Jean Monnet Course - Sociology of Human Rights in Contemporary Europe

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<th>Location</th>
<th>Charles University</th>
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<td>Period</td>
<td>Summer 2018</td>
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<tr>
<td>Teacher</td>
<td>Dr. Paul Blokker, Charles University</td>
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<td>Credits</td>
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**Course Description**

We are living in an age of rights. In contemporary Europe, human rights seem to constitute a general language of justice and emancipation. The course explores the post-1945 emergence of human rights in Europe, the role of human rights in European integration, and the complex justification and usage of rights in contemporary Europe. The course provides an interdisciplinary – in particular a sociological and critical - focus on human rights, and explores and explains the role of human rights within European societies, the European integration process, and on the transnational level.

Human rights have classically been understood as individual rights, and the enjoyment (of a variety of civic, political, social, and cultural) rights as to be guaranteed by the state. Citizenship is in this a crucial element of human rights and human rights formed a foundation of the post-authoritarian societies constructed in post-WWII Europe. But human rights seem now to be increasingly guaranteed by international institutions, such as the European Court of Human Rights, often against the state. In this, they provide some sort of external benchmark, grounded in a European 'ius commune', originally derived from the post-1945 European conventions on rights. A sociology of human rights needs in this to focus on the state, but equally to be concerned with inter- and supranational judicial institutions, as well as national and transnational rights movements, and NGOs, who make claims against states. A sociology of human rights is therefore particularly concerned with the emancipatory nature of human rights, and the potential advancement of marginalized groups.

The course explores the historical emergence, the current prominence, the complex nature, and the claims for, and application of, human rights, in particular in the multi-level and pluralistic context of the European Union. Key questions are: to what extent do you human rights advance greater justice, equality, participation, and recognition? And to what extent are human rights accessible for some, but not for others? How are human rights constructed, how do contextual conditions in which human rights claims are made matter, and which different interpretations and framings of human rights do we encounter?

**Goal of the Course**

- To introduce the students to the sociology of human rights;
- To provide insights in the emergence of human rights as a distinctive discourse and universalistic language in the European context;
- To provide insight in the constructed nature of human rights, and the plurality of interpretations and framings of human rights available in the European context;
- To provide insights into the relation between human rights and social and political claims;
- To provide insights in the relation between the increased prominence of human rights and the European integration project;
- To provide insight into the role of natural law;
- To provide insights in the role of a variety of actors (grassroots social movements, NGOs, INGOs, lawyers, judges, politicians, technocrats);
To provide insight into the role of (transnational) social movements in the promotion of human rights (e.g. regarding gender equality, migrants, social justice).

Teaching methodology

| Lectures |
| ———— |
| In-class debate |
| In-class and online group assignments |
| Media materials |

Final exam

Final essay

Key references

Teaching Method
The course will consist of weekly seminars, and (possibly) a number of guest lectures. The students are expected to actively engage in class presentations and regular assignments.

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Course overview

A. The Sociology of Human Rights

Class 1: Sociology and Rights in the European context

Human rights have become highly prominent in contemporary Europe (as well as globally) and appear as the most important instrument to safeguard human well-being and justice. There is, however, an immense diversity and scope of human rights. Also, a range of different actors endorses human rights, for different purpose (grassroots movements, NGOs, politicians, lawyers, judges). This means that very different meanings of, and justifications for, human rights are being offered. A sociology of rights enquires into this diversity and explores both structures (human rights...
regimes) and actors on the ground. Particular attention will be paid to how rights are socially constructed in the European context.

Readings


Suggested readings


Class 2: Social Theory and Human Rights: Justifications for Rights
Human rights are often criticized for being a Western concept and for constituting instruments of Western domination. Rights need to be, however, understood in all their complexity, that is, as in some cases possibly rhetorical devices in the promoting of specific economic and political interests, but equally as potential (underdetermined) instruments of emancipation.

Readings


Suggested readings


B. The Role of Human Rights in European Integration

Class 3: Post-1945 Rights Conventions in Europe
The forceful emergence of the human rights discourse in the wake of WWII was grounded in the idea that totalitarian and authoritarian phenomena in Europe could be curtailed by means of pan-European human rights monitoring. Different European states reacted differently to the idea of a Convention of Human Rights and a specific, independent Court (ECtHR). Particular attention will be paid to the idea of the ECtHR as the “Conscience of Europe”, related to a presupposed consensus of shared values amongst European societies.
Readings


Class 4: The Role of Human Rights in European Integration
The European integration project has from the start been closely related to the idea of human rights. Human rights figured particularly prominently in the plan to safeguard Europe from totalitarianism and to embed Europe in stable democratic societies. In recent decades, human rights have become ever more important in the European integration process, also in terms of providing markers of value for the European project.

Readings


Suggested readings

Class 5: Rights in Communist and Post-Communist Eastern Europe
The transformations in Central and Eastern Europe at the end of the 1980s have much to do with human rights and constitutionalism. The Helsinki Final Acts of the 1970s provided an important resource for the dissident movements in particularly Poland and Czechoslovakia, who invoked human rights and constitutional rights against the repressive practices of the Communist regimes. The dissident struggles for rights’ guarantees paved the way for the structural democratic and legal transformations that started in 1989.

Readings
Charter 77 Declaration.


C. Human rights: distinct issues and struggles

Class 6: Social Movements and Human Rights
Human rights are supported by a range of different actors: politicians, judges, and lawyers in national settings, experts and bureaucrats in international, intergovernmental organizations, as well as grassroots movements and non-governmental organizations. Social movements operate on different levels, the global as well as the local, take a variety of forms, and interact with a variety of forms of law.


Class 7: (European) citizenship and migrants
European citizenship is directly related to the both the rights granted by national states and rights on the supranational level, related to the fundamental right to free mobility. EU citizenship is open to member state nationals, but also third country individuals in Europe invoke rights and make rights claims.


Judith Blau and Mark Frezzo (eds) (2012) Sociology and Human Rights. A Bill of Rights for the Twenty-First Century, Sage, chs. 9 'Beyond two identities: Turkish immigrants in Germany'.

Class 8: Gender
Substantive equality forms a key dimension in the promotion of gender equality, and is promoted through constitutional as well as statutory reform. In Europe, social movements have played and continue to play a crucial role in the endorsement of equality through rights. At the same time, constitutional and legal change tend to have limited effect.


D. The Future of European Integration

Class 9: Counter-terrorism and Human Rights
Human rights are increasingly constrained as a reaction to the upsurge in terrorism since 2001. In an attempt to counteract acts of terrorist violence, states have increasingly curtailed human rights, in terms of the violation of privacy, and even the allowance for torture and extra-territorial killing. The conundrum involves the defence of rights-based democracy with practices and policies that violate human rights.


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Human rights in Europe are increasingly under pressure due to the implications of an enormous upsurge in migration since 2015. Issues include the pressure on social services in the case of social rights, human rights in general regarding the reception of migrants on European territory, and even rights related to EU citizenship in terms of states' willingness to limit access to rights to nationals.


Human rights and the rule of law within the European Union increasingly face defiance from countries that move into the direction of an 'illiberal democracy', such as in the case of Hungary and now also Poland. The EU has limited power of intervention in the case of violation of human rights and the rule of law, and currently new proposals are being discussed and new forms of intervention tried to protect the fundamental rights, values, and the rule of law in the EU.
