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 of 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:


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 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 on 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.

**Recommended Readings:**
- Buddha “Foundation of the Kingdom of Righteousness” PHR pp. 287-290.
- Aristotle, ”Politics” PHR 24-33.
- 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.
- Paine “The Rights of Man” PHR pp. 95-100.

**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:**


**Recommended Readings:**

- Bentham “Anarchical Fallacies” PHR pp. 118-125.
- 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:**
Jan

Recommended 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.

Class Activities:

Lecture /Discussion

Milestones:

First Take Home Exam Assigned

Oct 8

Lecture:

The Universal Declaration of Human Rights

Required Readings:


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:
Recommended Readings:


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

Recommended Readings:

- Hayden “Introduction to Part Two” PHR pp. 369-375.
- Cranston “Human Rights Real and Supposed” PHR pp.163-173.

Class Activities:

NONE

Milestones:

FALL BREAK Monday and Tuesday

Oct 29

Lecture:

The Problem of Justifying Human Rights

Required Readings:

Recommended Readings:

- Nussbaum “Capabilities and Human Rights” PHR pp. 212-240.

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:


Recommended Readings:

- 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 “Moving Towards Implementation” HRH pp. 67-86.

Recommended Readings:

- 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:


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.

Recommended Readings:


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.

Recommended Readings:

- 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:


Recommended Readings:

- 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