

**Controversies in Rights Theory  
Course Outline**

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|-------------------------------|-------------------------------------|
| <b>COURSE:</b>                | <b>LAWS 4102 A</b>                  |
| <b>PREREQUISITES:</b>         | <b>Fourth-year honours standing</b> |
| <b>TERM:</b>                  | <b>Fall 2007</b>                    |
| <b>CLASS: Day &amp; Time:</b> | <b>Friday, 8:35-11:25 am</b>        |
| <b>Room:</b>                  | <b>Southam Hall 501</b>             |
| <b>INSTRUCTOR:</b>            | <b>Dr. Clint Curle</b>              |
| <b>CONTACT: Office:</b>       | <b>C476 LA</b>                      |
| <b>Office Hrs:</b>            | <b>Fridays 11:30 (After Class)</b>  |
| <b>Telephone:</b>             | <b>613-729-1627</b>                 |
| <b>Email:</b>                 | <b>ccurle@connect.carleton.ca</b>   |

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

## Course Description

This course will address five central debates in contemporary rights discourse: 1. The complex relations between human rights and religion; 2. the foundations of human rights (or lack thereof); 3. the tension between the universality of human rights and cultural/group difference; 4. the meaning of human rights in the real world of global politics; and 5. the expansion of new "generations" of rights into the economic and social arenas. The lectures are organized around the chapters in the core text by Michael Freeman, *Human Rights: An Interdisciplinary Approach*. We will devote two weeks to each of the five debates, the first week providing an overview of the debate with Freeman as our guide and the second week treating with a particularly "hot" facet of the controversy in question.

By the end of the course, students should 1. have a solid working knowledge of these five controversies within the field of human rights; 2. demonstrate the capacity to defend a provisional personal position on each of these debates; and 3. gain an in-depth understanding of one of these controversies.

## Course Requirements and Grading

### 1. Participation 20%

This is a seminar course. Accordingly, all students are expected to not only attend class, but also to participate in an enthusiastic and informed manner in our class discussions. The assigned readings must be thoughtfully read prior to each class. The participation grade is based on attendance and quantity and quality of discussion contributions.

## 2. Text Presentation 10%

Each student will present one of the assigned readings to the class. This involves a verbal summary of the text, some reflections upon it, and two questions to launch our discussion. The best presentations are accurate, concise, thoughtful, interesting and thought-provoking.

## 3. Class Quizzes 10%

To encourage class attendance and careful reading of texts throughout the term, I will be administering a few surprise quizzes over the course of the term. These quizzes will cover the readings for the day in question, be multiple-choice, and will be administered at the beginning of our class time.

## 4. Term Essay 50%

A term essay of approximately 3000-3500 words (12-14 pages double-spaced) is due **Dec. 3, 2007, 4:00 pm**. You may write either a research paper or a philosophical essay, but your work must touch on one of the contemporary debates within the course's purview. All students must submit either a research question or a thesis statement to me for approval on or before **Nov. 2, 2007**. I am more than happy to discuss your essays with you in detail at any time during the term. Late essays will be penalized one letter grade per day (e.g.; B+ to B), with weekends counting as one day. Time extensions for good reasons (medical, bereavement, etc.) and with good evidential support may be granted at my discretion.

## 5. Research and Reflection Presentation 10%

The **final class** of the term has been set aside for student presentations of your term essay research and reflection. All students will take 5 minutes, present their work to date, and field a question from another student on their essay topic.

## Texts

The weekly readings are on reserve at the library. In addition, you are required to read Michael Freeman's *Human Rights: An Interdisciplinary Approach* (Oxford: Blackwell, 2002).

## Class Schedule

Sept. 7 – Introduction

Sept. 14 – Human Rights and Religion

- Freeman, ch. 2-3. (40 pp)
- Maritain, Jacques. "The Natural Law and Human Rights," in *Christianity and Culture*, ed. J. Stanley Murphy (Baltimore: Helicon Press, 1960), 39-48. (10 pp)
- Tierney, Brian. "Origins of Natural Rights Language: Texts and Contexts, 1150-1250," in *The Idea of Natural Rights*, Emory University Studies in Law and Religion, ed. John Witte, Jr. (Atlanta: Scholars Press, 1997), 44-77. (32 pp)

Sept. 21 – Human Rights and Religion today

- Henkin, Louis. "Religion, Religions and Human Rights," *Journal of Religious Ethics* 26(2) 1998, 229-39. (10pp)
- Perry, Michael. "Is the Idea of Human Rights Ineliminably Religious?" in *The Idea of Human Rights* (Oxford: Oxford, 1998), 11-41. (30pp)
- An-Na'im, Abdullahi. "The Interdependence of Religion, Secularism and Human Rights: Prospects for Islamic Societies," *Common Knowledge* 11(1) Winter 2005, 56-80.

(24pp)

Sept. 28 – Foundations of Human Rights?

- Freeman, ch. 4-5 (45pp)
- Shestack, Jerome. "The Philosophic Foundations of Human Rights," *Human Rights Quarterly* 20(2) May 1998, 201-234. (33pp)

Oct. 5 – University Day – no classes

Oct. 12 – Foundations of Human Rights? The Right to have Rights

- Arendt, Hannah. "The Perplexities of the Rights of Man," in *The Origins of Totalitarianism* (New York: Harcourt, Brace & Co., 1951), 287-298. (12pp)
- Benhabib, Seyla. "The Right to have Rights: Hannah Arendt on the Contradictions of the Nation-State," in *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge, 2004), 49-70. (21pp)
- Isaac, Jeffrey C. "A New Guarantee on Earth: Hannah Arendt on Human Dignity and the Politics of Human Rights," *American Political Science Review* 90(1) Mar. 1996, 61-73. (13pp)

Oct. 19 – The Universality of Human Rights

- Freeman, ch.6 (30pp)
- American Anthropological Society, Executive Board. "Statement on Human Rights," 49 *American Anthropologist* n.s. (October-December 1947) no. 4, 539-543. (5pp)
- American Anthropological Association, "Restatement on Human Rights," 1999, permanent URL <http://www.aaanet.org/stmts/humanrts.htm> (2 pp)
- Li, Xiaorong. "'Asian Values' and the Universality of Human Rights," *Report from the Institute for Philosophy and Public Policy* 16(2) 1996, 18-23. Permanent URL: <http://www.publicpolicy.umd.edu/IPPP/li.htm>. (6pp)
- Penna, David and Patricia Campbell, "Human rights and culture: beyond universality and relativism," *Third World Quarterly* 19(1) March 1998, 7-27. (20pp)

Oct. 26 – The Universality of Human Rights – Group Rights

- Kymlicka, Will. "The Good, the Bad and the Intolerable: Minority Group Rights," *Dissent* (Summer 1996), 22-30 (9pp)
- Kukathas, Chandran. "Are there any Cultural Rights?" *Political Theory* 20 (1992), 105-39. (35pp)
- Okin, Susan Moller. "Is Multiculturalism Bad for Women?" (Princeton, Princeton University Press, 1999), Permanent URL: <http://www.bostonreview.net/BR22.5/okin.html>. (20pp)

Nov. 2 – Rights and Political Realities

- Freeman ch. 7 (18pp)
- Ignatieff, Michael. "Human Rights as Politics," in *Human rights as Politics and Idolatry*, ed. Amy Gutmann (Princeton: Princeton, 2001), 3-52. Permanent URL: [http://www.tannerlectures.utah.edu/lectures/Ignatieff\\_01.pdf](http://www.tannerlectures.utah.edu/lectures/Ignatieff_01.pdf) (49pp)

## Nov. 9 - Rights and Political Realities – National Security

- Toope, Stephen. "Fallout from '9-11': Will a Security Culture Undermine Human Rights?" 65 *Saskatchewan Law Review* (2002), 281-298 (18pp)
- Ignatieff, Michael. "Human Rights, the Laws of War and Terrorism," *Social Research* 69(4) Winter 2002, 1143-1164. (21pp)

## Nov. 16 – Social and Economic Rights

- Freeman ch. 8. (19pp)
- Cranston, Maurice. "Human Rights, Real and Supposed," in *Political Theory and the Rights of Man*, ed. D. D. Raphael (Bloomington, IN: Indiana University Press, 1967) 43-53. (11pp)
- Armour, Leslie. "Economic Rights and Philosophical Anthropology," in *Philosophical Theory and the Universal Declaration of Human Rights*, ed. William Sweet (Ottawa: University of Ottawa Press, 2003), 41-69. (27pp)

## Nov. 23 – Social and Economic Rights – Development

- Donnelly, Jack. "In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development," in *International Human Rights in Context*, eds. Henry J. Stienner and Philip Alston (Oxford: Clarendon Press, 1996), 1121-4. (4pp)
- Sengupta, Arjun. "On the Theory and Practice of the Right to Development," *Human Rights Quarterly* 24(4) November 2002, 837-889. (52pp)

## Nov. 30 – Discussion of student paper topics.

**Dec. 3 – Term essay due 4:00 pm in the Law Dept. office.**