

Department of Political Science and Public Administration

Middle East Technical University

2011-2012 Fall Semester

ADM 5143 HUMAN RIGHTS AND POLITICAL POWER

Instructor: Cem Deveci

Course Description: This course aims to examine critically the relations between human rights as ethical norms and modern states as established political entities. After an introductory part exhibiting the origins and evolution of the idea of human rights and discussing alternative approaches, it will be focusing on the central problematic : the widespread phenomenon of the non-compliance of modern states to human rights norms. In other words the course will be an attempt to understand a well-known paradox that occurred during the last sixty years, since the 1948 Universal Declaration of Human Rights. The paradox is that, although the Declaration implied that the states are the major responsible agents for the protection and realization of human rights, (and most of the states complied to such expectation in legal terms) the same states also arose as the major violators of human rights during the last sixty years. This does not mean that history of the practice of human rights is the story of a complete failure, but the paradox unleashes an interesting inconsistency: Why and under what kind of circumstances do the states avoid, resist, or neglect the protection and the realization of human rights norms to which they had complied through international law and various agreements? In other words, what may be the reasons for what is called “the official disrespect for human rights”? Are there good reasons for the states under certain specific circumstances to suspend their declared compliance with human rights norms? While trying to answer these questions we will examine critically certain ready-made answers and one-sided accounts of the paradox among which two of them arise as the most common responses: liberal evolutionary optimism and cynical realism. The former account of the paradox relies on the diagnosis that the idea and practice of human rights are still too immature, and in time the violations by the states will be diminishing gradually, so one should rather concentrate on the lighter side of the picture and be able to see great achievements of human rights law and practices in last sixty years. Such optimism sees the problem as a

matter of time and cultivates a conviction in the possibility of a cosmopolitan future for the mankind . The other response—cynical realism-- begins from the assumption concerning the priority of force and power relations over the norms and conceives the paradox as something normal in both domestic and international politics. Since the power relations and struggles for domination determine which norms would be valid, the compliance of modern states to human rights were indeed originally conditional and it will remain so. In other words, the cases of non-compliance are understandable and even acceptable because, states as entities cultivating certain concerns (like national interest, sovereignty, territorial integrity, regional security issues) other than, and perhaps higher than the abstract ideals of human rights will always put a distance between themselves and human rights norms. The supposition here is that the concerns of the established states are real, whereas the ideals of human rights are fictional. In other words cynical realism sees the widespread compliance to human rights by the states as a development that have become possible in the areas and issues in which the higher concerns of the states are not at stake.

We will question both of these responses because both of them are one-sided and rely on quite old prejudices stemming from political theory and certain ideologies. Yet this does not mean we will dismiss them completely as valid answers to the problem concerning the states getting involved in gross human rights violations, --violations which are carried even sometimes in the name of human rights. As one of the main objectives of the course, in addition to introducing students to the literature on the theory of human rights as ethical norms and the literature emphasizing the state as a political entity, we will try to find out a third option as a response to the paradox and as a way out of the impasse created by the dualism of liberal evolutionary optimism and cynical realism. *Are there certain permanent aspects of the modern states which maintain serious structural restraints to the full compliance to human rights norms?* will be our central question to be discussed.

Course Requirements

Attendance is compulsory

One midterm exam (30 percent)

Presentations (of sources to be chosen from the Reading material) (15 percent)

A Brief essay (8-9 pages), presenting and reflecting on the source(s) presented (20 percent)

Final Exam (35 percent)

Reading Material

Week I and Week II: Conventional/Optimistic/Liberal/Evolutionist Approach

Donnelly, J. *Universal Human Rights in Theory and Practice*, Part One, Ithaca: Cornell University Press., Part I., pp: 9-45.

Freeman M., *Human Rights—An Interdisciplinary Approach* Polity Press, 2002, pp:1-75, pp: 131-147

Vincent, J., *Human Rights and International Relations*, Cambridge Univ. Press, Cambridge, pp: 7-36.

Week III: Demarcating Basic Rights and Alternative Story of The Evolution of Human Rights

Shue, Henry, *Basic Rights*, 1996, Princeton University Press, pp: 5-64.

Barkin, J.Samuel, “The Evolution of the Constitution of Sovereignty and the Emergence of Human Rights Norms”, *Millennium* 1998 , vol.27, no:2.

Week IV: Human Rights Norms and Other Norms I: Axiological Founding Of H.R.

Kuçuradi, I., “Epistemological Specificities of Norms and Human Rights”,

Kuçuradi, I., “Human Rights, the Idea, the Demands and the Instruments”, in *The Idea and Documents of Human Rights*, Ioanna Kuçuradi (ed.), Philosophical Society of Turkey, Ankara, 1995 pp: 75-91.

Week V: Human Rights and Other Norms II : Capabilities and the Duties of the States (Non Liberal Founding Of Human Rights)

Pogge, T.,”How Should Human Rights Be Conceived”, in *The Philosophy of Human Rights*, Patrick Hayden (ed.), Paragon House, St.Paul, 2001, pp:187-211.

Nussbaum, Martha C., “Capabilities and Human Rights”, in *The Philosophy of Human Rights*, Patrick Hayden (ed.) Paragon House, 2001, pp: 212-240.

Week VI: Human Rights in Political Theory: Questioning Liberal Optimism

Beetham, D., "Introduction: Human Rights in the Study of Politics", *Political Studies* (1995), vol.43, pp:1-9.

Mendus, S., "Human Rights in Political Theory", *Political Studies*, same issue: 1995, vol.43, pp: 10-24.

Week VII: Serious Suspicions Concerning the Foundation Of Human Rights and Politicizing Human Rights

Langlois, A.J., "Human Rights and Modern Liberalism: A Critique", *Political Studies*, vol.51, pp: 509-523.

Arendt, H. "The Perplexities of the Rights of Man", in *The Origins of Totalitarianism*, New York,: Harcourt Brace, pp. 290- 302.

Lefort, C. "Politics and Human Rights", (Chapter Seven of *The Political Forms of Modern Society*), pp. 239-272., Polity press, 1986.

Week VIII: Radicalizing Human Rights I:

Balfour, I., E. Cadava, "The Claims of Human Rights: An Introduction" *South Atlantic Quarterly*, vol.103, no:2-3, 2004. pp: 277-296.

Ranciere, J. "Who is the Subject of the Rights of Man", *South Atlantic Quarterly*, vol.103, no: 2-3, 2004. pp:297-310.

Week IX: Radicalizing Human Rights II

Balibar, E., "Is A Philosophy of Human Civic Rights Possible? New Reflections on Equaliberty", *South Atlantic Quarterly*, same issue, pp: 311-322.

Hamacher, w., "The right to Have Rights (Four-and-a-Half Remarks)", *South Atlantic Quarterly* same issue, pp:342-356.

Stammers, N., "Human Rights and Power", *Political Studies*, vol. 41, 1993, pp: 70-82.

Week X: Taking The Realist Challenge Seriously I: Human Rights versus States

Schmitt Carl, *The Concept of the Political* , trans. By G. Schwab, Univ of Chicago Press, 1996.

Week XI: Taking the Realist Challenge Seriously II: Human Rights versus the Exceptions and *Reason D'etat*

Deveci,C., “İnsan Hakları Normları ve Dost-Düşman Ayrımı Siyaseti”,*Yirmibirinci Yüzyılın Başında İnsan Haklarına Yönelik Tehditler*, Ioanna Kuçuradi (ed.), Hacettepe Univ. Centre for Research and Application of the Philosophy of Human Rights, 2004, pp: 204-225.

Agamben,G., *State of Exception*, The University of Chicago Press, Chicago and London, 2005.

Week XII: Anthropological Promises: A Recent Attempt for Founding

Höffe, O., “Antropoloji ve İnsan Hakları Modernliğin Politik Projesine Katkı”, İlk İbn Rüşd Konuşması, Dünya Felsefe Kongresi, İstanbul, Ağustos 2003.

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