

## **Politics 3212G: Theories of Human Rights**

**January-April 2025**

**Monday 11:30-1:20, SSC 3022**

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Office Hours: Monday 2:00-3:00, and by appointment

This political theory course examines attempts to make sense of the idea of human rights. Some questions to be addressed include: What are human rights? When and how did they originate? How are they justified? What do human beings have rights to? What are the central historical objections to human rights? What is the point of a theory of human rights? Are human rights best understood as moral rights we possess in virtue of being human? Or are they best defined by their practical role in international politics? What is the relationship between basic moral rights and international human rights law? Can groups hold human rights?

Each meeting consists in a lecture on the topics and arguments in the week's readings, along with opportunities for students to introduce questions and concerns about the readings and the issues they raise.

By the end of the course, students will be able to:

- (1) Describe competing answers to the question, 'What are human rights?', and understand the historical development of approaches to this question,
- (2) Identify and assess the arguments for and against specific human rights (including life, autonomy, liberty, welfare, privacy, and democracy),
- (3) Understand the main justifying theories of human rights,
- (4) Explain some of the main objections to human rights in European history and in recent scholarship.

## **Texts**

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, London and New York: Methuen, 1987. (Reprinted: Abingdon: Routledge, 2015)

James Griffin, *On Human Rights*, Oxford: Oxford University Press, 2008.

These books may be purchased at the Western Bookstore.

## **How Your Final Mark is Determined**

10%: *Attendance*

45%: *2,000-word Essay* (Due Friday February 14, 2024 @ 4:00 pm)

45%: *Final Exam* (two hours), during the final examination period in April (to be scheduled by the Registrar, date to be announced)

### **10%: *Attendance***

Students must attend all classes except when there are medical or compassionate reasons. Attendance will be taken at each class meeting.

**45% *Essay*: 2,000 words, Word document, double-spaced, 12-point.**

Note: Please follow the advice in my document, 'How to Write an Essay'.

The *Essay* must be submitted, via Brightspace, by Friday February 14, 2025 at 4:00 pm. Late essays are subject to a penalty of 2% per day.

Write an essay on **one** of the following topics:

1. With specific reference to Jeremy Waldron, Jeremy Bentham, and Philip Schofield, *outline and evaluate Jeremy Bentham's view of natural rights?*

**OR**

2. With specific reference to Jeremy Waldron, Karl Marx, David Leopold, and Steven Lukes, *outline and evaluate Karl Marx's view about rights?*

**45% Final Exam (two hours): during final examination period in April (to be scheduled by the Registrar, date to be announced)**

### **Schedule**

**January 6:** Introduction: Overview of the course: What are rights? What are human rights? Do human rights exist? What do human beings have rights to? What are the main arguments for and against human rights?

Nickel, James, and Adam Etinson, 'Human Rights', *Stanford Encyclopedia of Philosophy*, 2024.

**January 13:** How did the natural rights tradition develop in the seventeenth and eighteenth centuries? What is in the 1789 'Declaration of the Rights of Man and the Citizen'? Are human rights self-evident? What does it mean to *declare* rights?

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, 1-28: Natural rights in the 17th and 18th centuries; the French Declaration

Lynn Hunt, *Inventing Human Rights: A History*, New York: Norton, 2007, Introduction: 15-34 and Chapter 3 (in part): 113-135.

**January 20:** On what grounds does Jeremy Bentham criticize natural rights?

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, 29-76: Jeremy Bentham, *Nonsense upon Stilts*

Philip Schofield, 'Jeremy Bentham's *Nonsense upon Stilts*', *Utilitas*, 15 (1), 2003, 1-26.

**January 27:** What are the highlights of Edmund Burke's political career? In Burke's critique of natural rights, what is the role of appeals to tradition, consequences, natural law, reason, feeling, abstraction, and society?

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, 77-118; Edmund Burke, *Reflections on the Revolution in France*

Michael Freeman, *Edmund Burke and the Critique of Political Radicalism*, Oxford: Basil Blackwell, 1980, Chapter 5: The Principles of Politics, 84-106.

**February 3:** How did Marx's intellectual development provide the background for his critique of liberal rights? Do the rights of man present human beings as egoistic and atomistic? Should Marx be interpreted as a critic or defender of rights?

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, 119-150; Karl Marx, 'On the Jewish Question'

Steven Lukes, 'Justice and Rights', in Alan Ryan (ed.), *Justice*, Oxford: Oxford University Press, 1993, 164-184.

David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing*, Cambridge: Cambridge University Press, 2007, 150-163: 'Marx and Rights'.

**February 10:** What is the career of human rights in the nineteenth and twentieth centuries? How are contemporary human rights related to the eighteenth-century Rights of Man? How should we understand the four main objections: abstraction, rationalism, individualism, and egoism?

Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*, 151-209; Waldron, 'Nonsense upon Stilts? A reply'

Martha Nussbaum, 'The Feminist Critique of Liberalism', in *Sex and Social Justice*, Oxford: Oxford University Press, 1999, 55-80.

**Note: The essays must be submitted, via Brightspace, by Friday February 14, 2025 @ 4:00 pm.**

**Reading Week: February 15-23, 2025**

**February 24:** Describe the Enlightenment project on human rights. What is the difference between a substantive and a structural explanation of human rights? Describe the three main grounds of human rights.

James Griffin, *On Human Rights*, Introduction and Chapters 1 & 2 (1-56).

Dagger, Richard, 'Rights' in Terence Ball et al. (eds.), *Political Innovation and Conceptual Change*, Cambridge: Cambridge University Press, 1989, 292-308.

**March 3:** What should be done when human rights conflict with each other? With what else can human rights conflict? Whose rights are human rights?

James Griffin, *On Human Rights*, Chapter 3 & 4 (57-95).

David Miller, 'Personhood versus Human Needs as Grounds for Human Rights', in Roger Crisp (ed.), *Griffin on Human Rights*, Oxford: Oxford University Press, 2014, 152-169.

**March 10:** Duties, Metaphysics, Relativity, Ethnocentricity

James Griffin, *On Human Rights*, Chapters 5-7 (96-145).

James Nickel, *Making Sense of Human Rights*, second edition, 2007, Chapter 11: Eight Responses to the Relativist, 168-184.

**March 17:** Highest-level human rights: autonomy, liberty, welfare

James Griffin, *On Human Rights*, Chapters 8-10 (149-187).

Charles Jones, 'Human Rights and Normative Agency', in Neil Hibbert, Charles Jones, and Steven Lecce (eds.), *Justice, Rights, and Toleration*, Montreal and Ottawa: McGill-Queen's University Press, 2024, 97-118.

**March 24:** International law, life and death, privacy

James Griffin, *On Human Rights*, Chapters 11-13 (191-241).

Maurice Cranston, 'Are There Any Human Rights?', *Daedalus* 112 (4), 1983, 1-17.

**March 31:** Democracy, group rights

James Griffin, *On Human Rights*, Chapters 14 & 15 (242-276).

Jeremy Waldron, 'Can communal goods be human rights?', Jeremy Waldron, *Liberal Rights*, Cambridge: Cambridge University Press, 1993, 339-369.

***Final Exam:*** during final examination period in April (to be scheduled by the Registrar, date to be announced).

## **APPENDIX TO UNDERGRADUATE COURSE OUTLINES**

### **DEPARTMENT OF POLITICAL SCIENCE**

#### **Prerequisite checking - the student's responsibility**

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

#### **Essay course requirements**

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

#### **Use of Personal Response Systems ("Clickers")**

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

**Security and Confidentiality of Student Work** (refer to current *Western Academic Calendar* <http://www.westerncalendar.uwo.ca/>)

**"Submitting or Returning Student Assignments, Tests and Exams** - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

#### **Duplication of work**

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

#### **Grade adjustments**

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

#### **Academic Offences**

"Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: [http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

### **Submission of Course Requirements**

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

**THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.**

### **Attendance Regulations for Examinations**

EXAMINATIONS/ATTENDANCE (Sen. Min. Feb.4/49, May 23/58, S.94, S.3538, S.3632, S.04-097) A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations: 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year. 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

## **Absences from Final Examinations**

If you miss the Final Exam, please contact the Academic Counselling office of your Faculty of Registration as soon as you are able to do so. They will assess your eligibility to write the Special Examination (the name given by the University to a makeup Final Exam).

You may also be eligible to write the Special Exam if you are in a "Multiple Exam Situation" (e.g., more than 2 exams in 23-hour period, more than 3 exams in a 47-hour period).

**Note:** Missed work can only be excused through one of the mechanisms above. Being asked not to attend an in-person course requirement due to potential COVID-19 symptoms is **not** sufficient on its own. Students should check the Western website to see what directives for Covid are to be followed. Western has been and will continue to follow directives established by the Middlesex-London Health Unit. That directive will state whether students should or should not come to campus/class and any other requirements (e.g., masks are mandatory). Please check on your own and do not email the instructor, the Department Undergraduate Advisor/Coordinator or the Faculty of Social Science Academic Counselling Office.

## **Accommodation and Accessibility**

### **Religious Accommodation**

When a course requirement conflicts with a religious holiday that requires an absence from the University or prohibits certain activities, students should request accommodation for their absence in writing at least two weeks prior to the holiday to the course instructor and/or the



Academic Counselling office of their Faculty of Registration. Please consult University's list of recognized religious holidays (updated annually) at

<https://multiculturalcalendar.com/ecal/index.php?s=c-univwo>.

## **Accommodation Policies**

Students with disabilities are encouraged to contact Accessible Education, which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing. The policy on Academic Accommodation for Students with Disabilities can be found at:

[https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/Academic Accommodation\\_disabilities.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic_Accommodation_disabilities.pdf).

## **Academic Policies**

The website for Registrarial Services is <http://www.registrar.uwo.ca>.

In accordance with policy,

[https://www.uwo.ca/univsec/pdf/policies\\_procedures/section1/mapp113.pdf](https://www.uwo.ca/univsec/pdf/policies_procedures/section1/mapp113.pdf),

the centrally administered e-mail account provided to students will be considered the individual's official university e-mail address. It is the responsibility of the account holder to ensure that e-mail received from the University at their official university address is attended to in a timely manner.

During exams/tests/quizzes, no electronic devices (e.g. a phone, laptop, iPad) are allowed and must be powered down and stored out of reach.

**Scholastic offences** are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf).

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Computer-marked multiple-choice tests and exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

If a course uses remote proctoring, please be advised that you are consenting to the use of this software and acknowledge that you will be required to provide **personal information** (including

some biometric data) and the session will be **recorded**. Completion of a course with remote proctoring will require you to have a reliable internet connection and a device that meets the technical requirements for this service. More information about this remote proctoring service, including technical requirements, is available on Western's Remote Proctoring website at:

<https://remoteproctoring.uwo.ca>.

## Support Services

Please visit the Social Science Academic Counselling webpage for information on adding/dropping courses, academic considerations for absences, appeals, exam conflicts, and many other academic related matters: [Academic Counselling - Western University \(uwo.ca\)](https://www.uwo.ca/academic_counselling/)

Students who are in emotional/mental distress should refer to Mental Health@Western (<https://uwo.ca/health/>) for a complete list of options about how to obtain help.

Western is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at

[https://www.uwo.ca/health/student\\_support/survivor\\_support/get-help.html](https://www.uwo.ca/health/student_support/survivor_support/get-help.html).

To connect with a case manager or set up an appointment, please contact [support@uwo.ca](mailto:support@uwo.ca).

Please contact the course instructor if you require lecture or printed material in an alternate format or if any other arrangements can make this course more accessible to you. You may also wish to contact Accessible Education at

[http://academicsupport.uwo.ca/accessible\\_education/index.html](http://academicsupport.uwo.ca/accessible_education/index.html)

if you have any questions regarding accommodations.

Learning-skills counsellors at the Learning Development and Success Centre (<https://learning.uwo.ca>) are ready to help you improve your learning skills. They offer presentations on strategies for improving time management, multiple-choice exam preparation/writing, textbook reading, and more. Individual support is offered throughout the Fall/Winter terms in the drop-in Learning Help Centre, and year-round through individual counselling.

Western University is committed to a thriving campus as we deliver our courses in the mixed model of both virtual and face-to-face formats. We encourage you to check out the Digital Student Experience website to manage your academics and well-being: <https://www.uwo.ca/se/digital/>.

Additional student-run support services are offered by the USC, <https://westernusc.ca/services/>.

## Plagiarism:

Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

**Plagiarism Checking:** "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

**Multiple-choice tests/exams:** "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. [https://www.uwo.ca/univsec/academic\\_policies/index.html](https://www.uwo.ca/univsec/academic_policies/index.html)

### PLAGIARISM\*

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

#### **A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.**

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

**B. In adopting other writers' ideas, you must acknowledge that they are theirs.**

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

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Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991