

Course Outline

COURSE: LAWS 4102 A - Controversies in Rights Theory

TERM: Fall 2009

PREREQUISITES: Fourth year honours standing

CLASS: **Day & Time:** Monday - 11:35-2:25
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Dr. Clinton Timothy Curle

CONTACT: **Office:** D582 Loeb Bldg
 Office Hrs: Tuesday 11:30-12:30, Wednesday 12:30-1:30
 Telephone: 613-520-2600 x3746
 Email: clint_curle@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This course will address five crucial debates in contemporary rights discourse: 1. The complex relations between human rights and world religions; 2. Cultural difference and group rights; 3. the tension between human rights and security; 4. The relationship between human rights and women's rights; and 5. human rights and the environment. We will devote two weeks to each of the five debates, the first week providing a more theoretical overview of the debate and the second week treating with a particular contemporary expression 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.

REQUIRED TEXTS

Patrick Hayden, *The Philosophy of Human Rights* (St. Paul: Paragon House, 2001). Additional readings will be made available on Web-CT.

EVALUATION**(All components must be completed in order to get a passing grade)****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 and will be administered at the beginning of our class time.

4. Term Essay 50%

A term essay of 12-15 pages is due **Dec. 8, 2009**. 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. 9, 2009**. I am willing to discuss your essays with you in detail at any time during the term. Late essays will be penalized 2% per day, with weekends counting as one day. Time extensions for good reasons (medical, bereavement, etc.) and with 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.

SCHEDULE**Sept. 14 Introduction**

- Hayden, "Introduction to Part One," 3-10.
- "The Universal Declaration of Human Rights," Hayden 353-358.

Sept. 21 Human Rights and Religion I

- Louis Henkin, "Religion, Religions and Human Rights," 26(2) *Journal of Religious Ethics* 1998, 229-39.
- Cicero, "On the Laws," Hayden 34-42.
- St. Thomas Aquinas, "Summa Theologica," Hayden 43-47.
- Karl Marx, "On the Jewish Question," Hayden 126-135.

Sept. 28 Human Rights and Religion II

- Susan Waltz, "Universal Human Rights: The Contribution of Muslim States," 26(4) *Human Rights Quarterly* 2004, 799-844.
- Heiner Bielefeldt, "'Western' versus 'Islamic' Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights," 28(1) *Political Theory* 2000, 90-121.
- Abdullahi Ahmed An-Na'im, "Human Rights in the Muslim World," Hayden 315-334.
- Eyad El Sarraj and Linda Butler, "Suicide Bombers: Dignity, Despair, and the Need for Hope: An Interview with Eyad El Sarraj," 31(4) *Journal of Palestine Studies* 2002, 71-76.

Oct. 5 Cultural Difference and Group Rights I

- Raimundo Panikkar, "Is the Notion of Human Rights a Western Concept?" 120 *Diogenes* 1982, 75-102.
- Charles Taylor, "A World Consensus on Human Rights?" Hayden 409-422.
- Kwasi Wiredu, "An Akan Perspective on Human Rights," Hayden 298-314.

Oct. 12 STATUTORY HOLIDAY**Oct. 19 Cultural Difference and Group Rights II**

- Will Kymlicka, "The Good, the Bad, and the Intolerable: Minority Group Rights," Hayden 445-461.
- James Crawford, "The Rights of Peoples: 'Peoples' or 'Governments'?" Hayden 427-444.
- Linda White, "Liberalism, Group Rights and the Boundaries of Toleration: The Case of Minority Religious Schools in Ontario," 36(5) *Canadian Journal of Political Science / Revue canadienne de science politique* 2003, 975-1003.

Oct. 26 Human Rights and Security I

- Hugo Grotius, "The Rights of War and Peace," Hayden 48-54.
- Jacques Derrida, "Wears and Tears (Tableau of an Ageless World)," Hayden 258-267.
- Tim Dunne and Nicholas J. Wheeler, "We the Peoples': Contending Discourses of Security in Human Rights Theory and Practice," 18(1) *International Relations* 2004, 9-23.

Nov. 2 Human Rights and Security II

- Michael Smith, "Humanitarian Intervention: An Overview of the Ethical Issues," Hayden 478-501.
- Anne Orford, "Watching East Timor," in *Reading Humanitarian Intervention: Human Rights and the use of Force in International Law* (Cambridge: Cambridge University Press, 2003), 1-37.
- Neil S. MacFarlane, Carolin J. Thielking and Thomas G. Weiss, "The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?" 25(5) *Third World Quarterly* 2004, 977-992.

Nov. 9 Human Rights and Women's Rights I

- Mary Wollstonecraft, "A Vindication of the Rights of Women," Hayden 101-108.
 - Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," 12(4) *Human Rights Quarterly* 1990, 486-498.
 - Arati Rao, "Right in the Home: Feminist Theoretical Perspectives on International Human Rights," Hayden 505-525.
 - *Convention on the Elimination of All Forms of Discrimination against Women*, Hayden 660-668.
- *** **RESEARCH ESSAY TOPICS DUE** ***

Nov. 16 Human Rights and Women's Rights II

- Catharine A. MacKinnon, "Rape, Genocide, and Women's Human Rights," Hayden 526-543.
- Sally Engle Merry, "Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence," 25 *Human Rights Quarterly* 2003, 343-381.
- Alice M. Miller, "Sexuality, Violence against Women, and Human Rights: Women Make Demands and Ladies Get Protection," 7(2) *Health and Human Rights* 2004, 16-47.

Nov. 23 Rights and the Environment I

- James W. Nickel, "The Human Right to a Safe Environment: Philosophical Perspectives on its Scope and Justification," Hayden 601-617.
- Edith Brown Weiss, "Planetary Rights," Hayden 618-637.
- *Draft Declaration of Principles on Human Rights and the Environment*, Hayden 669-673.

Nov. 30 Rights and the Environment II

- Erica Gies, "Water Wars: Is Water a Human Right or a Commodity?" 22(2) *WorldWatch* March/April 2009, 22-27.
- John Scanlon, Angela Cassar and Noemi Nemes, "Water as a Human Right?" IUCN Environmental Policy & Law Paper #51, 2004.
- Malcolm Langford, "The United Nations Concept of Water as a Human Right: A New Paradigm for Old Problems?" 21(2) *Water Resources Development* 2005, 273-282.

Dec. 7 Research and Reflection Presentations