**UPOL/Department of Philosophy**

**COURSE PROPOSAL**

**Summer Semester 2017**

**Introduction to the Philosophy and Sociology of Human Rights**

**Course Syllabus**

**12 classes plan**

**Marek Szilvasi, PhD.**

The last 70 years have marked a period of intense international human rights proliferation and rights-driven social movements making claims on the governments. Sociology of human rights focuses on how ‘human rights revolution’ has impacted the organisation of our societies as well as the formation of our identities.

Unlike political sociology, which examines the relationship between society and political institutions, the sociology of rights focuses on the complex and mutually interwoven relationship between society and the law. Sociology of human rights concentrates specifically on the social impact of the human rights systems and their potential for social change. It is due to a social content they comprise that legal norms can mirror a particular societal design, or as Schepele (1994) has put it: “legal doctrine is like a rough draft of social theory”.

(Human) rights can be analysed at multiple registers– of normative moral aspirations (morality), codification and doctrines (epistemology), and mechanisms of institutions of enforcement (politics) (Somers and Roberts 2008). Considered in this complex light, they are also legitimate subject of sociological research. Sociology of rights “refuses to separate rights from social life as a whole and issues of power in particular” (Woodiwiss (2003). It postulates some form of a mutual inter-dependence and intersectionality between the design of legal norms and patterns of social relations.

We will dispute a potential constitutive role of human rights discourses for social organisation of contemporary societies. We will also examine under what conditions do human rights function as relevant sources of social cohesion and a paradigm for social organisation and social relations.

The course (a composition of lectures and seminars held in English) will concentrate on the social, historical and political context of international human rights systems. It will critically examine the development, the content, and epistemological and political privilege of various human rights treaties (the French Revolution’s Declaration of the Right of Man, UN Universal Declaration of Human Rights (UDHR, 1948), Council of Europe’s European Convention of Human Rights (ECHR, 1950) and the Charter of Fundamental Rights of the European Union (2000). It will look into a context, composition and cohesion of three generations of human rights and their nexus to citizenship rights. It will further point out specific critical approaches to human rights developed by various socio-political movements of the 20th and 21st centuries (anti-racism, postcolonial and subaltern critique, Marxism, feminist and gender equality, and environmental movements). The course will close with a reflection on intersectional, critical race and cosmopolitan theories and the future role of the state and society in upholding (human) rights vis-à-vis recent challenges of terrorism, wars and migration.

**Course Plan**

1. What is philosophy of rights and sociology of human rights? (theories of the origin of rights, on the relationship between law and society, right-bearers and citizens, individual claim-rights, human rights as claims against the state)
2. Natural rights philosophical traditions (Plato, Aristotle, Augustine, Thomas Aquinas, Moore, Hobbes, Locke, Bentham)
3. The rights of men of the first (modern) Declarations (of the newly formed nations against kings and empires) (USA, France, Haiti, Rousseau, Burke, Paine, Jefferson)
4. Civil and political rights and equality – theories of liberalism
5. Cultural and collective rights and equality – theories of multiculturalism
6. Socio-economic rights and equality – theories of socialism
7. UDHR (1948) in the social, historical, (geo-) political and institutional context (UN bodies, UN treaties, UN procedures, UN legitimacy), ECHR (1950 in the social, historical, (geo-) political and institutional context (CoE bodies, ECtHR, their procedure, CoE legitimacy), Charter of Fundamental Rights of the EU (2000) in the context in the social, historical, (geo-) political and institutional context (EU bodies, ECJ, their procedures, EU legitimacy)
8. Human rights and Others I – citizenship, political community (Arendt, Agamben, Ranciere, Douzinas)
9. Human rights and others II - racism, orientalism, ethnic discrimination and cultural relativism (Fanon, Said, Todorova, Wingfield)
10. Human rights and Others II – Marxist Critique (East-West division, class exploitation, ignored socio-economic rights, welfare states, socialism, socio-economic inequalities)
11. Human rights and Others III – postcolonial critique (colonialism, Euro-centrism, North-South division, subaltern studies, hegemony, profesionalisation and NGO-isation of human rights)
12. Human rights and Others IV – feminism, gender and women’s rights critique (CEDAW, gender divisions, women’s rights ignored, unequal pay, domestic work)
13. Human rights and Others VI – the newest generation: environmental, rights, disability rights (CRPD), LGBTQR rights, children’s rights, domestic workers
14. Theories of multiple discrimination, intersectionality and critical race theory

**CONDITIONS FOR AWARDING CREDITS:**

1. Active participation at the lectures and seminar (2/3 classes attendance)
2. One presentation and hand-out for colleagues (15 min. presentation and 1 page hand-out sent to MS a day before presentation)
3. A reading summary – producing reading summaries (1 page) on assigned readings for each class, which should include 4 parts: arguments, questions, connections, and implications.
4. In case of missing to submit reading summaries in 2/3 of (all) classes, or missing to make a presentation, you would need to submit a paper on an agreed topic (approximately 7-8 standard pages)
5. The student evaluation will depend on the quality of presentation, submitted reading summaries and level of participation in the classes

**LITERATURE**

ANDERSON, E. (2010) *The Imperative of Integration*, Princeton: Princeton University Press.
───────── (2011) *Egalitarianism: a Program for Reconstructing its History*, unpublished paper.

ARNOLD, David, *An Ancient Race outworn,* 123 – 143,in:WALTRAUD, E. HARRIS, B. (eds.) *Race, Science and Medicine, 1700 – 1960*

BOLTANSKI, L. (2011) *On Critique: Sociology of Emancipation*

DERRIDA, Jacques, *On Cosmopolitanism*

CHATTERJEE, P. (2004) *Politics of the Governed,* New York: Columbia University Press.

DELANTY, Gerard (ed.) (2006) *Europe and Asia Beyond East and West,* London:

Routledge/ European Sociological Association Studies in European Society.

DOUZINAS, C. (2000) *The End of Human Rights,* London: Hart Publishing.

FANON, F. (2004) The Wretched of the Earth, New York: Grove Press, available at: <http://abahlali.org/files/On_Violence.pdf>

FINE, R. (2007) *Cosmopolitanism,* London: Routledge.
───── (2009) “Cosmopolitanism and Human Rights: Radicalism in a Global Age”, in: *Metaphilosophy,* 1/40, pp. 8-23.

FOUCAULT, Society Must be Defended*,* pp.53 – 154

GEGGUS, FIERING (eds.) (2007) The World of Haitian Revolution.

GILMAN, Sander, L., *Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late 19th century/ Art, Medicine and Literature,* JSTOR, 1 – 41

GUDAVARTHY, A. (ed.) (2012) *Re-Framing Democracy and Agency in India*, London: Anthem Press

HABERMAS, J. (1998) *The Inclusion of the Other: Studies in Political Theory,* Massachusetts: The MIT Press.

KAPUR, Ratna, *The Tragedy of Victimization Rhetoric: Resurrecting the ‘Native’ Subject in International/ Post-colonial Feminist Legal Politics,* 1 – 31, in: Harward Human Rights Journal, vol. 15/ 2002

KYMLICKA, W. (1995) *Multicultural Citizenship: a liberal theory of minority rights,* Oxford, Oxford University Press.
──────── (2003) “Immigration, Citizenship, Multiculturalism: Exploring the Links”*,* in: *Political Quarterly*, pp. 195-208.

MARSHALL, T. H. (1950), *Citizenship and Social Class,* Cambridge: Cambridge University Press.

MARX, K. (1971) *Early Texts,* Oxford: Blackwell
────── (1858) Grundrisse, available at: <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch11.htm#p594>, (accessed: June 14, 2012).

OFFE, C. (1984) *Contradictions of the Welfare State,* London: Hutchinson & Co.
────── (1992) “A Non-Productivist Design for Social Policies”, in: VAN PARIJS, P. (ed) *Arguing for Basic Income: Ethical Foundation for a Radical Reform*, London: Verso, pp. 61-78.

PRAKASH, G. ([1994] 2010) “Subaltern Studies as postcolonial criticism”, in: Singh & Mohapatra (eds.) (2010) *Indian Political Thought*, London: Routledge.

POGGE, T. (2002) *World Poverty and Human Rights*, Cambridge: Polity Press.

─────── (2007) *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* Oxford: Oxford University Press

RANCIERE, J. (2004) “Who Is the Subject of the Rights of Man?” in: *The South Atlantic Quarterly,* 2-3/103, pp. 297–310.

RAWLS, J. (1971) *Theory of Justice,* Cambridge: Harvard University Press.
──────── (1996) *Political Liberalism,* New York: Columbia University Press.
──────── (1999) *The Law of Peoples*, Harvard: Harvard University Press.

SAID, Edward, *Orientalism,* chapter: *The Scope of Orientalism,* 29 – 110

SEN, Amartya, *Argumentative Indian*

SOMERS, M. R. (2008) *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*, Cambridge: Cambridge University Press

SOMERS, M. R. & Ch. N. J. ROBERTS (2008) “Towards a New Sociology of Rights: A Genealogy of “Buried Bodies” of Citizenship and Human Rights”, in: *Annual Review of Law and Social Science* 4/2008, pp. 385-425.

SPIVAK, G. Ch. ([1985], 2006) “Can the Subaltern Speak?”in: Ashcroft *et al.* (2006) *The Post-Colonial Studies Reader,* London: Routledge.

STANDING, G. (2011) *Precariat: The New Dangerous Class,* New York: Bloomsbury Academic.

YOUNG, I. M (2007) “Structural Injustice and the Politics of Difference”*,* in: *Justice, Governance, Cosmopolitanism and the Politics of Difference*, W.E.B. Dubuis Lecture, Humboldt University, pp. 79-116.

TAYLOR, Ch. (1994) “The Politics of Recognition”, in: A. Gutmann (ed.), *Multiculturalism and the Politics of Recognition*, Princeton: Princeton University Press.
─────── (1996) “A World Consensus on Human Rights”, in: *Dissent,* Summer 1996, pp. 15-21.

THERBORN, G. (2008), *From Marxism to Post-Marxism?,* London: Verso

TODOROVA, Maria, *Imagining the Balkans,* Chapter 5: *From Discovery to Invention, from Invention to Classification,* pp. 116 – 139.

TURNER, B. S. (2001) “The erosion of citizenship”, in: *British Journal of Sociology,* 2/52, pp. 189-209.

Van PARIJS, P. (ed.) (1992) *Arguing for Basic Income: Ethical Foundation for a Radical Reform*, London: Verso.

WACQUANT, L. (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*, London: Duke University Press*.*

WALDRON, J. (ed.) (1984) *Theories of Rights,* Oxford: Oxford University Press.

WILENSKY, H. L. (1974) *The Welfare State and Equality: Structural and Ideological Roots of Public Expenditure,* Berkeley: University of California Press.

WINGFIELD, N., M. (ed.) (2004) *Creating the Other: Ethnic Conflict and Nationalism in Habsburg Central Europe.* Oxford: Berghahn Books.

WOLFF L. (1996), *Inventing Eastern Europe: The Map of Civilization on the Mind of the*

*Enlightenment.* Stanford: Stanford University Press.

WOODIWISS, A. (2005) *Human Rights*, London: Routledge.
─────── (2011) “Making the Sociology of Human Rights More Sociological”, in: *Development and Society,* 40/1, pp. 117 – 138.

WOODWARD, A. KOHLI, M. (2001) *Inclusions and exclusion in European societies,* New York: Routledge.

ŽIŽEK, S. (2011) “Against Human Rights”, in: Rathore, A. and Cistelecan, A. (eds), *Wronging Rights,* New Delhi: Routledge, pp. 147-168.

ŽIŽEK, S. (2012) “The Revolt of the salaried bourgeoisie, in: *London Review of Books,* 34/2/2012, available at: <http://www.lrb.co.uk/v34/n02/slavoj-zizek/the-revolt-of-the-salaried-bourgeoisie>; (accessed: October 3, 2014).

**VIDEOS:**

1. Last Week Tonight with John Oliver, <https://www.facebook.com/LastWeekTonight/>.
2. BAUDRILLARD, J. (2002) *Cultural Identity and Politics,* <http://www.youtube.com/watch?v=q3kgjjTE0dk>.
3. DERRIDA, J. (2004), *Gilles Deleuze: On Forgiveness*, <http://www.youtube.com/watch?v=I_r-gr3ccik>.
4. SLOTERDIJK, P. (2009), *Speech at the Parliament of Reality Opening,* <http://www.youtube.com/watch?v=DlSE8OiwrVM>.
5. ŽIŽEK, S. (2009) *The Future of Europe,* Speech at the Bled Forum on Europe Association, Bled, Slovenia, <http://www.youtube.com/watch?v=6n2wrLCg96Q>
6. ŽIŽEK, S. (2006) *Rules, Race, and Mel Gibson,* <http://www.youtube.com/watch?v=5BIUkUUtvFI&feature=channel>.
7. HARVEY, D. (2014a), *The Contradictions of Capitalism*, RSA, available at: <https://www.facebook.com/theRSAorg?fref=ts>.

───────── (2014b), *The 17 Contradictions of Capitalism,* available at: <https://www.youtube.com/watch?v=AULJlwoI3TI>.