

Fall 9-1-1996

PSC 495.01: Human Rights and Development

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The University Of Montana

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University of Montana
Political Science Department
PSC 495 - Human Rights and Development
Fall 1996

Professor: Olatunde Ojo
Office: LA 354 Phone: 243-4418
Office Hours: MT 1:10-2:40 PM or by appointment

Class meets: LA 306
TTh 3:40-5 PM

Course Description.

This course introduces students to the ways in which states and other international actors -- intergovernmental and non-governmental -- have addressed human rights both historically and in contemporary times. The objective is to stimulate thinking about how and why violation of human rights is so ubiquitous, why, in spite of this, human rights remain only a small part of inter-national relations, and what can and cannot be done about these through international action.

UN efforts to promote and protect human rights will be discussed, with a focus on the kinds of issues typically addressed and the perspectives that have been commonly adopted as epitomized in the Covenants and in the September 1995 Beijing conference on the rights of women. The role of regional inter-governmental organizations as well as national and international non-governmental organizations (NGOs) in the promotion and protection of human rights will also be examined.

Substantial attention will be paid to the domestic politics of human rights. This will be discussed comparatively and in terms of individual versus group (racial, gender, religious, linguistic and indigenous or minority) rights in the context of the principle of equal treatment. Substantial attention will also be focused on the relationship of human rights to development, with emphasis on the Third World in general and Africa in particular. It is in the Third World region that the worst cases of human rights abuses currently occur. It is also there that exist the concepts and conceptions of human rights which the West has not found entirely palatable. We seek understanding of the differences, the underlying causes and how these bear upon Western States' foreign policies and on global and regional international relations.

Accordingly, we address such issues as: the nature, substance and sources of human rights; the evolution of the concept over time and space; the place of human rights in the contemporary international society of states and the theoretical and practical challenges posed to the very idea of international human rights policy by arguments of cultural relativity and cultural imperialism or realpolitik. We also explore the literature on the debate over the right to development; whether enjoyment of human rights is a prerequisite for development or whether it is the other way around.

Course Format

The course will be organized as a discussion seminar. After the initial preliminaries, students will take turns leading dis-

cussions on key issues, concepts and themes from the assigned readings for the relevant class sessions. The discussion leader launches the discussion by presenting a summary of the readings and posing the key issues. Discussion leaders are not expected to answer all questions in their presentations; their task is to identify important issues and areas of controversy for discussion. Meaningful discussion and rewarding class sessions can only occur if we all faithfully do the assigned readings when due; otherwise we would only be exchanging ignorance and have boring sessions. Everyone is therefore responsible for the material assigned for each session. The oral summary by the discussion leader is only a convenient way of launching the discussion, not a substitute for a careful reading of the materials.

In addition to leading class discussions in turns, each student will also write and present a term paper, a learning tool. The paper, on a topic of your choice, is expected to break new ground, i.e. go beyond the assigned class readings and discussions. It may cover topics left out or insufficiently covered in the course, e.g. the human rights of refugees or specific aspects of human rights of Native Americans. Or it may examine the human rights policy of a great power in a specific country or region/sub-region, the role of a particular NGO in the promotion/protection of a specific human right in a particular country or region/sub-region, or the state of human rights in a particular country or sub-region. It may deal with the position of a country or group of countries on particular human rights issues at the UN. The possibilities are unlimited.

Presentation of the papers in class will begin about mid-November and will follow essentially the same format as the earlier oral presentations. The final draft incorporating relevant comments and suggestions from the class discussion will be due not later than the day and time scheduled for the final exam of this course. There will be no final exam.

Evaluation of Student Performance.

There will be three components to the course evaluation. The first component comprising 40% will be based on your classroom performance, including the quality of class discussions you lead, and your general contributions to other class sessions. To ensure high quality, occasional short (no more than three type-written pages) reaction papers to some of the readings will be required, and will constitute a part of the assessment. Obviously, regular attendance is essential. The second component, also 40%, will be the term paper discussed above. The third component will be a mid-term exam. (20%).

The Texts

The basic texts are: Jack Donnelly, International Human Rights (Boulder: Westview Press, 1993); Dan Danielsen and Karen Engle, After Identity: A Reader in Law and Culture (New York: Routledge, 1995); and Julie Peters & Andrea Wolper (eds.), Women's Rights/ Human Rights: International Feminist Perspectives (New York: Routledge, 1995).

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Course Outline

PART ONE: Conceptual and Theoretical Issues.

WEEK 1

- Sept. 3 Introduction
Sept. 5 The Beginning of International Concern with Human Rights (Discussion following a video program).
Reading: Jack Donnelly chp 1.

WEEK 2

- Sept. 10 The Concept Of Human Rights: Western Perspectives
Readings: Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights" (R)
Sept. 12 The Non-Western Perspectives and their implications
Readings: Lakshman Marasinghe, "Traditional Conceptions of Human Rights in Africa" (R)

WEEK 3

- Sept. 17 Implications of Divergent Perspectives: Cultural Relativism vs. Universalism
Reading: Raimundo Panikkar, "Is the notion of Human Rights A Western Concept?" (R)
Additional Reading: Rhoda Howard, "Cultural Absolutism and the Nostalgia for Community" (R)

- Sept. 19 UN Compromise Approach and Its Problems
The Hierarchy of Rights Debate
Readings: (1) Hugo Adam Bedau, "Human Rights and Foreign Assistance Programs" (R); (2) Henry Shue, "Rights in the Light of Duties," (R); (3) Charles R. Beitz, "Human Rights and Social Justice" (R)
Additional Reading: Rhoda Howard, "The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? (R).

WEEK 4

- Sept. 24 The Hierarchy Debate cont'd. - Legal considerations
Discussion of Theodore Meron, "On a Hierarchy of International Human Rights." (R)
Sept. 26 Conjuring Up New Rights
Reading: Philip Alston, "Conjuring Up New Human Rights: A Proposal for Quality Control" (R)

WEEK 5

- Oct. 1 Multilateral Politics of Human Rights: monitoring and enforcing human rights under global and regional regimes; the role of NGOs
Readings: Jack Donnelly chp 4.
Oct. 3 Domestic politics of human rights: Violations in comparative perspective (Video)

WEEK 6 Domestic Politics of Human Rights cont'd.

Oct. 8 Discussion of video in the context of assigned readings
Readings: Jack Donnelly chps 3 and 5;

Oct. 10 Human rights and development trade-off
Reading Donnelly, "Human Rights and Development: Complimentary or Competing Concerns?" (R)
Suggested Reading: Sylvian Ann Hewlett, "Human Rights and Economic Realities: Trade-offs in Historical Perspectives," (R)

WEEK 7

***OCT. 14 is last day to drop class or change grading option.**

Oct. 15 The Right to development debate; is there such a right?
Reading: Donnelly, "How not to Link Human Rights and Development" (R). A longer, more comprehensive but equally readable version appears as "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development" (R)

PART TWO: National and Comparative Experiences and Practices.

Oct. 17 Cultural Rights vs Universalist claims: "Genital Mutilation" and Homosexual Rights

WEEK 8

Oct. 22 Torture or Tradition: Female circumcision and the right to sexual and corporal integrity (video)
Discussion of what it is, arguments for and against, and the issue of human rights vs cultural self-determination.
Reading: Alison T. Slack, "Female Circumcision: A Critical Appraisal" (R); Carolyn Fluehr-Lobban, "Cultural Relativism and Universal Rights" (LA 354).

Oct. 24 Problematics of Homosexual Identity and equal protection rights (video).
Reading: Janet Halley, "The Politics of the Closet," in Danielson and Engle, chp 2.

WEEK 9

Oct. 29 Similarities and Equivalences in African/ Western reactions to homosexuality and female circumcision (video re: Zimbabwe)

Oct. 31 What can/cannot be done? The exotic other women syndrome
Discussion of: (1) Danielsen and Engle chp 11;
(2) Arati Rao, "The Politics of Gender and Culture in international Human rights discourse;"
and (3) Ann Elizabeth Mayer, "Cultural Particularism as a Bar to Women's rights: the Middle Eastern Experience" both in Julie Peters and Andrea Wolper, chps 18 & 19

WEEK 10 Equal Rights Without Distinction: Equality of Women in Society, Marriage, Family and Divorce

Nov. 5 Election Day - No classes.

Nov. 7 Nature and function of marriage and family: A comparison of Africa and the West.

Reading: Julie Mertus, "State Discriminatory Family Law and Customary Abuses" and Koki Muli, "Help Me Balance the Load: Gender Discrimination in Kenya" in Peters and Wolper chps 16 & 9.

WEEK 11

Nov. 12 Violence against Women

Readings: (1) Lori Heise, "Impact of Violence on Reproductive Choice" (2) Indira Jaising, Violence against Indian Women; (3) Hnin Hnin Pyne, Enslavement of Burmese Women in the Thai sex Industry" - all in Peters & Wolper, chps 24, 4, & 22; and (4) Kendall Thomas, "Beyond the Privacy principle" in Danielson and Engle, chp 14.
* Consider Sweatshops in Honduras and slavery in Sudan

Nov. 14 Human Rights of women cont'd. What is to be done?

(a) Legal strategy

Readings: (1) Hilary Charlesworth, "Human Rights as Men's Rights"; (2) Kaufman and Lindquist, "Critique of Gender-Neutral Treaty Language"; and Donna Sullivan, "The Public/Private" Distinction in International Human Rights Law," chps 13, 14, 15 in Peters & Wolper.

(b) International networking and development agenda.

Readings: (1) Elisabeth Friedman, "Women's Human Rights: The Emergence of a Movement" in Peters and Wolper, Chp 2; (2) Kimberle Crenshaw, mapping the margins: intersectionality, identity politics and violence against women of color" in Danielsen and Engle chp 17; (3) Rhoda Howard, "Women's Right and the right to development" in Peters & Wolper, chp 28.

WEEK 12

Nov. 19 Human Rights Without Distinction: the individual and the group

Racial and Minority Groups vs Equal protection: Affirmative Action in the United States.

Readings: Kennedy Duncan, "Political power and cultural subordination: a case for Affirmative Action in Legal Academia" and Patricia J Williams, "The Obliging Shell", both in Danielsen & Engle, chps 5 & 6.

Nov. 21 The Individual and the rights of Religious and Language Groups: The experience in selected countries.

WEEK 13

Nov. 26 The Individual, the Group and Human rights without distinction as to national origin : The plight of

indigenous groups and immigrants.

Nov. 28 Thanksgiving Holiday.

WEEK 14

Dec. 3 Presentation of term papers.

Dec. 7 Presentation of term papers.

Week 15

Dec. 10 Presentation of term Papers.

Dec. 12 Presentation of Term Papers. Concluding remarks.