

CONF 728: Human Rights Theory and Practice in Cross-Cultural Perspective

George Mason University
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Office hours: Wednesday, 3PM – 4:30, or by appt.

Course time and location: Wednesdays, Founders Hall 478, 4:30 – 7:10PM

INTRODUCTION:

Human rights theory and institutions are used as major vehicles for addressing conflict at various social and geographical levels. Intense and protracted conflict around the world inevitably leads to a call by individuals and institutions to protect the human rights of victims and to use a human rights framework to seek redress from violators. In addition, globalization has created a dynamic in which human rights theory and practice have come to form the foundation for a variety of initiatives including international development and foreign aid, civil society projects, bilingual education, community conflict resolution, truth and reconciliation commissions, gender equality, and the protection of children, among many others.

In this course we will explore human rights from as many different angles as possible, including the theoretical or philosophical aspects of human rights, the practical problems of implementation and protection, the institutional dimensions, and, in particular, the dilemmas associated with the use of human rights in cross-cultural or comparative perspective. The course schedule and reading lists assume no prior knowledge or training in human rights among students; to this extent, the course will be an introductory survey for both undergraduate and graduate students for whom a solid basis in human rights theory and practice would be useful.

BOOKS (required):

(1) Mertus, Julie, and Jeffrey Helsing (eds.), *Human Rights and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding*, USIP 2006.

(2) Goodale, Mark, and Sally Engle Merry (eds.), *The Practice of Human Rights: Tracking Law Between the Global and the Local*, Cambridge University Press, 2007.

(3) Goodale, Mark, *Surrendering to Utopia: An Anthropology of Human Rights*, Stanford University Press, 2009.

(4) Tate, Winifred, *Counting the Dead*, University of California Press, 2007.

COURSE FORMAT:

The course is a combined lecture and seminar course and will, therefore, involve the following features and expectations: (1) students will be expected to come to each class with the readings fully digested and prepared to engage in a sustained interactive discussion of both critical concepts found in the readings, and ongoing themes that the course will inevitably develop; (2) course participants will be expected to engage in discussion and, at times, debate, with respect for the differences in background, belief, and ideology found at ICAR; and (3) students will be expected to devote themselves to their written work with the kind of energy associated with ICAR students and to turn in assignments on time. Classes will feature a combination of lecture by the professor, student presentation of critical concepts in the readings, discussion structured by student-prepared questions, free discussion, and guest lectures and presentations.

EVALUATION:

1. Mid-term paper: Students will turn in a mid-term paper worth 20% of the final grade. Papers are due electronically by **March 30**. Students will write an 5-page, double-spaced essay, *using the course readings*, in response to one of several possible questions, to be distributed at the end of class on **March 9**.
2. Research Paper: Students will write a 20-23 page, double-spaced research paper on a relevant topic within human rights in comparative perspective. Proposals for research papers are due in class on **February 23**. These papers will be due electronically on or before **May 10**. The paper will be worth 40% of your final grade.
3. Human Rights Conflict of the Week: Beginning in the second week, student teams will begin each course with a presentation of a “human rights conflict of the week.” Students will select one human rights conflict from current news and present a 20-minute SPITCEROW-type conflict analysis. Assignments will be randomly made and distributed during the first week of class. This will be worth 10% of your final grade.
4. Points for Discussion: Beginning in the second week of class, student teams will be assigned points for discussion. They will have the responsibility for preparing “points for discussion” for the rest of the class. The points will focus on *themes from the week’s readings*. If possible, the points should be distributed via email before our Wednesday classes. During the second part of each class, the discussion teams will introduce the points and take the lead in facilitating a discussion about them. This will be worth 10% of the final grade.
5. Research Presentations: During the last two class sessions, students will make 20-minute presentations on the substance and importance of their human rights and conflict research papers. Students should feel free to use audio-visual techniques to enhance presentations. The presentation will be worth 15% of your final grade.

6. Participation: Because this is both a lecture and seminar course, active participation is vital to its success. Even if students will be reading and thinking about certain issues and concepts for the first time, they will be expected to address them critically, substantively, and with an eye toward developing reasoned independent positions. This portion of the class will be worth 5% of the final grade.

** We will discuss class requirements and expectations in detail during our first class meeting.

Introduction to course and course participants

Wednesday January 26

- Syllabi distributed via email; instructor fields questions electronically in preparation for our January 27 meeting

Philosophical, Historical, and Political Overview to Human Rights

February 2

- Donnelly, Jack, “Being Right and Having a Right” [ER]
- Locke, John, from *The Second Treatise on Government* [ER]
- Burke, Edmund, from *Reflections on the Revolution in France* [ER]
- Bentham, Jeremy, from *Anarchical Fallacies* [ER]

February 9

- *Surrendering to Utopia*, Chapters 3, 4, 5
- Sen, Rights and Capabilities [ER]

Human Rights and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding

February 16

- Mertus and Helsing, “Exploring the Intersection between Human Rights and Conflict,” in *Human Rights and Conflict (HRC)*
- Lutz, Ellen, “Understanding Human Rights Violations in Armed Conflict” in *HRC*
- Shirsch, Lisa, “Linking Human Rights and Conflict Transformation: A Peacebuilding Approach,” in *HRC*

February 23

- Falk, Richard, “Humanitarian Intervention After Kosovo,” in *HRC*

- Cerone, John, “Holding Military and Paramilitary Forces Accountable,” in HRC
- Abu-Nimmer, Mohammed, and Edy Kaufman, “Bridging Conflict Transformation and Human Rights,” in HRC

FINAL PAPER PROPOSALS DUE ELECTRONICALLY

March 2

- Martin, Susan, and Andrew Schoenholtz, “Promoting the Human Rights of Forced Migrants,” in HRC
- Lord and Flowers, “Human Rights Education and Grassroots Peacebuilding,” in HRC
- Mertus, and Helsing, “Toward a More Integrated Approach,” in HRC

Conflict Resolution and the Practice of Human Rights

March 9

- Leve, Lauren, “Double-Binds of Self and Secularism in Nepal: Religion, Democracy, Identity and Rights” (from *The Practice of Human Rights*)
- Goodale, Mark “The Power of Right(s): Tracking Empires of Law and New Modes of Social Resistance in Bolivia (and elsewhere)” (from *The Practice of Human Rights*)
- Speed, Shannon, “Exercising Rights and Reconfiguring Resistance in the the Zapatista *Juntas de Buen Gobierno*” (from *The Practice of Human Rights*)

MIDTERM ESSAY QUESTIONS DISTRIBUTED ELECTRONICALLY

March 16

NO CLASS—SPRING BREAK

March 23

Special guest: Dr. Omar Grech, Mediterranean Academy of Diplomatic Studies, University of Malta; Topic: TBA

March 30

- Wastell, Sari, “Being Swazi, Being Human: Custom, Constitutionalism and Human Rights in an African Monarchy” (from *TPHR*)
- Dale, John, “Transnational Legal Conflict between Peasants and Corporations in Burma: Human Rights and Discursive Ambivalence under the U.S. Alien Tort Claims Act” (*TPHR*)

- Goldstein, Daniel, “The Violence of Rights: Human Rights as Culprit, Human Rights as Victim” (TPHR)

MIDTERM ESSAYS DUE ELECTRONICALLY BEFORE CLASS

Regional Focus: Human Rights in Latin America

April 6

Special guest: human rights expert from the Organization of American States; Topic: TBA

The Culture and Politics of Human Rights Activism: Case study, Colombia

April 13

Counting the Dead, Introduction, Chapters 1, 2, 4

April 20

Counting the Dead, Chapters 5, 6, 7, Conclusion

Final Synthesis and Presentations

April 27

Group I: Formal presentations of final human rights and conflict case studies

May 4

Group II: Formal presentations of final human rights and conflict case studies

COURSE EVALUATIONS

May 10

Written conflict case studies due electronically to: mgoodale@gmu.edu

Final papers will be read and comments returned electronically.

George Mason University Honor System and Code

Please familiarize yourself with the Honor System and Code, as stated in the George Mason University *Undergraduate Catalog*. When you are given an assignment as an individual, the work must be your own. Some of your work may be collaborative; source material for group projects and work of individual group members must be carefully documented for individual contributions. For an overview of the Honor Code, see the explanation below:

HONOR CODE

To promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of George Mason University, and with the desire for greater academic and personal achievement, we, the members of George Mason University, have set forth the following code of honor.

I. The Honor Committee

The Honor Committee is a group of students elected from the student body whose primary and indispensable duty is to instill the concept and spirit of the Honor Code within the student body. The secondary function of this group is to sit as a hearing committee on all alleged violations of the code.

II. Extent of the Honor Code

The Honor Code of George Mason University deals specifically with *cheating* and *attempted cheating, plagiarism, lying, and stealing*.

A. Cheating encompasses the following:

1. The willful giving or receiving of an unauthorized, unfair, dishonest, or unscrupulous advantage in academic work over other students.
2. The above may be accomplished by any means whatsoever, including but not limited to the following: fraud; duress; deception; theft; trick; talking; signs; gestures; copying from another student; and the unauthorized use of study aids, memoranda, books, data, or other information.
3. Attempted cheating.

B. Plagiarism encompasses the following:

1. Presenting as one's own the words, the work, or the opinions of someone else without proper acknowledgment.
2. Borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else without proper acknowledgment.

C. Lying encompasses the following:

The willful and knowledgeable telling of an untruth, as well as any form of deceit, attempted deceit, or fraud in an oral or written statement relating to academic work. This includes but is not limited to the following:

1. Lying to administration and faculty members.
2. Falsifying any university document by mutilation, addition, or deletion.
3. Lying to Honor Committee members and counsels during investigation and hearing. This may constitute a second charge, with the committee members who acted as judges during that specific hearing acting as accusers.

D. Stealing encompasses the following:

Taking or appropriating without the permission to do so, and with the intent to keep or to make use of wrongfully, property belonging to any member of the George Mason University community or any property located on the university campus. This includes misuse of university computer resources (see the Responsible Use of Computing Policy section in the "General Policies" chapter). This section is relevant only to academic work and related materials.

Source: *George Mason University Faculty Handbook*
<http://www.gmu.edu/facstaff/handbook/aD.html>

For a more complete understanding of what constitutes plagiarism, see the statements below:

Plagiarism Statement

Plagiarism means using the exact words, opinions, or factual information from another person without giving that person credit. Writers give credit through accepted documentation styles, such as parenthetical citation, footnotes, or endnotes; a simple listing of books and articles is not sufficient. Plagiarism is the equivalent of intellectual robbery and cannot be tolerated in an academic setting. Student writers are often confused as to what should be cited. Some think that only direct quotations need to be credited. While direct quotations do need citations, so do paraphrases and summaries of opinions or factual information formerly unknown to the writers or which the writers did not discover themselves. Exceptions for this include factual information which can be obtained from a variety of sources, the writers' own insights or findings from their own field research, and what has been termed common knowledge. What constitutes common knowledge can sometimes be precarious; what is common knowledge for one audience may not be so for another. In such situations, it is helpful, to keep the reader in mind and

to think of citations as being "reader friendly." In other words, writers provide a citation for any piece of information that they think their readers might want to investigate further. Not only is this attitude considerate of readers, it will almost certainly ensure that writers will never be guilty of plagiarism. (statement of English Department at George Mason University)

Plagiarism and the Internet

Copyright rules also apply to users of the Internet who cite from Internet sources. Information and graphics accessed electronically must also be cited, giving credit to the sources. This material includes but is not limited to e-mail (don't cite or forward someone else's e-mail without permission), newsgroup material, information from Web sites, including graphics. Even if you give credit, you must get permission from the original source to put any graphic that you did not create on your web page. Shareware graphics are not free. Freeware clipart is available for you to freely use. If the material does not say "free," assume it is not. Putting someone else's Internet material on your web page is stealing intellectual property. Making links to a site is, at this time, okay, but getting permission is strongly advised, since many Web sites have their own requirements for linking to their material.