**HPHP 610 Philosophy and Politics of Human Rights**

**HPHR 506 Human Rights Theory**

**HPRD 543 Democratisation: Theory and Practice**

**Course Coordinator:** Bencharat Chua and Vachararutai Boontinand (Jan)

**Email:**

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Office hours Wednesday afternoon and by appointment

**Tutors**

HPHP610 and HPHR506 - Bencharat, Vachararutai and Matthew Mullen ([matthew.john.mullen@gmail.com](mailto:matthew.john.mullen@gmail.com))

HPRD543 (divided into two sections)

- Section 1 - Karin Zackari: karin.zackari@gmail.com

- Section 2 - Claus Meyer: claus.mey@mahidol.ac.th

**Class times:** Wednesday 9.00-12.00

**READINGS for this course are available to be copied at the copy center near Social Sciences Faculty canteen. There is also a folder of soft files for some of the articles, books and book chapters that students may use to make copies.**

**This folder is stored on the communal computer in the main IHRP office under the folder “HR Theory”.**

**Course Description**

This course examines the historical development of human rights concepts and institutions as well as contemporary debates on the political efficacy of human rights in global politics and in the national/regional landscapes of people and countries in the Global South. The course grounds these examinations in the realities of uneven socio-economic development and democratization in the Asia-Pacific region.

The major themes of the course are: the history of ideas central to the contemporary practice of rights and on-going scholarly debates on human rights and democratization. The course also addresses theories of social justice, feminism and citizenship, along with treating civil society and social movements to assess how democracy-in-practice shapes human rights. The course readings and requirements are designed to encourage students to engage in critical reading of academic texts, develop a critical perspective on the politics and practice of human rights, and have the opportunity to express their ideas in terms appropriate to an academic setting.

**Objectives of the Course and Expected Learning Outcomes**

The goals of this course are twofold. First, it aims at the students being able to master their critical knowledge of key concepts and important debates in human rights. Second, it aims at enhancing the students’ academic skills. By the end of the course, the students are expected to:

1. Master key concepts and debates in human rights and democracy

2. Understand how core disciplines understand and debate human rights issues

3. Become skilled in reading academic texts, identify main arguments and analytic frames

4. Take part in graduate seminar discussion

5. Be able to express themselves clearly and effectively in academic writing

**Course Format**

Each week there will be a Lecture for all students to attend. The lecture will last 1 to 1.5 hours. This lecture is followed by tutorial sessions. Students are divided up into three tutorial sections. Occasionally there will be adaptations to this format but this is the core format. You are expected to attend both lectures and tutorials. Both are forums for discussions, and contributions in both lectures and tutorials will be assessed.

It is required that you make a full contribution to tutorials by engaging in the discussion, which is vital for developing your understanding and achieving expected outcomes. Always have a few questions prepared, preferably in writing, in a similar format – just one or two lines.

In addition to being responsible for reading texts before the class, this course will involve a lot of writing. Some of the writing will take place within the tutorial sessions and will not always be announced in advanced. Students also must prepare to write reflection papers on class readings.

**Course Assignments**

Students are expected to attend no less than 80 percent of class meetings (12 classes).

The level of preparedness and quality of their participation in class discussion as well as the quality of written work are key indicators for course assessment. *PhD students will lead one in-class discussion and will be asked to read and write more extensively in general. Please see the word count listed for the assignments below..*

Word Count here is for MA Students. More specific guidelines on the assignments will come during the term.

1. **Annotated Bibliography**: **Due** **September 20** 20%

- drawn from assigned readings (chapters out of books or single articles) of ~3-4 sources.

- Word count: 1,200.

1. **Critical Review: Due October 20** 30%

- Word count: 1,200.

1. **Analytic Essay**: **Due November 30** 40%

- Word count: 2,500.

**4. Meaningful Participation** 10%

Late submission penalties:

To help you develop the skills inherent in the learning outcomes for its courses (such as the ability to prepare and submit work by a fixed deadline), this course applies penalties for late submission of assignments.

All assignments are due by 11.59pm on the due date. Unless you have an extension before the due date, assignments submitted late will receive a 5% deduction for each day the work is late.

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| **Week** | **DATE** | **TOPIC** | **Lecturer** | **TUTORS** | | | |
| MHRD1 | MHRD2 | | MA+PhD |
| 1 | 16 Aug | **Coming to Theory and Human Rights in Asia: Concepts and Contestations** | Coeli | Coeli,Karin | Claus | | Ben |
| 2 | 23 Aug | **Violence and Memory** | Coeli/Guest Tyrell Haberkorn | Coeli, Karin | Claus | | Ben |
| 3 | 30 Aug | **Locating Asia in Global Histories of Rights** | Coeli | Karin | Claus | | Ben |
| 4 | 6 Sep | **Nation-State building and Structural Violence against Minorities: Case study of Thailand’s Malay-Muslims** | Coeli/GuestSuphatmet Yunyasit | Karin | Claus | | Ben |
| 5 | 13 Sep | **Human Rights and Social Justice** | Jan | Karin | Claus | | Jan |
| 6 | 20 Sep | **Theories of Freedom** | Matt | Karin | Claus | | Matt |
| 7 | 27 Sep | **Feminism, Gender Justice and Human Rights** | Jan | Karin | Claus | | Jan |
| 8 | 4 Oct | **Theories of Law** | Naparat | | | | |
| 9 | 11 Oct | **Synthesis** | Ben + Jan | | | | |
|  | 18 Oct | BREAK | | | | | |
| 10 | 25 Oct | **Democracy and Human Rights** | Ben | Karin | Claus | | Ben |
| 11 | 1 Nov | **State and Society** | Ben | Karin | | Claus | Ben |
| 12 | 8 Nov | **Voices and Agency** | Matt | Karin | | Claus | Matt |
| 13 | 15 Nov | **Contentious Politics and Social Movements** | Ben | Karin | | Claus | Ben |
| 14 | 22 Nov | **Human Rights, Citizenship and Education** | Jan | Karin | | Claus | Jan |
| 15 | 29 Nov | Wrap Up | Ben, Jan |  | | | |

**Recommended Resource**

Recommended for both MA & PhD students:

Goodhard, Ed. *Human Rights: Politics and Practice*. Oxford: Oxford University Press, 2009.

Copies of this book are **available in the IHRP library**.

**Week 1 16 August 2017**

**Coming to Theory and Human Rights in Asia: Concepts and Contestations**

**Required Readings:**

Vera Mackie. 2013. “Introduction: Ways of Knowing about Human Rights in Asia” in *Ways of Knowing about Human Rights in Asia*. Routledge Press.

Amartya Sen "What Lee Kuan Yew and Li Peng don't understand about Asia", The New Republic, 14-07-1997 v217 n2-3.

L. J. Chua. 2015. “The Vernacular Mobilization of Human Rights in Myanmar's Sexual Orientation and Gender Identity Movement”. Law & Society Rev, 49: 299–332.

This short animation overview of Human Rights should be viewed before class: <http://www.youtube.com/watch?v=kbul3hxYGNU>

Parts of this documentary on land-grabbing by Thai officials will be used in the first class:

<https://youtu.be/q_rJGuhirmU>

**Recommended Readings**

Michael Freeman. 2002, “Theories of Human Rights” (Chapter 4), in *Human Rights: An Interdisciplinary Approach*, Polity Press, Cambridge.

Brian Orend. 2002. Basic Vocabulary and Core Concepts. In *Human Rights: Concept and Context*. Ontario: Broadview. [Available in IHRP library]. Chapter Three “What Justifies Human Rights”, pp. 67-100.

Sally Merry. “Chapter 2: Creating Human Rights.” In *Human Rights and Gender Violence: Translating International Law Into Local Justice.* Chicago: University of Chicago Press, 2006. Pages 36-71.

Jack Donnelly. 1989. Selections from *Universal Human Rights in Theory and Practice*, second edition, Ithaca: Cornell University Press Ithaca. Pp. 12-19, Special Features of Human Rights, and The Source of Human Rights. P. 39 Selected list of basic rights.

**Seminar Topics**

* Terminologies and typologies of human rights
* Gaps between activist and academic understandings of rights in Asia
* Theorizing human rights through different lenses

**Week 2 23 August 2017**

**Violence and Memory**

**Required Readings**

Louisa Lim. “Introduction,” “Chengdu,” and “Afterword.” *The People’s Republic of Amnesia: Tiananmen Revisited.* Oxford: Oxford University Press, 2014. Pages 1-6, 182-205, 206-211.

John Roosa. “The State of Knowledge about an Open Secret: Indonesia’s Mass Disappearances of 1965.” *Journal of Asian Studies* 75.2 (May 2016): pp 281-297.

**Recommended Readings:**

Liu Xia. “June 2nd, 1989.” *Empty Chairs: Selected Poems*. Minneapolis: Graywolf Press, 2015. Page 17.

Liao Yiwu, “Introduction: The Story of a Bird.” In *Empty Chairs: Selected Poems*. By Liu Xia. Minneapolis: Graywolf Press, 2015. Pages xi-xiv.

**Seminar Topics**

\* How people record and remember state violence

\* The relationships among meaning, memory and justice

\* History and memory as sites of struggle for rights

**Week 3 30 August 2017**

**Locating Asia in Global Histories of Rights**

**Required Readings**:

Lynn Hunt. 2007. *Inventing Human Rights: A History*. New York: W.W. Norton & Company. Introduction and Chapter 1.

Samuel Moyn. 2010. *The Last Utopia: Human Rights in History.* Cambridge, Mass: Harvard University Press. Chapters 1 and 2

Roland Burke. 2010. *Decolonization and the Evolution of Human Rights*. Philadelphia: University of Pennsylvania Press. Chapters 1 and 2. (for MA students) ENTIRE BOOK (for PhD students. Book is on the course Reserve shelf in IHRP library.)

**Recommended Readings**:

Micheline Ishay. 2004 ‘The World Wars: The Institutionalization’, in *The History of Human Rights: From Ancient Time to the Globalization Era*, ed M. Ishay, University of California Press, London, pp. 118-240. Availablein the library

[View at home in advance of class as much of this podcast as you can: <http://www.youtube.com/watch?v=YZVD1G4q0bA>]

**Seminar Topics**:

\* Interpretations of Human Rights history

\* Anti-colonialism and Human Rights

\* America and the Cold War politics of Human Rights

**Week 4 6 September 2017**

**Nation-State building and Structural Violence against Minorities: Case study of Thailand’s Malay-Muslims**

**Required Readings**

Craig Reynolds. 2004. *National Identity and Its Defenders: Thailand Today*. Chapter 1. pp. 1-32.

Dunco McCargo. 2012. Chapter 6 “Contested Citizenship” in *Mapping National Anxieties: Thailand’s Southern Conflict*. Copenhagen: Nias Press.

**Recommended Readings:**

Coeli Barry. 2013. “Introduction to Rights to Culture”. *Rights to Culture*: *Heritage, Language and Community in Thailand*. Silkworm Press. Chiang Mai.

**Seminar Topics:**

\* National Identity and Conflict

\* Nation-State Building

**Week 5 13 September 2017**

**Human rights and Social Justice**

**Required Readings for MA & PhD**

Rawls, John. 1971, 1999. *A Theory of Justice* (revised edition), Harvard University Press. Read: Section 1-4 pp.3-19; Section 10-12 pp. 47-65; Section 24 pp.118-123 available at:<https://giuseppecapograssi.files.wordpress.com/2014/08/rawls99.pdf>

Amartya Sen. 2009. *The Idea of Justice*, Penguin Books. Read: Introduction (An Approach to Justice) pp. 1-27; Part I section 2 (Rawls and Beyond) pp.52-74; Part III section 11(Lives, Freedom and Capabilities) pp. 225-252.

**Required Readings for PhD**

Kymlicka, Will (2002). “Liberal Equality” (Chapter 3), in *Contemporary Political Philosophy: An Introduction* (2nd ed). Oxford University Press, NY; 53-75

**Recommended Readings**

Rawls, John. 1985. “Justice as Fairness: Political not Metaphysical”, *Philosophy and Public Affairs*, Vol. 14, No.3; 223-251 available at:<http://philosophyfaculty.ucsd.edu/faculty/rarneson/Philosophy%20167/Rawlsjusticeasfairness.pdf>

### Maria Lucia Frizon Rizzotto and Claudimara Bortoloto (2011). “The concept of equity in the design of social policies: initial notes on the political and ideological assumptions of CEPAL's development proposal” *Interface (Botucatu) vol.15 no.38 Botucatu July/Sept. 2011* available at:

<http://www.scielo.br/scielo.php?pid=S1414-32832011000300014&script=sci_arttext&tlng=en>

**Seminar Topics**

* The link between the concept of justice and the idea of human rights
* Principles of liberty and equality in the theory of justice
* Different approaches to justice

**Week 6 20 September 2017**

**Theories of Freedom**

**Readings:**

Des Gasper. 2000. Development as freedom: taking economics beyond commodities--the cautious boldness of Amartya Sen. *Journal of International Development*, *12*(7), p.989-1001.

Van Mill, D. 1995. Hobbes's Theories of Freedom. *The Journal of Politics*, *57*(2), 443-459.

**Seminar Topics**

* Defining freedom
* Freedom as obligation
* Development as freedom

**Week 7 27 September 2017**

**Feminism, Gender Justice and Human Rights**

**Required Readings for MA & PhD**

Abbey, Ruth (2007). “Back toward a comprehensive liberalism? Justice as fairness, gender and families” *Political Theory* Vol.35, No.1; 5-28 (available from Mahidol library e-journal)

Nussbaum, M.C (2003). “Capabilities as fundamental entitlements: Sen and social justice” in *Feminist Economics* 9 (2-3); 33-59 available at:<https://philpapers.org/archive/NUSCAF.pdf>

**Required Readings for PhD**

Okin, SM (2004). “Gender, Justice and Gender: An Unfinished Debate” *Fordham Law Review*; Vol. 72, Issue 5, pp.1537-1567 available at: <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3963&context=flr>

**Recommended Readings**

Kymlicka, Will (2002). “Feminism” (Chapter 9), in *Contemporary Political Philosophy: An Introduction* (2nd ed). Oxford University Press, NY; 377-430

**Seminar Topics**

* Gender justice and Political liberalism
* Capabilities approach to gender justice

**Week 8 4 October 2017**

**Theories of Law** Lecture by Aj. Naparat Kranrattanasuit

**Required Readings for MA & PhD:**

Simona Vieru. Aristotle’s Influence on the Natural Law Theory of St Thomas Aquinas. *The Western Australian Jurist* 1 (2010).

Neetij Rai, Basic Concept of Savigny’s Volksgeist (Mar. 16, 2011), *available at* <http://ssrn.com/abstract=1788347> or <http://dx.doi.org/10.2139/ssrn.1788347>.

**Required Readings for PhD:**

H.L.A. Hart. Positivism and the Separation of Law and Morals. *Harvard Law Review* 71: 4 (Feb. 1958), *available at* http://www.umiacs.umd.edu/~horty/courses/readings/hart-1958-positivism-separation.pdf.

Joseph H. Drake. Sociological Interpretation of Law. *Michigan Law Review* 16 (1918): 599:616, *available at* http://repository.law.umich.edu/cgi/viewcontent.cgi?article=2122&context=articles.

**Week 9 Synthesis - Details of what the students have to prepare for the synthesis will be given during the semester.**

**Week 10 25 October 2017**

**Democracy and Human Rights**

**Readings:**

Schmitter, Philippe and Terry Lynn Karl. (1991) “What Democracy Is... And is Not.”*Journal of Democracy*, Volume 2, Number 3, Summer, pp. 75-88

Levitsky, S. & Way, L.(2002) "The Rise of Competitive Authoritarianism." *Journal of Democracy*, vol. 13 no. 2, pp. 51-65.

Charles Tilly (2007) What is Democracy? Chapter 1 In *Democracy*. Cambridge University Press: Cambridge.

**Recommended Reading:**

# Laurence Whitehead (2002) On Democracy and Democratization. Chapter 1 in *Democratization: Theory and Experience*. Oxford Scholarship Online.

**Seminar Topics**

* Concepts of democracy and democratization
* Dynamics of democratic transition
* Relationship between democracy and liberty and rights

**Week 11 1 November 2017**

**State and Society**

**Readings:**

Joel S. Migdal (1996). The state in society: an approach to struggles for domination. in Migdal, Joel Samuel, Atul Kohli and Viviene Shue (eds). 1996. *State Power and Social Forces: Domination and Transformation in the Third World.* Cambridge: Cambridge. pp. 7-34.

Migdal, Joel S. (2001). A Model of State-Society Relation. Chapter 2 in *State in Society: Studying how states and societies transform and constitute one another*: Cambridge University Press.. pp. 41-57.

Li, T. (2005). Beyond "The State" and Failed Schemes. *American Anthropologist,* *107*(3), 383-394.

**Receommended Readings:**

Scott, J. C. (1998). *Seeing like a state : how certain schemes to improve the human condition have failed,* New Haven, Yale University Press.

**Seminar Topics**

* Understanding state’s exercise of power
* State and regime
* Implications of state-citizens relationship on citizenship rights

**Week 12 8 November 2017**

**Voices and Agency**

**Readings:**

Gayatri Chakravorty Spivak. (1988). ‘Can the Subaltern Speak.’ *Marxism and the Interpretation of Culture.* eds. C. Nelson and Grossberg. Basingstoke: Macmillan Education.

KHRG. (2008). *Village Agency: Rural rights and resistance in a militarized Karen State.* Karen Human Rights Group.

**Seminar Topics**

* Subaltern and other spaces of voicelessness
* Speaking for others
* The rhetoric of agency

**Week 13 15 November 2017**

**Civil Society, Social Movements and Contentious Politics**

**Readings:**

Dominique Caouette, Sarah Turner, eds. (2010) Agrarian Angst and Rural Resistance in Contemporary Southeast Asia. Routledge: Oxon.

* Chapter 1 Shifting Field of Rural Resistance in Southeast Asia;
* Chapter 2 Rural Resistance and the Art of Domination. pp. 1-44.

Charles Tilly (2003) When Do (and Don’t) Social Movements Promote Democratization? In Pedro Ibarra (ed) *Social Movements and Democracy*. Palgrave Macmilain: New York. pp. 21-46.

**Recommended Reading:**

Charles Tilly (2008) Power in Movement: Social Movements and Contentious Politics. Cambridge.

**Seminar Topics**

* Civil society and social movements as agents of change
* Collective actions and their interactions with the state
* Context and forms of resistance

**Week 14 22 November 2017**

**Human Rights, Citizenship and Education**

**Required Readings for MA & PhD**

Kymlicka, Will (2002). “Citizenship Theory” (Chapter 7), in *Contemporary Political Philosophy: An Introduction* (2nd ed). Oxford University Press, NY; 284-326

Osler, Audrey and Starkey, Hugh (2005). “Cosmopolitan Citizenship”, in *Changing Citizenship: Democracy and Inclusion in Education*, Open University Press; 7-25

Lee W.O. (2004). “Emerging Concepts of Citizenship in the Asian Context” in *Citizenship Education in Asia and the Pacific: Concepts and Issues*, Lee W.O., Kennedy K., and Fairbrother, G.P. (eds), Kluwer Academic Publishers, HK, China; 25-35

**Required Reading for PhD**

Kiwan, Dina 2005, “Human Rights and Citizenship: An Unjustifiable Conflation?”, *Journal of Philosophy of Education*, Vol.39, No.1; 37-50 (available from Mahidol library e-journal)

**Recommended Readings**

Starkey, H. (2012). “Human Rights, Cosmopolitanism and Utopias: implications for Citizenship Education”, *Cambridge Journal of Education* Vol. 42, No.1; 21-35

Seminar Topics

* Citizenship theory
* Complementarity and competing concepts of human rights and citizenship

· Citizenship education

**Week 15 29 November 2017**

**Wrap Up**