POLS/HRTS 5115-001—THEORIES OF HUMAN RIGHTS

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Office Hours: Wed. 2:30-3:30 p.m. and by appointment

SPRING 2015

Wed 4:00-6:30 pm
OAK 438

Description:

It is often argued that since the Second World War we have been living in the “age of human rights.” Universal human rights have been articulated in and protected by proliferating international treaties, various demands for peace, justice and equality started to be framed as human rights issues, and the advocacy of human rights became a “full-time” job at burgeoning institutions and organizations. The study of human rights has not only permeated many fields, it has become an interdisciplinary field of study. But, what are human rights? Where do they come from? Who has them? Who can enjoy them? Are there duties? What comes first, rights or duties? Who are the duty bearers? The course examines a range of answers presented since the ancient times and offers a survey of some major classical and contemporary theoretical debates. It also links theoretical arguments to certain articulations of rights and responsibilities in international law or policy proposals.

This course meets the core requirements for the Political Theory subfield within Political Science, as well as for the Graduate Certificate in Human Rights. It may count toward the International Relations subfield requirement, if the student’s writing assignments are arranged accordingly and with the approval of the instructor and graduate/undergraduate director.

This is a research seminar. Thus, it requires all members to attend all seminar sessions and contribute to the content of the course by offering critical analyses of the assigned readings and by sharing their own research questions and findings.

Readings and Requirements:

The reading assignments include a number of books, book chapters, journal articles and documents. They are selected with the intention of introducing a range of theoretical approaches and certain controversial human rights issues. Seminar members are expected to read the required readings prior to the seminar session during which they will be discussed, review them critically, and share their analysis with others by participating in discussions.

As a graduate seminar, the course relies on students’ participation and engagement in discussions. Thus, the quality and quantity of class participation will constitute 25% of the final grade. Two or three members of the seminar will serve as discussion leaders for each session.
Discussion leaders are expected to be particularly active in raising questions about the content and approach of each reading, connections among them, and links to the previously discussed material. However, all members should come prepared and be ready to pose questions and respond to the questions and comments of others. (If it becomes necessary, I will probe you.)

**Attendance is mandatory**, and missing classes would lower the class participation grade. However, if one misses a seminar session due to a professional commitment (e.g., conference participation), health condition, or an emergency situation, a 1000-word reflection essay on the assigned readings may be considered as a compensation for participation. This option, however, cannot be invoked frequently and can be granted only at the discretion of the instructor.

**Recommended readings** are included to guide those who may like to explore certain topics further and/or consult them for their research paper. The reading list also includes some documents. If no hyperlink is provided, the document is either included in the Ishay reading or can be accessed through a webpage listed under “Online Sources.” The documents marked with an asterisk are particularly important and should be treated as a required reading.

Writing assignments will include a research paper, two short essays, and commentaries on two colleagues’ research papers.

The research paper (7,000-9,000 words) should focus on a particular human right or freedom (e.g., freedom of expression, freedom from torture, right to water, right to livable wages, right to development, right to self-determination, right to property). It should involve a literature review, present arguments in favor of and against recognizing it as a human right, address the issue of responsibilities, and discuss the boundaries of the right/freedom if it is recognized as a human right. The paper topic should be confirmed by the instructor, who will try to ensure that seminar members explore distinct topics. All papers will be presented and discussed in class. Draft papers, which are expected to be not rough drafts but complete and polished, resembling a professional conference paper, will be posted prior to the presentation and will be reviewed by all members of the seminar.

In the style of a panel discussant, seminar members will offer constructive criticisms for each paper and try to assess its contribution to our understanding of the issues pertaining to human rights. They will also submit their critique of two papers in writing, each in an approximately 1000 word-long essay, and post them on the HuskyCT page of the course prior to the presentation of the papers. Authors are expected to consider these comments, as well as the oral ones offered during the seminar discussion, and revise their paper accordingly.

In addition to the research paper, and comments on two colleagues’ work, seminar members will write two short essays (about 2000 words each) based on the required readings. Each essay should be based on 2-3 articles/chapters by different authors and conduct a critical comparative analysis of their arguments.

All writing assignments should be double-spaced, typed with one-inch margins on all sides, and follow the APSA/APSR writing and citation style rules. The APSA manual can be accessed at http://www.apsanet.org/files/APSASourceManual2006.pdf
Important Dates and Deadlines:

- **Designation of discussion leaders for each session**: Jan. 23
- **Submission of the research paper topic (after consulting the instructor)**: Jan. 30
- **First essay is due**: Feb. 21
- **Second essay is due**: Mar. 27
- **Designation of research paper discussants**: Apr. 8
- **Submission of draft research papers**: Apr. 17
- **Commentaries on two colleagues’ papers due**: Apr. 28
- **Research paper presentations and discussion**: Apr. 29
- **Submission of the final research papers**: May 6

The deadlines are firm, and late submissions will result in a one letter-grade deduction from the deserved grade for each late calendar day. Missing the presentation will result in a two letter-grade deduction from the deserved grade. Failing to submit the draft research paper in a timely manner (which means allowing seminar members enough time to read and write their commentaries) or failing to submit the final paper will result in failing the course.

Grading:

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Class participation</td>
<td>25%</td>
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<tr>
<td>Contribution to all sessions</td>
<td></td>
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<tr>
<td>Session leadership</td>
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<tr>
<td>Two short essays (15% each)</td>
<td>30%</td>
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<tr>
<td>Two commentaries</td>
<td>15%</td>
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<tr>
<td>Research Paper</td>
<td>30%</td>
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Required Books:

Five books will be read completely or consulted extensively. Thus, the seminar members are encouraged to own a copy of each. Some classical readings are available through multiple publishers. If you happened to own a different version, you may use that one.


Online Sources:


United Nations, Office of the High Commissioner of Human Rights
http://www.ohchr.org/EN/Pages/WelcomePage.aspx

University of Minnesota, Human Rights Resource Center
http://www.hrusa.org/default.htm

United Nations, Audiovisual Library of International Law

DISCUSSION TOPICS AND DATES

Since the arguments made by each reading are related to each other, it is difficult to order the readings. Nevertheless, following the order in which they are listed may be helpful. Please note that some readings are very short and the reading load is not exactly the same for all seminar sessions. Thus, you may like to start on the readings for some sessions earlier. For readings posted on HuskyCT, please check both the “Library Resources” and “Additional Readings” buttons.

1/21 Introduction: The History of Human Rights, Major Concepts and Controversies

Documents:
- *The Universal Declaration of Human Rights, 1948

Recommended:
1/28 Natural Law, Obligations and Rights
Cicero, 52 B.C.E. “The Laws,” in Ishay, Ch. 1.5
*The Qur’an*, Surah 49, in Ishay, p. 66.
Grotius, Hugo. 1625. Selections from *The Law of War and Peace*, In Ishay, Ch.6.2 and 7.3.

**Documents:**
- Geneva Conventions

**Recommended:**

2/4 Classical Liberalism: Natural Rights and Utilitarian Approaches
Locke, 1689. “A letter Concerning Toleration,” in Ishay, Ch. 5.3.
Locke, John. *The Second Treatise*, the entire book, including the introduction
Bentham, Jeremy. “Anarchical Fallacies,” (HuskyCT)

**Documents:**
- *The French Declaration of the Rights of Man and of the Citizen, 1789*

2/11 Marxist and Anarchist Approaches to Human Rights and Freedoms
Marx, Karl. 1844. *On the Jewish Question.*
[http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm](http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm)
[http://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm](http://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm)
Marx, Karl, in Ishay, Ch. 8.8-8.12.
Proudhon, Pierre-Joseph. *What is Property*, in Ishay, Ch. 8.6

2/18 ISA conference – no class meeting

**REMINDER:** The first essay is due by 5:00 p.m. on 2/21.
2/25  Duties and Rights: Invoking Justice, Love, Sympathy and Compassion
Shue, Basic Rights, “Introduction” and Ch. 1-3 (skim through Ch. 4-6).
Gandhi, M. “Equal Distribution Through Non-Violence,” in Isayan, Ch. 11.10
Confucius: “On Rightful Conduct of Rulers and Subjects” (The Analects, 479–221 b.c.e), in Isayan, Ch. 1.7.

3/4  Contemporary Liberal Approaches
Pogge, Thomas. World Poverty and Human Rights, Ch. 1-2

Recommended:
Women’s Rights: Inequalities Justified and Challenged

A. Justification of Subordination


B. Arguments for Women’s Rights and Different Approaches


Bebel, August. Women and Socialism, in Ishay, Ch. 10.4

Zetkin, Clara. “On Women’s Rights and Social Classes,” in Ishay, Ch. 10.5.


Documents:
- *Convention on the Elimination of All Forms of Discrimination Against Women, 1979*

Recommended:

Plato: On Women’s Abilities (The Republic, c. 360 b.c.e.), in Ishay 4.3.


[SPRING RECESS, 3/15-21]

3/25  Culture, Universalism vs. Relativism, and Identity Politics

Engels, Friedrich. The Anti-Dühring, in Ishay, Ch. 8.1.
Kausikan, Bilahari. 1993. “Asia's Different Standard,” Foreign Policy (Fall), 24-41. (HuskyCT)
Muzaffar, Chandra. 1999. “On Western Imperialism and Human Rights,” a selection from From Human Dignity to Human Rights. In Ishay, Ch. 13.8
Kymlicka, Will. “The Good, the Bad, and the Intolerable: Minority Group Rights,” in Ishay, Ch. 13.9
Stychin, Carl F. 2004. “Same-Sex Sexualities and the Globalization of Human Rights Discourse,” in Ishay, Ch. 13.11
Hobsbawm, Eric. 1996. “The Universalism of the Left,” in Ishay, Ch. 13.5

Documents:

Recommended:

**REMINDER:** Second essay is due by 5:00 p.m. on 3/27

4/1

**The Right to Self-Determination, Statehood and Other Concerns**

- Mill, J.S. 1861. Considerations on Representative Government, in Ishay, Ch. 11.1
- Luxemburg, Rosa. 1909. The National Question and Autonomy, in Ishay, Ch. 11.2
- Lenin, Vladimir. 1914. The Rights of Nations to Self-Determination, in Ishay, Ch. 11.3
- Wilson, Woodrow. 1918. “The Fourteen Point Address,” in Ishay, Ch. 11.4
- Drahos, Peter. 2011, “When Cosmology Meets Property: Indigenous People’s Innovation and Intellectual Property” *Prometheus* 29.3 (September) 233–252. (HuskyCT)

**Documents:**

- Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1980
- Convention Relating to the Status of Refugees” and “Protocol Relating to the Status of Refugees

**Recommended:**


4/8  Global Justice, Cosmopolitanism and Critics

Pogge, “General Introduction,” and Ch. 4, 7 and 8

Shue, “Afterword” in *Basic Rights*.


Lu, Catherine. 2000. “The One and Many Faces of Cosmopolitanism,” *Journal of Political Philosophy* 8, 2, 244-67. (HuskyCT)


Documents:

- Declaration on the Right to Development, 1986
- Rio Declaration on Environment and Development, 1992
- UN, Guiding Principles on Business and Human Rights, 

**Recommended:**


4/15 Reading Week, no class meeting

**REMINDER**: Draft papers are due for posting on HuskyCT by 5:00 p.m. on 4/17
Comments on others’ papers due for posting on HuskyCT by 5:00 p.m. on 4/28

4/22 Humanitarian Aid, Intervention, and Responsibility to Protect

Samantha Power (“Raising the Cost of Genocide,”” 2002), in Ishay, Ch. 14.8
Eric Hobsbawm (“Spreading Democracy,”” 2004), in Ishay, Ch. 14.10
Micheline R. Ishay (“Debating Globalization and Intervention: Spartacists versus Caesarists”,” 2006), in Ishay, Ch. 14.11


**Documents:**

- Convention for the Prevention and Punishment of the Crime of Genocide, 1948
Recommended:

**REMINDER:**
Comments on others’ papers due for posting on HuskyCT by 5:00 p.m. on 4/28

4/29  **Presentations** (the last seminar meeting)

5/6  **Final Papers**
Hard copies to be submitted with the previous draft with comments by 5:00 p.m.