

Political Science 3042
Spring, 2009
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Office: HRM 120
Hours: MWF, 11-11:50 and appt.

THE THEORY OF HUMAN RIGHTS

Scope: At virtually every level of politics today, and even within most other forms of social interaction, issues of so-called “human rights” are insistently being raised. From corporate abuses to domestic violence, from ethnic cleansing to genetic engineering, from nuclear war to psychological torture, from international courts to local school boards, from free speech to acts of terror, from outer space to the ecology of the earth, questions of human rights constitute much of contemporary discourse. In this course, we will explore many of these issues from the perspective of the role of rights in their articulation and their resolution.

This is a core course within the University minor in human rights. As such it aims to provide the theoretical grounding, both historical and conceptual, for further studies about the role of human rights in contemporary politics and social life. We will approach the topic of human rights from two directions: first, from the standpoint of the historical development and present discussions of the concept of human rights. Second, we will explore its role in a variety of contemporary issues within domestic and international politics and culture.

Readings and Requirements: The reading material for the course is largely from historical and contemporary works in philosophy and political theory, and will be somewhat heavy in terms of pages, content, or both. Most of the assignments will be found in the reader edited by Patrick Hayden, but additional readings will occasionally be necessary and I will make them available.

Graded assignments in the course include weekly quizzes on the assigned reading, a midterm exam, a position paper regarding the application of human rights standards to a contemporary policy or social issue, and a final exam. The format of the course is lecture and discussion, with as little as possible of the former given the willingness of students to engage in the latter. Participation in discussion constitutes 10% of the final grade in the course. **Attendance in class is required.**

Required books: Patrick Hayden, ed., **The Philosophy of Human Rights Reader**
(available at Coop)

Discussion Topics and Assigned Readings:

I. Conceptual and Historical Foundations of Rights

Jan. 21, Introduction: no assignment

Jan. 23-30: What is a Right?

(Reading Quiz Jan. 26)

Readings: All in Hayden

- H.L.A. Hart, "Are There Any Human Rights?"
- Maurice Cranston, "Human Rights, Real and Supposed"
- Joel Feinberg, "The Nature and Value of Rights"
- Richard Rorty, "Human Rights, Rationality, and Sentimentality"
- Martha Nussbaum: "Capabilities and Human Rights"

-Documents: "The Universal Declaration of Human Rights"

Feb 2-6: The History of Rights I: Classical Thought

(Reading Quiz February 2)

Readings: All in Hayden

- Plato, Republic
- Aristotle: Politics
- St. Thomas Aquinas: Summa Theologica

Feb. 9-13: The History of Rights II: Liberalism

(Reading quiz Feb. 9)

Readings: All in Hayden

- Hobbes, Leviathan
- Locke, Second Treatise
- Rousseau, Social Contract
- Thomas Paine, Rights of Man
- Mary Wollstonecraft: A Vindication of the Rights of Women

-Documents: The English Bill of Rights, The U.S. Declaration of Independence, The U.S. Bill of Rights, The French Declaration of the Rights of Man and of the Citizen

Feb. 16: No Class

Feb. 18-27: Liberal and Non-Liberal Critiques of Rights
(Reading Quiz February 23)

Readings: From Hayden:

- Mill, Utilitarianism and On Liberty
- Bentham, Anarchical Fallacies
- Marx, On the Jewish Question
- Burke, Reflections on the Revolution in France

March 2: Midterm Review

March 4: MIDTERM EXAMINATION

II. Human Rights and Contemporary Issues

March 16-20: Rights, Relativism, and the Domination of the West
(Reading Quiz March 16)

Readings: All in Hayden

- The Dalai Lama: "Human Rights and Universal Responsibility"
- Abdullahi Ahmed An-Na'im, "Human Rights in the Muslim World"
- Xiarong Li: "'Asian Values' and the Universality of Human Rights"
- Kwasi Wiredu: "An Akan Perspective on Human Rights"
- Charles Taylor, "A World Consensus on Human Rights?"

-Documents: African Charter on Human and Peoples' Rights

March 23-27: Rights of Minority Cultures
(Reading Quiz March 23)

Readings: All in Hayden

- James Crawford: "The Rights of Peoples: 'Peoples' or 'Governments'?"
- Will Kymlicka: "The Good, the Bad, and the Intolerable: Minority Group Rights"

-Documents: Declaration on the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities, Draft Declaration on the Rights of Indigenous Peoples

March 30-April 3: Ethnic Cleansing and the Duty to Intervene
(Reading Quiz March 30)

Readings: All in Hayden

- James W. Nickel: "What's Wrong with Ethnic Cleansing?"
- Michael J. Smith: "Humanitarian Intervention: An Overview of the Ethical Issues"

-Documents: Convention on the Prevention and Punishment of the Crime of Genocide

April 6-10: Human Rights and the Environment **(Reading Quiz April 6)**

Readings: In Hayden:

- James W. Nickel: "The Human Right to a Safe Environment"
- Edith Brown Weiss: "Planetary Rights"

PROVIDED: Richard P. Hiskes: "The Right to a Green Future." **Human Rights Quarterly** 27:1345-1364; November, 2005.

-Suggested: Richard P. Hiskes, "Environmental Rights, Intergenerational Justice, and Reciprocity with the Future." **Public Affairs Quarterly** 19:177-194; July, 2005.

-Documents: Draft Declaration of Principles on Human Rights and the Environment (in Hayden)

April 13-17: Human Rights and Women **(Reading Quiz April 17)**

Readings: All in Hayden

- Arati Rao, "Right in the Home: Feminist Theoretical Perspectives on International Human Rights"
- Catharine A. MacKinnon: "Rape, Genocide, and Women's Human Rights"

-Documents: Convention on the Elimination of All Forms of Discrimination Against Women

April 20, 22: OFFICE WORKDAYS—NO CLASS MEETINGS

April 24-29: Gay Rights

(POSITION PAPERS DUE APRIL 24)

Readings: All in Hayden

-Jack Donnelly: “Non-Discrimination and Sexual Orientation: Making a Place for Sexual Minorities in the Global Human Rights Regime”
-Martha Nussbaum, “Lesbian and Gay Rights”

May 1: Review

May 6: Final Exam, 9:30