

The College of New Jersey

Human Rights

Fall 2002 - Honors 270 - T 2:00-4:50 - Bliss 114

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Course Overview and Plan

This course will be organized into three sections. The course will begin with a brief review of the historical development of the doctrine of human rights up until the Age of Revolution, highlighting both the philosophical and the political-legal roots of the human rights tradition. We will then proceed to a closer examination of the historical development of the idea universal human rights during the nineteenth and twentieth centuries culminating in the Universal Declaration of Human Rights in 1948.

In the second section we will examine the contemporary human rights framework, both in its international law aspect, and also, the major contemporary philosophical, political, and legal interpretations of human rights that provide a theoretical framework for our current understanding the nature and basis of human rights. In this section of the course we will also discuss several currently controversial aspects of human rights theory, including the universality and indivisibility of human rights standards, and problems relating to the interpretation and justification of human rights.

In the third and concluding portion of the course we will apply our general theoretical account of human rights to a range of contemporary human rights issues and trends that have arisen since the end of the Cold War and discuss problems relating to the implementation of existing human rights standards. The specific topics and issues we discuss in the last section of the course will be linked to the topics of student research projects. The course will conclude with some discussion about the future of human rights in a global community. While the basic course plan is sequential, there will be discussions of history, theory, and contemporary issues in each class throughout the semester.

Course Goals and Objectives

Upon completing the requirements for this course students will be better able to:

- Explain the concept of human rights in detail, recognize important distinctions among types of rights, and understand the relationships between rights and other moral notions.
- Identify the major international declarations, treaties, and covenants governing human rights, and identify contemporary institutions for monitoring and enforcing human rights standards.
- Understand and be able to intelligently discuss several controversial issues within contemporary human rights theory.
- Be able to discuss in detail several contemporary areas of application of human rights standards.
- Understand contemporary challenges and trends in human rights theory and practice.

Course Readings

This course will require a lot of reading and a lot of active class participation. Students should expect to spend between three and four hours per week for each hour of class time. Reading assignments will be given in the course syllabus and should be completed by the beginning of the week for which they are assigned. Most of the readings for the course will be drawn from the following main texts:

1. Richard Falk. *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*. New York: Routledge, 2000.
2. Patrick Hayden. *The Philosophy of Human Rights*. St. Paul MN: Paragon, 2001
3. Paul Gordon Lauren. *The Evolution of International Human Rights: Visions Seen*. Philadelphia, University of Pennsylvania Press, 1998
4. Brian Orend. *Human Rights: Concept and Context*. Peterborough ONT: Broadview, 2002.

Some additional readings, for instance, lecture notes, short essays, and current human rights news will also be distributed from time to time in class. There is also a sizable collection of human rights material on the World Wide Web (WWW). You can locate a a lot of it by following the links on the human rights resources page. There will also be a selection of books and articles related to core issues treated in this course placed on reserve in West Library, and a selection of additional materials placed on electronic reserve.

[Human Rights Resources on the WWW](#)

[Electronic Course Reserves \(SOCS\)](#)

Course Requirements and Grading Policy

Students taking this course for credit will be graded the basis of three kinds of assignments:

1. Two short (<10 pages) take-home essay exams on questions associated with required readings and lectures concerning the history and theory of human rights [2 x 20% = 40% of grade]
2. A research project culminating in an essay of approximately 20 pages, written by the student in consultation with the instructor, on a contemporary human rights problem or issue. [40% of grade]
3. Students will also be evaluated on their contribution to class discussion. [20% of grade], which includes responsibility for preparing at least two class discussions of recommended readings.

There will be no final exam in this course. Instead students will prepare and submit a research paper (item 2) dealing with a topic of interest to the student related to the themes of this course and approved by the instructor. This project will require that students engage in research human rights topics related to the course. Your research findings will be presented to the class, towards the end of the semester, in oral reports. You will then have time to revise your research papers before turning them in for a final grade. I will give you additional information on this assignment and the two take home exams once we have met as a class. I will also provide guidance on conducting research concerning human rights topics and will suggest possible research topics to you as we go along. Students are strongly encouraged to get started on this project early in the semester. Specific instructions for these assignments and criteria for evaluation will be distributed at the appropriate time.

Since the class meets only once a week regular attendance is strongly advised. Absences due to illness or other legitimate reasons should be discussed with the instructor if possible before they take place. Students in this course are expected to adhere to the highest standards of academic honesty. Normal TCNJ policies regarding plagiarism, unauthorized multiple submissions, or other

forms of academic dishonesty, are in effect in this course. If you unfamiliar with these policies, take the time to review academic integrity policies in the TCNJ student handbook.

Instructor Information

The instructor for this course is Dr. Morton Winston, Professor of Philosophy at The College of New Jersey. During the week I can be reached at my office in New Jersey (609-771-2398). I also regularly check my email. The best account is the one at The College of New Jersey (mwinston@tcnj.edu). But you can also address messages to me at (mwinston@igc.org). My office is located in Bliss Hall room 106. Office hours are 10:00- 12:00 Tuesdays and Thursdays, or by appointment. Additional instructor and course information can be found on my home page: <http://mortonwinston.intrasun.tcnj.edu/>.

Course Schedule and Assignments

N.B. The abbreviations used refer to the following: **PHR** – Hayden, The Philosophy of Human Rights; **HR** – Orend, Human Rights; **HRH** – Falk, Human Rights Horizons; **EIHR** – Lauren, The Evolution of International Human Rights; **ER** – electronic reserve; **LR** – library reserve.

Aug 28

Lecture:

Introduction to the Course– Human Suffering and Human Rights

Required Readings:

Amnesty International. "Israel and the Occupied Territories and the Palestinian Authority: Without Distinction- Attacks on Civilians by Palestinian Armed Groups" (July 2002) ER. (please read this before the first class meeting).

Recommended Readings:

Winston "Philosophical Conceptions of Human Rights" ER

Class Activities:

Video – "The Genocide Factor"- Lecture/Discussion

Milestones:

Review syllabus and course requirements

Part I – The Historical Development of Human Rights

Sept 4

Lecture #2:

Eastern and Western Versions of the Natural Law Tradition

Required Readings:

- Hayden, "History and Theories of Rights" PHR pp. 3-10.
- Orend "Origins to the 19th HR pp. 191-198.

Recommended Readings:

- Mo Tzu "Universal Love" PHR pp. 277-286.
- Buddha "Foundation of the Kingdom of Righteousness" PHR pp. 287-290.
- Aristotle, "Politics" PHR 24-33.
- Cicero, "On the Laws" PHR 34-42.
- Aquinas, "Summa Theologica" PHR 43-47.

Class Activities:

Lecture/Discussion

Milestones:

None

Sept 10

Lecture:

The Enlightenment Doctrine of the Rights of Man.

Required Readings:

- Grotius, "The Rights of War and Peace" PHR 54-56.
- Locke "Second Treatise of Government" PHR pp. 71-79.
- Rousseau "The Social Contract" PHR pp. 80-87.
- Paine "The Rights of Man" PHR pp. 95-100.
- Wollstonecraft "A Vindication of the Rights of Women" PHR pp. 101-108.
- Kant. "The Principles of Political Right" PHR pp. 109-117.

Class Activities:

Lecture/ Discussion

Milestones:

Review of HR resources available for research project.

Sept 17

Lecture:

The Development of Social Movements: Anti-Slavery, Women's Rights, and War Crimes.

Required Readings:

Lauren "To Protect Humanity and Defend Justice: Early International Efforts" EIHR pp. 37-71.

Recommended Readings:

- The Bill of Rights of the United States of America. PHR pp. 347-349.
- The French Declaration of the Rights of Man and Citizen, PHR pp. 350-352.
- Bentham "Anarchical Fallacies" PHR pp. 118-125.
- Marx "On the Jewish Question" PHR pp. 126-135.
- Mill "Utilitarianism and On Liberty" PHR pp. 136-146.

Class Activities:

Lecture/ Discussion

Milestones:

None

Sept 24**Lecture:**

Early 20th Century Developments in International Law

Required Readings:

- Lauren "War Visions, War, and Revolutions" EIHR pp. 72-104.
- Lauren "Visions and Rights Between the Wars" EIHR pp. 105-138.

Recommended Readings:

Recommended readings for this week will relate to the guest lecture topic. TBA

Class Activities:

Guest Lecture on Human Rights in Southeast Asia (Dr. Sriprapha Petcharamesree)

Milestones:

None

Oct 1**Lecture:**

War War II and the Origins of the United Nations

Required Readings:

- Lauren "The Crusade of WWII" EIHR pp. 139-171.
- Lauren "Peace and a Charter with Human Rights" EIHR pp. 172-204.

Recommended Readings:

Orend " Twentieth Century and Beyond" HR pp. 213-240.

- Burgers "The Road to San Francisco" LR
- UN Charter LR

Class Activities:

Lecture /Discussion

Milestones:

First Take Home Exam Assigned

Oct 8

Lecture:

The Universal Declaration of Human Rights

Required Readings:

Lauren "The Universal Declaration of Human Rights" EIHR pp. 205-240.

Recommended Readings:

- UN "Universal Declaration of Human Rights" PHR pp. 353-358.
- Morsink "WWII and the Universal Declaration of Human Rights" LR

Class Activities:

Video "Animated UDHR" Lecture/Discussion

Milestones:

First Take Home Exam Due

Part 2 – Philosophical Issues in Human Rights Theory

Oct 15

Lecture:

The First Fifty Years of the UDHR (1948-1998)

Required Readings:

- Lauren "Fifty Years of the Universal Declaration" EIHR pp. 241-280.
- Lauren "Visions and the Evolution of International Human Rights" EIHR pp.281-298.
- Falk "Introduction" HRH pp. 1-10
- Falk "A Half Century of Human Rights" HRH pp. 37-56.

Recommended Readings:

"Vienna Declaration and Programme of Action" PHR pp. 641-649.

Class Activities:

Lecture/Discussion

Milestones:

First take home exams returned

Oct 22

Lecture:

NONE

Required Readings:

- Orend "Basic Vocabulary and Core Concepts" HR pp. 17-35
- Orend "Who Holds Human Rights?" HR pp. 37-65.

Recommended Readings:

- Hayden "Introduction to Part Two" PHR pp. 369-375.
- Cranston "Human Rights Real and Supposed" PHR pp.163-173.
- Feinberg "The Nature and Value of Rights" PHR pp. 174-186.

Class Activities:

NONE

Milestones:

FALL BREAK Monday and Tuesday

Oct 29

Lecture:

The Problem of Justifying Human Rights

Required Readings:

- Orend "What Justifies Human Rights?" HR pp. 67-100.

- Orend "What Are the Objects of Our Rights?" HR pp. 101-127.

Recommended Readings:

- Pogge "How Should Human Rights Be Conceived?" PHR pp. 187-211.
- Nussbaum "Capabilities and Human Rights" PHR pp. 212-240.
- Rorty "Human Rights, Rationality, and Sentimentality" PHR pp. 241-257.
- Dalai Lama "Human Rights and Universal Responsibility" PHR pp. 291-297.

Class Activities:

Lecture/Discussion

Milestones:

Last Day for Approval of Research Paper Topics

Nov 5

Lecture:

The Universality and Indivisibility of Human Rights

Required Readings:

- Orend "Who Bears Which Duties?" HR pp. 129-153.
- Orend "Can Human Rights Withstand Criticism?" HR pp. 155-187.

Recommended Readings:

- Teson "Human Rights and Cultural Relativism" PHR pp. 379-386.
- Li "Asian Values and the Universality of Human Rights" PHR pp. 397-408.
- Taylor "A World Consensus on Human Rights" PHR pp. 409-422.
- Winston "On the Indivisibility and Interdependence of Human Rights" LR

Class Activities:

Lecture/Discussion

Milestones:

Second Take Home Exam Assigned

Part 3 – Contemporary Human Rights Issues

Nov 12

Lecture:

Problems of Human Rights Enforcement - Impunity

Required Readings:

- Falk "Pursuing Global Justice" HRH pp. 13-36.
- Falk "Taking Rights Seriously at Home" HRH pp. 57-66.
- Falk "Moving Towards Implementation" HRH pp. 67-86.

Recommended Readings:

- Falk "The Redress of Past Grievances – The Nanking Massacre HRH pp. 199-216.
- ICC Statute ER

Class Activities:

Lecture/ Discussion

Milestones:

Second Take Home Exams Due

Nov 19**Lecture:**

Minority Cultures and Group Rights – Self-Determination

Required Readings:

- Falk "Revisiting the Right to Self-Determination" HRH pp. 97-126.
- Falk "Group Claims with the UN System: The Rights of Indigenous Peoples" HRH pp. 127-145.

Recommended Readings:

- "Declaration on the Rights of Persons Belonging to National, Ethnic, Religious, or Linguistic Minorities" PHR pp. 650-651.
- Crawford "The Rights of Peoples: 'Peoples' or 'Governments'?" PHR pp. 427-444.
- Kymlicka "The Good, the Bad, and the Intolerable" PHR pp. 445-461.

Class Activities:

Discussion /Student Presentations

Milestones:

Second Take Home Exams Returned

Nov 26**Lecture:**

Ethnic Cleansing, Genocide, and Humanitarian Intervention

Required Readings:

- Falk "The Unmet Challenges of Genocide in Bosnia and Rwanda" HRH pp. 165-172.
- Falk "The Challenge of Genocidal Politics in an Era of Globalization" HRH pp. 173-186.

Recommended Readings:

- UN "Convention on the Prevention and Punishment of the Crime of Genocide" PHR pp. 658-659.
- Nickel "What's Wrong with Ethnic Cleansing?" pp. PHR 465-477.
- Smith "Humanitarian Intervention: Overview of the Ethical Issues" PHR pp. 478-500.
- MacKinnon "Rape, Genocide, and Women's Human Rights" PHR pp. 526-542.

Class Activities:

- Video "Forsaken Cries"
- Discussion /Student Presentations

Milestones:

THANKSGIVING BREAK Wednesday to Friday

Dec 3**Lecture:**

Women's Rights and LGBT Rights in Cross-Cultural Perspective

Required Readings:

- Falk "Global Dominance and Non-Western Attitudes towards Human Rights" HRH. pp.87-96.
- An-Na'im "Human Rights in the Muslim World" PHR pp. 315-334.

Recommended Readings:

- UN "Convention on the Elimination of All Forms of Discrimination Against Women" PHR pp. 660-668.
- Rao "Feminist Theoretical Perspectives on International Human Rights" PHR pp. 505-525.
- Donnelly "Making a Place for Sexual Minorities in the Global Human Rights Regime" PHR pp. 547-573.
- Nussbaum "Lesbian and Gay Rights" PHR pp. 574-596.

Class Activities:

Discussion /Student Presentations

Milestones:

Last day for student presentations

Dec 10 : International Human Rights Day**Lecture:**

Human Rights and Human Responsibilities

Required Readings:

- Falk "The Extension of Human Rights to Past and Future Generations" HRH pp. 189-198.
- Falk "Morality and Global Security: A Human Rights Perspective" HRH pp. 217-233.

Recommended Readings:

- UN "Draft Declaration of Principles on Human Rights and the Environment" PHR pp. 669-674.
- Nickel "The Human Right to a Safe Environment" PHR pp. 601-617.
- Weiss "Planetary Rights" PHR pp. 618-636.
- Winston "Planetary Politics" LR

Class Activities:

Lecture/Discussion

Milestones:

CLASSES END - RESEARCH PAPERS DUE

Dec 13-17 EXAM PERIOD (research papers returned)

MEW

7/24/2002