

POLITICAL SCIENCE 396

THEORIES OF HUMAN RIGHTS

Spring 2004
Tu,Thurs 1-2:20
396 Lincoln Hall

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This course will probe the foundations of an expression that is in much use but seldom really thought through, "human rights." We first examine some texts that are historical in nature. This is not because I am particularly fond of reading history, though I am, but because history plays a very important role in understanding human rights as a set of social practices that are contextual. Human rights just don't drop from the sky, and they are not just invented by some theorist living in a social vacuum. The practice, idea, and discourse of human rights are developed within particular societies at particular points in time. An essential part of understanding human rights is to understand the evolution of their development.

We will then move on to some of the major debates among those who try to understand human rights conceptually and those who struggle for their realization. These debates involve the scope of human rights, whether human rights are individual, collective, or both, how we can understand human rights in a multicultural world, how human rights relate to global economic practices, and how we can understand and even recognize the practice of genocide. Hopefully this course will provoke us to test some of our basic presumptions about the political world in which we live.

Students will be evaluated upon two criteria that will be approximately equally weighted. One is class participation. This course will be run as a seminar. If seminars are to work, people must be active participants. By taking this course, consider yourself engaging a contract with me that we will both come to the sessions prepared to discuss. The second is written work. Each student will be expected to do a paper, the topic of which must be a matter of agreement between the student and the instructor. There are specific stages for the paper's production--discussion with me of the topic, then of an outline, and only then the final paper. No paper will be accepted which has not gone through these stages. While length will vary with the topic, the expectation is roughly 12 to 15 pages. For students who do not demonstrate to me through their class discussion that they have been reading the material and thinking about it on a regular basis, or for students who wish to supplement their paper and discussion with an additional criterion for evaluation, there will also be a final examination.

The following books are on order in the bookstores:

Jack Donnelly, Universal Human Rights in Theory and Practice
A. Belden Fields, Rethinking Human Rights for the New Millennium
Douglas Porpora, How Holocausts Happen

In addition, there is a packet of articles at the Illini Union Bookstore.

I. SOME HISTORY IN PRACTICE AND THEORY (1 1/2 weeks)

A. Crucial Pre-Twentieth Century Documents, both official and insurgent
(all in packet)

The Magna Charta (1215)

Gerrard Winstanley, "A Declaration from the Poor Oppressed
People of England," and "An Appeal to the House of
Commons" (1640s)

The English Bill of Rights (1689)

The U. S. Declaration of Independence
The U.S. Constitution, Bill of Rights, and other Amendments
The Constitution and slavery
Federalist 84, Hamilton
The French Declaration of the Rights of Man and Citizen

Daniel Payne, "Slavery Brutalizes Man".
Frederick Douglass, "A Plea for Free Speech"
Sojourner Truth, "Women's Rights"
Henry McNeil Turner, "I Claim the Rights of a Man"

B. Some Pre-Twentieth Century Theoretical Reflections

Belden Fields, "The Birth of the Human Rights Idea and Its
Detractors," in Rethinking Human Rights (hereafter designated as
"Fields"), Ch. 1, 7-34

II. TWENTIETH CENTURY DOCUMENTS AND REFLECTIONS (2 weeks)

A. Documents (in packet)

Franklin Delano Roosevelt's address
The U.N. Charter (1945)
Universal Declaration of Human Rights (1948)
Convention on the Prevention and Punishment of the Crime of
Genocide (1951)
International Covenant on Civil and Political Rights (1966)
International Covenant on Economic, Social, and Cultural Rights
(1966)
Convention on the Elimination of All Forms of Racial Discrimination
(1969)
Convention of All Forms of Discrimination Against Women (1978)
Declaration on the Elimination of All Forms of Intolerance and of
Discrimination Based on Religion or Belief (1981)
Convention Against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment (1984)
U.N. Declaration on the Right to Development (1986)

B. Fields, "Some Twentieth Century Reflections on Human Rights," Ch. 2, 35-71

III. POSITIONS, DEBATES, AND STRUGGLE OVER THE SCOPE OF RIGHTS
(1 week)

Maurice Cranston, "Human Rights: Real and Supposed" (packet)

Henry Shue, "Security and Subsistence" (packet)

Fields, "A Holistic Approach to Human Rights," Ch 3, 73-99

IV. HUMAN RIGHTS: INDIVIDUAL OR COLLECTIVE (1 1/2 weeks)

Jack Donnelly, "Group Rights and Human Rights," Ch 12 of his
Universal human Rights in Theory and Practice,"
202-224

Richard Falk, "Revisiting the Right of Self-Determination" (packet)

Fields, "The Holders and Violators of Human Rights," Ch 4, 101-132

Fields, "September 11: An Attack on Human Rights," Appendix B, 213-
218

V. HUMAN RIGHTS AND CULTURAL CONTEXTS (2 1/2 weeks)

Jack Donnelly, "The Concept of Human Rights," Ch 1, 7-21
"Non-Western Conceptions of Human Rights," Ch 5, 71-88
"Cultural Relativism and Human Rights," Ch 6, 89-106

Paulin J. Hountondji, "The Master's Voice--Remarks on the
Problem of Human Rights in Africa" (packet)

Adetoun O. Ilumoka, "African Women's Economic, Social, and
Cultural Rights--Toward a Relevant Theory and Practice"
(packet)

Richard Falk, "The Geopolitics of Exclusion: the Case of Islam"
(packet)

VI. HUMAN RIGHTS UNDER CONDITIONS OF CAPITALIST GLOBALIZATION
(1 1/2 weeks)

U.N. Association of the USA and the Business Council for the U.N.,
Worker Rights in the Global Economy, 29-87 (packet)

Fields, "Toward a Political Economy of Human Rights," Ch 5, 133-152
and Appendix A, 207-211

VII. THE VIOLENT STATE: RACIAL AND GENDER RIGHTS IMPLICATIONS
(1 week)

Joy James, "Erasing the Spectacle of Racialized State Violence"
(packet)

Karen Knop, "Why Rethinking the Sovereign State is Important for
Women's International Human Rights Law" (packet)

Fields, "The Modern State and Human Rights," Ch 6, 153-174, and
"Perpetual War and Human Rights in the United States,"
Ch 7, 175-202

VIII. GENOCIDE: ITS RELATIONSHIP TO RIGHTS, DO WE KNOW IT WHEN WE
SEE IT? DARE WE NAME IT EVEN WHEN WE SEE IT? (3 weeks)

Joy James, "Radicalizing Language and Law: Genocide, Discrimination,
and Human Rights" (packet)

Primo Levi, "Useless Violence" (packet)

Douglas Porpora, How Holocausts Happen

Jack Donnelly, "Humanitarian Intervention Against Genocide,"
Ch 15, 242-260

Some useful additional sources:

Journals: *Human Rights Quarterly* and *Human Rights Review*

Source books:

The U.N.'s yearly Human Development Report (published through Oxford
University Press),
Henry J. Steiner and Philip Alston, International Human Rights in Context
(Oxford),
Micheline R. Ishay (ed.), The Human Rights Reader (Routledge),
Walter Laqueur and Barry Rubin (eds.) The Human Rights Reader
(Meridian), (that's right, 2 books with the same name),
Mathew Craven, The International Covenant on Economic, Social, and
Cultural Rights: A Perspective on Its Development, (Oxford)

Website for treaties: The American Society of International Law,
<http://www.asil.org/resource/treatyl.htm>

Some interesting recent books:

Michael Ignatieff, Human Rights as Politics and Idolatry (Princeton)
Michael Freeman, Human Rights: An Interdisciplinary Approach (Polity)
Alison Brysk (ed.), Globalization and Human Rights (California)
Thom Hartmann, Unequal Protection: The Rise of Corporate Dominance and
the Theft of Human Rights (Rodale)

