Human Rights, Humanitarian Intervention and State Sovereignty

Fall 2015

Teacher responsible: Dr. Mei-chuan Wei
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0900-1200, Tuesday

Office Hours: 14.00-17.00 Tuesday
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Course introduction:

The course is concerned with the theory and historical evolution of modern human rights regimes, especially the international rights regimes after 1945, and with the debates revolving international humanitarian intervention and (violation of) state sovereignty. The course is divided into two parts: the first part focuses on the introduction and discussion of theory and history of international human rights regimes; the second part focuses on the discussion of theory and practice of international humanitarian intervention. It discusses the emergence of a modern “human rights” culture as a product of the formation and expansion of the system of nation-states and the concurrent rise of value-driven social mobilisation. It juxtaposes these Western and imperial origins with competing non-Western systems of thought and practices on rights and on human rights. The course proceeds to discuss human rights in three prevailing modalities. First, it explores rights as protection of the body and personhood and the modern, Western notion of individualism entailed therein. Second, it inquires into rights as they affect groups (e.g. refugees, ethnicities, “first nations,” transnational corporations). Such group rights have been a persistent feature of human rights and humanitarian concerns. Third, the course will explore the question of (national) sovereignty, the right to self-determination, and its relationship to universal or global rights and will discuss in this context, whether a global rights regime is feasible.

Aims and objectives:

We are particularly interested in how the idea of human rights has evolved, what it means and what institutional arrangements it entails on the international level and in different regions of the world. We are also interested in how different ideas of human rights, exemplified by the debate named “When the East Meet the West,” affect the international human rights regimes and the actions of international humanitarian intervention after the end of WWII. We will also discuss how human rights have interacted with the forces of development, modernisation and globalisation, of nationalism and ethnic, religious and other political-cultural traditions. We shall examine how and why, despite conflicts and uncertainties, human rights, like democracy, have become increasingly influential in political processes, policy formulations and ideological commitments. By focusing on the current political and
socio-economic, and in some cases regime, transformations, we will learn how the concept of human rights is continuously contested in some regions of the worlds, ideologically as much as institutionally. At the end of the course, students are expected to be familiar with the theory and history of contemporary international human rights regimes, and competent in discussing at least two cases of international humanitarian intervention with detailed theoretical, historical and empirical knowledge. Students should also achieve a sophisticated awareness of the difficulties with theorisation at the time when the idea of human rights has achieved global dominance with ever fewer competitors for legitimacy and legitimation.

**Course requirements/課程要求:**
1. Students are required to submit one essay of 5000 words at the end of the semester (hard copy required), deliver presentations, and participate in class discussion.
2. Final grades are calculated as follows: final essay accounts for 50% out of 100% and class participation, including class presentation and discussion, accounts for 50% out of 100%.
   * Note: Your participation would inevitably be affected by your attendance although I do not check your attendance every class.

**Course outline and readings/每週課程進度與閱讀書目:**

Week 1 (16 Sep) Course introduction and overview

Week 2 (23 Sep) Human Rights: general discussion (I)
   Are human rights founded in natural rights?

**Readings:**

Week 3 (30 Sep) Human Rights: general discussion (II)
   Do human rights have religious foundations?

**Readings:**
Week 4 (07 Oct)  Human Rights: general discussion (III)
Is the rights to security the essential rights?

Readings:

Week 5 (14 Oct)  Contested concept of human rights (I):
Are human rights a smokescreen for capitalist accumulation?

Readings: (suggested: 2 people to share the presentation of this week’s readings)
1. Karl Marx. 'Power as the Basis of Right' (pp.183-5) and 'On the Jewish Question' (pp.39-63) in David McLellan. 1977. *Karl Marx: Selected Writings*. (Oxford: Oxford University Press)

Week 6 (21 Oct)  Culture and human rights (I):
Are human rights culturally relative?

Readings:

Week 7 (28 Oct)  Culture and human rights (II):
Human rights, culture and tradition

Readings:

Week 8 (04 Nov) Culture and human rights (III):
Are there collective human rights?

Readings:

Week 9 (11 Nov) Culture and human rights (II):
Is there a human rights to culture?

Readings:

Week 10 (18 Nov) Human rights as law:
Is the legal basis an obstacle to their realisation?

Readings:

Week 11 (25 Nov)  Human rights as social movement: Are human rights a social movement, or a system of rules, laws and institutions?

Readings:

Week 12 (02 Dec)  International human rights

Readings: (suggested: 2 people to share the presentation of this week’s readings)

Week 13 (09 Dec)  Post-WWII international human rights regimes.

Readings:

Week 14 (16 Dec)  State sovereignty and human rights

Readings:

Week 15 (23 Dec)  Humanitarian intervention (I)

**Readings:**

Week 16 (30 Dec)  Humanitarian intervention (II)

**Documentary: Rwanda**

**Readings:**

Week 17 (06 Jan)  International humanitarian organisations

**Readings:**

**Week 18 (13 Jan)  Trade, Development and Human Rights**

**Readings:**


