

The Anthropology of Human Rights

Sally Engle Merry
Department of Anthropology
Spring 2007
Sally.merry@nyu.edu
G14.2600.001
G62.1013
L06.3638

Office hours: Wed. 10-12 Vanderbilt Hall 409B or by appointment.

This course examines the origins of human rights thinking in Europe and the US and its contemporary elaboration and dissemination in the post-World War II period. This includes an analysis of its institutional grounding in United Nations institutions and non-governmental organizations. The course covers the historical opposition of the American Anthropological Association to human rights and its recent statement of support. It examines the opposition between culture and rights along with current theoretical efforts to negotiate an intermediate space. It also considers contemporary conflicts between rights and security. Current anthropological work focuses on the way human rights concepts and institutions are mobilized in particular political struggles in various parts of the world. The course discusses the way particular concepts of culture and rights are deployed in the global production and localization of human rights ideas and examines human rights as a practice, a discourse, and a form of global law. Specific areas of focus include indigenous rights and women's rights. The course discusses approaches to transnational, deterritorialized, and multi-sited ethnography.

There will be a mid-semester paper of 10 pages and a final research paper of 20 pages. Each student is responsible for raising questions about the readings in two classes. Students are expected to write a one-page reaction to the readings for each class to be posted on Blackboard by midnight the night before the class, with two classes excused. The workload will be tailored for law students receiving fewer credits than FAS students.

Readings:

- Cowan, Jane K, Marie-Benedicte Dembour, and Richard A. Wilson (eds.). 2001. *Culture and Rights: Anthropological Perspectives*. Cambridge University Press.
- Goodale, Mark and Sally Engle Merry (eds.) 2007. *The Practice of Human Rights: Tracking Human Rights between the Local and the Global*. Cambridge: Cambridge University Press. Forthcoming, available on Blackboard.
- Ignatieff, Michael.. 2001. *Human Rights as Politics and Idolatry*. Princeton University Press.
- Merry, Sally Engle. 2005. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Univ. of Chicago Press.

- Rajagopal, Balakrishnan. 2003. *International Law From Below: Development, Social Movements, and Third World Resistance*. Cambridge University Press.
- Santos, Boaventura de Sousa Santos and Cesar Rodriguez-Garavito, eds. 2005. *Law and Globalization from Below*. Cambridge: Cambridge University Press.
- Wilson, Richard. 2001. *The Politics of Truth and Reconciliation in South Africa*. Cambridge: Cambridge University Press.
- Wilson, Richard, ed.. 2005. *Human Rights in the 'War on Terror.'* Cambridge: Cambridge Univ. Press.

January 17: The Emergence of Human Rights

Michael Ignatieff. 2001. *Human Rights as Politics and Idolatry*. Pp. 3-53.

January 24: The Development of the Human Rights System: Contemporary Issues (to be rescheduled)

Michael Ignatieff. 2001. *Human Rights as Politics and Idolatry*.

Kennedy, David. 2002. "The international human rights movement: Part of the problem?" *Harvard Human Rights Journal* 15: 99 (on Blackboard as a chapter from his book).

January 31: The three "generations" of rights

Donnelley, Jack. 2002. *An Introduction to Human Rights*. Chapters 1 – 5.

Universal Declaration of Human Rights

International Covenant of Civil and Political Rights (ICCPR)

International Covenant on Economic, Social, and Cultural Rights (ICESCR)

These documents are available on the Internet.

Steiner, Henry and Philip Alston, 2002. *A Casebook on Human Rights*. chs. 3 and 4, These readings are not on Blackboard but the book is widely available.

February 7: Human Rights in Practice

Merry, Sally Engle. 2006. *Human Rights and Gender Violence*. Univ. of Chicago Press.

Koh, Harold Hongju. 1997. "Why Do Nations Obey International Law?" *Yale Law Journal* 106: 2599-2659.

February 14: The Role of NGOs

Margaret Keck and Kathryn Sikkink, *Activists beyond Borders* (1998), chapters 1, 2 and 5.

Riles, Annelise. 2001. *The Network Inside Out*. Univ. of Michigan Press. Chs. 1, 3.

Finish Merry, 2006, especially discussion of NGOs.

Recommended: Diane Otto, 1996. Non-governmental organizations in the United Nations System: The Emerging Role of International Civil Society, 18 *Human Rights Quarterly* 107 .

February 21: Human Rights and Grassroots Social Movements

Santos, Boaventura de Sousa Santos and Cesar Rodriguez-Garavito, eds. 2005. *Law and Globalization from Below*. Cambridge: Cambridge University Press. chapters 1, 3, and 7 (posted on Blackboard).

February 28: The Creation of the International System

Rajagopal, Balakrishnan. 2003. *International Law from Below: Development, Social Movements, and Third World Resistance*. Cambridge Univ. Press, especially Part III.

Paper due February 28, 10 pages.

How does framing a problem as a human rights violation affect the way the problem is understood and the kinds of solutions that are imagined? Consider which problems are considered human rights violations and how they came to be violations and the history of how human rights ideas were developed. Do you agree with Ignatieff's minimalist position or a more expansive one, and why?

March 7: Anthropologists Debate Human Rights

American Anthropological Association. 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.

Wilson, Richard A. 1996. "Introduction: Human Rights, Culture and Context." In *Human Rights, Culture and Context: Anthropological Perspectives*. Richard A. Wilson, Ed. London: Pluto Press.

AAA statement on human rights on www.aaanet.org

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*.

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

March 21: Universalism vs. relativism

Bell, Daniel A. 1996. The East Asian Challenge to Human Rights: Reflections on an East-West Dialogue, *Human Rights Quarterly* 18: 641 (On Blackboard as a selection from the book of that name)..

Donnelly, Jack. 1999. "Human Rights and Asian Values: A Defense of 'Western' Universalism." Pp. 60- 87 in *The East Asian Challenge for Human Rights*, Joanne R. Bauer and Daniel A. Bell, eds. Cambridge University Press.

Samuel Huntington. 1993. "The Clash of Civilizations?" *Foreign Affairs*. (available electronically for a small price online or in library resources). You can also read the whole book, *The Clash of Civilizations*.

An-Na'im, Abdullahi. 1992. "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment." Pp. 19- 44 in *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Edited by Abdullahi Ahmed An-Na'im. Phila: Univ. of Pennsylvania Press.

Merry, Sally Engle, Changing rights, changing culture. In Cowan, Jane K. Marie-Benedicte, Dembour, and Richard A. Wilson (eds.) *Culture and Rights: Anthropological Perspectives*. New York: Cambridge University Press, 2001, pp 31-55.

Recommended: Zechenter, Elizabeth M. 1997. "In the Name of Culture: Cultural Relativism and the Abuse of the Individual." *Journal of Anthropological Research* 53: 319-347.

March 28: Culture and Rights

Cowan, Dembour, and Wilson, eds. 2001. *Culture and Rights*. Cambridge Univ. Press. Except Merry and Sieder and Witchell.

April 4: Issues in the Practice of Human Rights Beyond the Local/Global Divide

Goodale, Mark and Sally Engle Merry, eds. Forthcoming. *The Practice of Human Rights*. I will email the manuscript to each of you.

Recommended: An-Na'im, Abdullahi (ed.) 2002. *Cultural Transformation and Human Rights in Africa*. Zed Books.

April 11: Collective Rights: Women's Rights and Indigenous Rights

Agosin, Margorie. ed.. 2002. *Women, Gender, and Human Rights*. Pp. 15-82. Rutgers University Press.

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). (available on the web)

Lewis, Hope. 1995. "Between 'irua' and 'female genital mutilation': feminist human rights discourse and the cultural divide," *Harvard Human Rights Journal* 8: 1

Walley, Christine J. 1997. "Searching for "Voices": Feminism, Anthropology, and the Global Debate over Female Genital Operations." *Cultural Anthropology* 12 (3): 405-438.

Anaya S. James and Claudio Grossman. 2002. "The Case of Awas Tingni v. Nicaragua: A New Step in the International Law of Indigenous Peoples" *Arizona Journal of International and Comparative Law* 19: (1) 1-15.

Draft Declaration on Indigenous Rights. Available on the web and Blackboard.

Sieder, Rachel and Jessica Witchell, 2001. "Advancing indigenous claims through the law: reflections on the Guatemalan Peace process". In Cowan, Jane K. Marie-Benedicte, Dembour, and Richard A. Wilson (eds.) *Culture and Rights: Anthropological Perspectives*. New York: Cambridge University Press.

April 18: Human rights and security

Wilson, Richard, ed.. 2005. *Human Rights in the 'War on Terror.'* Cambridge: Cambridge Univ. Press.

Godoy, Angelina. 2005. "Converging on the Poles: Contemporary Punishment and Democracy in Hemispheric Perspective." *Law and Social Inquiry* , 515-548.

April 25: Transitional Justice

Richard Wilson. 2001. *The Politics of Truth and Reconciliation in South Africa*. Cambridge: Cambridge University Press.

Richard Wilson. 2005. "Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 27 (3): 908-942.

Waldorf, Lars. 2006. "Mass Justice for Mass Atrocity: Rethinking Local Justice As Transitional Justice." *Temple Law Review* 79: 1-87. (on Blackboard under title or on Lexis-Nexus).