HU901: MA COLLOQUIUM IN THEORY AND PRACTICE OF HUMAN RIGHTS

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INTRODUCTION
The principal purpose of the Colloquium is to provide the core interdisciplinary component of Postgraduate teaching of Human Rights within the Human Rights Centre. The Colloquium extends across twenty-two teaching weeks and is divided into three main parts: theoretical bases of human rights principles; applications of human rights principles; and contemporary issues and debates in the implementation and practice of human rights.

LEARNING OUTCOMES
Satisfactory attendance of and participation in the teaching components of HU901 should enable all students to achieve the following:

- Have gained knowledge and understanding of the principal theoretical perspectives upon human rights.
- Have gained knowledge and understanding of the basis and scope of human rights principles.
- Have gained knowledge of and an appreciation for the principal critical perspectives upon the theory and application of human rights principles.
- Be able to critically evaluate specific human rights claims, utilising different theoretical perspectives from several academic disciplines.
- Be cognizant of the relationship between key aspects of human rights theory and the practical application of human rights principles.
- Have gained knowledge and understanding of key contemporary issues and debates within human rights practice.
- Have acquired the methodological skills required for independent research in the study of human rights.
- Have acquired and developed a multidisciplinary perspective upon human rights.
- Have developed verbal presentational skills in a class/seminar setting.
TEACHING FORMAT
The teaching format for the Colloquium consists of a weekly lecture and class. During the Autumn term all of the lectures will be presented by Dr. Andrew Fagan and will be of two hours’ duration. The lectures will introduce and examine fundamental themes and concepts in the theory of human rights. The specific topics covered will range across four academic disciplines: philosophy, law, politics, and sociology. During the Spring term, the lectures will be presented by members of staff from several academic departments. These lectures will introduce students to a range of highly important controversies and debates in the contemporary practice of human rights. The classes throughout the Autumn and Spring terms will last for one hour and will provide students with the opportunity to extend upon their knowledge and understanding of the topics addressed during the lectures through discussion and formal exercises. Students are expected to read at least one essential reading in preparation for each week’s class.

ASSESSMENT
Assessment for the Colloquium consists of the submission of THREE assessed essays. The first is a foundational essay and must not exceed 2500 words. The remaining two essays must each not exceed 4000 words in length. The first essay accounts for 20% of the overall assessment for this module. Essays two and three each account for 40% of the overall assessment. The essay titles and dates for the submission of completed essays are included within this reading list.

In addition to the essay requirement, students’ successful completion of the Colloquium requires satisfactory attendance of the lectures and classes. Attendance of the classes is compulsory.

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AUTUMN TERM – THEORETICAL FOUNDATIONS AND APPLICATIONS OF HUMAN RIGHTS PRINCIPLES

Suggested Reading
Unfortunately, there is no single text-book which adequately covers all of the content of the Colloquium this term. However, a number of introductory texts and learning resources are available. The following are particularly recommended.

Andrew Fagan, Human Rights: Confronting Myths and Misunderstandings, (Edward Elgar, 2009). Chapters 1 & 7

A more detailed list of suggested reading accompanies each week’s lecture. Students are required to read at least one of the essential readings for each week.

### Part One: Why Human Rights? – the theoretical bases of human rights principles

### Week Two: Introducing Theories of Human Rights

Most supporters of human rights simply assume that human rights rest upon secure theoretical foundations and are largely immune of criticism or intellectual consideration. We begin this course by an initial examination of the complexity of human rights as a moral doctrine. Specifically, we shall address three questions:

- What are human rights?
- What is the purpose of human rights?
- Where do human rights come from?

#### Essential Reading

Rhona K Smith, *Textbook on International Human Rights*, (2010), Chapters 2 & 4

#### Additional Reading

Maurice Cranston, *What are Human Rights?*, (1973)
Andrew Fagan, *Human Rights: Confronting Myths and Misunderstandings*, Chap. 1
Peter Jones, Rights, (1994) – chapter 1

Week Three: The Morality of Human Rights

This week we continue our study of human rights principles by focusing upon human rights as a distinct perspective upon the moral governance of the world. The lecture will address three fundamental questions:

- What kind of doctrine is human rights?
- What is the relationship between law and morality within human rights?
- What kinds of justificatory arguments have been presented in support of human rights and how persuasive have these proven to be?

Essential Reading
Peter Jones, Rights – chapters 4&5
Andrew Fagan, Human Rights: Confronting Myths and Misunderstandings, Chap. 2
Margaret MacDonald, ‘Natural Rights’ in Waldron, Theories of Rights, pp.21-40

Additional Reading
Tom Cornford, ‘Legal Positivism’ in Essex Internet Encyclopaedia of Human Rights
Ronald Dworkin, Taking Rights Seriously (1978)
Ronald Dworkin, Law’s Empire (1986)
Andrew Fagan, ‘Choice Theories’, in Essex Internet Encyclopaedia of Human Rights
Andrew Fagan, ‘Interest Theories’ in Essex Internet Encyclopaedia of Human Rights
John Finnis, Natural Law & Natural Rights, (1980)
David Forsythe, Human Rights in International Relations, (2006)
Michael Freeman, Human Rights – chapter 4
Alan Gewirth, ‘Are There any Absolute Rights?’ in Waldron, Theories of Rights, pp.91-109
James Griffin, Well-Being: its meaning, measurement, and moral importance, (1986), pp. 224-253

**Week Four: Freedom & Equality in Human Rights**

This week we deepen and extend upon our examination of the theoretical justification offered in support of human rights. We shall focus upon two specific ideals upon which various arguments in support of human rights depend: individual freedom and personal equality. We shall address two fundamental questions:

- Precisely what importance is placed upon freedom and equality within human rights?
- How have freedom and equality been conceived of both within and beyond the academic field of human rights?
- Which controversial issues does a commitment to a particular conception of freedom and equality within human rights raise in seeking to apply human rights in the real world?

**Essential Reading**

Peter Jones, *Rights* – chapter 6

**Additional Reading**

Maurice Cranston, *What are Human Rights?* (1973)

**Putting theory into practice reading**

**Week Five: The Universality of Human Rights**

This week we focus upon a central and recurring debate for human rights theory and practice: the question of the alleged universal validity of human rights principles. We shall consider three questions:

- Can there only be one legitimate version of the human rights doctrine?
- Can human rights be thought of as not so much a single, unified moral doctrine but as comprising a number of significantly different moral and cultural outlooks? If so, what criteria and attributes enable us to identify these as consistent with the spirit of human rights?
- Is it legitimate to dismiss the very idea of universality? What arguments can be offered to support this view and what are its implications for our understanding of the moral authority of human rights?

**Essential Reading**
Andrew Fagan, *Confronting Myths and Misunderstandings*, Chap. 3
Ryan Hill, ‘Toleration’ in *Essex Internet Encyclopaedia of Human Rights*

**Additional Reading**
Simon Caney, *Justice Beyond Borders*, (2005), Introduction and Chap.2
Week Six: Writing Essays for Human Rights (Dr. Theresa Crowley)

This week you will receive guidance and instruction on how to prepare for and write essays in the academic field of human rights.

There will be no classes this week!
Part Two: How are Human Rights Principles Applied?

Week Seven: Realising Human Rights – Human Rights & Democracy

This week we begin part two of the colloquium. During the remainder of this term will consider varying approaches to and issues engendered by attempts to apply human rights principles, starting with a study of the relationship between democracy and human rights. We will address three principal questions:

- How has democracy been theorised and practised?
- In what ways do democracies enhance the realisation of human rights?
- What are the limits of democracy’s capacity to protect human rights within a single nation-state?

Essential Reading
David Beetham, *Democracy and Human Rights*, (2000), chapters 5-7
Michael Freeman, *Human Rights*, Chap.6
Rhona K Smith, *Textbook on International Human Rights*, (2010), Chapters 5 & 21

Additional Reading
Zebra Arat, *Democracy and Human Rights in Developing Countries*, (1991)
Maurice Cranston, *What are Human Rights?* (1973)
Peter Jones, *Rights*, (1994), chapter 8
Week Eight: Realising Human Rights – Cosmopolitanism & National Sovereignty

This week we develop our analysis of the political realisation of human rights but extend last week’s focus upon the single democratic nation-state to consider the role that human rights has to play within a global political context. This week’s lecture will address the following questions:

- Which principles should govern the global political realm?
- What theoretical and practical role do human rights play in regulating the global political realm?
- To whom do human rights obligations extend within the global political realm?
- What are the main obstacles to the full realisation of human rights principles in the global political realm?

Essential Reading
Simon Caney, Justice Beyond Borders, (2004), Chaps. 2 & 3
Andrew Fagan, Confronting Myths and Misunderstandings, Chap. 4
Michael Freeman, Human Rights, (2011), chapter 7
Thomas Pogge, “Cosmopolitanism and Sovereignty”, Ethics, 44 (1992), pp.48-75

Additional Reading
Sharon Anderson-Gold, Cosmopolitanism and Human Rights, (2001)
David Forsythe, Human Rights in International Relations, (2000)
George F. Keenan, ‘Morality and Foreign Policy’, in Foreign Affairs, 64/2: 205-18
Hans Morgenthau, In Defense of the National Interest: A Critical Examination of US Foreign Policy (1951)
Hans Morgenthau, Human Rights and Foreign Policy, (1979)
Samuel Scheffler, Boundaries and Allegiances, (2001), chapter 7
Kenneth Waltz, Theory of International Politics, (1979)
Week Nine: Realising Human Rights – Global Economic Justice and Human Rights

This week we move away from civil & political rights and turn to consider their social & economic counterparts in a global context. We specifically examine how the processes of globalisation affect the application of human rights and analyse various proposed human rights based ‘remedies’ to the fundamental problem of global poverty.

Essential Reading
Thomas Pogge, *World Poverty and Human Rights*, (2002), Introduction, Chaps. 1, 2, 4 & 8
Michael Freeman, *Human Rights*, (2010), Chap. 8

Additional Reading
Andrew Fagan, *Confronting Myths and Misunderstandings*, Chap. 6
George Keenan, Morality and Foreign Policy, in *Foreign Affairs*, 64/2: 205-18
Onora O’Neill, *Faces of Hunger*, (1986), Chaps. 6&7

Putting theory into practice reading
Week Ten: Realising Human Rights – Human Rights and World Religions

This week we continue our study of the application of human rights through examining the relationship between human rights and World religions. We address two specific questions:

1. What is the conceptual relationship between human rights and ‘religion’?
2. Is a commitment to human rights and a commitment to religious belief in some senses incompatible?

Essential Reading
Micheline Ishay, The History of human Rights, (2004), Chap.1

Additional Reading
Louis Dumont, Homo Hierarchicus, (1973)
Jacinta O’Hagen, Conceptualising the West in International Relations: From Spengler to Said, (2002)
David Little (ed.) Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty, (1988)
Mahmoud Monshipouri, Islamism, Secularism and Human Rights in the Middle East (1998)
Arati Rao, ‘Speaking/Seeking a Common Language: Women, the Hindu Right and Human rights in India,’ in Gustafson & Juveler, Religion and Human Rights, pp. 117-40

**Week Eleven: Realising Human Rights – Global Order and Regional Variation**

This week we conclude part two of the course by examining examples of the relationship between human rights as a universal discourse and specific cultural perspectives and experiences. We focus specifically upon Asia and Africa and consider how some from those regions have perceived and evaluated human rights.

**Essential Reading**
Jack Donnelly, “Cultural relativism and universal human rights” in Human Rights Quarterly, Vol.6, no.4, pp.400-419
Michael Freeman, Human Rights, Chap.6
Rhona K Smith, Textbook on International Human Rights, (2010), Chap. 9

**Additional Reading**
Andrew Fagan, Confronting Myths and Misunderstandings, Chap. 3
Autumn Term Foundational Essay Question

ANSWER ONE OF THE FOLLOWING QUESTIONS.

1. Critically evaluate the claim that while a right to religious belief is an essential human right, religion itself has no contribution to make to the justification of human rights.

2. Is the legal recognition of human rights principles sufficient to justify human rights principles? If not, what more is required for the satisfactory justification of human rights?

3. Consider the claim that the status accorded to individual liberty and equality within the doctrine of human rights unduly limits the moral authority of human rights to mostly ‘Western’ societies.

The foundational essay should not exceed 2500 words (excluding footnotes and bibliography). Date for submission of the Autumn term foundational essay is Thursday 24th November before 4pm.