

Anthropology of Human Rights

16:070:603:01, Fall 2009

Dept of Anthropology, Rutgers University

Prof Daniel Goldstein

Wed 12:35-3:35, RAB 305

Course Description

Human rights is a global conception that has produced many and varied impacts, has been adapted and reworked in local contexts worldwide, and has become the object of as well as a resource for popular struggle, state policymaking, and transnational movements. All of which makes it a perfect subject for anthropological analysis. But anthropology has a long and complicated relationship with human rights, as this course explores. We will examine the origins and expansion of human rights thinking, and the impacts this has had on national formations and local contexts. We will go on to consider the conflicts between culture and rights that have emerged in this process, and the question of universality in the application of human rights around the world. The course will also consider the ways in which rights conceptions have been mobilized in local struggles, with a particular geographical focus on Latin America. We will look at particular manifestations of rights, including indigenous rights, women's rights, and the relationship between security and rights in the ongoing "global war on terror." Students will be encouraged to develop one particular theme from among those studied in their final research paper for the course.

Books

- Cowan, Jane, Marie-Bénédicte Dembour, and Richard Wilson, eds. 2002. *Culture and Rights: Anthropological Perspectives*. Cambridge: Cambridge University Press. ISBN 0521793394.
- Donnelly, Jack. 2002. *Universal Human Rights in Theory and Practice*. 2nd Edition. Ithaca: Cornell University Press. ISBN 0801487765
- Goodale, Mark. 2009. *Surrendering to Utopia: An Anthropology of Human Rights*. Stanford: Stanford University Press. ISBN 0804762139
- Ignatieff, Michael. 2003. *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press. ISBN 0691114749.
- Ishay, Micheline R. 2008. *The History of Human Rights: From Ancient Times to the Globalization Era*. Berkeley: University of California Press. ISBN 9780520256415. (Recommended/Optional)
- Merry, Sally Engle. 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press. ISBN 0226520749
- Niezen, Ronald. 2009. *The Rediscovered Self: Indigenous Identity and Cultural Justice*. Montreal: McGill UP. 0773535306
- Sanford, Victoria. 2004. *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave-Macmillan. ISBN 1403965595
- Speed, Shannon. 2007. *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*. Stanford: Stanford University Press. ISBN 0804757348
- Wilson, Richard Ashby, ed. 2005. *Human Rights in the "War on Terror."* Cambridge: Cambridge University Press. ISBN 0521618339

Course Requirements and Grading

1. Weekly reading and active participation – Students who attend without participating actively each week will not receive A grades for the course.
2. Weekly critical memos – 2 pages in length, double-spaced. These should be posted to the course Sakai site by noon every Tuesday. Everyone in class should read each other's memos prior to class, and come prepared to debate, critique, and query.
3. Discussion leadership – Each student will have at least one opportunity to assist me in facilitating the seminar, preparing questions and activities to help explore the readings for that week's class.
4. Critical essay – All seminar participants must write a critical essay of NO MORE THAN 25 double-spaced pages of text (not including endnotes and bibliography). The essay should develop a particular theme related to seminar readings and discussion through critical analysis and/or comparisons of materials read for class, using

additional materials where desired. Seminar participants will make short oral presentations based on work in progress, during one of the last two class sessions. Due dates are as follows:

- a. conference with me to discuss paper topics/ideas: by Wed 16 Sep
- b. paper abstract due: Wed 23 Sep
- c. rough draft due: Wed 28 Oct
- d. in-class presentation: Wed 2 Dec or Wed 9 Dec
- e. final draft due (hard copies only; no late papers accepted): Wed 16 Dec

Grades will be based on your preparation for and participation in the seminar, as well as on timely completion of written course requirements. The essay will count for 60% of your grade, with the remaining 40% determined by regular submission of your critical memos and your contribution to seminar discussion, as facilitator and participant.

Course Schedule

2 Sep – Introduction to the course

9 Sep – The politics and philosophy of human rights

Ignatieff, *Human Rights as Politics and Idolatry*

16 Sep – “Generations” of rights, and other essentials

Donnelly, *Universal Human Rights in Theory and Practice*, Intro, chapters 1-5, 8-12

23 Sep – Universalism v. relativism

Donnelly, chapters 6 and 7.

Cowan, Dembour, and Wilson. 2001. Chapter 1, Introduction to Cowan, Dembour, and Wilson.

Merry, Sally Engle. 2001. Changing Rights, Changing Culture. Chapter 2 in Cowan, Dembour, and Wilson.

Dembour, Marie-Bénédicte. 2001. Following the Movement of a Pendulum: Between Universalism and Relativism. Chapter 3 in Cowan, Dembour, and Wilson.

Zechenter, Elizabeth. 1997. In the Name of Culture: Cultural Relativism and the Abuse of the Individual. *Journal of Anthropological Research* 53(3): 319-348.

Fox, Robin. 2001. Human Nature and Human Rights. *Harper's Magazine*. April: 19-26.

Eriksen, Thomas Hylland. 2001. Between Universalism and Relativism: A Critique of the UNESCO Concept of Culture. Chapter 6 in Cowan, Dembour, and Wilson.

30 Sep – Anthropology and the human rights debate

American Anthropological Assoc. 1947. Statement on Human Rights. *American Anthropologist* 49 (4): 539-43.

Steward, Julian. 1948. Comments on the Statement on Human Rights. *American Anthropologist* 50: 351-2.

Barnett, H.G. 1948. On Science and Human Rights. *American Anthropologist* 50: 352-5.

AAA. 1999. Declaration on Anthropology and Human Rights. <http://www.aaanet.org/stmts/humanrts.htm>

Messer, Ellen. 1993. Anthropology and Human Rights. *Annual Review of Anthropology* 22: 221-49.

Engle, Karen. 2001. From Skepticism to Embrace: Human Rights and the American Anthropological Association. *Human Rights Quarterly* 23: 536-560.

Merry, Sally Engle. 2003. Human Rights Law and the Demonization of Culture (And Anthropology Along the Way). *Polar: Political and Legal Anthropology Review* 26(1): 55-77.

Riles, Annelise. 2006. Anthropology, Human Rights, and Legal Knowledge: Culture in the Iron Cage. *American Anthropologist* 108(1):52:65.

Turner, Terence. 1997. Human Rights, Human Difference: Anthropology's Contribution to an Emancipatory Cultural Politics. *Journal of Anthropological Research* 53(3): 272-92.

7 Oct – Anthro and human rights – Special guest star: Mark Goodale

Goodale, *Surrendering to Utopia*

14 Oct – Women's rights as human rights

- Bunch, Charlotte. 1990. Women's Rights as Human Rights: Toward a Re-vision of Human Rights. *Human Rights Quarterly* 12(4):486-98.
- Binion, Gayle. 1995. Human Rights: A Feminist Perspective. *Human Rights Quarterly* 17:509-526
- Griffiths, Anne. 2001. Gendering Culture: Towards a Plural Perspective on Kwena Women's Rights. Chapter 5 in Cowan, Dembour, and Wilson.
- Hodgson, Dorothy. 2002. Women's Rights as Human Rights: Women in Law and Development in Africa (WiLDAF). *Africa Today*, 49(2):1-26
- Brems, Eva. 1997. Enemies or Allies? Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse. *Human Rights Quarterly* 19: 136-164.
- Jelin, Elizabeth. 1996. Women, Gender and Human Rights. In *Constructing Democracy*. E. Jelin and E. Hershberg, eds. Pp. 177-96. Boulder: Westview Press.

21 Oct – Human rights in practice

Merry, *Human Rights and Gender Violence*

28 Oct – Indigenous rights as human rights

- Hodgson, Dorothy. 2002. "Introduction: Comparative Perspectives on the Indigenous Rights Movements in Africa and the Americas." *American Anthropologist* 104(4):1037-1049.
- United Nations Economic and Social Council (UNESCO). 1993. Declaration on the Rights of Indigenous Peoples. <http://www.cwis.org/drft9329.html#UN%20Draft%20Declaration%20on%20the%20Rights%20of%20Indigenous%20Peoples>
- Stavenhagen, Rodolfo. 1996. Indigenous Rights. Some Conceptual Problems. In *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*. E. Jelin & E. Hershberg, eds. Pp. 141-159. Boulder: Westview.
- John Bowen. 2000. Should we have a universal concept of indigenous peoples' rights? *Anthropology Today* 16(4):12-16.
- Brysk, Allison. 1996. Turning Weakness into Strength: The Internationalization of Indian Rights. *Latin American Perspectives* 23(2):38-57.
- Gellner, David N. 2001. From Group Rights to Individual Rights and Back: Nepalese Struggles over Culture and Equality. Chapter 8 in Cowan, Dembour, and Wilson.
- Samson, Colin. 2001. Rights as the Reward for Simulated Cultural Sameness: The Innu in the Canadian Colonial Context. Chapter 10 in Cowan, Dembour, and Wilson.

4 Nov – New perspectives on indigenous rights

Niezen, *The Rediscovered Self*

11 Nov – Case study: Indigenous rights in Chiapas

Speed, *Rights in Rebellion*

18 Nov – Human rights and security: Contradictory or complimentary?

- Wilson, *Human Rights in the "War on Terror,"* chapters tba
- Goldstein, Daniel M. Under Review. Towards a critical anthropology of security and rights. *Current Anthropology*.

2 Dec – Human rights, mass killing, reconciliation

- Bringa, Tone. 2002. Averted Gaze: Genocide in Bosnia-Herzegovina, 1992–95. In A.L. Hinton, ed. *Annihilating Difference: The Anthropology of Genocide*. Pp. 194-227. Berkeley: U of California Press.
- Wilson, Richard A. 2004. The Trouble with Truth: Anthropology's Epistemological Hypochondria. *Anthropology Today* 20(3): 14–17.
- Wilson, Richard A. 2000. Reconciliation and Revenge in Post-Apartheid South Africa: Rethinking Legal Pluralism and Human Rights. *Current Anthropology* 41(1):75-98.
- Minow, Martha. 1999. "Vengeance and Forgiveness" and "Truth Commissions." *In Between Vengeance and Forgiveness: Facing History After Genocide and mass Violence*. Pp. 52-90. Boston: Beacon.
- Seider, Rachel, and Jessica Witchell. 2001. Advancing Indigenous Claims through the Law: Reflections on the Guatemalan Peace Process. Chapter 9 in Cowan, Dembour, and Wilson.

9 Dec – Case study 2: After genocide in Guatemala

Sanford, *Buried Truths*