

# The Philosophical Foundations of Human Rights

Spring 2009

## PROFESSOR

Martin Gunderson

Office: Old Main 112

Office Hours: Monday, Wednesday, Friday 2:30-3:30;  
and by appointment

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Human rights are a significant feature of the political landscape. We appeal to human rights to critique governments, defend policies and in some cases to argue that armed intervention is justified. But human rights are philosophically puzzling. Do human rights such as those stated in the *Universal Declaration of Human Rights* and the *European Convention on Human Rights* reflect genuine moral rights? How do we determine what moral rights we have in the first place? If there are moral rights, is there any reason to believe that some moral rights are held solely in virtue of being human? Should some human rights be regarded as the rights of sentient beings and extended to non-human animals such as the great apes? Is there such a thing as group rights?

## TEXTS

Patrick Hayden, ed. *The Philosophy of Human Rights*  
(The readings noted below are from this textbook.)

## COURSE SCHEDULE

### Conceptual Issues

1/26 - 1-30:

Feinberg, "The Nature and Value of Rights"

2/2 - 2/6:

Hart, "Are There Any Natural Rights?"  
Cranston, "Human Rights, Real and Supposed"

2/9 - 2/13:

Pogge, "How Should Human Rights Be Conceived?"  
Nussbaum, "Capabilities and Human Rights"

#### Issues of Justification

2/16 - 2/20:

No class on the 18<sup>th</sup>: Students should attend a Philosophy  
Day paper.  
Kant, "The Principles of Political Right"

2/23 - 2/27:

Mill, from *Utilitarianism* and *On Liberty*  
Bentham, from *Anarchical Fallacies*

3/2 - 3/6:

Burke, from *Reflections on the Revolution in France*  
Paine, from *The Rights of Man*

3/9 - 3/13:

Rorty, "Human Rights, Rationality, and Sentimentality"

3/16 - 3/20: Spring Break

#### Non-Western Perspectives

3/23 - 3/27:

Confucius, from *The Analects*  
Mo Tzu, "Universal Love"  
The Buddha, "Foundations of the Kingdom of  
Righteousness"

3/30 - 4/3:

The Dalai Lama, "Human Rights and Universal  
Responsibility"

Wiredu, "An Akan Perspective on Human Rights"

An-Naim, "Human Rights in the Muslim World"

## Contemporary Issues

4/6 - 4/10: Relativism

Teson, "International Human Rights and Cultural Relativism"

Li, "'Asian Values' and the Universality of Human Rights"

Charles Taylor, "A World Consensus on Human Rights?"

4/13 - 4/17: Minority Cultures and Group Rights

Crawford, "The Rights of Peoples: 'Peoples' or 'Governments'?"

Kymlicka, "The Good, the Bad, and the Intolerable: Minority Group Rights"

4/20 - 4/24: Human Rights and the Environment

On 4/20 we will meet with another class to discuss human rights and health. There may be an additional reading for that class.

Nickel, "The Human Right to a Safe Environment"

Weiss, "Planetary Rights"

4/27 - 5/4: Gender and Sexuality Issues

Rao, "Right in the Home: Feminist Theoretical Perspectives on International Human Rights"

MacKinnon, "Rape, Genocide, and Women's Human Rights"

Nussbaum, "Lesbian and Gay Rights"

## ASSIGNMENTS and GRADES

Reading Reactions

20% of grade

Students should turn in 20 reading reactions. The reactions are on one of the assigned readings and are due at the beginning of the class period during which the reading is discussed. The reaction should include a brief statement of the main point of the essay or selection, the reasons

given in defense of the point and your opinion of the argument. Each reaction will be graded as satisfactory or unsatisfactory.

First Paper (Due March 6)

40% of grade

Papers should be roughly 8-10 pages. Papers can be on any topic regarding human rights, but they must be philosophy papers. I will be happy to read drafts of papers until one week before the paper is due.

Second Paper (Due May 4)

40% of grade

Class Participation

Students may participate in class by making comments in class and by writing comments on Moodle. Class participation can affect your final grade by one grade point. Thus, a student who earns a B on written work could receive a B+ or a B- depending on class participation.

SOME POLICIES

If the Dean of Students informs me that you are having health related problems and asks me to give you consideration, I will consider a grade of incomplete. Other than that, students who want an incomplete must petition for the incomplete in writing. The petition must be supported by a letter from a medical or mental health professional stating that it is not possible to complete the course work because of problems beyond your control. To protect your privacy, the professional should not discuss the specific nature of your health problem. In addition, the petition must include an incomplete form with your signature and suggested dates for completion of the work.

Grades for papers will be reduced by one grade point for each class day they are late.

I am committed to providing assistance to help you be successful in this course. Reasonable accommodations are available for students with documented disabilities. Please meet with the Associate Dean of Students, Lisa Landreman, who will serve as the coordinator for services for students with disabilities. It is important to meet with her at the beginning of the semester to ensure that your accommodations are approved and in place to begin the semester successfully. The Associate Dean can be reached in the Office of Student Affairs, 119 Weyerhaeuser, by phone at 651-696-6220, or email [llandrem@macalester.edu](mailto:llandrem@macalester.edu).