

# Foundations of Human Rights

HMRT 30600

Autumn Quarter 2015

Tuesdays / Thursdays, 1:30 – 2:50

Location: HM (Harper Memorial), Room 150

## INSTRUCTOR

Dr. Adam Etinson

*Lecturer in Human Rights*

Pozen Family Center for Human Rights, University of Chicago

*Visiting Assistant Professor*

Department of Philosophy, University of Chicago

Email: [aetinson@uchicago.edu](mailto:aetinson@uchicago.edu)

Office Hours: Tuesdays 10:00-12:00, or by appointment.

Office Location: Room 206, Pozen Family Center for Human Rights, 5720 S Woodlawn Ave.

## COURSE DESCRIPTION

This seminar will provide graduate students with an advanced introduction to the study of human rights. As a graduate seminar, this will be a small class (capped at 15 students), and a strong emphasis will be placed on in-class discussion and debate. The course will examine cutting-edge research on the origins of human rights (Section I), the philosophy of human rights (Section II), the nature of human rights as *rights* (Section III), and will also explore critical perspectives on the human rights movement (Section IV). The course has a strong philosophical bent, but is meant to be accessible to graduate students from a variety of disciplines.

## COURSE REQUIREMENTS

**(35%) Class Participation:** All students will be expected to come to class prepared with a discussion question about the assigned readings for the day. The question can be critical (i.e., it may raise an objection against an assigned author), interpretive (i.e., it may raise an issue of interpretation in an assigned text), or thematic in nature (e.g., the question may interrogate a broad idea or theme that emerges from the readings). Since there won't be enough time for every student to ask their question in any given class, the instructor will call on students to raise questions at random. The purpose of this exercise is to allow students to play an active role in lectures, and also to generate engaged classroom discussion. Student participation will be evaluated on the basis of (i) the quality of a student's prepared questions, and (ii) a student's effort and engagement in class discussions

more generally. As far as general participation goes, my advice is: don't be shy. If you have something on your mind, we are all interested in hearing it.

**(65%) Final Writing Assignment (Due by end of day, December 15<sup>th</sup> – Email submission preferred):** As a final written assignment, students have the option of (a) writing a *final paper* that puts any two sections of the course into dialogue with one another, or (b) writing a *mock thesis prospectus* that draws on some set of readings from the course. Students must convey their choice to the instructor by midterm, i.e., November 6<sup>th</sup>.

(a) For those students who choose to write a *final paper* (Limit: 3250-4500 words), the instructor will offer some suggestions of particular essay questions that might be fruitfully pursued, although if a student would like to propose an original topic that will be absolutely fine as well, so long as the instructor is consulted beforehand. The list of questions will be given out by midterm (November 5<sup>th</sup>). The general idea is for students to think about how research on different topics (and in different fields) in human rights might interrelate. For instance, we might wonder how, if at all, new research on the history of human rights should affect our theoretical understanding of, say, the nature and grounds of human rights. In general, research papers will be assessed on the basis of (i) lucidity, (ii) effort, (iii) relevance to the chosen question, (iv) independence of thought, and (v) comprehension of the relevant readings.

(b) The *mock thesis prospectus* (Limit: 3250-4500 words) is primarily designed to give graduate students who are already working on a human rights related topic the chance to think about how to integrate some of the material from this course into their own work. It also has the benefit of giving MA and PhD students who will have to develop an MA or PhD thesis prospectus anyways a trial run. The prospectus should give the instructor (a) a clear sense of the question the thesis will address, (b) a statement of the proposed thesis, (c) an explanation of how it will be argued, ideally including the use of an example or an argument, and (d) a preliminary bibliography that will be used for reference, including a concise overview of that literature and explanation of how your research will add to it. If requested, the instructor will give students guidelines both for writing papers and prospectuses sometime during term.

Note: Papers and prospectuses submitted late will be penalized by 1/3 grade per day (e.g. A- instead of A if the paper is one day late).

## COURSE MATERIALS

There are three books that are required purchases for this course. In all three cases, we'll be reading 30% of the book or more. Copies of these books will be available at the Co-op bookstore, on Woodlawn Ave. As for all other readings, these will be made available electronically on chalk. As a general practice, students will be expected to bring a copy of the day's assigned reading to class.

## REQUIRED TEXTS:

- (1) Samuel Moyn, *Human Rights and the Uses of History* (London: Verso Books, 2014).
- (2) John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999)
- (3) Eric Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014)

There are a few books that appear infrequently in the syllabus but that would nevertheless be a useful purchase for any student intent on continuing to study human rights at the graduate level. These include the following:

NON-REQUIRED TEXTS:

- (1) Philip Alston and Ryan Goodman, *International Human Rights* (Oxford: Oxford University Press, 2013). (Great general resource)
- (2) John Tasioulas and Samantha Besson, eds. *The Philosophy of International Law* (Oxford: Oxford University Press, 2010). (Another great resource)
- (3) James W. Nickel, *Making Sense of Human Rights: Second Edition* (Oxford: Blackwell Publishing, 2007). (Excellent philosophical work)
- (4) *Philosophical Foundations of Human Rights* (Oxford: Oxford University Press, 2015), eds. S.M. Liao, M. Renzo, & R. Cruft.

# SYLLABUS

## I. HISTORY

### SEPTEMBER

#### **29 THE UNIVERSAL DECLARATION (1948)**

- (1) *The Universal Declaration of Human Rights* (1948) – Available online.
- (2) Eleanor Roosevelt, “The Promise of Human Rights” in *Foreign Affairs* (1947), Vol. 26, No. 3, pp. 470-477.
- (3) James W. Nickel, “The Contemporary Idea of Human Rights”, in, *Making Sense of Human Rights: Second Edition* (Oxford: Blackwell Publishing, 2007), Ch. 1, pp. 7-21.

### OCTOBER

#### **1 ABOLITIONISM AND HUMAN RIGHTS I**

- (1) Jenny S. Martinez, “Antislavery Courts and the Dawn of International Human Rights Law” in *Yale Law Journal* (2008), Vol. 117, No. 4, pp. 550-641, esp. pp. 552-579, 629-641.

- (2) Quobna Ottobah Cugoano, *Thoughts and Sentiments on the Evil and Wicked Traffic of the Slavery and Commerce of the Human Species* (Cambridge: Cambridge University Press, 1787), pp. 9-45 – Electronic reserve.

**6 ABOLITIONISM AND HUMAN RIGHTS II**

- (1) Philip Alston, “Does the Past Matter? On the Origins of Human Rights” in *Harvard Law Review* (2013), Vol. 126, No. 7, pp. 2043-2081.  
(2) Jenny S. Martinez, “Human Rights and History” in *Harvard Law Review* (2013), Vol. 126, No. 7, pp. 221-240.

**8 THE HOLOCAUST AND THE 1970S**

- (1) Samuel Moyn, “Human Rights in History” & “The Intersection with Holocaust Memory” in *Human Rights and the Uses of History* (London: Verso Books, 2014), Chs. 5 & 6, pp. 69-87, 87-99.

**II. THEORY**

**13 JOHN RAWLS ON HUMAN RIGHTS I**

- (1) John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), esp. pp. 35-89, 121-129.

**15 JOHN RAWLS ON HUMAN RIGHTS II**

- (1) John Tasioulas, “From Utopia to Kazanistan: John Rawls and the Law of Peoples” in *Oxford Journal of Legal Studies* (2002), Vol. 22, No. 2, pp. 367-396.

**20 PERSONHOOD AND HUMAN RIGHTS**

- (1) James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008), Chs. 1-2, pp. 1-56.

**22 DEBATING THE “POLITICAL” APPROACH I**

- (1) Joseph Raz, “Human Rights Without Foundations” in *The Philosophy of International Law* (Oxford: Oxford University Press, 2010), eds. John Tasioulas and Samantha Besson, pp. 321-339.  
(2) David Miller, “Joseph Raz on Human Rights: A Critical Appraisal” in *Philosophical Foundations of Human Rights* (Oxford: Oxford University Press, 2015), eds. S.M. Liao, M. Renzo, & R. Cruft, Ch. 12, pp. 232-244.

**27 DEBATING THE “POLITICAL” APPROACH II**

- (1) Jeremy Waldron, "Human Rights: A Critique of the Raz/Rawls Approach" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.
- (2) Joseph Raz, "On Waldron's Critique of Raz on Human Rights" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.

## **29 TASIIOULAS ON HUMAN RIGHTS I**

- (1) John Tasioulas, "Towards a Philosophy of Human Rights" in *Current Legal Problems* (2012), Vol. 65, No. 1, pp. 1-30.

## NOVEMBER

## **3 TASIIOULAS ON HUMAN RIGHTS II**

- (1) Samuel Moyn, "Human Rights in Heaven" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.
- (2) John Tasioulas, "Philosophizing the Real World of Human Rights: A Reply to Samuel Moyn" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.

## **5 QUESTIONS OF METHODOLOGY**

- (1) James Nickel, "Assigning Roles to Human Rights" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.
- (2) Adam Etinson, "On Being Faithful to the 'Practice'" in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.

## **10 GUEST LECTURE: ANAND GROVER (FORMER UN RAPPORTEUR ON THE RIGHT TO HEALTH)**

[Readings TBD]

## **III. HUMAN RIGHTS AS RIGHTS**

## **12 RIGHTS AND GOALS**

- (1) Rowan Cruft, "Human Rights as Rights" in *The Philosophy of Human Rights: Contemporary Controversies* (Berlin: de Gruyter, 2012), Ch. 6, pp. 129-159.
- (2) James Nickel, "Goals and Rights: Working Together?" in *The Millennium Development Goals and Human Rights: Past, Present, and Future* (Cambridge: Cambridge University Press, 20?), eds. M. Langford, A. Sumner, & A. Ely Yamin, Ch. 2, pp. 37-48.

## **17 CLAIMABILITY**

- (1) Onora O’Neill, “The Dark Side of Human Rights” in *International Affairs* (2005), Vol. 81, No. 2, pp. 427-439.
- (2) Adam Etinson, “Human Rights, Claimability, and the Uses of Abstraction” in *Utilitas* (2013), Vol. 25, No. 4, pp. 463-486.

Supplementary Reading

- (a) James W. Nickel, “Human Rights as Rights” in *Making Sense of Human Rights: Second Edition* (Oxford: Blackwell Publishing, 2007), Ch. 2, esp. 28-33.

**19 FEASIBILITY**

- (1) Pablo Gilibert, “The Feasibility of Basic Socioeconomic Rights: A Conceptual Exploration” in *Philosophical Quarterly* (2009), Vol. 59, No. 237, pp. 659-681.
- (2) Pablo Gilibert & Holly Lawford-Smith, “Political Feasibility: A Conceptual Exploration” in *Political Studies* (2012), Vol. 60, No. 4, pp. 809-825.

IV. CRITICAL PERSPECTIVES

**24 HUMANITARIANISM AS A PRETEXT FOR WAR**

- (1) Thomas Frank, “Humanitarian Intervention” in *The Philosophy of International Law* (Oxford: Oxford University Press, 2010), eds. John Tasioulas and Samantha Besson, Ch. 26, pp. 531-548.
- (2) Daniel Zolo, “Humanitarian Militarism?” in *The Philosophy of International Law* (Oxford: Oxford University Press, 2010), eds. John Tasioulas and Samantha Besson, Ch. 27, pp. 549-568.

DECEMBER

**1 POSNER’S CRITIQUE OF INTERNATIONAL HUMAN RIGHTS LAW**

- (1) Eric Posner, *The Twilight of Human Rights Law* (Oxford: Oxford University Press, 2014), Chs. 3-5, 7, pp. 59-122, 137-149.
- (2) W.E.B. DuBois, “An Appeal to the World: Statement on the Denial of Human Rights to Minorities...” (1947) – Available online.

**8 HUMAN RIGHTS AND POWER**

- (1) Pablo Gilibert, “Reflections on Human Rights and Power” in *Human Rights: Moral or Political?* (Oxford: Oxford University Press, Forthcoming), ed. Adam Etinson.
- (2) Samuel Moyn, “Epilogue: The Future of Human Rights”, in *Human Rights and the Uses of History* (London: Verso Books, 2014).

## 10 ETHNOCENTRISM

- (1) The Executive Board, American Anthropological Association, "Statement on Human Rights" in *American Anthropologist* (1947), Vol. 49, No. 4, pp. 539-543.
- (2) Allen Buchanan, "Human Rights and the Legitimacy of the International Order" in *Legal Theory* (2008), Vol. 14, No. 1, pp. 39-70.

### Supplementary Readings

- (a) Adam Etinson, "Some Myths About Ethnocentrism" (DRAFT)