

UNIVERSITY OF CONNECTICUT
GRADUATE CERTIFICATE IN HUMAN RIGHTS

HRTS 301 Contemporary Debates in Human Rights 2008

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Weds 11AM-1PM, Administrative Conference Room, Dodd Center

This is the core course for the Graduate Certificate in Human Rights and it introduces students to the central human rights debates of the day. These change over time and so does the content of the course. We start with discussions that are centuries old, beginning with the Kantian view that humans hold universal natural rights by virtue of their ability to reason. We consider Hobbesian foundations for rights based in social contract theory and ideas of security. We then move on to the Marxist critique of human rights and then consider the culturalist critiques of rights of the late twentieth century. Collective rights have re-emerged in the late twentieth century and we evaluate their impact and their future potential. The course also addresses concrete questions of women's rights, children's rights and the right to health. Ultimately its aim is to enhance your capacity to state clearly which political-philosophical formulations of rights you chose to defend, and which you will not defend.

Course requirements: A 6-8 page mid-term paper answering the question 'Are there any philosophical foundations to human rights?' is due on Monday, October 6th, and that paper will comprise 10% of your grade. Each student writes one final term paper of 15-20 pages comprising 60% of the term grade, based upon a question from the syllabus or your own question devised in consultation with the instructor. You may send me a 1-2 page question, outline and bibliography by Nov 12th and a draft essay by Dec. 3rd. Final term papers are due Weds., December 10th 12 noon. Class participation constitutes the remaining 30% of the grade. All university rules apply. Seminars are Wednesdays 10-1PM in the Thomas J. Dodd Center.

Readings: Key texts are available from the UConn Co-op.
Articles/chapters will be on reserve in the Library.

Key Texts:

J. Cowan, M. Dembour and R. Wilson, eds., 2001. *Culture and Rights*.
Cambridge University Press.

Meckled-Garcia, Saladin and Basak Cali, eds., 2006. *The Legalization of Human Rights*.
New York: Routledge.

Wilson, Richard, ed., 2005. *Human Rights in the 'War on Terror'*. Cambridge:
Cambridge University Press.

Actual debate!

The class will split in half and advance different sides of the question, with verve and panache.

Session 1 August 27**Are human rights grounded in natural rights?***On WebCT*

Robertson, Geoffrey. 2002. *Crimes Against Humanity*. NY: The New Press.. Chapter 1, 'The Human Rights Story'. Pp. 1-36.

MacDonald, Margaret. 1984. 'Natural Rights.' In J. Waldron, ed. *Theories of Rights*. Oxford: Oxford University Press. Pp. 21-40

Gewirth, Alan. 1978. *Reason and Morality*. Chicago: University of Chicago Press. pp.129-198.

Michael Freeman. 1994. 'The Philosophical Foundations of Human Rights.' *Human Rights Quarterly* 16, pp.491-514.

Session 2 September 3**Do human rights have religious foundations?***On WebCT*

Shestack, Jerome J. 1998. 'The Philosophic Foundations of Rights.' *Human Rights Quarterly* Nr. 20: 201-234.

Perry, Michael J. 1998. *The Idea of Human Rights. Four Inquiries*. Pp. 11-41. Oxford: Oxford University Press.

Waldron, Jeremy. 1998. 'When Justice Replaces Affection: The Need for Rights.' *Harvard Journal of Law and Public Policy*. Vol. 11, Number 3. Pp. 625-647.

Gewirth, Alan. 1992, 'Human Dignity as the Basis for Rights.' Michael J. Meyer and W.A. Parent, eds. *The Constitution of Rights. Human Dignity and American Values*. Pp. 10-28. Ithaca and London: Cornell University Press.

Session 3 September 10**Is the right to security *the* essential human right?***On WebCT*

Hobbes, Thomas. 1968. *Leviathan*. London: Penguin. Chs. 13-15, 21, 29. pp. 183-217, pp. 261-274, pp. 363-376.

Text:

Teson, Fernando. 2005. 'Liberal Security.' In Richard A. Wilson, Ed., *Human Rights in*

the 'War on Terror'. Cambridge: Cambridge University Press. Pp. 57-77.

Cushman, Thomas. 2005. 'The Liberal Case for the War in Iraq.' In Richard A. Wilson, Ed., *Human Rights in the 'War on Terror'*. Cambridge: Cambridge University Press. Pp. 78-107.

Wilson, Richard. 2005. 'Introduction: Human Rights in the 'War on Terror.' In Richard A. Wilson, Ed., *Human Rights in the 'War on Terror'*. Cambridge: Cambridge University Press. Pp. 1-36.

Session 4 September 17

Are human rights a smokescreen for capitalist accumulation?

On WebCT

Marx, Karl. 'Power as the Basis of Right' (pp.183-5) and 'On the Jewish Question' (pp.39-63) in David McLellan. 1977. *Karl Marx: Selected Writings*. Oxford: Oxford University Press.

Haskell, Thomas. 1985. 'Capitalism and the Origins of the Humanitarian Sensibility.' *American Historical Review*. Vol. 90, No. 2, pp. 339-361.

Lukes, Steven. 1991. 'Can a Marxist Believe in Human Rights?' *Moral Conflict and Politics*. Oxford: Clarendon Press.

Various Authors. 'Is the spread of human rights since the end of the Cold War a form of Western imperialism?' *Anthropology Newsletter*. Sept. Issue. Vol 47, No. 6, 2006

Session 5 September 24

Are human rights culturally relative?

On WebCT

A. Pollis and P. Schwab 'Human Rights: a western construct with limited applicability' in A. Pollis and P. Schwab, eds, *Human Rights: Cultural and Ideological Perspectives* 1979. New York: Praeger. Ch. 1, pp. xiii-18.

A. Pollis 1996 'Cultural relativism revisited' *Human Rights Quarterly* 18:316-344

Donnelly, Jack.2007. 'The Relative Universality of Human Rights.' *Human Rights Quarterly*. Volume 29, Number 2, May 2007, pp. 281-306.

Rhoda Howard. 1993. 'Cultural Absolutism and the Nostalgia for Community.' in *Human Rights Quarterly* 15:315-338.

Session 6 October 1

Is there a human right to culture?*On WebCT*

Isaiah Berlin. 2000. *The Roots of Romanticism* London: Pimlico, Random House. Chapter 1, 'In Search of a Definition', pp. 1-20: Chapter 2 'The First Attack on Enlightenment' pp. 21-46.

Text

Cowan, J., M. Dembour and R. Wilson, eds., 2001. *Culture and Rights*. Cambridge: Cambridge University Press. Introduction. Pp. 1-26.

Thomas Hylland Eriksen Chapter 6 'Between universalism and relativism' pp.127-148. in Cowan, J., M. Dembour and R. Wilson, eds., 2001. *Culture and Rights*. Cambridge: Cambridge University Press.

Session 7 October 8**Are there collective human rights?****Visiting Professor Wiktor Osiatynski, Budapest University and Open Society Institute***On WebCT*

Freeman, Michael. 1995. 'Are There Collective Human Rights?' David Beetham, ed, *Politics and Human Rights*. Oxford: Blackwell.'

Raz, Joseph. 1986. 'Liberty and Rights.'" Joseph Raz *The Morality of Freedom*. Pp. 245-266. Oxford: Clarendon Press.

Kymlicka, Will. 1996. 'The Good, the Bad, and the Intolerable.: Minority Group Rights.' *Dissent*. Summer, 1996. Pp. 22-30. (Reprinted in Patrick Hayden, ed. *The Philosophy of Human Rights*. Pp. 445-461. St. Paul: Paragon House.)

Stavenhagen, R. 1996. 'Indigenous Rights' in E. Jelin and E. Herschberg, eds., *Constructing Democracy*. Boulder: Westview Press. Chapter 8, pp.141-160.

Session 8 October 15**Is the legal basis of human rights an obstacle to their realization?***Text*

Meckled-Garcia, Saladin and Basak Cali, eds., 2006. *The Legalization of Human Rights*. New York: Routledge. 'Introduction.' Pp. 1-8 and 'Lost in Translation: the human rights ideal and international human rights law.' Pp. 11-31

Freeman, Michael. 2006. 'Putting Law in its Place.' in Saladin Meckled-Garcia and Basak Cali, eds., *The Legalization of Human Rights*. Pp. 49-63. New York: Routledge.

Wilson, Richard. 'Is the Legalization of Human Rights Really the Problem? Genocide in

the Guatemalan Historical Clarification Commission.' in Saladin Meckled-Garcia and Basak Cali, eds., *The Legalization of Human Rights*. Pp. 81-98. New York: Routledge.

Session 9 October 22

Are human rights a social movement, or a system of laws, rules and institutions?

On WebCT

Steiner, Henry J. and Philip Alston. 1996. *International Human Rights in Context. Law, Politics, Morals*. Pp. 456-499. Oxford: Clarendon Press.

Epp, Charles R. 1998. *The Rights Revolution. Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Pp. 1-10 and 44-70. Chicago: The University of Chicago Press

Korey, William *NGOs and the Universal Declaration of Human Rights. "A Curious Grapevine."* Pp. 339-367. New York: St. Martin's Press 1998.

Evans, David Robert, and Ferenc Koszeg, eds. 2006. *Human Rights in the Democracy Movement Twenty Years Ago – Human Rights Today*. Pp. 101-130. Budapest: Hungarian Helsinki Committee.

Session 10 October 29

Do human rights advance or impede women's interests?

On WebCT

UN Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] www.hrweb.org/legal/cdw.html

Gayle Binion 1995. 'Human Rights: a feminist perspective.' *Human Rights Quarterly* 17(1995):509-526

Brems, Eva 1997 'Enemies or Allies? Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse.' *Human Rights Quarterly* 19: 136-164.

Bronstein, Victoria 1998. 'Reconceptualizing the Customary Law Debate in South Africa.' *South African Journal on Human Rights*. Vol. 14: 388-410.

Text

Anne Griffiths 'Gendering Culture' pp. 102-126. in Cowan, J., M. Dembour and R. Wilson, eds., 2001. *Culture and Rights*. Cambridge: Cambridge University Press.

Session 11 November 5**Is there a right to an adequate level of economic subsistence?****Visiting Dignitary: Dr. Lanse Minkler, Economics.**

International Covenant on Economic, Social and Cultural Rights

http://www.unhchr.ch/html/menu3/b/a_cescr.htm*On WebCT*Hertel, Shareen and Lanse Minkler, eds. 2007. *Economic Rights*. Cambridge: Cambridge University Press. Introduction.

Osiatynski, Wiktor. 2007. 'A Needs-Based Approach to Social and Economic Rights.'

Hertel, Shareen and Lanse Minkler, eds. *Economic Rights*. Cambridge: Cambridge University Press.Nussbaum, Martha C. 1997. 'Capabilities and Human Rights.' *Fordham Law Review* 66.(Reprinted in Patrick Hayden, ed. *The Philosophy of Human Rights*. Pp. 212-240. St. Paul: Paragon House.)**Session 12 November 12****Do children deserve the same human rights as adults, or conventional protections by adults?****Special Guest: Dr. Kathy Libal, School of Social Work**

United Nations Convention on the Rights of the Child

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>Minow, Minow. 1995. 'What Ever Happened to Children's Rights?', *80 Minn. L. Rev.* 267 (1995)Guggenheim, Martin 2005. 'Chapter 1: A Brief History of Children's Rights in the United States,' *What's Wrong with Children's Rights?* Cambridge: Harvard UP.Eekelaar, J. 'The Emergence of Children's Rights,' 6 *Oxford Journal of Legal Studies* 1986, pp. 161-182.*Text*Heather Montgomery, "Imposing rights? A case study of child prostitution in Thailand," in J. Cowan et al. *Culture and Rights***Session 13 November 19****Is there a human right to adequate health care?**Farmer PE. "Pathologies of power: Rethinking health and human rights," *American Journal of Public Health* 1999; 89(10):1-11.

Sarelin, Alessandra. 2007. "Human Rights-Based Approaches to Development Cooperation, HIV/AIDS, and Food Security." *Human Rights Quarterly*. 29(2): 460-488.

Hunt, Paul and Judith Mesquita. 'Mental Disabilities and the Human Rights to the Highest Attainable Standard of Health.' *Human Rights Quarterly*. 28(2):332-356

Unnithan-Kumar, Maya. 2001 'Reproduction, Health, Rights.' In R. Wilson and J. Mitchell, eds., *Human Rights in Global Perspective*. Routledge.

Thanksgiving Break

Session 14 December 3 Summary and discussion of term paper topics.