

Course title	Human Rights and Its Critique				
Responsible person to enter grades	TAKEUCHI Mari、Mohammad Shahabuddin		開講区分	単位数	
			2nd semester	1.0	
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	3J317

#### Lesson topic

Although human rights as an ideology emerged as a necessary corrective to the evils of colonialism, authoritarianism, and backwardness in the aftermath of World War II, most post-colonial states remained in an ambivalent relationship with the notion of human rights. This ambivalence could be broadly characterised as two parallel streams: human rights as an emancipatory move, and human rights as a hegemonic language, or to take Marks' s phrase, as 'romance' and 'tragedy' (Marks 2012). The first strand emphasises the ideology of human rights as a central element of the project to circumscribe the monopoly of coercive force by post-Westphalian modern states. It is conceived of as a "secular religion: an object of faith, a basis for hope and a code of morality we can all accept" (p. 313). The second strand, in contrast, problematises the all-pervasive nature of contemporary discourses on human rights, and without undermining its core values, tends to expose the way in which human rights as a neo-colonial political 'language' reinforces existing power imbalances at both national and international levels.

This intensive course on Human Rights and Its Critiques will focus on the second strand, and investigate critical questions regarding the nature, functions, and limits of international human rights law. A series of eight lectures will showcase a selection of innovative research, offering critiques of conventional human rights thinking. These include dispelling the core myths associated with human rights, a cultural critique, and investigating human rights as a language of imperialism or a matter technical expertise, among others. As a result, traditional understanding of international human rights law will be problematised to offer a more nuanced understanding of human rights as a language of power and hegemony.

<continued in next section>

#### Lesson target

<Lesson topic (Continued)> We will finish off the course with a review lecture on 'rethinking international law' to help students identify common take-away themes for further studies of international human rights law.

#### <Lesson target>

Upon completion of the course, students should be able to:

- explain key aspects of the international human rights law, including human rights theory, cultural relativism, the different nature of human rights, and the challenges raised by contemporary human rights problems;
- summarise and comment upon the current academic and policy debates on the matters covered in the course;
- apply the knowledge acquired during the course to new situations and recognise the potential for alternative conclusions;
- hone generic skills of critical legal thinking to problematise conventional wisdom;
- engage in independent research on a topic within the field of international human rights law;
- bring together and present coherently materials from primary and secondary sources which deal with the issues addressed in the course;
- prepare themselves better for advanced studies of international human rights law and/or for potential careers in national and international human rights organisations.

## Syllabus and plan

The course consists of eight lectures covering the following topics:

Lecture 1: Setting the Scene: Human Rights and Its Core Foundations

Lecture 2: Dispelling Human Rights Myths

Lecture 3: Human Rights and Cultural Critiques

Lecture 4: Human Rights Professionalism

Lecture 5: The Limits of Liberal Individualism

Lecture 6: Human Rights and Asian Exceptionalism

Lecture 7: Human Rights and Development

Lecture 8: Rethinking International Human Rights Law

## Evaluation method

The final grade will be calculated as follows: In-class contribution (20%) and a 2,500-word reflective essay (80%) to be submitted on or before 19 February 2026. The word limit includes footnotes but excludes bibliography.

### Reflective Essay Question:

Identify and outline a critique of human rights which you have found convincing, and apply it to a contemporary issue of your choice.

## Evaluation baseline

A good answer to this question will demonstrate a sound understanding of the chosen human rights critique and its nuances. It will then present the student's critical reflections on the critique. Here students are free to take whatever position they like but that needs to be contextualised that within a sound understanding of the pros and cons of the critique. Building on this, students should then apply the critique to a contemporary issue to substantiate their position on the critique.

## Notice (include info. on related class)

Prior to taking this course, students are expected to have some general understanding of international human rights law. A cursory reading of any textbook should suffice.

## Review and preparation

Preparation: Read the assigned materials before each lecture.

Review: Read the materials again and develop better understanding of the topics covered during the course.

## Office hour · Contact information

Contact details will be announced during the course.

## Message for student

## Improvements in Teaching

### Text

No assigned textbook

#### <Reference Material>

Lecture 1: (i) Introductory chapters (history and theory) of any standard textbook on international human rights law; (ii) Susan Marks, 'Human Rights in Disastrous Times,' in *The Cambridge Companion to International Law*, eds. James Crawford and Martti Koskeniemi (Cambridge: Cambridge University Press, 2012), Ch. 14.

Lecture 2: Susan Marks, 'Four Human Rights Myths' in *Human Rights: Old Problems, New Possibilities*, eds. David Kinley et al. (Cheltenham: Edward Elgar, 2013), Ch. 10.

Lecture 3: (i) Makau Mutua, 'Savages, Victims, and Saviors: The Metaphor of Human Rights,' *Harvard International Law Journal* 42 (2001), 201-245; (ii) Chidi Odinkalu, 'Why More Africans Don't Use Human Rights Language?' *Human Rights Dialogue* 2, no. 1 (2000), available here;

<https://www.carnegiecouncil.org/media/series/dialogue/human-rights-dialogue-1994-2005-series-2-no-1-winter-2000-human-rights-for-all-the-problem-of-the-human-rights-box-articles-why-more-africans-dont-use-human-rights-language>  
(iii) Cyra Akila Choudhury, 'Beyond Culture: Human Rights Universalisms Versus Religious and Cultural Relativism in the Activism for Gender Justice,' *Berkeley Journal of Gender, Law & Justice* 30 (2015), 226-266.

Lecture 4: David Kennedy, 'The International Human Rights Movement: Part of the Problem?' *Harvard Human Rights Journal* 15 (2002), 101-126.

Lecture 5: (i) Mohammad Shahabuddin, 'Decolonising Minority Rights Discourse,' *International Journal on Minority and Group Rights* 30, no. 5 (2023), 931-979; (ii) Mohammad Shahabuddin, *Ethnicity and International Law: Histories, Politics, and Practices* (Cambridge: Cambridge University Press, 2026), Ch. 4; (iii) Mohammad Shahabuddin, *Minorities and the Making of Postcolonial States in International Law* (Cambridge: Cambridge University Press, 2021), Ch. 4.

<continued in Reference Material section>

### Reference Material

#### <Reference Material (continued)>

Lecture 6: Michael Freeman, 'Human rights, Democracy, and "Asian Values",' *The Pacific Review* 9, no. 3 (1999), 352-366; (ii) John Ingleson, 'The Asian Values Debate: Accommodating Dissident Voices,' *Social Semiotics* 8, no. 2-3(1998), 227-237; (iii) Diane K. Mauzy 'The Human Rights and "Asian Values" Debate in Southeast Asia: Trying to Clarify the Key Issues,' *The Pacific Review* 10, no. 2 (1997), 210-236; (iv) Yvonne Tew, 'Beyond "Asian Values": Rethinking Rights,' *Centre for Governance and Human rights Working Paper*, no. 5 (2012).

Lecture 7: (i) Mohammad Shahabuddin, *Minorities and the Making of Postcolonial States in International Law* (Cambridge: Cambridge University Press, 2021), Ch. 5; (ii) Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge: Cambridge University Press, 2011), Introduction; (iii) Balakrishnan Rajagopal, *International Law from Below: Development, Social Movement and Third World Resistance* (Cambridge: Cambridge University Press, 2003), Introduction.

Lecture 8: No assigned reading

#### <Reference URL>

[https://www.ohchr.org/en/ohchr\\_homepage](https://www.ohchr.org/en/ohchr_homepage)

Classroom Language

English

Keywords

International human rights law, imperialism, cultural relativism, development, individualism, collective group rights, human rights professionalism