



NEGOTIATING HUMAN RIGHTS

CULTURAL, LEGAL AND POLITICAL FRAMINGS

International conference

Aarhus University, January 23-25, 2014

Keynote speakers

Thursday, January 23, 11.30-12.45

Costas Douzinas, Birkbeck, University of London

Is there a right (is it right) to revolt? The presentation will bring together classical and contemporary philosophy to understand the new age of resistance the world has entered

Friday, January 24, 9.30-10.45

Susan Maslan, University of California, Berkeley

Human Rights between Enlightenment and Post-Modernity

Friday, January 24, 14.45-16.00

Lena Halldenius, Lund University

Against human rights pragmatism. A neo-roman approach to rights, institutional facts and the structure of claims

Saturday, January 25, 9.30-10.45

Joseph Slaughter, Columbia University, New York

However Incompletely, Human: Crusoe, Colonial Corporations, and Other Partial Creatures of Human Rights

Abstracts:

Costas Douzinas

Is there a right (is it right) to revolt? The presentation will bring to-gether classical and contemporary philosophy to understand the new age of resistance the world has entered

Revolution is a well-known topic in philosophy. Right on the other hand has been abandoned to liberal jurisprudence and philosophy. The recent insurrections all over the world give us an opportunity to examine philosophy's hesitant exploration of the link between revolution and right and the metaphysical foundation of right itself. The talk moves from Kant and Hegel to Derrida and Foucault comparing civil disobedience with the right to resistance.

Susan Maslan

Human Rights between Enlightenment and Post-Modernity

This talk will offer readings of literary texts from the Enlightenment and will argue that the Enlightenment itself recognized and rejected what have emerged as postmodern critiques of human rights.

Lena Halldenius

Against human rights pragmatism. A neo-roman approach to rights, institutional facts and the structure of claims

In this paper I argue for three things. First, all rights are claims. Second, rights are institutional facts and as such essentially collective in character. The third part of the argument is that an institutional approach to rights will serve to shift our focus in terms of the philosophical history of "rights".

The first point is a formal one. Thinking of rights as "claims" implies that propositions about rights have the form "X have a right to Q in relation to Y", where X is an agent who is the rights bearer, Y is an agent who is the bearer of a corresponding obligation, and Q is the object of X:s claim and Y:s obligation. A rights proposition can be particular or general but is al-

ways generalizable. The analytical use of a rights terminology is to introduce into our political and moral vocabulary the notion of claiming. If we do not think of rights as claims in this formal way, then “a right” is conceptually redundant, and adds nothing to the conventional moral terminology of what it is right (or wrong) to do. Rights, then, are claims and claiming is an activity. This is a formal conclusion and prior to, and independent of, considerations of the content of Q and empirical and causal concerns of realization. It does, however, require an idea of the relationship between X and Y and of what it consists. It also requires a formulation of a “zone of non-coincidence” (Brett).

If people can “have” no other rights than the rights that they are actually granted, then the concept of rights simply tracks official policy and can have no progressive or challenging purpose. It will be the contention in that the best answer to the first requirement comes in the form of an institutional theory of rights. Institutions (in a sense that will be briefly specified) are a necessary circumstance for the issue of rights to arise. Regarding the second requirement I will suggest that a zone of non-coincidence be constructed institutionally, rather than morally, through a normative conception of political society, the “res publica”.

I will refer to this institutional approach as “neo-roman” and it has historical implications. The paper will conclude by disentangling some features in the history of thinking philosophically about rights in order to get the context of an institutional approach to rights and how it differs from “natural rights” theory. This historical cherry picking will take us from Locke, via Hobbes, to Cicero, and then back to the 18th century with the suggestion that we need Cicero, rather than Locke, in order to understand fully not only 18th century rights discourses but also our own.

Joseph Slaughter

However Incompletely, Human: Crusoe, Colonial Corporations, and Other Partial Creatures of Human Rights

Recent histories of international law and human rights have begun to document the important role that nineteenth-century colonialism played in the formation and institutionalization of contemporary international human rights law. At the same time, scholars have begun to warn of the current “colonization” of international, human rights law by corporations. This talk considers the possibility that early modern corporate colonialism was a founding condition of contemporary international human rights law, and, furthermore, that

the corporation might be said to have already beaten the human being to human rights at the outset. The colonial charter company was not merely a vehicle for the pursuit of nineteenth-century colonialism. It was charged with carrying some of what we now call human rights to supposedly backwards peoples in “unenlightened” parts of the earth; but it was itself the bearer of some international rights that we now regard as the human rights of individuals. Indeed, a collection of qualities and capacities that we typically think of as uniquely human were first combined and protected at the international level in the legal personalities of charter companies. As I will argue, corporations, and especially the colonial charter companies, were recognized as international persons in advance of the human beings they ostensibly serve, and, thus, as much as we need to be vigilant about the corporate takeover of human rights law, we need also to recognize the complex ways in which international, corporate, and human rights law are intertwined, and how the early international law of high imperialism set the stage for the emergence, as international persons in their own right, of human beings, however incompletely.

Small theatre, Building 1585, Entrance at the side
Langelandsgade 139, 8000 Aarhus C
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