

# **Ethical Reasoning 11: Human Rights – A Philosophical Introduction**

**Fall 2009**

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Office Hour: Tuesday, 3-4

Teaching Fellows:

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Location: Harvard Hall 202

Class Days and Time: Monday, Wednesday 11-12

Course Description:

The idea behind “human” rights is that individuals have rights simply in virtue of being human whose realization is not merely of concern to the states in which they happen to live, but in some sense a global responsibility. The 1948 Universal Declaration of Human Rights is often taken to determine what human rights there are, but to assess the intellectual credibility of human rights we must ask: Why would human beings have such rights, and what such rights are there? These are the guiding questions of this course, and they take us straight into foundational questions about morality that at the same time are becoming increasingly more important in a politically, economically, and culturally ever more interconnected world. Related topics that we will also discuss include the relativism/universalism debate and the question of what to make specifically of social and economic rights. We will also occasionally venture into the political reality of human rights since debates about human rights make moral and political concerns inseparable. However, the methodology of this course will be philosophical, and the main concern to explore whether human rights can be secured intellectually.

Prerequisites: None. The course is introductory and open to all students.

Requirements: Three papers of 5-6 pages, double-spaced, due in the fourth week, in the eighth week and at the end of the course. A list of suggested topics will be provided. The aim of these papers is to help you to focus on the main issues of the course and to give

you practice in developing careful, structured arguments. There will be a final exam, for which study questions will be given out at the last lecture. Attendance in sections is expected. The purpose of the section is to increase understanding of the material discussed in the lectures, as well as to provide opportunities for students to exchange ideas and views about that material.

Texts: A course sourcebook, available for purchase in the Textbook Department of the Harvard Coop, will include articles and book chapters. Those articles that are available through Hollis or the Internet will be posted on the course website. Lecture outlines will be made available on the course webpage. Reading will be about 40-80 pages per week, depending on difficulty. (The philosophical readings will tend to be more difficult than some of the others.) Note that many of the readings below are recommended rather than required, to give students with deeper interest in the subject matter a ready opportunity to pursue the questions further.

Available for purchase at the Coop:

James Griffin, *On Human Rights*. Oxford: Oxford University Press (2008)  
**[ORDER!!!]**

Grading: The first graded paper will count for 10% of the final grade, the second and third papers for 20% each. The final exam will count for 35%, and section participation 15%. Late papers will be penalized at the rate of 1/3 of a grade per day, including the first weekend. Any student who is taking this course either to meet the Core Moral Reasoning requirement or the General Education Ethical Reasoning requirement, must take this course letter-graded. Students who enroll in this course Pass-Fail, must receive passing grades on all three papers and on the final exam.

### ***Introduction: Human Rights – Historical Background and Political Impact***

**Wednesday, September 2**

**Lecture 1: Introduction**

Universal Declaration of Human Rights <http://www.un.org/Overview/rights.html>  
**[posted on website]**

**Monday, September 7 – No Class (Labor Day)**

**Wednesday, September 9**

**Lecture 2: The Path Towards the Universal Declaration of Human Rights**

Johannes Morsink, *The Universal Declaration of Human Rights*, Chapter 1 (“The Drafting Process Explained”, 1999) [**in sourcebook**]

Paul Gordon Lauren, *The Evolution of International Human Rights*, Chapter 7 (“Proclaiming a Vision: The Universal Declaration of Human Rights”, 2003) [**in sourcebook**]

Recommended:

James Nickel, *Making Sense of Human Rights*, Chapter 1 (“The Contemporary Idea of Human Rights”, 2007) [**in recommended sourcebook**]

Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001) [**entire book recommended; use Hollis to locate copies**]

## **Monday, September 14**

### **Lecture 3: Human Rights and International Politics**

Paul Gordon Lauren, *The Evolution of International Human Rights*, Chapter 8 (“Transforming Visions into Reality: The First Fifty years of the Universal Declaration”, 2003) [**in sourcebook**]

Adam Jones, *Genocide: A Comprehensive Introduction*, Chapter 1 (“The Origins of Genocide”) and Chapter 6 (“The Jewish Holocaust”, 2006) [**in sourcebook**]

Recommended:

Johannes Morsink, *The Universal Declaration of Human Rights* (1999), Chapter 2 (“World War II as Catalyst”) [**in recommended sourcebook**]

David Forsythe, *Human Rights in International Relations*, Chapter 1 (“Introduction: Human Rights in International Relations”, 2006) [**in recommended sourcebook**]

### ***Human Rights and the Natural Rights Tradition***

## **Wednesday, September 16**

### **Lecture 4: Natural Rights**

John Locke, *Second Treatise of Government*, section 4-15 [**posted on website**]

John Finnis, *Natural Law and Natural Rights* (1980), pp 205-210 [in sourcebook]

### **Monday, September 21**

#### **Lecture 5: Natural Rights, Continued**

Jacques Maritain, *The Rights of Man and Natural Law* (In *Christianity and Democracy and The Rights of Man and Natural Law*, 1986) pp 131-161 [in sourcebook]

Raymond Geuss, *History and Illusion in Politics* (2001), pp 138-146 [in sourcebook]

#### Recommended:

Margaret MacDonald, "Natural Rights," in Jeremy Waldron (ed.), *Theories of Rights* (1984) [posted on website]

### **Wednesday, September 23**

#### **Lecture 6: Questioning Natural Rights – Is the Idea of Natural Rights Ineliminably Religious?**

Michael Perry, *The Idea of Human Rights*, Chapter 1 ("Is the Idea of Rights Ineliminably Religious?," 1998) [in sourcebook]

Friedrich Nietzsche, Section 125 of *Gay Science* [in sourcebook]

Friedrich Nietzsche, *Twilight of Idols, Skirmishes of an Untimely Man* 5  
<http://www.geocities.com/thenietzschechannel/twi.htm#man> [posted on website]

### **Monday, September 28**

#### **Lecture 7: Questioning Natural Rights – Utilitarianism**

John Stuart Mill, "On the Connection Between Justice and Utility," from *Utilitarianism* [posted on website]

*The Kantian Approach to Human Rights – Thinking about Dignity and Its Implications*

### **Wednesday, September 30**

#### **Lecture 8: Approaching Rights in a Different Way – Kant on Dignity**

Immanuel Kant, *Groundwork for the Metaphysics of Morals*, 406 ("If we have so far..." ) - 426 "... virtue in her true form" **[in sourcebook]**

Recommended:

Jens Timmermann (2007), *Kant's "Groundwork of the Metaphysics of Morals". A Commentary*, Cambridge: Cambridge University Press, pp 90-109. **[in recommended sourcebook]**

***First Paper Topics to be Handed out Today (Sept. 30)***

**Monday, October 5**

**Lecture 9: Kant on Dignity, Cont.**

Immanuel Kant, *Groundwork for the Metaphysics of Morals*, 427 ("The will is thought...") – 436 ("and of every rational nature.") **[in sourcebook]**

German Constitutional Court, Press Release No. 11/2006 (Feb. 15, 2006), "Authorization to Shoot down Aircraft in the Aviation Security Act Void" **[in sourcebook]**

**Wednesday, October 7**

**Lecture 10: Applying Ideas of Dignity – Torture**

David Sussman, "What's Wrong with Torture?" *Philosophy and Public Affairs* 33, no. 1 (January 2005) **[posted on website]**

Recommended:

John Conroy, *Unspeakable Acts, Ordinary People: the Dynamics of Torture* (2000), chapter 8 ("Torturers") **[in recommended sourcebook]**

**Monday, October 12 – No Class (Columbus Day)**

**Wednesday, October 14**

**Lecture 11: Torture, Cont.**

Henry Shue, "Torture," *Philosophy and Public Affairs* 7 (1978): 124-143 **[posted on website]**

Recommended:

Alan Dershowitz, “Tortured Reasoning”, in Sanford Levinson (ed.), *Torture: A Collection* (2004) **[in recommended sourcebook]**

Supreme Court of Israel, “Judgment Concerning the Legality of the of the General Security Service’s Interrogation Methods”, in Sanford Levinson (ed.), *Torture: A Collection* (2004), pp 165-181. **[in recommended sourcebook]**

## **Monday, October 19**

### **Lecture 12: Objecting to the Kantian Approach, and Gewirth’s Attempted Derivation of Rights**

Alan Gewirth, “The Epistemology of Human Rights,” in E F Paul, J. Paul, F D. Miller, *Human Rights* (1984) **[in sourcebook]**

#### Recommended:

Arthur Danto, “Constructing an Epistemology of Human Rights: A Pseudo-Problem?,” in E F Paul, J. Paul, F D. Miller, *Human Rights* (1984) **[in recommended sourcebook]**

Alasdair MacIntyre. *After Virtue* (1981): 66-71. **[in recommended sourcebook]**

## *Excursion*

## **Wednesday, October 21**

### **Lecture 13: A Brief Glance at the Political Reality of Human Rights Treatises**

Emilie Hafner-Burton and Kiyoteru Tsutsui, “Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most,” *Journal of Peace Research*, vol. 44, no. 4 (2007), pp 407-425 **[posted on website]**

Thomas Risse and Kathryn Sikkink, “The Socialization of International Human Rights Norms into Domestic Practices,” introduction to Risse, Stephen Kopp, and Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (1999) **[in sourcebook]**

#### Recommended:

Andrew Moravcsik, “The Origins of Human Rights Regimes: Democratic Commitment in Postwar Europe,” *International Organization*, vol. 54, no. 2 (spring 2000), pp. 217-52 **[posted on website]**

## *A Contemporary Approach to Moral Reasoning and to Human Rights*

**Monday, October 26**

**Lecture 14: A Different Approach to Rights**

T. M. Scanlon, *The Difficulty of Tolerance*, Chapter 2 (“Rights, Goals, and Fairness”, 2003) [in sourcebook]

Recommended:

William Edmundson, *An Introduction to Rights* (2004), chapter 7 [in recommended sourcebook]

Joseph Raz, “On the Nature of Rights” *Mind* 93 (1984), 194-214. [posted on website]

*Second Paper Topics to be Given out Today (October 26)*

**Wednesday, October 28**

**Lecture 15: Human Rights and Agency – James Griffin**

James Griffin, *On Human Rights* (2008), Excerpts from Chapters 1 and 2: pp 9-19, pp 29-39, pp 44-56

Recommended:

Griffin, Chapter 3

**Monday, November 2**

**Lecture 16: Griffin, Cont.**

James Griffin, *On Human Rights* (2008), Chapters 4 and 5

Recommended:

Griffin, Chapter 12

**Wednesday, November 4**

**Lecture 17: Griffin, Cont.**

James Griffin, *On Human Rights* (2008), Chapters 6 and 7

Recommended:

Griffin, Chapter 14

**Monday, November 9**

**Lecture 18: How Should We Think about Social and Economic Rights?**

Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* (1996), chapter 1 [**in sourcebook**]

Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (Berkeley: University of California Press, 2004), pp. 213-46 (originally appeared as Farmer, Paul E., "Pathologies of Power: Rethinking Health and Human Rights," *American Journal of Public Health*, Vol. 89, No. 10 (1999), pp. 1486 – 1496) [**posted on website**]

Amartya Sen, *Development as Freedom* (1993), pp. 3-11, 282-98. [**in sourcebook**]

**Wednesday, November 11 – No Class (Veterans' Day)**

*Do We Really Need A Philosophical Account of Human Rights?*

**Monday, November 16**

**Lecture 19: Human Rights and Moral Emotions**

Richard Rorty, "Human Rights, Rationality, and Sentimentality", in S. Shute and S. Hurley (eds.) *On Human Rights* (New York: Basic Books (1993) [**in sourcebook**]

Recommended:

Rorty, "The Priority of Democracy to Philosophy," *Objectivity, Relativism, and Truth: Philosophical Papers*, Volume 1 (1990) [**in recommended sourcebook**]

Rorty, "Solidarity or Objectivity?", in John Rajchman and Cornel West, *Post-Analytic Philosophy* (1985) [**in recommended sourcebook**]

*Universalism vs. Relativism*

**Wednesday, November 18**

**Lecture 20: Localizing Human Rights vs. Concerns about Relativism**

Sally Engle Merry, *Human Rights and Gender Violence* (2006), Chapters 1 and 3 [in sourcebook]

American Anthropological Association Executive Board, 1947, "Statement on Human Rights," *American Anthropologist* 49: 539-43. [posted on website]

### **Monday, November 23**

#### **Lecture 21: Relativism Introduced**

Gilbert Harman, "Moral Relativism Defended," (originally appeared in *The Philosophical Review*, Vol. 84, No. 1 (Jan., 1975), pp. 3-22) and "What is Moral Relativism?," Chapters 1 and 2 in Harman, *Explaining Value* (2000) [chapter 1 posted on website, chapter 2 in sourcebook]

#### Recommended:

<http://plato.stanford.edu/entries/moral-relativism/> (Stanford Encyclopedia of Philosophy Entry on moral relativism) [posted on website]

### **Wednesday, November 25**

#### **Lecture 22: Relativism Explored**

Bernard Williams, *Morality: An Introduction* (1972), pp 20-25 [in sourcebook]

Jeremy Waldron, "How to Argue for a Universal Claim" *Columbia Human Rights Law Review* 30 (1999): 305-314. [posted on website]

#### Recommended:

T.M. Scanlon, "Human Rights as a Neutral Concern," chapter 6 of Scanlon, *The Difficulty of Tolerance* (2003) [in recommended sourcebook]

Bernard Williams, "Human Rights and Relativism," chapter 6 in Williams, *In the Beginning Was the Deed* (2005) [in recommended sourcebook]

James Rachels, "The Challenge of Cultural Relativism", pp 15-29 in *The Elements of Moral Philosophy* (1986) [in recommended sourcebook]

### **Monday, November 30**

#### **Lecture 23: Hands Off Clitoridectomy?**

Yael Tamir, "Hands Off Clitoridectomy," *Boston Review*, Summer 1996  
<http://bostonreview.net/BR21.3/Tamir.html> [posted on website]

Martha Nussbaum, Double Moral Standards? *Boston Review*, October/November 1996; <http://bostonreview.net/BR21.5/nussbaum.html> [**posted on website**]

Recommended:

Yael Tamir, "Response," *Boston Review*, October/November 1996  
<http://bostonreview.net/BR21.5/tamir.html> [**posted on website**]

*Final Paper Topics to be Given out Today (November 30)*

*Conclusion*

**Wednesday, December 2**  
**Lecture 24: Summing up**

**Final Papers Due Date TBA**

**Final Exams TBA**