This course is concerned with the history and theory of the modern human rights regime. We will start with the present conundrum of human rights: a surfeit of human rights law, nationally and internationally, and an actual lack of rights for individuals and people; the proliferation of humanitarian activism and the suspicion that it will not alleviate misery and provide succor. The discussion of the present will lead us to wonder when, where, and for whom human rights and, for that matter, humanitarianism provide actual solutions to real-life problems – and what these problems might be. We will also explore the passions that motivated people to pursue human rights and the empathy that led them to uproot injustice – and what this passion did and did not achieve. The revolutionary challenges to national and international society in the late eighteenth and in the mid twentieth century will be the two pivots of this inquiry. But we will also spend a good deal of time wondering about the curious absence of human rights and in the midst of the proliferation of humanitarian good will in moments of imperialism. This, in turn, will gives us plenty of material to return to the present and to come to some informed conclusions, where we stand today in terms of human rights.

**Assignments**

For Undergraduates: Two essays – a shorter one (8 pages) in lieu of a mid-term (due February 1, at the end of the lecture) and a longer one (12 pages) in lieu of a final (due March 9, at the end of the last lecture).

For Graduates: A short (3-5 pages) assessment of assigned readings for one session (due February 1, at the end of the lecture) research paper of 15-18 pages (due March 9, at the end of the lecture).

**Books**

All readings are on reserve. The following books are available at the Seminary Co-op (5757 South University Avenue):


Syllabus

Consult texts with an asterisk (*) as preparation for the lecture. Use the assigned readings for your paper.

(1a) Introduction: What are human rights?

Reading: 

I. SECTION I - The Contemporary Human Rights Conundrum


(1b) Universal Human Rights in a World of Difference


(2a) Combating and Containing Violence: Genocide – Law of War


(2b) Humanitarianism and its Limits


(3a) The Question of Sovereignty and the Politics of Exception


(3b) International Law: Can Global Society be Constitutionalized?


SECTION II - The Modern Origins of Human Rights


(4a) Containing and Challenging Empire


(4b) Containing and Challenging Sovereignty:


(5a) Civilizing Society


Samuel Moyn, "Empathy in History, Empathizing with Humanity," History & Theory 45.3 (October 2006): 397-415. {ebsco}

SECTION III- THE CONSTITUTIONAL REVOLUTION


(5b) The Constitutional Revolution and The Positivization of Law

(6a) Empire and Civilization

Moon-Ho Jung, “Outlawing 'Coolies': Race, Nation, and Empire in the Age of Emancipation,” American Quarterly 57.3 (September 2005) {muse}
<http://muse.jhu.edu/journals/american_quarterly/v057/57.3jung.pdf>


(6b) Civilizing States: Humanitarian Law


(7a) Races, Minorities, Mandates, and Refugees


SECTION IV - International Human Rights

(7b) The Decline of the Nation State and the End of Human Rights
Reading:  


(8a) The United Nations System

Reading:  

Atlantic Charter  
<http://avalon.law.yale.edu/wwii/atlantic.asp>

Charter of the International Military Tribunal <http://avalon.law.yale.edu/imt/imtconst.asp>

*UN Charter.  
<http://www.un.org/aboutun/charter>

*Universal Declaration of Human Rights  
<http://www.un.org/Overview/rights.html>

Convention on the Punishment and Prevention of Genocide  

(8b) Containing War

Reading:  

<http://www.thenation.com/doc/20081013/moyn>

(9a) Containing Revolution

Reading:  
*Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)  
< http://www.unhchr.ch/html/menu3/b/c_coloni.htm>*

*International Convention on the Elimination of All Forms of Racial Discrimination (1965)  
<http://www.unhchr.ch/html/menu3/b/d_icerd.htm>*


(9b) The Strange Rise of Human Rights and the Collapse of the Cold War
Reading:  *Kenneth Cmiel, "The Emergence of Human Rights Politics in the United States," *Journal of American History* 86.3 (December 1999): 1231-1250. {historycooperative}  
<http://www.historycooperative.org/journals/jah/86.3/cmiel.html>


**10a** The Human Rights Conundrum: Where do we go from here?


Vienna Declaration and Programme of Action (1993)  
http://www.yale.edu/lawweb/avalon/diana/undocs/33198-10.html