

Jesuit School of Theology

(Berkeley, CA)

Issues in Human Rights

Spring 1998 - RS 2486 - Tuesday: 2:10-5:00 pm. CDSP B

William O'Neill, S.J. JSTB

This course will consider the history, scope, and limits of human rights' theory as it applies to a range of social-ethical issues, inter alia, domestic and global poverty and hunger; the moral status of migrants and refugees, and genocide. We shall be concerned especially with the use of rights language in religious discourse and the extension of human rights to social-economic claims. The course concludes with an analysis of the pastoral application of our reflections upon rights. (An introductory course in moral theology or Christian ethics is presumed.)

Requirements:

Informed discussion and participation in the daily sessions, a 4-5 page midterm applying the notion of human rights as expressed in the student's religious tradition to a particular case, and a final 10-15 page essay on the topic of human rights and an issue of your choice. (This may consist in a development of the midterm essay, a more theoretical treatment, or the application of our reflections upon rights to a particular form of ministry: e.g., the development of a lesson plan for high school curriculum, a series of homilies on pertinent Scriptural texts, etc.)

Texts:

1. Shue, Henry. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton, N.J.: Princeton University Press, 1980.
2. O'Brien, David, ed. *Catholic Social Thought*. New York: Orbis Books: 1992.
3. Claude, Richard Pierre and Burns H. Weston, eds. *Human Rights in the World Community*. Philadelphia: University of Pennsylvania Press, 1992.
4. Hollenbach, David. *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*. New York: Paulist Pres, 1979. (Text is presently out of print; copies are available at Copy Central on Hearst St.)

Other texts will be included in a Reader available at Copy Central on Hearst St. or placed on Reserve.

Course Outline

Weeks I-II: Introduction

February 3

Preliminary description of course: Introductory reflections upon the moral discourse of human rights.

February 10

Scriptural Perspectives on Justice

- Carroll Stuhlmueller, "Option for the Poor: Old Testament Directives"
- Donald Senior, "Called to be Disciples"
- John Donahue, "Biblical Perspectives on Justice," pp. 68-85 (texts in Reader)

Weeks III: A consideration of the role of human rights in moral theory. In our discussions, we shall seek to elaborate a conceptual framework for reflecting upon the nature and relative priority of rights, the relation of rights and duties, etc. in comparative analyses of rights' theories.

February 17

- John Mahoney, "The Basis of Human Rights"
- John Langan, "Defining Human Rights," pp. 69-101 (texts in Reader)
- Burns Weston, "Human Rights"
- Richard Falk, "Theoretical Foundations for Human Rights," in *Human Rights in the World Community*, 2-42
- David Little, "The Nature and Basis of Human Rights"
- Selected legal documents on Human Rights in *Human Rights in the World Community*, 413-47.

Weeks IV-VI: We shall consider the historical roots of modern conceptions of rights in a comparative assessment of Roman Catholic social teaching, representative Protestant interpretations, and philosophical liberalism.

February 24

- David Hollenbach, "The Church's Social Mission in a Pluralistic Society" and "Modern Catholic Teachings Concerning Justice" (texts in Reader)
- Hollenbach, *Claims in Conflict*, pp. 1-106.

March 3

- Hollenbach, *Claims in Conflict*, pp. 107-209
- Ignatio Ellacuría, "Human Rights in a Divided Society" (text in Reader)
- John XXIII, *Pacem in terris* in O'Brien, ed. *Catholic Social Thought*.

Recommended:

- John Paul II, *Sollicitudo rei socialis* in *Catholic Social Thought*.

March 10

- Hollenbach, "Global Human Rights: An Interpretation of the Contemporary Catholic Understanding"; "Religious Freedom and Economic Rights: A Note on an Unfinished Argument" (texts in Reader)
- John Coleman, "Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition"; U.S. Catholic Bishops, *Economic Justice for All* in *Catholic Social Thought*
- Max Stackhouse, "A Protestant Perspective"
- Joseph Allen, "Catholic and Protestant Theories of Human Rights" (texts available in class).

Week VII: We will consider the prospects of a critical rapprochement of religious (Roman Catholic and Protestant) conceptions and rights and a revised liberalism. In particular, we will consider whether the notion of "basic rights" encompasses "positive" social-economic claims such as those to subsistence in addition to "negative" civil-political liberties.

March 17

- Henry Shue, *Basic Rights*.

Weeks VIII-XI: A consideration of cultural and postmodern criticism of human rights theory. We will consider whether, and upon what grounds, human rights may be regarded as culturally universal and historically invariant, and the role of distinctive religious beliefs in elaborating rights' theory.

March 24

- Fernando R. Tesón, "International Human Rights and Cultural Relativism"
- Adamantia Pollis, "Human Rights in Liberal, Socialist, and third World Perspective" in *Human Rights in the World Community*, pp. 42-54
- Aloysius Pieris, "Human Rights Language and Liberation Theology"
- Richard Rorty, "The Priority of Democracy to Philosophy," "Truth and Freedom: A Reply to Thomas McCarthy"
- Alasdair MacIntyre, "Community, Law, and the Idiom and Rhetoric of Rights."

April 7

An inculturated theory of human rights

- Burns H. Weston, Robin Ann Lukes, and Kelly M. Hnatt, "Regional Human Rights Regimes: A Comparison and Appraisal" in *Human Rights in the World Community*, pp. 244-56
- Jack Donnelly, "Post-Cold War Reflections on the Study of International Human Rights"
- Seyla Benhabib, "Cultural Complexity, Moral Interdependence, and the Global Dialogical Community"
- Susan Moller Okin, "Inequalities Between the Sexes in Different Cultural Contexts"
- Mercy Amba Oduyoye, "Feminist Theology in an African Perspective."

Weeks X-XII: A consideration of selected issues in human rights policy.

April 14

Genocide in Rwanda

- Evan Luard: "Human Rights and Foreign Policy"
- Jack Donnelly "Humanitarian Intervention and American Foreign Policy: Law, Morality, and Politics," in *Human Rights in the World Community*, pp. 294-320
- Augustin Karekezi, "In Memory of the Victims of the Genocide in Rwanda"
- Ian Linden, "The Church and Genocide: Lessons from the Rwandan Tragedy"
- Jon Sobrino, "The Divine Element in the Struggle for Human Rights" (pertinent texts will be made available).

April 21

Global/domestic hunger

- *Bread for the World Institute: Hunger Report 1998*
- selections from Jean Drèze and Amartya Sen, *Hunger and Public Action*
- Ranji Kothari, "Human Rights as a North-South Issue"
- Philip Alston, "International Law and the Right to Food" (pertinent texts will be made available).

April 28

The ethics of immigration and refugee policy

- W. R. Smyser, "Refugees: A Never-Ending Story" in *Human Rights in the World Community*, pp. 114-24
- William O'Neill and William Spohn, "Rights of Passage: Immigration and Refugee Policy" (pertinent texts will be made available).

Weeks XIII-XIV: Student presentations of final research projects.

May 5

Presentations

May 12

Presentations and Concluding Remarks on Pastoral Applications.