Sixty years after the passage of the Universal Declaration of Human Rights, there’s widespread agreement over what human rights should be. And yet, what human rights are – where they come from, how best to achieve their promise, and what they mean to people living through war, atrocity, and poverty – is more contentious than ever. These questions demand our attention. This course explores where human rights come from and what they mean by integrating them into a history of modern society, from the Conquest of the Americas and the origins of the Enlightenment, through the first World War and the rise of totalitarianism.

Torture and the mistreatment of prisoners are perhaps the prototypical human rights violations. They situate individuals at the mercy of the state (or those acting with state-like authority) in an abusive relationship, and many who suffer torture have first suffered other rights violations. Racial, ethnic, religious, and political ‘others’ play a disproportionate role as victims in the annals of torture; and torture victims predominate among the disappeared and extra-judicially executed. Torture is nearly universally proscribed in international law, it tops the short-list of ‘non-derogable’ rights in the international system – the core rights that cannot be violated, even during national crises and states of emergency – and it is the subject of specific monitoring bodies and professional organizations dedicated to its eradication.

The proscription of torture under international law grew out of the Enlightenment. Through many setbacks and inconsistencies – particularly in times of war and when applied in colonial contexts – the humane treatment of prisoners (of all sorts) became one of the bedrocks of the postwar human rights revolution, advancing steadily from 1948 to the present. And yet, in the year 2000, Amnesty International reported incidences of torture in more than one hundred countries, both rich and poor, Western and non-Western, democratic and dictatorial, and suggested that the practice was growing. Things have only heated up since the onset of the global “war on terror.” This paradox of proliferation strikes a recurrent theme across the field of human rights since at least the eighteenth century – with notable exceptions, while international human rights instruments and monitoring bodies have multiplied, so too have chronic violations and the regimes that perpetrate them. While lots of variation by regime, location, and period, and numerous progressive trajectories in terms of protecting basic human rights admittedly color the modern political landscape, the exceptions are striking.

What then are we to make of global human rights in the modern era? Can we simply label the monstrous regimes ‘outlaws’ or ‘atavisms’? Or, is there something inherent in the modern international system and inherently modern in their atrocities? Does it suffice to lament a lack of adequate enforcement mechanisms for human rights laws at the state and inter-state level?
Or, are there fatal contradictions built into the very mechanisms designed to enforce human rights? Are human rights merely aspirational, or symbolic – fluffy window dressing for a ‘real world’ of cold hard interests? When and how do certain human rights become norms that regulate, or at least influence human behavior, while others fail to transcend their existence on paper? How can we get a better handle on the trajectory of human rights as a body in modern society given the latter’s myriad contradictions? The relationship between the baseline of all human rights – human dignity and freedom – and the defining institution of modern society – the modern state, provides an invaluable point of departure. Tracking the development of this relationship over time should provide valuable points with which to chart a more accurate path for the development and meaning of global human rights over the same period. In this context, the case of torture is once again useful.

Michel Foucault begins *Discipline and Punish: The Birth of the Prison* with a gory, visceral scene of torture and execution from the mid eighteenth century. Seven chapters later, he juxtaposes an austere, antiseptic portrait of the modern prison of the late nineteenth century. Whereas the former situation immerses both victim and reader in horror, physical anguish, and ultimately spectacular death, the latter presents paranoia, internal anguish, and ultimately the solitary death of the soul, rather than the biological being – in his terms, the disciplining of the self, rather than the body. Foucault projects both extremes as archetypes of their respective societies.

While violent and cruel in its expiatory rituals, Foucault’s pre-modern (in his case pre-French/Industrial Revolutions) universe is also undeniably intimate, its sense of community and individuality as tangible as its tortures. Like the panoptic prison, Foucault’s modernity is impersonal, prophylactic, and anonymous; its power emanates from invisible normative structures that permeate the former intimacies of everyday life and cause people to discipline their behavior through constant guilt and suspicion.

Foucault’s rendering of modern society, written in 1975, while admittedly hyperbolic, represents a certain common sense in postwar social thought (even among those who disagree radically with Foucault on many, or even most matters). That is to say, the mechanized doom and destruction of the Holocaust and the nuclear age drove an entire generation of scholars and public intellectuals to develop models of society that drastically curtailed individual agency in human events, and held out little hope for the emancipatory power of modern institutions, chiefly the state. Even among those in the New Left and elsewhere who sought to revive and rescue individual agency from the social theorists, the modern state and its clients often served as the burning buildings from which human agency needed rescuing.

The same basic impulse – the man-made mass death and tyranny of the mid twentieth century – drove a generation of lawyers and statesmen to create international legal instruments to curtail the agency of states, in protection of the basic rights of individuals. What we call the global “human rights revolution” was thus born out of the ashes of World War II. Despite the importance of this historical moment, however, and the fact that similar human rights catastrophes both preceded and followed the foundation of the new international system, human rights practice and theory continue to assume an evolutionary model from the Enlightenment to the present, rooted largely in the methodology of legal research. And, the periodization makes some sense – one can plainly trace a general and self-conscious chronology of the progressive establishment of international human rights principles and instruments from the late eighteenth century to the present; and it is rather easy to document. However, as suggested in the case of torture above, when confronted with the simultaneous development of increasingly abusive practices and regimes, the implied locomotive of
progress chugging through most of the existing human rights literature leaves one wondering what human rights really mean, how they have shaped modern history, and what role they play in the contemporary world; or, simply, how to incorporate in any kind of intellectually rigorous manner all of the reports of abuses in particular regimes and derogations of international law in the same human rights literature, and the vast historical and social scientific literatures investigating these issues in broader relief. Whether or not Foucault’s broader generation of social thinkers and their descendants are right in their skeptical assessment of modern institutions, the fundamental questions that they have asked of modern society and its development since the Age of Revolution offer a much more holistic understanding than standard legal histories – one that helps us to account for the setbacks and crises, as well as the triumphs of global human rights over the last two hundred years.

Rather than a strict legal or intellectual history, this course will present an events-based approach to the development of what we now call “human rights.” We will certainly review many of the standard philosophical and legal treatises that most human rights textbooks cite as “origins” of the contemporary international system, but the texts themselves will take a back seat to the historical contexts in which they were produced, disseminated, and interpreted. This should help us to de-center human rights a bit, both geographically and spatially, such that the field is something greater than a subset of European history, and thus help us to deal with the relationship between the definition of rights and their violation without resorting to stale tropes like ‘the lack of enforcement,’ ‘corruption,’ ‘cultural barriers,’ etc. Defining human rights as they are, or have been in historical context, rather focusing on what they could have or should have become, will allow us to sidestep questions about their putative success or failure. It’s not that these and other cognate questions are not important – most of us are interested in studying human rights precisely because we want to understand how to expand and protect human freedom. The problem is that framing the question in terms of success or failure and focusing on nominal “human rights” limits the kinds of answers that we can offer and favors narrowly-tailored notions of the outcome of events, excluding alternative chronologies, spatial arrangements, and value systems. Instead, we will use a definition of human rights in practice as a lens through which to ask much broader question about the relationship between modern society and human freedom.

Of course, concepts of modernity and modernization are fraught with geographic, cultural, and temporal biases of their own, as Foucault and others have explored from many different perspectives. Without adopting any particular school of thought or theoretical bent, we can take from critics of modernity an intense focus on the distribution and exercise of power in society. This focus happens to be one of, if not the central limits question in theories of human rights. If we borrow the preoccupation with power and a rough chronology of the shifting contours of the distribution of power in society over what historians have defined as the modern period, and overlay standard human rights chronologies, the gaps and tension between them should open some interesting spaces for defining human rights in practice.

Within this chronology, three situations related to power will be paramount to defining human rights in practice: 1) the ways in which people have borne witness and denounced atrocities, playing close attention to the way in which they structure their claims, and the publics that receive and interpret these claims; 2) situations in which people end up at the mercy of others, and post-facto attempts to regulate these situations in the future; and 3) the revolutionary’s dilemma, or situations in which a group forcibly imposes changes on an unwilling other in the name of their fundamental rights and well-being.
Goals
While I hope that everyone who takes this course will achieve a good general knowledge of global human rights and how they have developed over time, my primary goal is to help you to cultivate your critical thinking skills, and more specifically, to teach you how to use human rights as a lens through which to examine social relationships, and the social scientific and humanistic tools developed in the study of modern society as a lens through which to examine human rights dilemmas. You can always jump on the internet and look up when the Red Cross was founded, who took which side in the drafting of the Universal Declaration of Human Rights, or whether or not television appearances by POWs constitute violations of international law. Explaining how, why, and what such events mean is a much more difficult task. The decisive moments in this learning process will likely arise not so much in lectures and discussions as when you set about to thinking and writing.

We will dedicate a lot of time to student writing projects, and we will constantly encourage you to cultivate analyses of human rights issues sustained on good social scientific and historical inquiry rather than mere moral indignation. And when you get it, you will really get it, developing expertise in particular areas beyond that of your instructors, myself included. The best courses are often not those that present the most information, but those that change the way that you think and stick with you for the long haul.

Grading
Review Essays = 1/3
Document Analysis = 1/3
Timeline = 1/3

Writing Assignments
There are five writing assignments for this course, two review essays, two document analyses, and your contribution to a human rights timeline.

Review Essays
For the review essays, you may choose any scholarly work that addresses a “human rights question.” Any of the readings assigned below or any outside texts should work, so long as they address a human rights question from a scholarly perspective. In general, this would include anything written by a professional researcher or academic (in any discipline), which includes footnotes or some other kind of formal documentation.

Your review essays should be 3-4 pages long, double-spaced, in 12 pt. font with 1 inch margins. Do not exceed four pages. Please use parenthetical citation rather than footnotes; you only need to include a “works cited” page if you cite more than one source.

Document Analyses
Choose an historical document and write an essay analyzing how it addresses an important human rights question. Feel free to define “document” as broadly as you like here – novels, paintings, poems, photographs, etc. are just as valid as constitutions, legal opinions, and declarations. Just make sure that the document addresses a human rights question, and your essay makes an argument as to how it addresses that question, and why it’s answer is significant.
We will evaluate your papers based on the novelty of your choice of document and approach to that document, and the general clarity and quality of your essay. We will not penalize you for choosing something that is already part of the human rights cannon, such as the Declaration of the Rights of Man and Citizen. In fact, we encourage you to read and write about these documents. In this case, the novelty or innovation will come in the form of the question you choose to ask of the document.

Your document analyses should be 3-4 pages long, double-spaced, in 12 pt. font with 1 inch margins. Do not exceed 4 pages. Please use parenthetical citation rather than footnotes; you only need to include a works cited page if you cite more than one source.

All of the writing assignments are due on Fridays, by 5:00 p.m. (See the specific dates below). Please submit all of your work electronically, via WebCT. Submit your papers on time. Please do not ask for extensions – no exceptions. There are too many assignments this quarter for us to keep track of late work. If you’re running late or catastrophe arises, please submit something on time, and submit a revised draft ASAP. We may penalize or reject late papers, but you will have a much better chance of getting full credit if you submit something on time.

*If you decide to work with a particularly long text or document for either set of assignments, you may write about the same material more than once, so long as you ask a different question of the material for each individual assignment.

**Human Rights Timeline**

This course explores where human rights come from, what they mean, and how these processes have developed over time. We want you to help us contribute to this conversation and to the building of a human rights program here at UCSD. To this end, as a group, we will compose a master timeline to help us to conceptualize the history of Human Rights before the Universal Declaration (1948). Because our timeline will precede the contemporary human rights regime, many of the entries will not use the specific language of “human rights” (as established by the UDHR and subsequent documents). In this way, every individual entry or set of entries will imply an argument about what should count as a component of the origins of contemporary human rights. Furthermore, by using the rubric of “origins” and proposing to construct a “history” of human rights, our timeline will not be restricted to people, events, and documents which tried to define and protect human rights, but also the things that provoked these efforts and their violation – war, atrocity, exploitation, etc.

Each of you will choose a specific theme and a period of time – we will post a first-come-first-serve sign-up sheet on WebCT early in the quarter. Your contribution to the timeline will consist of at least 25 entries, and a brief explanatory essay. Each entry should include a precise date (or date range) and a brief description including, the definition of any special terms. Ideally, you will divide your entries into macro and micro demarcations, such that your timeline will identify smaller sets of events and progressions within larger phenomena, and provide several different levels of analysis. Your essay will explain how the entries on your timeline contribute to our understanding of the origins of contemporary human rights. (Hint: Follow the guidance above for the other writing assignments on the development of a “human rights question.”) Your essay should be 3-4 pages, double-spaced. Please do not exceed 4 pages.

As with other databases, good chronologies also have a relational dimension. To this end, we will post the list of who is working on which part of the timeline.
We also invite collaboration, both in form and content. For example, if a group of you can develop a common form for entering the data from your timelines, such that you (or a third-party user) can generate overlapping timelines, or timelines that isolate specific kinds of events (documents, people, phenomena, etc) in different places, this would be wonderful and we will reward you for your creativity.

At the same time, if you prefer to treat your contribution to the timeline strictly as a writing project, or even as a work of art, that will be fine as well, and we will evaluate your project according to the appropriate qualitative metric.

Whatever else you do, you must turn in a text version of your contribution to the timeline, including 25 original entries and an explanatory essay. Feel free to use published timelines, textbooks, and any other sources in preparing your entries, but you must footnote these sources, and all entries should be in your own words. *If your project includes an interactive or graphic component, please integrate this into your explanatory essay, and include any user instructions along with your submission.

**Important Dates**
- Monday, January 12 – Optional Writing Workshop on Review Essays
- Friday, January 23 – Review Essay #1 Due
- Monday, January 26 – Optional Writing Workshop on Document Analyses
- Friday, February 6 – Document Analysis #1 Due
- Friday, February 20 – Review Essay #2 Due
- Monday, March 2 – Optional Writing Workshop on Human Rights Timeline
- Friday, March 13 – Document Analysis #2 Due
- Friday, March 20 – Final Contributions to Timeline Due

**Extra Credit**
If you attend four of the events from the list of “Human Rights Activities and Events, Winter 2008” and submit a concise (100-150 words) written explanation of its relevance to this class, you will earn a ½ grade bonus on your final grade. In order to reward you for participating, but also keep things simple, this is the only extra credit that we will grant, and it is an all-or-nothing proposition. Please make your submissions via the Extra Credit section of our WebCT page.

**Week #1**
**Human Rights as History**

Monday, January 5
**To Bear Witness, But for Whom?**
**Human Rights as Image and Public**

**Reference Materials:**
Wednesday, January 7
Sadism as Synchronicity, or Do the Basics Ever Change?
Torture and Capital Punishment from Socrates to Sadam

Reading:

Reference Materials:
5. Cesare Beccaria, Essay on Crimes and Punishments (1764). [Several electronic versions of this text are available via the UCSD library, and our WebCT page]. Early American Imprints, Stable URL: http://uclibs.org/PID/65778

Week #2
Empathy and Empire:
Human Rights and the Revolutionary’s Dilemma

Monday, January 12
*Optional Writing Workshop After Class

The Destruction of the Indies and the Limits of Charity

Readings:
http://cebo.chadwyck.com/search/full_rec?SOURCE=pgimages.cfg&ACTION=ByID&ID=V53024

Reference Materials:
Wednesday, January 14

Empathy and Modernity

Readings:

Reference Materials:
1. Francisco de Vitoria, *Reflection on Homicide*, Stable URL: [http://roger.ucsd.edu/record=b5810969~S9](http://roger.ucsd.edu/record=b5810969~S9)
2. Hugo Grotius, *On the Law of War and Peace/De Jure Belli ac Pacis* (1625), Stable URL: [http://www.constitution.org/gro/djbp.htm](http://www.constitution.org/gro/djbp.htm); or Permanent link for this record: [http://roger.ucsd.edu/record=b5039504~S9](http://roger.ucsd.edu/record=b5039504~S9)
3. Thomas Hobbes, *Leviathan* (1651), Stable URL: [http://roger.ucsd.edu/record=b5808424~S9](http://roger.ucsd.edu/record=b5808424~S9)
4. Voltaire, *Philosophical Dictionary* (1764), Stable URL: [http://roger.ucsd.edu/record=b4902018~S9](http://roger.ucsd.edu/record=b4902018~S9)
5. John Locke, *A Letter Concerning Toleration* (1683), Stable URL: [http://roger.ucsd.edu/record=b5055634~S9](http://roger.ucsd.edu/record=b5055634~S9)

Week #3

From Natural Slaves to Noble Savages, *El Populacho* to *El Pueblo:
Modern Tyranny and The Age of Revolution

Monday, January 19 – No Class, Martin Luther King Jr. Day

Wednesday, January 21

Governance and Rights

Readings:

Reference Materials

Documents:
1. The Declaration of Independence (1776), Stable URL: http://www.access.gpo.gov/su_docs/dpos/coredocs.html
2. The U.S. Constitution (1787), (Preamble and Bill of Rights) Stable URL: http://www.access.gpo.gov/su_docs/dpos/coredocs.html
3. The Declaration of the Rights of Man and Citizen (1789), Stable URL: http://historicaltextarchive.com/sections.php?op=listarticles&secid=12
5. El Grito de Dolores (English) (1810), Stable URL: http://historicaltextarchive.com/sections.php?op=viewarticle&artid=551

Secondary Literature:
Friday, January 23 – Review Essay #1 Due

Week #4
De-Centering Human Rights: Colonialism, Cultural Relativism, and Social History

Monday, January 26

Readings:

Reference Materials:

Wednesday, January 28
Widow Burning and the Remarkable Durability of the Indian Spleen: Cultural Relativism and Racial Hierarchy

Readings:

Background on the British in India:
Reference Materials:


Week #5

*Inhuman Bondage, Race, Slavery and Citizenship*

Monday, February 2

**Slavery and Abolition in the Anglophone World**

Readings:


Reference Materials:

Documents/Testimonial:

8. “Africans in America,” hosted by PBS. Stable URL: [http://www.pbs.org/wgbh/aia/home.html](http://www.pbs.org/wgbh/aia/home.html)

Secondary Literature:

Wednesday, February 4

**Slavery and Abolition in Brazil and Cuba**

**Readings:**


**Reference Materials:**


*Friday, February 6 – Document Analysis #1 Due*
Week #6
Cogs in the Machine:
Race, Radicalism, and Repression in the Global Organization of Labor

Monday, February 9
Temporal and Cultural Frontiers:
Labor Organization and Resistance
Readings:

Reference Materials:

Wednesday, February 11
The Wages of Whiteness:
Race, Migration, and the Making of a Working Class
Readings:

Reference Materials
Week #7
Monday, February 16 – No Class, Presidents’ Day

Don’t Cry for Solferino:
Battlefield Testimonial and the Birth of International Humanitarian Law
Wednesday, February 18
Readings:
3. Founding and early years of the International Committee of the Red Cross (1863 - 1914), Stable URL: http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_founding
4. History of International Humanitarian Law, Stable URL: http://www.icrc.org/web/eng/siteeng0.nsf/iwpList304/7A44BA8D2CAC0CD2C1256B660599A60

Reference Materials:
Documents:
1. Resolutions of the Geneva international Conference of 29 October 1863, and Geneva Convention for the amelioration of the condition of the wounded in armies in the field of 22 August 1864, Stable URL: http://www.icrc.org/IHL.nsf/52d68d14dc6160e0e12563da005fadb1b/87a3bb56c1e448d125641a005a06e0?OpenDocument

Secondary Literature:

*Friday, February 20 – Review Essay #2 Due
By 5:00 p.m.*
Week #8
Progressivism and Imperialism

Monday, February 23
World War I and the ICRC

Readings:
1. The ICRC and the First World War, Stable URL: [http://www.icrc.org/Web/Eng/siteeng0.nsf/html/section_first_world_war](http://www.icrc.org/Web/Eng/siteeng0.nsf/html/section_first_world_war)

Reference Materials:

Documents:
2. Declaration (IV, 2) concerning Asphyxiating Gases, 26 Marten Nouveau Recueil (ser. 2) 1002, 187 Consol. T.S. 453, entered into force Sept. 4, 1900, Stable URL: [http://www1.umn.edu/humanrts/instree/1899e.htm](http://www1.umn.edu/humanrts/instree/1899e.htm)

Secondary Literature:

Wednesday, February 25
The Ballot and the Bullet:
The International Movement for Peace and Female Suffrage

Readings:
Reference Materials:

Documents:
2. The 19th and 20th Amendments to the U.S. Constitution (1920), Stable URL: http://www.access.gpo.gov/su%5Fdocs/dpos/coredocs.html

Secondary Literature:

Week #9

Monday, March 2

**Forging Utopian Societies and Revolutionary Citizens:**

**Social and Economic Rights in Mexico and Russia**

Readings:
http://links.jstor.org/sici?sici=0002-8762%28198302%2988%3A1%3C31%3ATASHOT%3E2.0.CO%3B2-J

Reference Materials:

Documents/Testimonial:
1. The Constitution of the United Mexican States (1917), Articles 3, 27, 123, and 130 Stable URL: http://www.rose-hulman.edu/%7Edelacova/mex-revolution.htm
2. Revolutionary Platforms:
   a. Program of the Partido Liberal Mexicano (1906)
   b. Plan de San Luis (1910)
   c. Plan de Ayala (1911)
   d. Plan de Guadalupe (1913)
5. Resolutions Adopted by The First All-Russian Congress of Soviets (1917), Stable URL: http://www.dur.ac.uk/~dml0www/congsovs.html
6. Declaration of the Rights of the Toiling and Exploited Peoples (1917), Stable URL: http://www.dur.ac.uk/~dml0www/decright.html
7. The Fundamental Law of Land Socialization (1918), Stable URL: http://www.barnsdle.demon.co.uk/russ/land.html

Secondary Literature:

Wednesday, March 4

The Gulag:
Soviet Purges and the Making of the Concentration Camp

Readings:

Reference Materials:

*Friday, March 6 – Document Analysis #2 Due
By 5:00 p.m.

Week #10
Defining and Destroying:
International Peace Efforts from Versailles to Guernica

Monday, March 9

Rafael Lemkin and the Armenian Genocide

1. Samantha Power, ‘A Problem from Hell.’ America in the Age of Genocide (New York: Basic Books, 2002), 1-85 *(read the first page and skim the first chapter if you wish; concentrate on pages 31-78).

Reference Materials:
Wednesday, March 11

The Forecast:
The Amritsar Massacre, the Invasion of Abyssinia, and the Destruction of Guernica

Readings:
4. Ian Patterson, Guernica and Total War (London: Profile, 2007), 1-73.

Reference Materials:

Documents/Testimony:

Secondary Literature:

Exam Week
Friday, March 20
Contribution to Human Rights Timeline Due
By 5:00 pm