futile) attempt to help the colonised better themselves.
- The US and allies still present themselves as 'saving' people, while they continue to benefit from their power as global police.

Contemporary Imperialism

Rights as apolitical

What are human rights meant to do?

- Among other things
- Protect people from systematic persecution and discrimination such as Jews who suffered under the Nazis
- Protect people from imprisonment because of their political beliefs, speech or writing ('political prisoners', 'prisoners of conscience').

Examples: Nelson Mandela

- Apartheid:
- The African national congress was committed to peaceful struggle, but over decades were unsuccessful – reluctantly decided to pursue armed struggle
- Nelson Mandela imprisoned. Amnesty International refused to campaign on his behalf.
- Human rights were unable to challenge one of the biggest human rights violations in history
- Can human rights talk challenge human rights violations when they are structural and entrenched?

Summary:

- Human rights are a liberal, individualist concept. They invite us to think about individual bad behaviour, not structural and historical systems
- Therefore, they invite us to pass laws or invade countries to capture individual bad people. They don't invite us to think about changing the structure of the world.
- Because they don't look at structural causes, they leave us with no explanations of human rights abuses, and racist/colonial imagery too easily fills the gap.
- Because they don't encourage political thinking, they tend to support the current world structure by default.

Lecture 3
Alternatives and Possibilities:

Problems with human rights:

- Eurocentrism, colonialism, arrogance
- Liberalism
    - Individuals, not communities
    - Rights, not responsibilities
    - Not good at achieving social and economic rights

What are we looking for?

- First imperialism, and now globalisation, encourage us to see the world as a whole
- This raises the possibility of a shared global vision of ethics or goodness
- A normative ethical theory or a theory of global ethics

Some alternative ideas:

- **Capabilities** – what can a person do or be?
    - The gap: everyone has the right to a standard of living adequate for health and wellbeing of himself and of his family. Including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
    - What are people actually able to do and be? What real opportunities are available to them?
    - Designed as a system for evaluating and measuring. How do we know who is doing well?
    - Partly directed against the GDP as measurement of development
    - The quality of life seems to consist of a plurality of distinct features.
    - What capabilities do you think you need in order to live a full life and reach your potential?
    - **Nussbaum's 10 capabilities:**
        - Life – normal length, quality
        - Bodily health – including nourishment, shelter

- Bodily integrity – freedom of movement and from assault, sexual satisfaction and reproductive choice
- Senses, imagination and thought – including education
- Emotions – attachments, love, anger
- Practical reason – plan one's life, religion, conscience
- Affiliation – friendship, respect
- Other species – live with animals, plants and nature
- Play – laughter, recreation
- Control over one's environment – political and material

- **3 kinds of capabilities:**
  - Basic: an individual's innate human potential from birth to do something
  - Internal: an individual's inner state or ability to do something
  - Combined: the inner ability to do something combined with the external factors to make it possible
  - Public policy should foster both internal capability and external.
- Not aiming for complete equality, but basic thresholds
- Fertile capability vs. corrosive disadvantage
- Internal qualities PLUS external factors
- Aims to be something that people from many different traditions, with many different fuller conceptions of the good can agree on as the necessary basis for pursuing their good life.
- **Application:**
  - The UN development program's Millennium Development Goals (MDG) were loosely based on a capabilities approach
  - The new sustainable development goals add environmental factors
- **Human rights??**
  - Capabilities are loosely allied with human rights
  - Based on basic entitlements for all human beings
  - Similarities between the 10 capabilities and the declaration
  - Nussbaum admits sometimes rights language is more powerful, particularly for making claims to things one cannot access
- **Improvements over human rights?**
  - Based on bare human birth and minimal agency, not on rationality
  - More clearly based on dignity
  - Offers standards for relations with non-human sentient beings
  - Makes not only entitlements clear, but duties
  - Not only negative rights to freedom from interference, but positive obligations
- **Duties – Nussbaum's proposal:**
  - National governments
  - Richer governments
  - Corporations
  - International agencies and agreements
  - Individuals
- **Similarities with rights:**
  - Liberal
  - Relies on government and law to enforce – top down
  - Individualist
  - Seeks international agreement on the basic principles
- **Cultural difference?**
  - Claims basis in many different cultures
  - Deliberately does not authorise interference on national sovereignty, even to prevent genocide
  - To be offered to governments persuasively, backed by argument not force
  - Emphasises freedom/ capability, not functioning/ doing – so does not make anyone do anything
- **Criticisms of the capabilities approach:**
  - Neo-colonist, gives authorities the power to decide what counts as an informed desire and to dismiss other desires as uninformed or mistaken. No mechanism by which the powerless can remedy this.
  - Is liberal and individualist and therefore silences or cannot hear certain voices, which may mean some capabilities are missing from the list
  - Does not account for asymmetrical power relations
  - Focusses on humans and not the environment
- **Ethics of care – How important are the personal relationships in your life?**
  - Psychologist Carol Gilligan: In a Different Voice

- o Assumption of connectedness 'autonomy is an illusion'
- o Voices of women – valuing emotions, body and relationships
- o Emotional intelligence
- o **Relationality – Virginia Held**
  - Traditional moral philosophy- self vs. universal, abstract principle
  - Missing the domain of personal interactions with others. Not abstract other, but particular others that you relate with
  - You are not born an isolated individual. You are born dependent and connected
  - You find yourself in relationship – the relationship if primary and valued for itself, not just for what it brings to the individuals
- o **Care vs. Human rights: the ethics of care** encourages states and other organisations to take responsibility for protecting vulnerable populations and for promoting peaceful resolutions of conflicts before they escalate into violence. Negotiating disputes non-coercively and addressing the problem of those politically disenfranchised or exploited can clearly become practices of care:
  - Prioritise economic development to meet human needs – limit markets and self interest
  - Environment – non exploitative
  - Listening to the oppressed
  - More talk of human rights unnecessary

Comparison

Rights	Care
□ Prioritise individual	□ Prioritises relationship
□ Abstract justice	□ Concrete, embodied, personal
□ Rational	□ Emotional
□ Defines a person by autonomy	□ Recognises that all people are at times dependent
□ Given to those who can speak and claim	□ Prioritises the needs of those who are dependent and vulnerable
□ 'impartial'	□ Specific, particular, involved
□ Based on theory	□ Based on experience (of women)
□ Operate in public realm	□ Operate in private realm
□ Emphasises negative freedom	□ Emphasises responsibility

- **Cosmopolitanism (from below):** citizen of the world. Every cosmopolitan argues for some community among all human beings, regardless of social and political affiliation
  - o Moral Cosmopolitanism: duty to aid foreigners
  - o Political Cosmopolitanism: some level of global governance
  - o Cultural Cosmopolitanism: favours multiculturalism, not nationalism.
  - o Traditional models of cosmopolitanism can be very thin and top down, rejecting specific culture, universalising and celebrating privileged jet setting
  - o **Cosmopolitanism rom below:**
    - Embraces cultural pluralism
    - Works through webs of affinity across national boundaries
    - In contrast to the stereotype of bound by tradition shows that the global poor can be very good at alliance across difference.
    - Transnational
    - Networked
    - Local
    - Embraces cultural difference, strength in diversity
    - Lived culture, not abstract ideal
    - Not so much a plan as an observation of something that is already happening.
  - o **Summary:**
    - Grassroots action combined with global networking
    - Can build unlikely alliances
    - Not perfect! But such criticisms are part of the process.
  - o