

HUMAN RIGHTS AND HISTORY

Thursday 1:30-4:30

Location TBA

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The idea of universal, inalienable rights - once dismissed by the philosopher Jeremy Bentham as “nonsense upon stilts” - has become the dominant moral language of our time, the self-evident truth *par excellence* of our age. Human rights have become a source of inspiration to oppressed individuals and groups across the world, the rallying cry for a global civil society, and not least, a controversial source of legitimation for American foreign policy. This seminar asks: how did all this come to be? We will investigate human rights not only as theories embodied in texts, but as practices embedded in specific historical contexts. Are human rights the product of a peculiarly European heritage, of Protestantism and the Enlightenment? Did human rights serve as a “civilizing” mask for colonialism? Can universal rights be reconciled with genuine cultural diversity? Through case studies and close readings, the seminar will work toward a genealogy of human rights.

Required Texts:

The following books may be purchased at the Penn Book Center (34th and Sansom) and are also available at Rosengarten Reserve, on the ground floor of Van Pelt library:

Roland Burke, *Decolonization and the Evolution of International Human Rights*
Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International*
Lynn Hunt, *Inventing Human Rights*
Lynn Hunt, ed., *The French Revolution and Human Rights: A Brief Documentary History*
Michael Ignatieff, ed., *American Exceptionalism and Human Rights*
Samuel Moyn, *The Last Utopia: Human Rights in History*
Samantha Power, *A Problem from Hell: America and the Age of Genocide*
Jack Rakove, ed., *Declaring Rights: A Brief History with Documents*
Jeffrey Wasserstrom et al., eds., *Human Rights and Revolutions* [2nd, revised edition]

Materials marked “[C]” will be available as pdfs on our Canvas website.

Written Assignments:

For each week (beginning with Week 2), the syllabus provides questions designed to help students begin to think about and synthesize the readings. I will supplement the questions for certain weeks via email. Over the course of the semester, each student will be responsible for composing two papers (each up to 1000 words, double-spaced) analyzing a given week’s readings and for posting those papers on the course blackboard site no

later than midnight on Saturday. The posted papers are required reading for all members of the seminar prior to our meetings on Monday. In addition, there will be a take-home final exam.

Grading:

Written work will count for one half of the final grade, participation in seminar discussion for the other.

Week 1. Jan. 11 Introduction

Kenneth Minogue, "The History of the Idea of Human Rights," in Walter Laqueur and Barry Rubin, eds., *The Human Rights Reader*, pp. 3-17 [C]

Burns Weston, "Human Rights," *Encyclopedia Britannica* Library Home Page ➔ type "Encyclopedia Britannica" ➔ under "E-Resources" click "Encyclopedia Britannica" ➔ in search box, type "human rights" ➔ click on **third** article (40 pages)

Ronald Dworkin, "What Are Human Rights?," pp. 35-47 [C]

Sophocles, *Antigone*, three short extracts [C]

Friedrich Nietzsche, Preface to *The Genealogy of Morality* [C]

Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, pp. 11-14 [C]

Week 2. Jan. 18 Natural Law and Natural Rights

Leo Strauss, "Introduction," in idem., *Natural Right and History*, pp. 1-8 [C]

The following excerpted documents from *The Philosophy of Human Rights* [C]:

Aristotle, "Politics," pp. 24-30

Cicero, "On the Laws," pp. 34-41

Hugo Grotius, "The Rights of War and Peace," pp. 48-53

Thomas Hobbes, "Leviathan," pp. 57-70

Bartolomé de Las Casas, "In Defense of the Indians" [C]

Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625*, pp. 1-9, 43-77, 272-87, 316-48 [C]

QUESTIONS: What is natural law, and in what ways should it be seen as a precursor to the idea of human rights? In what ways is it radically different? What notions of human dignity and/or human nature inform the various primary source texts in this week's readings? Why, according to Strauss, is there a tension between "natural right" and "history"?

Week 3. Jan. 25 Early Modern Crucibles: The Anglo-American Revolutions

John Locke, excerpt from "The Second Treatise of Government," in *The Philosophy of Human Rights*, pp. 71-79 [C]

Jack Rakove, ed., *Declaring Rights: A Brief History with Documents*, pp. 1-54, 85-114, 132-83, 191-98; see also the helpful chronology on pp.199-202 and the questions on p.203

Michael Zuckert, "Natural Rights in the American Revolution: The American Amalgam," in *Human Rights and Revolutions*, pp. 65-82

David Zaret, "Tradition, Human Rights, and the English Revolution" in *Human Rights and Revolutions*, pp. 47-63

Lynn Hunt, "The Paradoxical Origins of Human Rights," in *Human Rights and Revolutions*, pp. 3-15

QUESTIONS: As we move from 17th-century England to 18th-century America, what changes in the way people talk about rights? What, according to Hunt, is "paradoxical" about the role of revolutionary upheavals in the history of rights? Do you agree with her claim that "the notion of human rights had an implacable logic"?

Week 4. Feb. 1 Early Modern Crucibles: The French Revolution

Lynn Hunt, *Inventing Human Rights*, pp. 15-175

Lynn Hunt, ed., *The French Revolution and Human Rights. A Brief Documentary History*, pp. 1-31 [skim], 38-57, 60-73, 75-89, 99-103, 106-116, 119-139; see also the helpful chronology on pp.140-1 and the questions on pp.142-3

Marcel Gauchet, "Rights of Man," from Francois Furet and Mona Ozouf, eds. *A Critical Dictionary of the French Revolution*, pp. 818-828 [C]

QUESTIONS: How do you explain the "cascading" of rights during the French Revolution? Gauchet (p.823) refers to "the impersonality required by a government operating in the name of collective individuality"; does this fit with Hunt's emphasis on "empathy"? How is it that states founded on declarations of universal rights were able to make their peace with slavery (America), political terror (France) and the exclusion of women (both)? Compare and contrast Voltaire's defense of non-Catholics in the Calas case to Las Casas's defense of non-Christians in South America.

Week 5. Feb. 8 no class

Week 6. Feb. 15 Responses to Revolutionary Rights

Jeremy Waldron, ed., *'Nonsense Upon Stilts': Bentham, Burke, and Marx on the Rights of Man*, pp. 29-150 [C]. Give especially close attention to the three primary sources:

Jeremy Bentham, "Anarchical Fallacies," pp. 46-76

Edmund Burke, "Reflections on the Revolution in France," pp. 96-118

Karl Marx, "On the Jewish Question," pp. 137-50

QUESTIONS: What were the main contemporary criticisms of the idea of rights as articulated in the Declaration of the Rights of Man and the Citizen? Which critiques are most convincing, and why?

Week 7. Feb. 22 Slavery and Abolitionism

Thomas Bender, ed., *The Antislavery Debate: Capitalism and Abolitionism As a Problem in Historical Interpretation*, pp. 1-237

QUESTIONS: What is it about capitalism, according to Haskell, that changes the way people think about moral relationships? What are the strengths and weaknesses of his argument?

Week 8. Mar. 1 Social Rights: Toward Socialism?

Maximilien de Robespierre, excerpt from "On Property Rights" [C]

Review: Marx, "On the Jewish Question" [see Week 6]

Friedrich Engels, excerpt from "Anti-Dühring" [C]

Gaston Rimlinger, "Capitalism and Human Rights," *Daedalus* 112 (Fall 1983), pp. 51-79 [JSTOR]

Leon Trotsky, excerpt from "Their Morals and Ours" [C]

Yanni Kotsonis, "A European Experience: Human rights and Citizenship in Revolutionary Russia," in *Human Rights and Revolutions*, pp. 83-94

Excerpts from the Soviet constitutions of 1918 and 1936 [C]

Benjamin Nathans, "Soviet Rights-Talk in the Post-Stalin Era," in Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century*, pp. 166-190 [C]

QUESTIONS: In what ways does Rimlinger's analysis of capitalism and human rights address Marx's criticism? Does the Soviet Union's vision of rights represent the logical extension of the rights articulated in the 18th-century revolutions?

Week 9. Mar. 8 no class - spring break

Week 10. Mar. 15 20th-Century Crucibles: World War and Holocaust

Hunt, *Inventing Human Rights*, pp. 176-214, 223-29 (text of UDHR)

Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice*, pp. 143-242 [C]

Hannah Arendt, "The Perplexities of the Rights of Man," *Origins of Totalitarianism*, 290-302 [C]

Mark Mazower, "The Strange Triumph of Human Rights, 1933-1950," *Historical Journal* vol.47, no.2 (June 2004), pp. 379-398 [JSTOR]

Website on the U.N. Universal Declaration of Human Rights:

<http://ccnmtl.columbia.edu/projects/mmt/udhr/index.html>

QUESTIONS: Did the 1948 UDHR fulfill the 18th-century rights tradition, or does it represent a revolutionary break with that tradition, a "rights revolution"? What are the key similarities and differences between the text of the UDHR and the rights-documents from the American and French Revolutions?

Week 11. Mar. 22

Human Rights as a Non-Governmental Task

Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (selections TBA)
Tom Buchanan, “‘The Truth Will Set You Free’: The Making of Amnesty International,” *Journal of Contemporary History*, Vol. 37, No. 4 (Oct., 2002), pp. 575-97 [JSTOR]
Benjamin Nathans, “Ombudsman of the World: Amnesty International and the Soviet Dissident Movement” (unpublished book chapter) [C]

QUESTIONS: TBA

Week 12. Mar. 29

Globalization and Human Rights, Part 1: Cultural Relativism and the Legacies of Decolonization

Roland Burke, *Decolonization and the Evolution of International Human Rights* (feel free to skip or skim Chapter Two)
Florence Bernault, “What Absence is Made of: Human rights in Africa,” in *Human Rights and Revolutions*, pp. 121-135
Bilahari Kausikan, “Asia's Different Standard,” and Aryeh Neier, “Asia's Unacceptable Standard,” *Foreign Policy* (Fall 1993), pp. 24-41 and 42-51 [JSTOR]
Charles Taylor, “Conditions for an Unforced Consensus on Human Rights,” in *The Philosophy of Human Rights*, pp. 409-23 [C]

QUESTIONS: One scholar of human rights has written, “Human rights has gone global by going local, imbedding itself in the soil of cultures and worldviews independent of the West, in order to sustain ordinary people’s struggles against unjust states and oppressive social practices.” In what ways does Burke’s book support or cast doubt on this claim? With respect to human rights, is globalization just a euphemism for Westernization?

Week 13. Apr. 5

Globalization and Human Rights, Part 2: American Exceptionalism

Michael Ignatieff, ed., *American Exceptionalism and Human Rights*, pp. 1-26, 57-197, 241-76, 304-38
Malcolm X, excerpt from “The Ballot or the Bullet,” in *Malcolm X Speaks*, pp.34-35 [C]
Carol Anderson, “A ‘Hollow Mockery’: African Americans, White Supremacy, and the Development of Human Rights in the United States,” in Cynthia Soohoo et al., eds., *Bringing Human Rights Home: A History of Human Rights in the United States*, pp. 68-99 [C]

QUESTIONS: Is “American exceptionalism” a variant of the “cultural relativism” argument?

Week 14. Apr. 12 Looking Back

Samuel Moyn, *The Last Utopia: Human Rights in History*, pp. 1-175

Thomas Haskell, "The Curious Persistence of Rights Talk in the 'Age of Interpretation'," *Journal of American History* 74 (1987):984-1012. [JSTOR]

QUESTIONS: Why does Moyn insist that human rights are a very recent phenomenon? Why does this claim matter? How does Haskell account for the ubiquity of "rights talk" in an era of moral relativism?

Week 15. Apr. 19 Looking Forward

Jeremy Waldron, ed., 'Nonsense Upon Stilts', pp. 151-209 [C]

Samuel Moyn, *The Last Utopia: Human Rights in History*, pp. 176-227

Richard Rorty, "Human Rights, Rationality, and Sentimentality," in *The Philosophy of Human Rights*, pp. 241-57 [C]

Peter Singer, "Animal Liberation at 30," *New York Review of Books* Volume 50, Number 8 · May 15, 2003 [access on-line via Franklin]

QUESTIONS: How does Moyn change the way you think about the material we have covered in this course? Are human rights utopian (Moyn) or not (Waldron) - and why might that matter? Why does Rorty call for a non-absolutist, non-transcendent version of human rights, grounded not in human nature but in human history? What are its advantages and disadvantages for the practical fulfillment of human rights norms? Can Rorty's call for a non-universal, non-foundational notion of human rights ever achieve moral authority? Does Singer's argument for extending rights to animals weaken or strengthen rights for human beings?

***** Take-home final exam handed out in class - due by noon on Monday April 30 *****