Righting wrongs or wronging rights? Human rights and its discontents

Instructor: Dr Chenchen Zhang (cz@ifs.ku.dk)

Time and location: Monday 15:00 – 17:00; Thursday 13:00 – 15:00, CSS 2-1-49.

Introduction: Few norms, discourses or ideologies have triumphed more quickly and universally than that of human rights in the 20th century. On the one hand, it has undoubtedly become one of the most powerful languages employed by the oppressed and the rightless to claim equality, rights and justice. On the other hand, controversies, criticisms and resistance have always accompanied the various facets of the human rights project: its philosophical foundations, the regime and the practice. Is the idea of human rights bound to either emancipation or domination? Is the ‘bottom-up’ movement a better approach to human rights than the ‘top-down’ intervention? Are those critiques of human rights referring to imposing the ideology of ‘the rich on the poor’ or the tendency of victimization merely based on the coincidental abuse of an essentially good idea by hegemonic powers, or, are they rooted in the contested nature of the idea itself? This course will provide an overview of the topic as discussed in political theory and international relations, with a focus on the paradoxes and ambiguities involved in both philosophy and practice. We will start with a brief introduction on the intellectual resources of human rights and the institutional architecture of the international human rights regime, before we move on to explore the critiques of human rights in political theory. In the second part of course, we will focus on key contemporary issues in the global politics of human rights such as humanitarian intervention and the Responsibility to Protect, border politics and refugee protection, and fundamental rights in the EU. Class discussions are based on a variety of materials including academic literature, movies, posters, and campaign videos.

Requirements:

It is mandatory to read all assigned readings (those marked as ‘optional’ not included) before each class. Please bring to class either a hard copy or an electronic version of the texts. It is also advisable to bring with you a short summary and several questions about each reading. This course has a written exam (free assignment).

1. Introduction

Required readings:

Optional readings:


2. The ‘Rights of Man’ before human rights


Optional Readings:


3. The structure of international human rights law, guest lecture by Dr. Pola Cebulak (Faculty of Law, UCPH)

4. Human rights, the nation-state and sovereignty


Optional:


5. The poststructuralist critique of (human) rights

Optional:


**Student Presentation:**

- Group 1: The sans-papier movement in France

6. The postcolonial critique of (human) rights


Optional:


**Student Presentation:**

- Group 2: ECHR rulings on the hijab and burka ban

7. Questioning universality


Optional:


**Student Presentation:**
• Group 3: Female Imams in Denmark and Muslim feminism

8. Humanitarian intervention and the Responsibility to Protect


Optional:


Student presentation:

• Group 4: The discourse and practice of R2P in Libya

• Group 5: The discourse and practice of R2P in Syria

9. Workshop on academic writing and the final assignment

10. Border security and the rights of migrants and refugees


Optional:


Student Presentation:
• Group 6: The “Convention debate” in Denmark and the new regulation regarding refugees and asylum seekers

11. Human rights, social movement, and transnational advocacy


Optional:


Student Presentation:

• Group 7: Amnesty International and SOS Europe
• Group 8: Abahlali baseMjondolo (Durban shack dwellers’ movement)

12. Humanitarian government


Optional:

13. Fundamental rights and freedom of movement in the EU


Cases:

- C-112/00 Eugen Schmidberger v. Austria [2003] ECR I-5659
- C-341/05 Laval Un Partneri Ltd v Svenska Byggnadsarbetareförbundet [2008] IRLR 160

14. Conclusions and Q&As