

INTERNATIONAL HUMAN RIGHTS EXCHANGE 2010

University of Witswatersrand and Bard College

Politics and Human Rights (POLS 2011)

The objective of this segment is to consider the variety of ways in which “rights” have been conceived in western political theory. The first focus will be on liberal theory and how “rights” fit into the web of liberal concepts. We will examine two liberal conceptions, the libertarian (Nozick), and the egalitarian (Rawls), extremes of the liberal spectrum. In doing so, we will try to show the presumptions, inner articulations, and implications of these ways of thinking about rights. Then we’ll consider the main communitarian critiques of liberal theory (Sandel, Taylor, Bellamy) as well as republican conceptions of rights (Sandel, Rousseau). In conclusion, the arguments of Balibar (“egaliberte”) and Zizek (“return of the universal”) will be taken into account, and their implications for “rights theory” assessed.

Lecture	References
Lecture 1: Introduction	Waldron (1993), Balibar (1994), Miller (1991), Arendt (1958), Robins (2008), Critchley (2007), Gray (1996)
Lecture 2: Liberalism (<i>Negative and Positive Liberty</i>)	Berlin (1969), Ryan (1993)
Lecture 3: Liberalism (<i>Libertarian</i>)	Nozick (1974), Wolff (1991)
Lecture 4: Liberalism (<i>Egalitarian</i>)	Rawls (1971), Sandel (1997), Guess (2008), Coleman (1990)
Lecture 5: Communitarianism (<i>Subject and Society</i>)	Bellamy (1992), Sandel (1997), Taylor (1979 and 1985)
Lecture 6: Communitarianism (<i>Politics of the Common Good</i>)	Bellamy (2007), Sandel (1984), Rousseau (1990), Taylor (1994), Talmon (1961)
Lecture 7: Conclusion	Balibar (1994), Zizek (2006)

Week	Tutorial Questions
Week 1	“There are no such rights [as human rights] and belief in them is one with belief in witches and unicorns.” (MacIntyre). Discuss
Week 2	Outline the libertarian and egalitarian versions of liberal rights theory
Week 3	Outline the communitarian critique of the liberal conception of rights (Sandel, Taylor, Bellamy) and Rousseau’s republican theory of rights – is it totalitarian?
Week 4	How does Balibar interpret human rights and why is Zizek “against” human rights?

REFERENCES: Theory

- Agamber, *Homo Sacer* (Stanford, 1988)
- Arendt, *The Origins of Totalitarianism* (New York, 1958)
- Balibar, *Masses, Classes, Ideas* (Routledge, 1994)
- Bellamy, *Liberalism and Modern Society* (Polity, 1992)
- Bellamy, *Political Constitutionalism* (Cambridge, 2007)
- Berlin, *Four Essays on Liberty* (Oxford, 1969)
- Coleman, "The Balance Between Rights, Individually Held and Rights Collectively Held" in *Social Contract Theory* (ed. Lessnoff) (Blackwell, 1990)
- Critchley, *Infinitely Demanding* (Verso, 2007)
- Gray, *Isaiah Berlin* (London, 1996)
- Guess, *Philosophy and Real Politics* (Princeton, 2008)
- Jones, *Rights* (MacMillian, 1994)
- Miller, "Introduction" in *Liberty* (ed. Miller) (Oxford, 1991)
- Nozick, *Anarchy, State, and Utopia* (Oxford, 1974)
- Rawls, *A Theory of Justice* (Oxford, 1971)
- Robins, "Rights" in *New South African Keywords* (ed. Shepherd, Robins) (Jacana, 2008)
- Rousseau, "The Social Contract" in *Social Contract Theory* (ed. Lessnoff) (Blackwell, 1990)
- Ryan, "Liberalism" in *A Companion to Contemporary Political Theory* (ed. Goodin, Pettit) (Blackwell, 1993)
- Sandel, "The Procedural Republic and the Unencumbered Self" in *Contemporary Political Philosophy* (ed. Goodin, Pettit) (Blackwell, 1997)
- Sandel, *Democracy's Discontent* (Princeton, 1984)
- Talmon, *The Origins of Totalitarian Democracy* (London, 1961)
- Taylor, "Atomism": *Philosophical Papers*, Vol. 2 (Cambridge, 1985)
- Taylor, "The Politics of Recognition" in *Multiculturalism* (ed. Gutman) (Princeton, 1994)
- Taylor, "What's Wrong With Negative Liberty" in *The Idea of Freedom* (ed. Ryan) (Oxford, 1979)
- Waldron, "Introduction" *Theories of Rights* (ed. Waldron) (Oxford, 1984)
- Waldron, "Rights" in *Companion to Contemporary Political Philosophy* (ed. Goodin, Pettit) (Blackwell, 1993)
- Wolff, *Robert Nozick* (Polity, 1991)
- Zizek, "Against Human Rights" in *New Left Review*, 2006

Human Rights and Political Studies (POLS 2015)
Part 2: Human Rights in Realist Politics
Course Outline

*The 2nd part of the Politics and Human Rights course looks at **Human Rights in Realist Politics**. It consists of 7 weekly lectures, to be conducted between 10th August – 28th September 2010.*

Lecturer:	Lynelle John
Contact Details:	Lynelle.John@wits.ac.za
Lecture Time:	Tuesdays, 14h15 – 17h00
Lecture Location:	Richard Ward Building, 5

Course content

Political Science and the Human Rights Discourse:

An Ambiguous Relationship

Political Science, as a discipline, has had a somewhat ambiguous relationship with the human rights debate over the years. On the one hand, early political theory has had an enormous influence on the evolution of the human rights discourse, evidenced most clearly by the contributions of John Locke. It has done so by being unashamedly *normative* in its prescription of what human beings *should be* entitled to.

The normative nature of human rights discourse has, ironically, led later political scientists to shy away from the subject matter. This was due to the influence of *positivism* on the discipline – an influence that made political scientists wary of exploring issues without being able to first empirically establish their *objective* foundations. In the quest for *empiricism* and a *scientific* social science, political scientists became reluctant to make ethical judgements about any issue – and the human rights terrain provided a myriad of possible pitfalls in this regard. The result was a deafening silence from the Political Science discipline in the years immediately following the Universal Declaration of Human Rights in 1948.

This began to change somewhat in the 1970s, and it was a change catalysed by policy-makers rather than academia. Jimmy Carter's Presidency in the USA saw an era of human rights becoming an increasing part of the discourse in international politics. International Relations has, in fact, embraced the language and discourse of human rights far more energetically than its Political Science forefather.

In more recent years, Political Science – through influential writers like Jack Donnelly, David Forsythe, Todd Landman, Michael Freeman and David Beetham, amongst others – has begun to engage with the human rights debate once more. Much of this engagement has been in the distinct field of International Relations, and has explored whether and how the international human rights regime is able to influence nation-states' human rights practice. More mainstream Political Science, however, has taken a similar line of enquiry but at the national and sub-national level. A key avenue of exploration revolves around determining the actual variables that determine whether a state promotes or violates human rights. Some of the empirical research done in this regard points to the influence of factors like levels of economic development, existence of democracy, whether the country is currently in a state of war or peace, population size and so forth.

Although much of the work in Political Science's engagement with human rights is still state-centric, increasing attention is also being paid to the influence of non-state actors such as Multinational Corporations (MNCs) and social movements. To date, however, insufficient attention has been cast on sub-national institutions or on "conflict groups" outside the state system – a field that straddles the sociology/politics divide.

What is interesting, however, is that several members of the current generation of political scientists are enmeshing their concerns for empiricism with an unapologetic acceptance of the importance of *norms* and ethics in political life – and are actively reflecting on human rights issues again. Kathryn Sikkink has proven the (contemporary) seminal writer in this arena.

Realism and Human Rights

Political Science in general, however, is still fairly dominated by the influence of realism. This is no bad thing for the study of human rights. A realist perspective on the world offers invaluable insights and lessons for nascent human rights practitioners. It teaches students not to ignore the real influence of power – and powerful institutions – in their quest to make the world a better place. It also teaches them critical analytical skills that, perhaps, normative theory cannot. And, maybe most fundamentally, a realist focus illuminates certain patterns and trends in a world still replete with rights abuses – patterns that may have otherwise remained invisible.

The first part of this course explored the basic tenets of normative political theory and, in particular, looked at the liberalism versus communitarianism debate – whether it is the individual or the community that should be the primary focus of analysis. There is another way of juxtaposing this debate, however, and that is to look at liberalism versus realism. This 7-week course explores contemporary politics and human rights through the very distinct lens of realism.

About This Course

This course explores the human rights terrain from a realist perspective. It begins by questioning whether the very concept of human rights does – as David Forsythe argues – “project liberalism into a realist world”. In Weeks 1 and 2, key tenets of realism are examined, as are their implications for human rights.

The course then moves on to two specific elements of realism that are gaining increasing currency with contemporary political scientists – institutions and power. Both these topics are explored from more mainstream (rather than conventional realism) perspectives within the Politics discipline. This is largely because realism, whilst establishing the importance of these concepts, doesn’t delve into their *detail* in the way that New Institutionalism or Political Sociology does.

In Week 3 of this course then, New Institutionalism, a growing influence within the field, is used to explain how powerful institutions can and do affect human rights outcomes in a world dominated by power politics. The traditional realist argument about the pre-eminence of state power is questioned, and the roles of non-state actors (such as social movements and MNCs) are also explored. Finally, mention is made of the international human rights regime, and whether that constitutes an effective channel to promote human rights in a realist world.

Week 4 turns its attention to the question of power – and its manifest forms of force, manipulation, persuasion and authority. The related concept of state legitimacy is also briefly looked at. The session ends with a brief overview of politics as the pursuit of power, as well as how power politics can fundamentally affect the promotion (or otherwise) of human rights.

Weeks 5 and 6 are devoted to a theme that is being increasingly addressed by Political Science – and that is in identifying the variables that determine whether a state promotes or violates human rights. There is a fair body of empirical body that has been done on this subject in recent years. Most evidence seems to suggest that the key factors lie in the pre-existence of democracy and peace in a country, as well as in levels of economic development, population size and so forth. Much work has been done, from example, on exploring whether things like development,

democracy and human rights are indeed inter-related – or whether history tells a more nuanced story than that.

This leads, in interesting ways, to the final discussion that will be raised in Week 7: Where to now for human rights? If realism is a valid phenomenon, what does that tell us about the future of human rights? Is it possible for the full spectrum of human rights to be realised in a capitalist society, for instance? Or in a world dominated by a globalised economy that, through its own internal logic, offers certain advantages to powerful elites and institutions who may not be primarily motivated by normative ideals? What role is there for norms in a realist world? Do ideas still hold influential sway in determining political outcomes, as Kathryn Sikkink argues? Or is the Hobbesian view still valid in today's world? Are human rights realisable in the contemporary political world, or are they an ideal that one must continue to uphold whilst not holding much faith in their full attainability?

Course outcomes

By the end of the course, students should be able to:

- Describe the realist view of the world, and juxtapose this against that offered by liberal political theory
- Explain the implications of these different paradigms for the human rights discourse
- Understand how institutions shape and influence the attainment of human rights both inside and outside nation-states
- Understand the concept of power – in its manifest forms – and how that shapes and influences the attainment of human rights
- Outline and analyse the variables that affect whether a state promotes or violates human rights
- Analyse the implications of all of the above for the future of human rights in a realist world

Consultation Times, Location: Mondays, 14h00 – 16h00, IHRE offices, Central Bl., West Annex

Course requirements

The breakdown of the final mark for the *Politics and Human Rights* course is as follows:

Essay 1 (set by Peter Hudson):	25%
Essay 2 (set by Lynelle John):	25%
Final exam (November):	50%

Essay 2

You will be required to write a 2500 word essay on the following,

According to David Forsythe, the very concept of human rights “projects liberalism into a realist world.” What does he mean by that? Do you agree with him or not? Discuss critically. (You will gain extra credit if you are able to illustrate your arguments by drawing on a few real-world examples from post-1945 politics)

Due: Tuesday, September 21, at 14h15

November exam

Your November exam will consist, in equal parts, of both Part 1 (*Political Theory* by Peter Hudson) and Part 2 (*Human rights in realist politics* by Lynelle John). It will involve a choice of essay questions.

Weekly Lecture Topics

Weeks 1 and 2: From liberal political theory to realism, An alternate way of looking at the world

Discussion Topics:

Human rights: “Projecting liberalism into a realist world”

An introduction to realism

Realism, politics and Human Rights

A sideways glance at Marxist analysis: Human rights within their socio-economic context

The realist’s view of the world: Power, institutions and economic forces

Compulsory Readings:

- O'Byrne, D. "Introduction" in O'Byrne, D: *Human rights: An introduction*, Pearson, 2003
- Freeman, M. "Idealism, realism and repression: The politics of human rights" in Freeman, M: *Human rights: An interdisciplinary approach*, Polity Press, 2002
- Forsythe, D. "The politics of liberalism in a realist world" in Forsythe, D: *Human rights in international relations*, Cambridge University Press, 2006
- Gilpin, R. "The richness of the tradition of political realism" in *International Organization*, vol 38, issue 2, Spring 1984
- Tomuschat, C. "Introduction" and "Time for hope, or Time for despair?" in Tomuschat, C: *Human rights: Between idealism and realism*, Oxford University Press, 2003
- Smith, S. "Singing our world into existence: International relations theory and September 11" in *International Studies Quarterly*, vol 48, 2004

Recommended Reading:

- Freeman, M. "Introduction" in Freeman, M.: *Human rights: An interdisciplinary approach*, Polity Press, 2002
- Freeman, M. "The role of the social sciences" in Freeman, M.: *Human rights: An interdisciplinary approach*, Polity Press, 2002
- Pritchard, K. "Political science and the teaching of human rights" in *Human Rights Quarterly*, vol 11, no 3, August 1989
- Wendt, A. "Anarchy is what states make of it: The social construction of power politics" in *International Organization*, vol 46, issue 2, Spring 1992
- Jervis, R. "Realism in the study of world politics" in *International Organization*, vol 52, no 4, Autumn 1998
- Ashley, R. "Political realism and human interests" in *International Studies Quarterly*, vol 25, no 2, June 1981
- Forde, S. "Classical realism" in Nardin, T and Mapel, D (eds): *Traditions of international ethics*, Cambridge university Press, 1992
- Donnelly, J. "Twentieth century realism" in Nardin, T and Mapel, D (eds): *Traditions of international ethics*, Cambridge university Press, 1992

Week 3: Institutions, The Actors in Human Rights Politics

Discussion Topics:

- New Institutionalism in Political Science
- Institutions, power and realism
- The pre-eminence of state power?
- The role of non-state actors (NSAs): Social movements and NGOs
- The role of non-state actors (NSAs): Private capital and MNCs

Elites and 'conflict groups'
The international human rights regime

Compulsory Readings:

- Hall, P. and Taylor, R. "Political science and the three new institutionalisms" in *Political Studies*, XLIV, 1996
- Forsythe, D. "Human rights and foreign policy in comparative perspective" in Forsythe, D.: *Human rights in international relations*, Cambridge University Press, 2006
- Brett, R. "The role and limits of human rights NGOs at the United Nations" in Beetham, D: *Politics and Human Rights*, Blackwell Publishers, 1995
- Forsythe, D. "Human rights and US foreign policy: Two levels, two worlds" in Beetham, D: *Politics and Human Rights*, Blackwell Publishers, 1995
- Forsythe, D. "Transnational corporations and human rights" in Forsythe, D.: *Human rights in international relations*, Cambridge University Press, 2006

Recommended Reading:

- Forsythe, D. "Non-governmental organisations and human rights" in Forsythe, D.: *Human rights in international relations*, Cambridge University Press, 2006
- Rodman, K. "Think globally, punish locally: Non-state actors, MNCs and human rights sanctions" in *Ethics and International Affairs*, vol 12, 1998, 19-42
- Madison, G. *The political economy of civil society and human rights*, 1998
- Sikkink, K. "Human rights, principled-issue networks and sovereignty in Latin America" in *International Organisation*, 47(3), 1993

**Week 4: Power,
Human Rights and Power Politics**

Discussion Topics:

- The major perpetrators of human rights abuses
- When and why do men obey the state
- Introducing the concept of power
- Forms of power: Force, manipulation, persuasion and authority
- Politics as the pursuit of power
- Power politics and human rights

Compulsory Readings:

Willhoite, F. "Power and the origins of politics" in Willhoite, F: *Power and Governments: An introduction to Politics*, Brooks/Cole, 1988

Wrong, D. "The uses of power" in Wrong, D: *Power: Its forms, bases and uses*, Basil Blackwell, 1979

Weber, M. "Legitimacy, politics and the state" in Connolly, W (ed): *Legitimacy and the state*, New York University Press, 1984

Stammers, N. "Social movements and the social construction of human rights" in *Human Rights Quarterly*, vol 21, 1999

Recommended Reading:

Weber, M. "Politics as a vocation" in Gerth, H and Mills, CW (eds): *From Max Weber: essays in sociology*, Oxford University Press, 1946

Vasquez, J. *The power of power politics*, Cambridge University Press, 1998

Lukes, S. *Power: A radical view*, Macmillan, 2005

Lee, S. *Coercion abroad for the protection of rights* in Reidy, D: *Coercion and the state*, Springer, 2008 (available electronically)

Held, D. *Classes, power and conflict: Classical and contemporary debates*, Macmillan, 1982

Weeks 5 and 6: Variables,

What determines Whether a State Protects or Violates Human Rights?

Discussion Topics:

Introduction

Existence of democracy

Level of economic development

Existence of peace

Former status as a British colony

Small population size

Other factors

Compulsory Readings:

Freeman, M. "The role of the social sciences" in Freeman, M: *Human rights: An interdisciplinary approach*, Polity Press, 2002

Mitchell, N. and McCormick, J. "Economic and political explanations of human rights violations" in *World Politics*, vol 40 (4), July 1998

Donnelly, J. "Development-rights trade-offs: Needs and equality" in Donnelly, J: *Universal human rights in theory and practice*, Cornell University Press, 1989

Donnelly, J. "Development-rights trade-offs: Political repression" in Donnelly, J: *Universal human rights in theory and practice*, Cornell University Press, 1989

Panizza, F. "Human rights in the processes of transition and consolidation of democracy in Latin America" in *Political Studies*, XLIII, 1995

Davenport, C and Armstrong, D. "Democracy and the violation of human rights: A statistical analysis from 1976 – 1996" in *American Journal of Political Science*, vol 48(3), July 2004

Risse, T. and Sikink, K. "The socialisation of international human rights norms into domestic practices: Introduction" in Risse, T, Ropp, S and Sikink, K: *The power of human rights: International norms and domestic change*, Cambridge University Press, 1999

Risse, T. and Ropp, S. "International human rights norms and domestic change: Conclusions" in Risse, T, Ropp, S and Sikink, K: *The power of human rights: International norms and domestic change*, Cambridge University Press, 1999

Recommended Reading:

Donnelly, J. "Democracy, development and human rights" in *Human Rights Quarterly*, 1999

Landman, T "Review article: The political science of human rights" in *British Journal of Political Science*, 35, 2005

Hofferbert, R and Klingemann, H. "Remembering the bad old days: Human rights, economic conditions and democratic performance in transitional regimes" in *European Journal of Political Research*, 36(2)

Henderson, C. "Conditions affecting the use of political repression" in *Journal of Conflict Resolution*, 1991

Arat, Z. *Democracy and human rights in developing countries*, Boulder, 1991

Week 7: Where to Now for Human Rights?

Discussion Topic:

Human rights in a realist world: Where to now?

Compulsory Readings:

There are no compulsory readings for this lecture, but you are strongly encouraged to read the recommended texts below (which have been included in your course pack)

Recommended Reading:

Sen, A. "Elements of a theory of human rights" in *Philosophy and Public Affairs*, vol 32(4), 2004

Hafner-Burton, E. and Tsutsui, K. "Human rights in a globalizing world: The paradox of empty promises" in *American Journal of Sociology*, vol 110(5), March 2005

Beetham, D. "What future for economic and social rights?" in *Political Studies*, XLIII, 1995

Cox, R. "The consequences of welfare reform: How conceptions of social rights are changing" in *Journal of Social Policy*, vol 27(1), 1998

Leftwich, A. "Governance, the state and the politics of development" in *Development and Change*, vol 25, 1994