

# Human Rights

CONCEPTS,  
CONTESTS,  
CONTINGENCIES

Edited by  
**Austin Sarat and  
Thomas R. Kearns**

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# Human Rights Concepts Contests Contingencies

**Kate Nash**



## **Human Rights Concepts Contests Contingencies:**

**Human Rights** Austin Sarat, Thomas R. Kearns, 2009-11-16 Today the language of human rights if not human rights themselves is nearly universal Human Rights brings together essays that attend to both the allure and criticism of human rights They examine contestation and contingency in today's human rights politics and help us rethink some of the basic concepts of human rights Questions addressed in Human Rights include Can national self determination be reconciled with human rights Can human rights be advanced without thwarting efforts to develop indigenous legal traditions How are the forces of modernization associated with globalization transforming our understanding of human dignity and personal autonomy What does it mean to talk about culture and cultural choice Is the protection of culture and cultural choice an important value in human rights discourse How do human rights figure in local political contests and how are those contests in turn shaped by the spread of capitalism and market values What contingencies shape the implementation of human rights in societies without a strong tradition of adherence to the rule of law What are the conditions under which human rights claims are advanced and under which nations respond to their appeal Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science Amherst College Thomas R Kearns is William H Hastie Professor of Philosophy and Professor of Law Jurisprudence and Social Thought Amherst College *Universal Human Rights in Theory and Practice* Jack Donnelly, 2003 4 Choice of Means Human Rights Cindy Holder, David Reidy, 2013-05-23 The United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948 A burgeoning human rights movement followed yielding many treaties and new international institutions and shaping the constitutions and laws of many states Yet human rights continue to be contested politically and legally and there is substantial philosophical and theoretical debate over their foundations and implications In this volume distinguished philosophers political scientists international lawyers environmentalists and anthropologists discuss some of the most difficult questions of human rights theory and practice what do human rights require of the global economy Does it make sense to secure them by force What do they require in jus post bello contexts of transitional justice Is global climate change a human rights issue Is there a human right to democracy Does the human rights movement constitute moral progress For students of political philosophy human rights peace studies and international relations Values in Translation Galit A Sarfaty, 2023-05-25 Cogently analyzes the culture of the World Bank to explain successes and failures in the adoption of human rights norms Highly recommended Choice The World Bank is the largest lender to developing countries making loans worth over 20 billion per year to finance development projects around the globe To guide its investments the Bank has adopted a number of social and environmental policies yet it has never instituted any overarching policy on human rights Despite the potential human rights impact of Bank projects the forced displacement of indigenous peoples resulting from a Bank financed dam project for example the issue of human rights remains marginal in the Bank's operational practices Values in Translation analyzes the organizational culture of the World

Bank and addresses the question of why it has not adopted a human rights framework. Academics and social advocates have typically focused on legal restrictions in the Bank's Articles of Agreement. This work's anthropological analysis sheds light on internal obstacles including the employee incentive system and a clash of expertise between lawyers and economists over how to define human rights and justify their relevance to the Bank's mission. Property, Territory, Globalization William D. Coleman, 2011-05-10 In a world of flux and globalization when old territories are dissolving and new nations and political unions are coming together who controls ideas, information and creativity? Who patrols the new frontiers? This volume opens a window to the dark side of globalization and the struggles for autonomy it has generated. The chapters focus on property regimes in crisis as sites where globalization, autonomy and the political economy of international capitalism intersect. Sites of friction: indigenous land claims, BC forest disputes, conflicts between farmers and the patent owners of genetically modified seeds demonstrate not only how property laws and intellectual property rights are supporting the expansion of private property regimes but also how local activists are using a politics of place to resist these forces. The work of Palestinian poets whose attachment to the land is explored in a powerful Coda at the end of the book shows that a politics of place can help local actors build new bases of autonomy to withstand the forces of globalization. *Re-Imagining Sovereign Debt in International Law through the lens of Socio-Economic Rights* Muhammad Bello, 2024-07-22 Re-imagining sovereign debt examines the extent to which sovereign debtors' contractual obligations may be honoured where the socio-economic rights of their citizens face clear danger of non-realisation. It critiques the foundational legal paradigm that influences and shapes the substance of the sovereign debt regime. In doing this, the author employs legal theory to show the inadequacies of the regime in terms of its failure to embrace the dynamism of sovereign debt which he characterises as a debt with a complex mix of public-private elements, hybridity of norms and multiplicity of interests beyond the two-sided creditor-debtor matrix. By locating socio-economic rights in all critical phases of the regime, the author shows that the recurring circles of debt crises are linked to the continuing influence of the private law paradigm. The book offers a fresh perspective to re-imagine sovereign debt using insights from transnational legal theorists and advocates prioritising socio-economic rights considerations in debt contracting, restructuring and adjudication through a more concrete recognition of creditors' responsibilities. Re-imagining sovereign debt will interest lawyers, policymakers, diplomats, scholars and researchers interested in the law, history and politics of sovereign debt. **Fictions of Dignity** Elizabeth S. Anker, 2012-11-20 Over the past fifty years, debates about human rights have assumed an increasingly prominent place in postcolonial literature and theory. Writers from Salman Rushdie to Nawal El Saadawi have used the novel to explore both the possibilities and challenges of enacting and protecting human rights, particularly in the Global South. In *Fictions of Dignity*, Elizabeth S. Anker shows how the dual enabling fictions of human dignity and bodily integrity contribute to an anxiety about the body that helps to explain many of the contemporary and historical failures of human rights, revealing why and how lives are excluded from

human rights protections along the lines of race gender class disability and species membership In the process Anker examines the vital work performed by a particular kind of narrative imagination in fostering respect for human rights Drawing on phenomenology Anker suggests how an embodied politics of reading might restore a vital fleshiness to the overly abstract decorporealized subject of liberal rights Each of the novels Anker examines approaches human rights in terms of limits and paradoxes Rushdie's *Midnight's Children* addresses the obstacles to incorporating rights into a formerly colonized nation's legal culture El Saadawi's *Woman at Point Zero* takes up controversies over women's freedoms in Islamic society In *Disgrace* J M Coetzee considers the disappointments of post apartheid reconciliation in South Africa And in *The God of Small Things* Arundhati Roy confronts an array of human rights abuses widespread in contemporary India Each of these literary case studies further demonstrates the relevance of embodiment to both comprehending and redressing the failures of human rights even while those narratives refuse simplistic ideals or solutions

#### Science, Colonialism, and Indigenous Peoples

Laurelyn Whitt, 2009-08-24 At the intersection of indigenous studies science studies and legal studies lies a tense web of political issues of vital concern for the survival of indigenous nations Numerous historians of science have documented the vital role of late eighteenth and nineteenth century science as a part of statecraft a means of extending empire This book follows imperialism into the present demonstrating how pursuit of knowledge of the natural world impacts and is impacted by indigenous peoples rather than nation states In extractive biocolonialism the valued genetic resources and associated agricultural and medicinal knowledge of indigenous peoples are sought legally converted into private intellectual property transformed into commodities and then placed for sale in genetic marketplaces *Science Colonialism and Indigenous Peoples* critically examines these developments demonstrating how contemporary relations between indigenous and Western knowledge systems continue to be shaped by the dynamics of power the politics of property and the apologetics of law

The Humanitarians David P. Forsythe, 2005-08-11 The International Committee of the Red Cross ICRC coordinates the world's largest private relief system for conflict situations Its staff operates throughout the world and in recent years the ICRC has mounted large operations in the Balkans and Somalia Yet despite its very important role its internal workings are mysterious and often secretive This book examines the ICRC from its origins in the mid nineteenth century up to the present day and provides a comprehensive overview of a unique private organisation whose governing body remains all Swiss but which is recognized in international law as if it were an inter governmental organization David Forsythe focuses on the policy making and field work of the ICRC while not ignoring international humanitarian law He explores how it exercises its independence impartiality and neutrality to try to protect prisoners in Iraq displaced and starving civilians in Somalia and families separated by conflict in the Israeli Palestinian conflict David Forsythe received the Distinguished Scholar Award for 2007 from the Human Rights Section of the American Political Science Association

#### *The Place of Law* Austin

Sarat, Lawrence Douglas, Martha Umphrey, 2009-04-21 It has long been standard practice in legal studies to identify the place

of law within the social order And yet as *The Place of Law* suggests the meaning of the concept of the place of law is not self evident This book helps us see how the law defines territory and attempts to keep things in place it shows how law can be and is used to create particular kinds of places differentiating for example individual property from public land And it looks at place as a metaphor that organizes the way we see the world This important new book urges us to ask about the usefulness of metaphors of place in the design of legal regulation      **Democracy and Goodness** John R.

Wallach,2018-01-18 Citizens political leaders and scholars invoke the term democracy to describe present day states without grasping its roots or prospects in theory or practice This book clarifies the political discourse about democracy by identifying that its primary focus is human activity not consent It points out how democracy is neither self legitimating nor self justifying and so requires critical ethical discourse to address its ongoing problems such as inequality and exclusion Wallach pinpoints how democracy has historically depended on notions of goodness to ratify its power The book analyses pivotal concepts of democratic ethics such as virtue representation civil rightness legitimacy and human rights and looks at them as practical versions of goodness that have adapted democracy to new constellations of power in history Wallach notes how democratic ethics should never be reduced to power or moral ideals Historical understanding needs to come first to highlight the potentials and prospects of democratic citizenship      *Law and Religious Diversity in Education* Kyriaki Topidi,2020-08-05

Religion is a prominent legal force despite the premise constructed and promoted by Western constitutionalism that it must be separated from the State in democracies Education constitutes an area of human life that leaves ample scope for the expression of religious identity and shapes the citizens of the future It is also the place of origin of a considerable number of normative conflicts involving religious identity that arise today in multicultural settings The book deals with the interplay of law and religion in education through the versatility of religious law and legal pluralism as well as religion s possible adaptation and reconciliation with modernity in order to consider and reflect on normative conflicts It adopts the angle of the constitutional dimension of religion narrated in a comparative perspective and critically reflects on regulatory attempts by the State and the international community to promote new ways of living together      **Beyond Rights** Carole

Blackburn,2021-12-15 In 2000 the Nisg a a treaty marked the culmination of over one hundred years of Nisg a a people protesting petitioning litigating and negotiating for recognition of their rights and land title Beyond Rights explores this groundbreaking achievement and its impact The Nisg a a were trailblazers in gaining Supreme Court recognition of unextinguished Aboriginal title and the treaty marked a turning point in the relationship between First Nations and provincial and federal governments By embedding three key elements self government title and control of citizenship the Nisg a a treaty tackled fundamental issues concerning state sovereignty the underlying title of the Crown and the distribution of rights Using this pivotal case study Beyond Rights analyzes both the potential and the limits of treaty making as a way to address historical injustice and to achieve contemporary legal recognition It also assesses the possibilities for a distinct

Indigenous citizenship in a settler state with a long history of exclusion and assimilation      **Gillian Rose** Kate Schick, 2012-08-30 Kate Schick locates the philosophy of Gillian Rose within wider discussions of contemporary political issues such as trauma and memory exclusion and difference tragedy and messianic utopia Schick argues that Rose brings a powerful and timely voice to      **Cause Lawyering and the State in a Global Era** Austin Sarat, Stuart Scheingold, 2001-05-03 This volume brings together contextually sensitive cross cultural and comparative research that analyzes the ways in which cause lawyering is influencing and being influenced by the disaggregation of state power associated with democratization and globalization      Contemporary Political Sociology Kate Nash, 2009-12-15 This fully revised and updated introduction to political sociology incorporates the burgeoning literature on globalization and shows how contemporary politics is linked to cultural issues social structure and democratizing social action New material on global governance human rights global social movements global media New discussion of democracy and democratization Clearly lays out what is at stake in deciding between alternatives of cosmopolitanism imperialism and nationalism Includes additional discussion of the importance of studying culture to political sociology      **That the World May Know** James Dawes, 2009-06-30 What can we do to prevent more atrocities from happening in the future and to stop the ones that are happening right now That the World May Know tells the powerful and moving story of the successes and failures of the modern human rights movement Drawing on firsthand accounts from fieldworkers around the world the book gives a painfully clear picture of the human cost of confronting inhumanity in our day      **Suffer the Children** Richard P. Hiskes, 2021-07-16 In 1989 the United Nations established the basis for the definition of children's rights in the Convention on the Rights of the Child CRC a document every nation in the world save the United States has ratified Still human rights theorists scholars and jurists continue to disagree as to the theoretical justification for children's human rights In Suffer the Children Richard P Hiskes establishes the first substantive theoretical foundation for the human rights of children Hiskes provides a new critical assessment of the United Nations CRC and explores child activism for human rights worldwide to show how children are already claiming their rights in ways that will fundamentally change the meaning both of rights themselves and of democratic processes      **Human Rights** Austin Sarat, Thomas R. Kearns, 2001-06-28 Brings together essays that examine contestation and contingency in today's human rights politics      **Religious Minorities in Pluralist Societies**, 2023-12-04 The accommodation of religious diversity in contemporary pluralist societies is undoubtedly amongst the most salient issues on today's political agenda not least due to the challenges posed by migration A subject of considerable debate is how to reconcile the demands of religious and cultural diversity alongside political unity that is how to create a political community that is cohesive and stable and satisfies the legitimate aspirations of minorities This volume provides a critical analysis of the institutional accommodations and legal frameworks conceived by and or for historical religious groups and assesses their potential and shortcomings in providing for an integrated society based on human and

minority rights protection



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