

Theory of Human Rights

Instructor: Daniel Tagliarina

Class Time: MWF 11:15-12:05

Course Overview

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. As a core course for the human rights major and minor, and as a political theory course, this class 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.

Reading Requirements:

- Hayden, Patrick, ed. 2001. *The Philosophy of Human Rights*. St. Paul, MN: Paragon House.

Additional Books (Note: each student will read one; wait for assignments to purchase):

- Dorfman, Ariel. 1994. *Death and the Maiden*. New York: Penguin Books.
- Hiskes, Richard P. 2009. *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. New York: Cambridge University Press.
- Levin, Ira. [1970] 2010. *This Perfect Day*. New York: Pegasus Books.
- Mathabane, Mark. [1986] 1998. *Kaffir Boy: The True Story of a Black Youth's Coming of Age in Apartheid South Africa*. New York: Free Press.
- Satrapi, Marjane. 2007. *The Complete Persepolis*. New York: Pantheon.

Learning Objectives

At the end of the semester, you should be able to:

1. articulate several different proffered foundations for human rights;
2. explain the role of human rights in contemporary issues;
3. critically evaluate the role of human rights in different political struggles;
4. formulate and express your views on these matters both verbally and in writing.

These objectives are ordered from most basic to most advanced (and least-to-most important): (2) is more important than (1) while building upon (1), and so on. While it is nice if you remember the arguments we study from this course years later, this is less important than developing the cognitive skills necessary to think critically and engage in thoughtful reflection about the theories we will study and the tough questions that theorists ask (you will need to know these nuances and details from class material *during* the semester, however). This is because information can always be looked up or reread, but skills are much harder to develop. The skills you will hopefully learn in this course can be transferred to other courses, as well as future employment. Put simply: you will learn important critical thinking skills. These skills will make you a more informed citizen, and hopefully a more informed, open-minded person able to grasp the complexity of others’ viewpoints.

Grading and Requirements:

- Participation 15%
- Reading Quizzes 15%
- Midterm Exam 20%
- Paper (5-7 pages) 20%
- Book Paper (2-3 pages) and Discussion 20%
- Final Exam 10%

Midterm and Final

There will be two exams in this course. Both exams will consist of several short answer and/or essay questions. At least one week before each exam, I will distribute a review sheet with all possible questions. I will randomly select a subset of these questions to appear on the actual exam, and you will have some choice within this subset. You will answer these questions during the scheduled exam periods. Both exams are closed book closed notes.

Quizzes

There are eight reading quizzes throughout the semester. These quizzes will all be one or two questions long. All eight quizzes are listed on the syllabus. Your highest seven grades will count as 15% of your grade in the course. These will be graded on a ✓+, ✓, and ✓- basis. A ✓+ means you demonstrated that you did the reading and comprehended it. A ✓ means you showed that you at least tried the reading, but maybe struggled with it or misunderstood part of it. Finally, a ✓- means you either did not do the reading, or completely missed the point of the reading and/or question. Absolutely no make ups will be given for quizzes, regardless of circumstances. The ability to drop one quiz accounts for missing a quiz for any reason. Quizzes will occur at the start of class. Please be on time, as showing up late does not afford you a chance at a make-up quiz.

Book Paper and Discussion

At the end of the semester (see dates below), we will hold a number of book discussions in class. These discussions are based on the additional books (listed above). Each student will be assigned to one of the five additional books for this course. Each book will then be assigned one of the designated book discussion days. On that day, each student who read the assigned additional book will participate in a panel discussion before the class. Students need to come in to class prepared to discuss their books. I will begin class with a few questions for each of the students on the panel, and then I will open the floor to the rest of the class to ask questions. The discussion will take the entire class period. In addition to the class discussion, students will be responsible for writing a short paper (2-3 pages) connecting their additional book to the course material. These papers are due, in class, at the start of the class when the student will be discussing his or her additional book. More information on the papers will be made available closer to the scheduled dates. This exercise is designed to broaden the topics covered, and add a variety of material to the course, while not requiring students to read five additional books. In this way, the students during their panel session are educating their peers regarding the human rights material and implications in the books that they read. Collectively, the book paper and discussion count for 20% of the grade in the course (10% for the paper and 10% for the discussion).

Papers

Students will write two papers for this course. The first is the book paper accompanying the book discussions. The second paper is a 5-7 page position paper regarding the application of human rights standards to a contemporary policy or social issue. Topics are of the students' choosing, but should be approved by me first. These papers are due in class on May 2nd, which is our final class. We will have two working days where we will not have class, but I will be scheduling individual meetings with everyone to discuss their papers. This time allows for everyone to talk to me about their papers before it is due, as well as provide students time to work on the papers. The position paper accounts for 20% of the course grade. Both papers must be turned in in physical copy in class, as well as uploaded through SafeAssign in HuskyCT. Uploads should happen before the due date and time, and no paper will receive a grade without both of these steps.

Class Schedule¹

All Readings in Hayden, unless otherwise noted

I. Conceptual and Historical Foundations of Rights

Jan 22: Introduction to the Course

Reading: No reading for today.

Jan 24: Human vs. Animal Rights

Reading: The Universal Declaration of Human Rights

Tom Regan, "The Case for Animal Rights" (available at):

<http://www.webster.edu/~corbetre/philosophy/animals/regan-text.html>

Jan 27-Feb 3: What is a Right?

(Reading Quiz Jan 27)

Reading: 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"

Feb 5-10: The History of Rights I: Classical Thought

(Reading Quiz Feb 5)

Reading: Plato, *Republic*

Aristotle, *Politics*

St. Thomas Aquinas, *Summa Theologica*

Feb 7: Note: Additional book selections made in class.

¹ The reading order and pairings from *The Philosophy of Human Rights* borrows heavily from early course designed by Richard P. Hiskes, Department of Political Science, Grand Valley State University, hiskesr@gvsu.edu

Feb 12-19: The History of Rights II: Liberalism

(Reading quiz Feb 12)

Reading: Thomas Hobbes, *Leviathan*
John Locke, *The Second Treatise of Government*
Jean-Jacques Rousseau, *The Social Contract*
Thomas Paine, *The Rights of Man*
Mary Wollstonecraft, *A Vindication of the Rights of Women*

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 21-26: Liberal and Non-Liberal Critiques of Rights

(Reading Quiz February 21)

Reading: John Stuart Mill, *Utilitarianism* and *On Liberty*
Jeremy Bentham, *Anarchical Fallacies*
Karl Marx, *On the Jewish Question*
Edmund Burke, *Reflections on the Revolution in France*

Feb 28: Catch up and Review

Reading: No new reading for today

March 3: Midterm Exam

II. Human Rights and Contemporary Issues

March 5-10: Rights, Relativism, and the Domination of the West

(Reading Quiz March 7)

Reading: 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?"

African Charter on Human and Peoples' Rights

March 12-28: Rights of Minority Cultures and Sexual Minorities

(Reading Quiz March 12)

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

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

March 16-22: Spring Break, No Classes

March 31-April 7: Ethnic Cleansing and the Duty to Intervene

(Reading Quiz March 31)

Reading: James W. Nickel, “What’s Wrong with Ethnic Cleansing?”
Michael J. Smith, “Humanitarian Intervention: An Overview of the Ethical Issues”

Convention on the Prevention and Punishment of the Crime of Genocide

April 9-14: Human Rights and Women

(Reading Quiz April 9)

Reading: Arati Rao, “Right in the Home: Feminist Theoretical Perspectives on International Human Rights”
Catharine A. MacKinnon, “Rape, Genocide, and Women’s Human Rights”

Convention on the Elimination of All Forms of Discrimination Against Women

April 16-25: Book Discussions

Reading: Students will read their assigned book on the scheduled days; specific schedule TBD.

Note: Book Papers due at the beginning of class the day of the scheduled discussion.

April 28 and 30: No class; work days; individual meetings scheduled

May 2: Review and Wrap up

Reading: No reading for today.

Note: Position Papers due at the beginning of class today.

Final: TBA