



POLS 3042.2 – THE THEORY OF HUMAN RIGHTS

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Office Hours: Wed. 10:15-11:45 am & Thr. 9:00-10:30 am

SPRING 2014

Tue. & Thr. 2:00-3:15 pm

OAK 105

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Description:

This course is a survey of some major theories of human rights, both those that justify human rights and those that question their existence or desirability. Historical and theoretical arguments are linked to the contemporary developments in our “Age of Human Rights,” as well as the international human rights declarations and treaties produced since the mid-twentieth century. The discussions emphasize selective treatment and application of international human rights and include ongoing debates on universalism, group rights, positive versus negative rights, and generations of human rights.

Assignments and Evaluation:

This is not a typical lecture course. While the quality of the class time in general being dependent on widespread discussion, the quality and quantity of individual verbal contributions to the class discussions will also affect the evaluation of students’ performance. Students are required to complete the assigned readings prior to the class meeting. The reading material for the course is largely from historical and contemporary works in philosophy and political theory. Although they are not long, their content may be demanding. Thus, the texts should be studied both before and after the class discussions. While important for the analysis of the texts, the class discussions will not be limited to the readings. Thus, it is essential that students attend all class sessions.

The grade for this course will be based on the student's performance on the midterm and final examinations, quizzes on readings, a book review project, and the quality and quantity of contributions to class discussions. Examinations will be based on the assigned readings, as well as class discussions. The final exam will be cumulative. The book review project involves a careful reading and analysis of a book on the course subject, and it will be presented both orally and as a written report. (Please see the attached guidelines for details.) The weight assigned to each component of the final grade and their dates/deadlines are as follows:

Class participation	20%	every day
Midterm exam	20%	March 4
Quizzes on readings	20%	various days
Book Review	20%	
Written report due		April 10
Presentations		April 15-29
Final exam	20%	May 6, 1:00 -3:00 pm

However, if a student shows a steady progress and demonstrates a significant improvement on the later work, extra weight will be assigned to the later evaluation items. Plagiarism or cheating will result in a failing grade for the course and in disciplinary action. There will be *no makeup* arrangements for the exams. No *incomplete* grades will be granted. The deadline for the written report of the book review is firm, and all late submissions will result in a deduction of 10 points from the deserved grade for each late (calendar) day. Reports submitted after the class discussion of the book *will not be accepted*. Missing the presentation of the book will lead to a 25 points deduction from the written report. Those who fail both exams or do not submit the book report will fail the course, regardless of their other grades.

For all course related questions, students should contact the instructor during the office hours, in-person or by telephone. E-mail messages can be used only in *extraordinary circumstances*; any work submitted via e-mail will not be accepted. Assignments that are not submitted to the instructor in class on the due date should be submitted to the Political Science Department office during the work hours and dated by the office secretary, before it is placed in the instructor's mailbox.

Personal computers, cell phones and other electronic/electrical devices are not allowed in class, unless the student has a *documented need*. Students with documented physical, learning, psychological and other disabilities are entitled to receive reasonable accommodations. They should provide the necessary documentation through the Center for Students with Disabilities (CSD) and discuss possible accommodations with the instructor at the beginning of the semester, as soon as possible.

BOOKS

(All available at the Co-Op)

Required:

Hayden, Patrick., ed. 2001. *The Philosophy of Human Rights*. St. Paul, Minnesota: Paragon House.

Review Books: (You will buy and read only one after the instructor's approval.)

Chesterman, Simon. 2011. *One Nation Under Surveillance: A New Social Contract to Defend Freedom Without Sacrificing Liberty*. New York: Oxford University Press.

Chong, Daniel P.L. 2010. *Freedom From Poverty: NGOs and Human Rights Praxis*. Philadelphia, PA: University of Pennsylvania Press, 2010.

Daly, Erin. 2012. *Dignity Rights: Courts, Constitutions, and the Worth of the Human Person*. Philadelphia: University of Pennsylvania Press.

- Joas, Hans. 2012. *The Sacredness of the Person: A New Genealogy of Human Rights*. Washington, D.C.: Georgetown University Press.
- Price, Richard. 2011. *Rainforest Warriors: Human Rights on Trial*. Philadelphia, University of Pennsylvania Press.

DISCUSSION TOPICS AND READING ASSIGNMENTS

- 1/21 Introduction: The Purpose and Structure of the Course, and Policies
- 1/23 The History of Human Rights and Universalism
Arat, Zehra F.K. 2006. *Human Rights Worldwide: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO, Inc., Ch.1 (e-book, available in Homer catalog)
The Universal Declaration of Human Rights in Hayden, pp. 353-358.
Assignment: Outline an essay that would answer the following questions: How does the “Preamble” contextualize the rights listed? How are the listed rights justified (why we have them, what are they good for)? Are there any differences among these rights? Any contradictions?
- 1/28 Natural Law and Rights
Cicero, “On the Laws,” in Hayden
St. Thomas Aquinas, “Summa Theologica,” in Hayden
Hugo Grotius, “The Rights of War and Peace,” in Hayden
The Qur’an, Ch. 49 (HuskyCT)
- 1/30 Just War Theories
Grotius, Hugo. Selections from *The Law of War and Peace*, 1625. In Micheline R. Ishay, ed. *The Human Rights Reader*. 2nd ed. New York: Routledge, 2007, Ch.6.2, 127-132. (HuskyCT)
Bennoune, Karima. 1994. “As-Salamu ‘Aleykum? Humanitarian Law in Islamic Jurisprudence,” *Michigan Journal of International Law* 15:2 (Winter): 605-643. (HuskyCT)
- 2/4-6 Social Contract Theorists
Thomas Hobbes, “Leviathan,” in Hayden
John Locke, “The Second Treatise of Government,” in Hayden
- 2/11 The Utilitarian Approach to Human Rights
Jeremy Bentham, “Anarchical Fallacies,” in Hayden
John Stuart Mill, “Utilitarianism” and “On Liberty,” in Hayden

2/13-18 The Marxist Approach to Rights and Freedoms

Karl Marx, "On the Jewish Question," in Hayden

Karl Marx, "Estranged Labor,"

<http://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm>

Karl Marx and Friedrich Engels, "Manifesto of the Communist Party,"

<http://www.marxists.org/archive/marx/works/1848/communist-manifesto/index.htm>

2/20 **Library session, Electronic Classroom 2 on Level 2**

2/25 Rights, Duties, and Capabilities

Shue, Henry. 1996. Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy.

Princeton: Princeton University Press, Ch.2 (pp. 35-64). (HuskyCT)

Martha Nussbaum: "Capabilities and Human Rights," in Hayden

Thomas Pogge, "How Should Human Rights Be Conceived," in Hayden

Joel Feinberg, "The Nature and Value of Rights," in Hayden

2/27 Rights Based on Love, Sympathy and Compassion

Mo Tzu, "Universal Love," in Hayden

Richard Rorty, "Human Rights, Rationality, and Sentimentality," in Hayden

The Dalai Lama: "Human Rights and Universal Responsibility," in Hayden

3/4 **Midterm Exam**

3/6-13 Women's Rights

A. Traditional Justifications of Inequality and Discrimination

- "The Ten Commandments"

http://www.vatican.va/archive/ecc_css/archive/catechism/command.htm

- "Genesis" in Sheila Ruth, ed., *Issues in Feminism*. Mountain View, CA: Mayfield, 1990, pp.173-175. (HuskyCT)

- St. Thomas Aquinas. "Whether Women Should Have Been Made in the First Production of Things," in Sheila Ruth, ed., pp. 95-96. (HuskyCT)

- Freud, Sigmund. "Femininity," from *New Introductory Lectures in Psychoanalysis*. In Jaggar, Alison M., and Rothenberg, Paula S., eds., *Feminist Frameworks*. 3rd ed., New York: McGraw-Hill, 1993: 127-134. (HuskyCT)

B. Muslim Women's Rights and International Norms

- Abdullahi Ahmed An-Na'im, "Human Rights in the Muslim World," in Hayden

- Arat, Zehra F. 2000. "Women's Rights in Islam: Revisiting Qur'anic Rights," in Peter Schwab and Adamanta Pollis, eds., *Human Rights: New Perspectives, New Realities*. Boulder, CO: Lynne Rienner Publishers, 69-93. (HuskyCT)

C. Feminist Theories and Assessing the Women's Convention

- Mary Wollstonecraft, "A Vindication of the Rights of Women," in Hayden
- Arati Rao, "Right in the Home: Feminist Theoretical Perspectives on International Human Rights," in Hayden
- Symington, Alison. 2004. "Intersectionality: A Tool for Gender and Economic Justice," *Women's Rights and Economic Change* 9 (August). AWID. Facts and Issues. http://lgbtq.unc.edu/sites/lgbtq.unc.edu/files/documents/intersectionality_en.pdf
- *Convention on the Elimination of All Forms of Discrimination Against Women*, in Hayden, pp. 660-669.

[SPRING RECESS, 3/16-22]

3/25 Protection and Rights of Sexual Minorities

- Jack Donnelly, "Non-Discrimination and Sexual Orientation: Making a Place for Sexual Minorities in the Global Human Rights Regime," in Hayden
- Martha Nussbaum, "Lesbian and Gay Rights," in Hayden
- *The Yogyakarta Principles*, http://www.yogyakartaprinciples.org/principles_en.htm

3/27 Controversies Over Generations of Rights and Individual versus Group Rights

- Arat, *Human Rights Worldwide*, Ch. 2, pp. 33-40 and pp. 47-49.
- James W. Nickel: "The Human Right to a Safe Environment," in Hayden
- James Crawford: "The Rights of Peoples: 'Peoples' or 'Governments'?" in Hayden
- Will Kymlicka: "The Good, the Bad, and the Intolerable: Minority Group Rights," in Hayden

4/1 Positive versus Negative Rights

- Arat, *Human Rights Worldwide*, Ch. 2, pp. 40-43.
- Maurice Cranston, "Human Rights, Real and Supposed," in Hayden
- Reread Henry Shue's piece assigned for Feb. 20.

4/3-8 Universalism versus Cultural Relativism

- Arat, *Human Rights Worldwide*, Ch. 2, pp. 43-47 and 50-53.
- Fernando Tesón, "International Human Rights and Cultural Relativism," in Hayden
- Xiarong Li: "'Asian Values' and the Universality of Human Rights" in Hayden
- Kwasi Wiredu: "An Akan Perspective on Human Rights," in Hayden
- Charles Taylor, "A World Consensus on Human Rights?" in Hayden
- Muzaffar, Chandra. "On Western Imperialism and Human Rights," a selection from *From Human Dignity to Human Rights*, 1999. In Micheline R. Ishay., ed. *The Human Rights Reader*. 2nd ed. New York: Routledge, Ch. 13.8, 414-419. (HuskyCT)

Attention: Book Review Reports are due by 4/10 !

- 4/10 Humanitarian Aid and Intervention: Who Benefits at What Cost
- Michael J. Smith: "Humanitarian Intervention: An Overview of the Ethical Issues," in Hayden
- Ayoub, Mohammed. 2002. "Humanitarian Intervention and International Society," *The International Journal of Human Rights* 6:1(Spring), pp. 81-102. (HuskyCT)
- Gourevitch, Philip. "Alms Dealers: Can you provide humanitarian aid without facilitating conflicts" *The New Yorker*. October 11, 2010. (HuskyCT)

BOOK TALKS

- 4/15 Presentations on and discussion of Joas' *The Sacredness of the Person*
4/17 Presentations on and discussion of Daly's *Dignity Rights*
4/22 Presentations on and discussion of Chong's *Freedom From Poverty*
4/24 Presentations on and discussion of Price's *Rainforest Warriors*
4/29 Presentations on and discussion of Chesterman's *One Nation Under Surveillance*
5/1 Q & A Session
5/6 ***Final Exam, at 1:00-3:00 pm.***

INSTRUCTIONS AND GUIDELINES FOR THE BOOK REVIEW PROJECT

All students are required to review one of the five books listed on the syllabus. You should rank your preferences on the attached form but wait until you receive a confirmation from the instructor to purchase the book.

The review report/paper should incorporate the following: (1) professional reviews of the book; (2) *two refereed journal articles* on the subject of the book; and (3) readings assigned for this course. (You will receive more help on the first two items during the library session.)

Professional reviews of scholarly books may include a summary but are undertaken mainly to assess the quality of the argument and research, as well as the contribution of the book to the present literature and scholarship in the field. (Is it original or repetitious? Does it support or challenge a prevailing theory? Does it complement the current literature? Are arguments properly supported? Are the data employed accurate and appropriate?) You are expected to find such reviews of the book, read them carefully, and submit their copies along with your own “student” review as a portfolio. You should also include reviews posted on web sites (e.g., amazon.com) but be aware that they are not necessarily “professional” reviews written by experts in the field.

Your “student” review should start with a brief introductory paragraph that indicates the focus of the book and the author’s stated goal. The first half of the review should provide a chapter-by-chapter summary of the book, as well as the main argument (or arguments) made by the author in each chapter. Each chapter/section should be devoted approximately the same amount of attention and space. After the summary, you can start assessing the contribution of the book in relation to the content of the course. In your assessment you should discuss the extent to which the arguments made in the book are consistent with or contrary to the material studied in the class, by providing citations from the assigned readings. *At least five readings* should be cited in this section. This section should also include a summary of what the authors of the refereed journal articles argue and if those arguments support or challenge the arguments of the book. Finally, you should address the major comments made in the professional reviews of the book and note your points of agreement or disagreement with the authors of the professional reviews. You should conclude the review by restating the author’s main thesis and your main point about the book. You should also note what we learn on the book’s topic from all of the sources covered in your review and what kind of questions the book and its discussion may be posing for us to explore further (i.e., future research/writing agenda).

All references to the course material should be specific, indicating the author’s name, date of publication and page numbers (e.g., you may write: “Contrary to what Karl Marx argues about . . . in “The Jewish Question” (Marx 2001, 128), this book claims that. . .”). Similarly, in reference to the previously published professional reviews of the book and the refereed journal articles, you should identify the source of arguments in the text. Full citation information for all references (including the course readings) should be listed at the end of the review as your bibliography. The omission of such citations would mean *plagiarism* and will be treated as such. You should consult the American Political Science Association’s writing manual for the proper citation and style rules:

<http://www.apsanet.org/media/PDFs/Publications/APSASStyleManual2006.pdf>

You should write your review essay by imagining an audience that includes the instructor but not limited to her. In other words, the text should be meaningful to a person who is not familiar with the course material and who has not read the book. You may discuss the book and your assessment with other people, including your classmates working on the same book, but *you should not share your written notes or report with anyone*, except the staff at the Writing Center, whom you should consult as needed.

The review should be approximately 10-12 page-long (typed, double spaced, employing font size Times New Roman 12, or an equivalent, and leaving one inch-margins on all sides) and submitted by the deadline indicated on the syllabus. Please make sure that you proofread and paginate the report before submitting it.

Please do not include a title page or any folder. Simply stapling the pages (or using a clip) will do and reduce our paper and plastic consumption. Again, for the sake of environmental conservation, double-sided printing is appreciated, if you have access to such a printer.

The paper outline & the approximate length of each section:

A. Introduction

- purpose of the paper and the main argument of the book (one paragraph, no longer than half-a-page)
- a road map, the order in which you will present the material (a short paragraph)

B. Summary and main argument(s) of chapters/sections (3-5 pages)

C. Assessing the contribution of the book

- links to the course material (2-3 pages)
- refereed journal articles: their summary and link to the book (2-3 pages)
- references to the professional reviews (about 1-2 pages)

D. Conclusion (2 paragraphs, about one page)

E. Bibliography

BOOK CHOICE DECLARATION, STUDENT DATA, AND AGREEMENT FORM

Please print your answers and submit the two-page form by January 30.

NAME: _____

YEAR IN COLLEGE: [] first-year [] sophomore [] junior [] senior

MAJOR(s): _____

MINOR (s): _____

Please **rank** the books from 1 to 5 according to your level of interest in reviewing them.

ATTENTION: **1** stands for the **highest** level of interest and **5** for the **lowest**. You can assign the same ranking to more than one book, if your level of interest is the same. You are more likely to get your first choice if you submit the form early. If no preference is declared by the above listed deadline, you will be assigned a book.

Ranking	Titles
[]	Joas, <i>The Sacredness of the Person</i>
[]	Daly, <i>Dignity Rights</i>
[]	Chong, <i>Freedom From Poverty</i>
[]	Price, <i>Rainforest Warriors:</i>
[]	Chesterman, <i>One Nation Under Surveillance:</i>

WHY DO YOU TAKE THIS COURSE? (OR, WHAT MAKES YOU INTERESTED IN IT?)

PLEASE LIST ALL OF YOUR PREVIOUS COURSES THAT MAY BE RELATED TO THIS ONE:

OVER →

HOW WOULD YOU RANK YOUR KNOWLEDGE OF THE FOLLOWING? Please circle the relevant number (0 stands for none, 5 stands for the ability to tutor other students in introductory classes).

Major Western political philosophies	0	1	2	3	4	5
Non-Western philosophies	0	1	2	3	4	5
Non-Western cultures	0	1	2	3	4	5
International human rights norms	0	1	2	3	4	5
International human rights law	0	1	2	3	4	5
United Nations' human rights work	0	1	2	3	4	5
Issues of inequality and discrimination	0	1	2	3	4	5
Colonialism/Western imperialism	0	1	2	3	4	5
Current international affairs	0	1	2	3	4	5
USA's human rights approach /policies	0	1	2	3	4	5

HAVE YOU BEEN INVOLVED IN HUMAN RIGHTS ADVOCACY WORK? Yes No
If yes, please describe.

IS THERE ANYTHING ELSE I SHOULD KNOW ABOUT YOU?

STATEMENT: I read the syllabus carefully and understood the course policies. Thus, I am fully aware of my responsibilities in this class.

Signature: _____ Date: _____