

The Politics of Rights

AAST 502-001 / WS 510-001

Mondays, 1:00-3:30

Spring 2021

Dr. Megan Gallagher

“Don’t think you have any rights. That is, don’t obscure or deform justice, but don’t think that one can legitimately expect that things happen in a way that conforms with justice; especially since we ourselves are far from being just... There is a bad way of believing we have rights, and a bad way of believing we do not have any.”

- Simone Weil, *Notebooks*¹

Course description

The language of rights is so deeply embedded in contemporary public discourse that it can be challenging to identify the rhetorical and political work that “rights talk” alternately accomplishes, obfuscates, and hinders. Indeed, it is a commonplace of current political thinking that freedom is reducible to questions of rights. Feminist political theory, for example, often treats freedom within a liberal framework that prioritizes individual rights: for example, the right to control one’s reproductive health, the right to equal pay, or the right not to experience harassment. According to this framework, to be free is to enjoy one’s rights without interference or limitation. Diverse appeals to rights have long been placed in competition with one another.

The aim of this course is to identify, examine, and debate the ways that appeals to rights have been mobilized both for and against gender and racial justice. What notions of freedom does this focus on rights exclude? Is it possible to develop a more liberatory framework for rights or do we need to look beyond them? We will begin by thinking about the history of rights in the 18th through 20th centuries before turning in the middle section of the course to a history of rights viewed from the outside, where we explore the impact of rights from the perspectives of those who are excluded from their protection. In the final section of the course, we look at several political issues that challenge the universal logic of rights, such as indigeneity, migration, and transnational feminism.

Required books

Yael Ben-zvi, *Native Land Talk: Indigenous and Arrivant Rights Theories* – [available as library e-book](#)

Stephanie DeGooyer, Alastair Hunt, Lida Maxwell, Samuel Moyn, and Astra Taylor, *The Right to*

Have Rights – [available as library e-book](#)

Lynn Hunt, *Inventing Human Rights: A History*

Katherine Marino, *Feminism for the Americas: The Making of an International Human Rights*

Movement - [available as a library e-book](#)

Samuel Moyn, *The Last Utopia: Human Rights in History* – [available as library e-book](#)

Samantha Pinto, *Infamous Bodies: Early Black Women’s Celebrity and the Afterlives of Rights* –

[available as library e-book](#)

All other readings will be available in a shared Box folder, available here:

<https://alabama.box.com/s/2lgx9rkb2en4wfujujvzcpvck1yk68wv1>

¹ Cited by the Milan Women’s Bookstore Collective in *Sexual Difference: A Theory of Social-Symbolic Practice*

Student learning outcomes

Students will...

1. contrast major historical approaches to the concept of rights.
2. critically engage with scholars whose work they have read during their visits to our seminar.
3. synthesize their developing understanding of rights in weekly written assignments.
4. assess the ways in which reliance on rights has affected members of oppressed groups.

Reading schedule

Note: Because of the compact spring schedule, we do not meet until January 25. I am not assigning work before we meet as a class but I do suggest that if you are unfamiliar with the topic of rights – which I suspect most of us will be – that you take an hour to skim the available excerpt from Tom Campbell's *Rights: A Critical Introduction* (pp. 1-61 and 81-134) in order to familiarize yourself with some basic terminology before you begin to read Lynn Hunt's book that is assigned for January 25.

While the readings for January 25 and February 1 are lengthy (just over 200 pages each), weekly readings thereafter will total between 100-125 pages.

1. Historicizing rights

I. Version 1: the long view (January 25) (about 215 pages)

Lynn Hunt, *Inventing Human Rights: A History* (2007)

National Constituent Assembly of France, *Declaration of the Rights of Man and the Citizen* (1789)

Olympe de Gouges, *The Declaration of the Rights of Woman and the Female Citizen* (1791)

The Haitian Declaration of Independence (1804)

II. Version 2: it's recent history (February 1) (about 215 pages)

Samuel Moyn, *The Last Utopia: Human Rights in History* (2010)

The Universal Declaration of Human Rights (1948)

2. An alternative historical arc

III. Decoloniality (February 8) (About 110 pages)

Bartolomé de las Casas, *A Brief Account of the Destruction of the Indies* (1552), excerpt

Walter D. Mignolo, "Who Speaks for the 'Human' in Human Rights?" *Hispanic Issues Online* 5 (2009): 7-24.

Julia Suárez-Krabbe, "Race, Rights, and Development" and "Rights and Rebels," in *Race, Rights, and Rebels: Alternatives to Human Rights and Development from the Global South* (2016), pp. 51-106.

IV. Rights rhetorics (February 15) (93 pages)

Samantha Pinto, "Fantasies of Freedom: Phyllis Wheatley and the 'Deathless Fame' of Black

Feminist Thought" and "The Romance of Consent: Sally Hemings, Black Women's Sexuality, and the Fundamental Vulnerability of Rights," in *Infamous Bodies: Early Black Women's Celebrity and the Afterlives of Rights* (2020), pp. 31-103.

Wendy Brown, "Suffering Rights as Paradoxes," *Constellations* 7 (2000): 208-229.

V. Whose rights? (February 22) (107 pages) - with guest Dr. Samantha Pinto

Samantha Pinto, “#DevelopmentGoals: Sovereignty, Sarah Forbes Bonetta, and the Production of the Black Feminist Political Subject,” in *Infamous Bodies*, pp. 173-202.

Joan Wallach Scott, “The Duties of the Citizen: Jeanne Deroin in the Revolution of 1848,” in *Only Paradoxes to Offer: French Feminists and the Rights of Man* (1997), pp. 57-89.

Louise Michele Newman, “Evolution, Woman’s Rights, and Civilizing Missions” and “A Feminist Explores Africa: May French-Sheldon’s Subversion of Patriarchal Protection,” in *White Women’s Rights: The Racial Origins of Feminism in the United States* (1999), pp. 22-55 and 102-115.

VI. Institutionalizing rights (March 1) (119 pages) – with guest Dr. Katherine Marino

Katherine Marino, “Prologue: *Feminismo americano*,” “A New Force in the History of the World,” “The Anti-imperialist Origins of International Women’s Rights,” and “Mobilizing Women’s Rights as Human Rights,” in *Feminism for the Americas: The Making of an International Human Rights Movement*, pp. 1-66 and 170-197.

Sylvanna Falcón, “UN Citizenship and Constellations of Human Rights,” in *Power Interrupted: Antiracist and Feminist Activism Inside the United Nations* (2016), pp. 63-74 and 82-97.

VII. Civil rights and human rights (March 8) (118 pages)

Jill Richards, “The Committee Form: Négritude Women and the United Nations,” in *The Fury Archives: Female Citizenship, Human Rights, and the International Avant-Garde* (2020), pp. 185-229.

Erik S. McDuffie, “A ‘Freedom Movement of Negro Women’: Sojourning for Truth, Justice, and Human Rights during the Early Cold War,” *Radical History Review* 101 (2008): 81-106.

Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (2003), pp. 8-57.

No meeting on March 15 - midterm paper due

VIII. Democratizing rights (March 22) (116 pages)

Hannah Arendt, “The Decline of the Nation State and the Ends of the Rights of Man,” in *The Origins of Totalitarianism* (1994 [1951]), pp. 267-302.

Stephanie DeGooyer, Alastair Hunt, Lida Maxwell, Samuel Moyn, and Astra Taylor, *The Right to Have Rights* (2018), pp. 21-102.

3. Current challenges to rights discourse

IX. Queering rights (March 29) (70 pages) – with guest Dr. Jill Richards

Rahul Rao, “Queer Questions,” *International Feminist Journal of Politics* 16.2 (2014): 199-217.

Jill Richards, “Surrealism’s Inhumanities: Chance Encounters, Lesbian Crime, Queer Resistance,” in *The Fury Archives*, pp. 230-253.

Ratna Kapur, “Precarious Desires and the Pursuit of Rights,” in *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (2018), pp. 55-84.

X. Indigeneity (April 5) (122 pages)

Yael Ben-zvi, "Introduction," "Unsettling Birthrights," "Ancestral Blood," "Interlude: Blood and Graves," and "Ancestral Graves," in *Native Land Talk: Indigenous and Arrivant Rights Theories* (2018)

XI. Transnational feminism (April 12) (99 pages)

Inderpal Grewal, "'Women's Rights as Human Rights': The Transnational Production of Global Feminist Subjects," in *Transnational America: Feminisms, Diasporas, Neoliberalisms* (2005), pp. 121-157.

Niamh Reilly, "Doing Transnational Feminism, Transforming Human Rights: The Emancipatory Possibilities Revisited," *Irish Journal of Sociology* 19.2 (2011): 60-76.

Alexandra Xanthaki, "When Universalism Becomes a Bully: Revisiting the Interplay Between Cultural Rights and Women's Rights," *Human Rights Quarterly* 41.3 (2019): 701-724.

Silvia Gagliardi, "Indigenous Peoples' Rights in Morocco: Subaltern Narratives by Amazigh Women," *The International Journal of Human Rights* 23.1-2 (2019): 281-296.

XII. Migration (April 19) (66 pages) – with guest Dr. Ayten Gündoğdu

Rebecca Maria Torres, "A Crisis of Rights and Responsibility: Feminist Geopolitical Perspectives on Latin American Refugees and Migrants," *Gender, Place & Culture* 25.1 (2018): 13-36.

Ayten Gündoğdu, "Borders of Human Rights: Territorial Sovereignty and the Precarious Personhood of Migrants," in *Critical Perspectives on Human Rights* (2018), pp. 191-212.

Demetra Kasimis, "Medea the Refugee," *Review of Politics* 82.3 (2020): 393-415.

Further reading

Brooke Ackerly, "Feminist and Activist Approaches to Human Rights," in *Human Rights: Politics and Practice*, ed. Michael Goodhart (2013), pp. 28-43.

Philip Alston, "Does the Past Matter? On the Origins of Human Rights," *Harvard Law Review* 126 (2013): 2043-2081.

Saba Bahar, "Human Rights Are Women's Right: Amnesty International and the Family," *Hypatia* 11.1 (1996): 105-134.

Seyla Benhabib, *Dignity in Adversity: Human Rights in Troubled Times* (2011) and symposium on *Dignity in Adversity* in *Critical Review of International Social and Political Philosophy* 17.6 (2014)

Elizabeth Bernstein, "Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Anti-Trafficking Campaigns," *Signs* 36.2 (2014): 45-71.

Gwilym David Blunt, "Is There a Human Right to Resistance?" *Human Rights Quarterly* 39.4 (2017): 860-881.

Eva Brems, "Enemies or Allies? Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse," *Human Rights Quarterly* 19 (1997).

Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights." *Human Rights Quarterly* 12.4 (1990): 486-498

Alicia Schmidt Camacho, "Ciudadana X: Gender Violence and the Denationalization of Women's Rights in Ciudad Juárez, Mexico," *CR* 5:1 (2005): 255-92.

- Dana Collins, Sylvanna M. Falcón, Sharmila Lodhia, and Molly Talcott, “New Directions in Feminism and Human Rights: An Introduction,” *International Feminist Journal of Politics* 12.3-4 (2010): 298–318.
- Sara Farris, *In the Name of Women’s Rights: The Rise of Femonationalism* (2017)
- Myra Marx Ferree and Aili Mari Tripp, eds., *Global Feminism: Transnational Women’s Activism, Organizing, and Human Rights* (2006)
- Karlyn Forner, *Why the Vote Wasn’t Enough for Selma* (2017)
- Rosa-Linda Fregoso, “For a Pluriversal Declaration of Human Rights,” *American Quarterly* 66.3 (2014): 583-608.
- Rosa-Linda Fregoso, “‘We Want Them Alive!’: The Politics and Culture of Human Rights,” *Social Identities* 12.2 (2006): 109-138.
- Elisabeth J. Friedman, “Gendering the Agenda: The Impact of the Transnational Women’s Rights Movement at the UN Conferences of the 1990s,” *Women’s Studies International Forum* 26.4 (2003): 313-331.
- Elisabeth Jay Friedman, ed., *Seeking Rights from the Left: Gender, Sexuality, and the Latin American Pink Tide* (2018)
- Pablo Gilabert, “Humanist and Political Perspectives on Human Rights,” *Political Theory* 39.4 (2011): 439-467.
- Benjamin Gregg, “Indigeneity as Social Construct and Political Tool,” *Human Rights Quarterly* 41.4 (2019): 823-848.
- Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (2015)
- Wendy S. Hesford and Wendy Kozol, eds., *Just Advocacy? Women’s Human Rights, Transnational Feminisms, and the Politics of Representation* (2005)
- Tobias Kelly, “Two Cheers for Ritual: The UN Committee Against Torture,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 9.1 (2018): 93-105.
- Rauna Kuokkanen, “Self-Determination and Indigenous Women’s Rights at the Intersection of International Human Rights,” *Human Rights Quarterly* 34.1 (2012): 225-250.
- Lydia H. Liu, “Shadows of Universalism: The Untold Story of Human Rights around 1948,” *Critical Inquiry* 40.4 (2014): 385-417.
- Catharine MacKinnon, “Postmodernism and Human Rights,” in *Are Women Human?* (2000)
- Susan Marks, *A False Tree of Liberty: Human Rights in Radical Thought* (2019)
- Jennifer Bickham Mendez, “Creating Alternatives from a Gender Perspective: Transnational Organizing for Maquila Workers’ Rights in Central America,” in *Women’s Activism and Globalization: Linking Local Struggles and Global Politics* (2002), eds. Nancy Naples and Manisha Desai, pp. 142-155.
- Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (2018)
- , *Christian Human Rights* (2015)
- Jacques Rancière, “Who Is the Subject of the Rights of Man?” *The South Atlantic Quarterly* 103.2 (2004): 297-310.
- Niamh Riley, “Cosmopolitan Feminism and Human Rights,” *Hypatia* 22.2 (2007): 180-198.
- Amartya Sen, “Elements of a Theory of Human Rights,” *Philosophy & Public Affairs* 32.4 (2004): 315-356.

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Sarah Snyder, *From Selma to Moscow: How Human Rights Activists Transformed U.S. Foreign Policy* (2018)

Dean Spade, "Under the Cover of Gay Rights," *N.Y.U. Review of Law and Social Change* 37 (2013): 79-100.

Gayatri Chakravorty Spivak, "Righting Wrongs," *South Atlantic Quarterly* 103.2-3 (2004): 523-581.

Gayatri Chakravorty Spivak, "Use and Abuse of Human Rights," *boundary 2* 32.1 (2005): 131-189.

Nira Yuval-Davis, "Human/Women's Rights and Feminist Transversal Politics," in *Global Feminism, Transnational Women's Activism* (2006), pp. 275-295.

Karen Zivi, *Rights and the Politics of Performativity* (2008)

Course schedule

January 18 – MLK Day – no class

January 25 – discussion post due

February 1– discussion post due

February 8– discussion post due

February 15– discussion post due

February 22 – discussion post due

March 1 – discussion post due

March 8 – discussion post due

March 15 – no class – midterm paper due

March 22 – discussion post due

March 29– discussion post due

April 5 – discussion post due

April 12 – discussion post due

April 19 – discussion post due

Exam week – final paper due

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Course outline

January 25 – Historicizing rights, version 1: the long view

February 1– Historicizing rights, version 2: it's recent history

February 8– An alternative historical arc: decoloniality

February 15– An alternative historical arc: rights rhetorics

February 22 – An alternative historical arc: whose rights?

March 1 – An alternative historical arc: institutionalizing rights

March 8 – An alternative historical arc: civil rights and human rights

March 22 – An alternative historical arc: democratizing rights

March 29 – Current challenges to rights discourse: queering rights

April 5 – Current challenges to rights discourse: indigeneity

April 12 – Current challenges to rights discourse: transnational feminism

April 19 – Current challenges to rights discourse: migration