

UNIVERSITY OF PENNSYLVANIA
Political Science

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MWF 10-11
CH 314

—————P S 258 Human Rights—————

CONTENT

Human rights since 1945 in a global, political, and developmental context is the subject matter of this course. Because they are embedded in basic relationships among individuals, collectivities, and authorities, human rights are part of a wide range of academic disciplines: engineering, history, law, medicine, philosophy, sociology, politics, economics, and religion, among the obvious. Although all these disciplinary perspectives will be touched upon, politics is the central one.

The rapid ascendance of human rights on the global political agenda is notable. Human rights are among the 10 principles to which over 1,500 corporations pledged to promote at the U. N. in the “Global Compact” of June 2004. In December 2004 the U.N. General Assembly unanimously adopted the World Program in Human Rights Education. The first phase, 2005-2007 is focused on primary and secondary education with the UN Commission on Human Rights and UNESCO adopting implementing policies. Human rights are one of the asserted principles of U.S. foreign policy in promoting democracy.

The political and intellectual challenge is to justify human rights in a secular (without God or “natural” law), incipient global society. Political institutions and processes have become the means for determining what is right or wrong and good or bad rather than religions, communities, or group traditions. Questions of human rights confront a world where most people do not believe, indeed often vigorously reject, what is readily accepted in the U.S.: that men and women are equal, individual happiness is the ultimate test of government, and children too have rights. The issue of the “universality” of human rights is especially relevant in our globalizing world of contending states and groups. Human rights are successors to ideas of civil rights as well as a source of conflict with traditional religions and new spiritualities.

Political science addresses deals of values, processes, and institutions: what is right and wrong, how politics takes place; and the organization of legitimate authority, including that based on law. The most difficult of these are values, the substance of this course. Secular human rights today define who we are globally in ways that birth, occupation, and nationality no longer can in the modern world.

The topics are similar to previous years but the organization and readings of this course have been substantially organized with an expansion of the topics related to the globalization of democracy and human rights humanitarian interventions and the “right to a good government”.

READINGS

Concepts of rights are embedded in languages of public pronouncements and interpretations of them. Contemporary human rights concepts take form in “accepted documents”, acceded to in treaties, accords, and declarations by political entities, such as national governments, international bodies, and private institutions. In addition to texts and articles, assignments will be made to some of these documents. All three books listed below are available at the Penn Book Center (130 S. 34th Street).

1. Jack Donnelly, Universal Human Rights in Theory and Practice (2nd Ed.). Ithaca, NY: Cornell University Press, 2003. This book is the one closest to a text on global politics and human rights.
2. Janusz Symonides (ed), Human Rights: Concept and Standards. Burlington, VT: Ashgate & UNESCO Publishing, 2000. A reader focusing on international issues.
3. Ian Brownlie (ed), Basic Documents on Human Rights (4th Ed.). Oxford: Oxford University Press, 2002. Read those assigned to understand the main principles rather than the details.
(These documents can be readily shared with copies, most of which can be found on the internet.)

Documents on the Internet on human rights number in the several thousands, most of which are produced by advocacy groups. Some contain basic documents that will be used in this course. The Carter Center in Atlanta has a good page. It is a selection and with a brief review at cartercenter.org The oldest is the “Internet” formed before that term even referred to electrical connections, the Human Rights Internet at hri.ca, and edited by Laurie Weisberg. Other addresses of a scholarly or official standing are: University of Minnesota Library on Human Rights at umn.edu/humanrts Netherlands Institute of Human Rights at rgl.ruu.nl The United Nations at un.org The Organization of Cooperation and Security in Europe at osce.org The Council of Europe at coe.fr (This is especially useful and is connected to Penn.) The Human Education “Group” is now very active with its UN blessings at <http://www.hrea.org>

Articles and Chapters are accessible through blackboard to all students enrolled in the class. Access to blackboard is <http://blackboard.library.upenn.edu> Use your ID and password and then go to the course documents. These documents are in sequence with the topics of the class. Nearly all of the books from which these are taken are also available in Rosengarten Reserve. See the call number given in the references at the end of this syllabus. Since each student in the class is assigned to a research task force, cooperation in sharing and copying and securing additional materials is facilitated.

We will have one session at the library and perhaps use a video on religion and rights produced by the Faculty of the School of Arts and Sciences

WRITTEN ASSIGNMENTS

The first written assignment is a short paper, about five pages or so, a report of a group research project. Each student will be randomly assigned to a research task group. The paper is to be written collectively and the overall evaluation of the group’s performance will be assigned to each individual in it. (That assessment will be used to advantage final grades.) This paper will state the problem, what is known about it, and the relevance to issues of human rights. It should cite sources. It is a research, not a position paper. Each group must meet to select a topic and assign tasks. The research should focus on a description about the state of human rights in the world or specific institutions or groups, for example, universities, Central America, the military, etc. It is strongly suggested that a particular dimension of human rights be chosen, for example, children’s rights or rights of prisoners, and that at least two institutions, two countries, two regions, or two time points, or combinations of the foregoing, should be examined for comparisons.

The second paper is individual. Each student should address a general problem or issue on human rights analytically and focus on the advantages and disadvantages of particular situations and policies on human right: an independent human rights judiciary, the relevance of economic growth to human rights; why human rights harms or helps civic order, etc. The issue must be addressed analytically, for example, arguments in favor of the right to citizenship must be based on research and evidence. The paper should contain references to more than the texts and articles in this syllabus or newspapers and magazines. This paper should be between 10-15 pages in length. **Paper topics will be discussed in class.**

The following is a list of suggested topics. The specific topic should be approved to determine its research viability.

1. Crimes against Humanity
2. Humanitarian Intervention
3. State Assisted Euthanasia
4. Immigration Rights
5. Capital Punishment
6. Genetic Privacy
7. Chemical Alteration of Mental and Physical States
9. Dual Nationality Citizenship Rights
10. Group Secession from States
11. Community Rights (branding, marking, punishing)
12. Political Asylum

The first paper is due after the mid-term examination; the second, on the last class day.

EXAMINATIONS

The mid-term examination will be five identifications (e.g. civil rights); the final examination will be five identifications and two essay questions selected from four offered. The final examination will be weighed approximately twice that of the mid-term in the final grade, but higher, if there is substantial improvement. The second paper is second in importance in the final grade.

(Note: The final examination is Friday December 15, 9:00-11:00. Schedule travel accordingly.)

HELPFUL SOURCES

There are several periodicals on human rights, such as the Human Rights Quarterly. Also useful are the reports of the U.S. Department of State, especially its semi-annual ones on the Helsinki accords and regular reports to the U.S. Congress on rights in countries receiving foreign aid. A number of private and governmental organizations issue publications: Amnesty International, Freedom House, European Council on Human Rights, the United Nations, and the Human Rights Internet, Organization of Cooperation and Security in Europe; and the Council on Europe. All of these have pages on the Internet.

The Van Pelt Library staff has prepared a professional Special Bibliography on Human Rights for use in PennLin. We will also have a special presentation at the library by Mr. David Azzola. This will be helpful for your research papers.

Source books available in the Van Pelt Reference Area include:

- . A. Blaustein et al. (eds). Human Rights Source Book (1987). [K3238. H86]
- . J. Lewis & C. Skutsch (eds.), The Human Rights Encyclopedia, Vols. 1-3 (2001). [J571 L522]
- . United Nations, Human Rights: A Compilation of International Instruments (1988). [K3238 H85]
- . The Encyclopedia of Human Rights (1996). [JC 571 E67]

Human rights not only is a favored topic on the Internet but also contains special studies and reports required by law of the executive branch of the U.S. that can be treated as primary sources. If you use the Internet as a source, please provide citations to the original source in addition to the Internet address.

TOPICS AND READINGS

B refers to Browlie; **D**, to Donnally and **S**, to Symonides: others with author or title can be found on Blackboard and/or in the Library in the authored indexed citations, appended

Sept. 7 Introduction to the Course
G. Hardin, "Compassion vs. Principle" in Hardin 1

CONCEPTS AND JUSTIFICATIONS

Sept. 9 What are Human, Secular Rights? An Overview
(**D**) "The Concept of Human Rights"
B. Westin, "Human Rights" in Claude and Westin 2

Sept. 12 History of the Idea: From Revelation to Politics
T. Buergenthal (**S**), "International Human Rights in an Historical Perspective"
K. Minogue, "The History of the Idea of Human Rights" 3
L. Henkin, "Human Rights: Ideology and Aspiration, Reality and Prospect" in S. Power
G. Allison 4

Sept. 14 Philosophical Justifications I: Natural Law
J. Shestack (**S**), "The Philosophical Foundation of Human Rights"
J. Maritain, "Natural Law an Natural Rights" in Maritain 5

- Sept. 16 Philosophical Justifications II: Democracy
M. Nowak (S), "Civil and Political Rights"
(D) "Democracy, Development, and Human Rights"
- Sept. 19 Political Justifications I: Human Nature
J. Davis, "The Priority of Human Needs and the Stages of Political Development" in Penmock and Chapman 6 ; D. Braybrooke, "The Concept of Needsome" in Braybrooke 7
- Sept. 21 Political Justifications II: Human Development
H. Teune, "Democratic and Human Development" 8
A Eide (S), "Economic and Social Rights"
(B) #99 Copenhagen Declaration...
- Sept. 23 Library Resources on Human Rights
Mr. David Azzolina, Goldstein Electronic Classroom, Van Pelt, 1st Floor
- Sept. 26 Group Rights: The Case of Indigenous Populations
(D) "Cultural Relativism and Universal Human Rights"
J. Anaya, "Norms Elaborating the Elements of Self-determination" in J. Anaya 9
E. Daes (S), "Protection of the World's Indigenous Peoples and Human Rights"
(B) #15 Rights of Indigenous Peoples

COMPARATIVE PERSPECTIVES

- Sept. 28 Universal Human Rights (European and North American?)
Pollis and P. Schwab, "Human Rights: A Western Concept with Limited Applicability", in Pollis and Schwab 10
(D) "The Universal Declaration Model", "Equal Concern and Respect", "Markets, States..."
(B) # 3 & 4 Universal Declaration and Declaration on Granting...; # 54-60 European Conventions (Social Charter and Amendments)
- Sept. 30 Religion and Human Rights in the West (Video: "Church and State")
A. de Toqueville, "Influence of Religion on Democracy", any edition
- Oct. 3 Islam
A. Said, "Human rights in Islamic Perspective" in Pollis and Schwab; 11
A. Mayer, "Current Muslim Thinking on Human Rights" in An-Nacim and Denq 12
(D) "Non-western Conceptions of Human Rights"
(B) Part VIII Developments in the Arab World, Cairo Declaration, etc.
- Oct. 5 Africa
R. Howard, "Group Versus Individual Identity in the African Debate on Human Rights" in An-Nacim and Denq; 13 Bill of Rights of The Republic of South Africa 14
(B) Part VII Developments in Africa, African Charter, etc.

- Oct. 7 Chinese
 M. Huang, "Human Rights in a Revolutionary Society" in Pollis and Schwab 15
 J. Ching, "Human Rights: A Valid Chinese Concept?" in de Bary and Whamming 16
 (D) "Human Rights and Asian Values"
- Oct. 10 Russian
 B. Browing, "Human Rights in Russia" in Pogany 17
 (B) # 96 Some Economic Foundations of Human Rights

GLOBAL DEVELOPMENTS

- Oct. 12 Globalization and Democracy
 H. Teune, "Human Development in A Global Political Economy", 18
 (D) "International Human Rights Regimes"
 See "Community of Democracies" reports and documents at
<http://www.state.gov/g/drl/c10790.htm>
- Oct. 14 Minorities
 H. Hannum, "The Limits of Sovereignty and Majority Rule" in Hannum 19
 H. Hannum (S), "The Rights of Persons Belonging to Minorities"
 (B) #7, based on religion; #12 belonging to national, ethnic...; # 65 languages; # 68 nationality
- Fall Break (Oct. 17)
- Oct. 19 International Law
 D. Driscoll, "The Development of Human Rights in International Law" 20
 Bilder & Hannum "An Overview of International and Human Rights Law" in Hannum 21
 H. Espiell (S), "Humanitarian Law and Human Rights"
 Ratner and Abrams, "The Progeny of Nuremberg: International Criminal Tribunals" in
 Ratner and Abrams 22

HUMAN RIGHTS AND U. S. FOREIGN POLICY

- Oct. 21 An Overview of Human Rights and Foreign Policy: The U.S.
 (D) "Human Rights and Foreign Policy" and "The Priority of National Action"
- Oct. 24 History and Recent Practice
 A. Mower, "The Conceptual Framework for the Carter and Reagan Human
 Rights Policies" in Mower 23
 D. Forsythe, "U.S. Foreign Policy and Human Rights" in Forsythe 24
- Oct. 26 **Mid-Term Examination**
- Oct. 28 **Presentations and Discussions of First Paper**

INTERNATIONAL INSTITUTIONS

- Oct. 31 Political Institutions: Political
D. Forsythe, "Protecting Human Rights" in Forsythe 25
(B) # 1 U N. Charter...#2 Procedures in Commission...#69 Human Rights, EU...
- Nov. 2 Implementation: Adjudication and Judicial
Robinson and Merrills, "The European Court of Human Rights" in Robinson and Merrills 26
(B) #70-77 Helsinki Final Act to the OSCE, Lisbon
See Helsinki at www.hri.org/docs/Helsinki75.html

WAR

- Nov. 4 The Morality of War **(First Paper—Group Assignment—Due)**
M. Walzer, "Against Realism" and "Non-Combatant Immunity and Military Necessity" in Walzer 27, 28
- Nov. 7 Fighting
M. Walzer, "War's Means and the Importance of Fighting Well" and "War Crimes: Soldiers and Their Officers" in Walzer 29, 30
Ratner and Abrams, "War Crimes and the Limitations of Accountability for Acts in Armed Conflict" in Ratner and Abrams 31
(B)#5 torture and cruel and..., #9 persons under detention..., #10 treatment of prisoners..#34 against torture...#62-64 European conventions on torture

INTERNATIONAL INTERVENTION

- Nov. 9 Hunger
R. Hopkins and D. Puchala, "Perspectives on the International Relations of Food" in Puchala and Hopkins 32; D. Grigg, "The Extent of Hunger" in Grigg 33
C. Christensen, "World Hunger: A Structural Approach" in Puchala and Hopkins 34
- Nov. 11 Genocide
K. Mills, "Human Access and Intervention" in Mills 35;
Andreopoulos, "The Calculus of Genocide" in Andreopoulos" 36
(D) "Genocide and Humanitarian Intervention"
(B) #19 crime of genocide...

SELECTED TOPICS

- Nov. 14 Sexual Freedom
(D) "Non-Discrimination for All: The Case of Sexual Minorities"
C. Scheman, "AIDS and Privacy" in F. Reamer 37

- S. Benn and Gaus, "Privacy and the Respect for Person" in Benn and Gaus 38
- Nov. 16 Reproduction and the Rights of Children
 S. McLean, "The Right to Reproduce" in McLean 39
 M. Shanley, "Fathers' Rights, Mothers' Wrongs" in Callahan 40
 Y. Kolosov (S), "The Rights of the Child"
 (B) #35-37, rights of the child..., # 67 European...
- Nov. 18 Slavery and Servitude
 (B) # 22,23 slavery..., # 40, 44, 48 forced labor and rights at work
 D. Sen and S. Koray (S), "Migrant Workers Rights"

 Thanksgiving Break Nov. 24
- Nov. 21 Life
 M. Battin, "Suicide and Rights" in Battin 41
 J. Walters, "What is a Person" in J. Walters 42
- Nov. 23 Consent
 R. Fadden and T. Beauchamp, "The Development of Consent Requirements in Research Ethics" in Fadden and Beauchamp 43
 (B) Part X Human Rights and the Human Genome
- (Thanksgiving Break)
- Nov. 28 Equality: Women Rights
 K. B Tomasevski (S), "Women's Rights"
 (B) #13 violence against..., #21 political rights..., #32 discrimination against...
- Nov. 30 Information and Political Control
 P. Converse, "Power and the Monopoly of Information," 44
American Political Science Review, 75, pp. 1-9; D. Welkin and L. Tancrea, "The New Diagnostics" and "Defining Diagnostics" in Welkin 45, 46; National Research Council, "Principles and Problems" in National Research Council 47
- Dec. 2 Environmental Rights
 E. Merrills, "Environmental Protection and Human Rights" in Boyle & Anderson 48
 M. Soros, "Global Institutions and the Environment" in Vig & Axelrod 49
- Dec. 5 Cultural Rights
 (D) "Group Rights and Individual Rights"
 J. Symonides (S), "Cultural Rights"
 (B) #27 economic, social and cultural rights

Dec. 7 Right to a Good Government
M Suksi, "Good Governance in the Electoral Process" in H. Sano and G. Alfredsson 50
H. Teune, Local Democracy Around the World.

Dec. 9 Review

BOOKS IN ROSENGARTEN RESERVE

Anaya, James, Indigenous Peoples in International Law
Publisher: Oxford, 1996
Call #: K3242 A 86

Andreopoulos, George J. (ed), Genocide: Conceptual and Historical Dimensions
Publisher: Pennsylvania, 1994
Call #: HV 6322.7 G 45

An-Na'im, Abdullah, A./Deng, Francis M. (eds), Human Rights in Africa
Publisher: Brookings Press, 1990
Call #: J 599 A36 H 86

Battin, Margaret, Ethical Issues in Suicide
Publisher: Prentice-Hall, 1995
Call #: HV 6545 B 26

Benn S. and Gaus, G. (eds), Public and Private Social Life
Publisher: St. Martins, 1983
Call #: HM 291 P 84

Boyle, A. E. and Anderson, M. (eds), Human Rights Approaches to Environmental Protection
Publisher: Clarendon Press, 1996
Call #: K 35856 H 86

Braybrooke, David, Meeting Needs
Publisher: Princeton, 1987
Call #: J 578 B 67

Callahan, Joan, Reproduction, Ethics, and the Law
Publisher: Indiana, 1995
Call #: RG 133.5 R 44

Claude, Richard, P. and Weston, Burns, H. (eds), Human Rights in the World Community
Publisher: Pennsylvania, 1989
Call #: K 3240.4 H 838

de Bary, W. and Whamming, Tu, Confucianism and Human Rights
Publisher: Columbia, 1997
Call #: J 599 C 6

Fadden R. and Beauchamps, T., A History and Theory of Informed Consent
Publisher: Oxford, 1986
Call #: K 3611 I5F 33

Forsythe, David, Human Rights and U.S. Foreign Policy
Publisher: Florida, 1988
Call #: K 3240.4 F 68

Grigg, David, The World Food Problem (2nd ed)
Publisher: Blackwell, 1993
Call #: HD 900.5 G 74

Hannum, Hurst (ed), New Directions in Human Rights
Publisher: Pennsylvania, 1989
Call #: K 3240.6 N 49

Hannum, Hurst (ed), Guide to International Human Rights Practice (2nd ed)
Publisher: Pennsylvania, 1991
Call #: K 3240.4 G 94

Hardin, Garrett, Filters Against Folly
Publisher: Viking, 1985
Call #: GF 50 H 36

Maritain, J., Natural Law" (edited by W. Sweet)
Publisher: St. Augustine Press, 2001
Call #: JC 571 M348

McLean, Sheila (ed), Legal Issues in Human Reproduction
Publisher: Gower, 1989
Call #: K 2000 L 44

Mills, Kurt, Human Rights in the Emerging Global Order
Publisher: St. Martins, 1998
Call #: J 585 M 7793

Mower, A. Glenn, Human Rights and American Foreign Policy
Publisher: Greenwood, 1987
Call #: K 3240.4 M 675

National Research Council, *Private Lives and Public Policies*, 1993
Publisher: National Academy Press, 1993
Call #: J 596.2 U5

Nelkin, Dorothy, *Dangerous Diagnostics*
Publisher: Basic Books, 1989
Call #: RA 427.5 N 45

Pennock, J. Roland and Chapman, J.W. (eds), *Human Nature and Politics*
Publisher: Free Press, 1977
Call #: JA 74.5 H 85

Pogany, Istvan (ed), *Human Rights in Eastern Europe*
Publisher: Edward Elger, 1995
Call #: J 599 E 92

Pollis, A. and Schwab, P. (eds), *Human Rights*
Publisher: Praeger, 1979
Call #: J 571 H 7694

Power, S and Allison, G (eds), *Realizing Human Rights*
Publisher: St Martins Press, 2000
Call #: K 3240 R 43

Puchala, D. and Hopkins, R., *The Global Political Economy of Food*
Publisher: Wisconsin, 1978
Call #: H 9000 6G 56

Ratner, S and Abrams, J., *Accountability for Human Rights Atrocities in International Law (2nd ed)*
Publisher: Oxford, 2001
Call #: K 5301 R 38

Reamer, Frederic G. (ed), *Aids and Ethics*
Publisher: Columbia, 1991
Call #: RA 644 A 25

Robertson, A.H. and J.G. Merrills, *Human Rights in Europe (3rd ed)*
Publisher: Manchester, 1993
Call #: KJC.5132 R 63

Sano, H. and Alfredsson, G. (eds), *Human Rights and Good Governance*
Publisher: Martinus Nijhoff, 2002
Call #: JC 571 H 768815

Schmale, Wolfgang (ed), Human Rights and Cultural Diversity
Publisher: Keip Publishing, 1993
Call #: J 571 H76873

Vig, Norman J. and Axelrod, Regina S. (eds), The Global Environment
Publisher: Congressional Quarterly, 1999
Call #: K 3585,4 G 58

Walker, James W.,
What is a Person?
Publisher: Illinois, 1997
Call #: B 828 5W35

Walzer, Michael, Obligations: Essays on Disobedience, War and Citizenship
Publisher: Harvard, 1970
Call #: J 328 W34