

**History 600, Spring 2007**  
**The History of the Idea of Human Rights**

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This seminar will investigate the development of the idea of "human rights" from ancient times to the present. We will look at secular and religious visions of human rights, considering arguments about "natural rights," "universalism," and "cultural relativism." We will focus particular attention on the development of the modern idea of human rights—and will look in depth at the connections among war, retribution, and international human rights law.

**Format:** This is an advanced seminar that requires your regular attendance and full participation.

**Weeks 2 through 13 we will conduct the class like a reading group.**

-Each week all students will come up with two discussion questions based on the readings. The questions must be sent to me and to the week's discussion facilitator(s) via e-mail by noon the day before the seminar meets.

-Each week students will write one-page "response papers." These papers are due no later than 10 p.m. the evening before the seminar meets. The response papers also should be sent to me via e-mail.

**Weeks 14 and 15 students will give short research presentations.**

-Please note: Students are expected to begin work on their research papers during the first weeks of the semester—and are encouraged to come to office hours throughout the semester to discuss paper topics. There are important deadlines weeks 7 and 10. Research papers are due by 5 p.m. on May 11. No extensions. No incompletes. No exceptions.

**Grades:** Course grades will be determined on the basis of participation, response papers, and a 15-page research paper.

**Readings:** Books with an \* are available at the University Bookstore. All books are also on reserve at College Library. Readings marked (P) are in the Course Packet, which is being sold at Student Print in Memorial Union; these readings will also be available on electronic reserve. (You can purchase the packet or print out the readings yourself—but you must bring copies to class each week.) Readings marked (W) are available on-line. On-line resources include the Avalon Project, the United Nations website, and the Liberty Fund.

**INTRODUCTION**

**Week (1/25): "Human Rights"—Definitions, Ideals, and Politics**

## **PART I: THE SEARCH FOR HISTORICAL PRECURSORS**

### **Week 2 (2/1): Is it Anachronistic to Talk about Rights in the Ancient World?**

(P) Kenneth Minogue "The History of the Idea of Human Rights," in Walter Laqueur and Barry Rubin, eds., *The Human Rights Reader* (1979), pp. 1-17.

(P) Anthony Pagden, "Human Rights, Natural Rights, and Europe's Imperial Legacy," *Political Theory*, vol. 31, no. 2 (April 2003): 171-199.

(P) Richard Bauman, *Human Rights in Ancient Rome* (2000), pp. 1-19, 36-50.

(P) Plato, *Republic* (c. 360 BCE), selection from Patrick Hayden, ed., *Philosophy of Human Rights* (2001), pp. 13-23.

(P) Aristotle, *Politics* (c. 350 BCE), selection from Hayden, ed., *Philosophy of Human Rights*, pp. 24-32.

(P) Cicero, *On the Laws* (c. 52 BCE), selection from Hayden, ed., *Philosophy of Human Rights*, pp. 34-41.

### **Week 3 (2/9): Religion, Tolerance, and the Meaning of "Human"**

\*Micheline R. Ishay, *The History of Human Rights* (2004), pp. 16-116.

(P) Brian Tierney, "Aristotle and the American Indians," chapter 11 of his *The Idea of Natural Rights* (Atlanta: Scholars Press, 1997), pp. 255-287.

(P) Saint Augustine, *The City of God* (c. 413-426), selection from Micheline R. Ishay, ed., *The Human Rights Reader* (1997), pp. 38-42.

(P) *The Koran* (c. 632), selection from Ishay, ed., *Human Rights Reader*, pp. 42-57.

(P) *Magna Charta* (1215), in Ishay, ed., *Human Rights Reader*, pp. 57-59.

(P) Thomas Aquinas, *Summa Theologica* (c. 1265-1274), selection from Ishay, ed., *Human Rights Reader*, pp. 59-67.

(P) Juan Gines de Sepulveda, *The Second Democrates* (1547) selection from *Digital History*.

(P) Bartolome de La Casas, *Defense of the Indians* (1550) selection from Ishay, ed., *Human Rights Reader*, pp. 67-72.

### **Week 4 (2/16): "Rights Talk" in Early Modern Europe**

(P) Johann Sommerville, "Selden, Grotius, and the Seventeenth-Century Intellectual Revolution in Moral and Political Theory," in Victoria Kahn and Lorna Hutson, eds., *Rhetoric and Law in Early Modern Europe* (New Haven: Yale University Press, 2001), 318-344.

(P) Hugo Grotius, *The Rights of War and Peace* (1625) selection from Ishay, ed., *Human Rights Reader*, pp. 73-84.

(P) John Locke, *The Second Treatise of Government* (1690), selection from Hayden, ed., *Philosophy of Human Rights*, pp. 71-79.

(P) Jean-Jacques Rousseau, *On the Geneva Manuscript* (1762), selection from Ishay, ed., *Human Rights Reader*, pp. 114-119.

\*Lynn Hunt, ed., *The French Revolution and Human Rights* (1996), introduction and selected documents.

## **INTERLUDE 1: LIBRARY SESSION**

### **Week 5 (2/22): Meet at Memorial Library**

## **PART II: HUMAN RIGHTS AND INTERNATIONAL LAW**

### **Week 6 (3/1): Human Rights and International Laws of War**

\*Paul Gordon Lauren, *The Evolution of International Human Rights* (2003), pp. 37-134.

(P) Mark Mazower, "An International Civilization? Empire, Internationalism, and the Crisis of the Mid-Twentieth Century," *International Affairs*, vol. 82, no. 3 (May 2006): 553-566.

(P) Geoffrey Best, "The Legislative Foundations, 1815-1914: Conscience, Codes, and Compromise," chapter 3 of his *Humanity in Warfare* (1980), pp. 128-215.

(W) The Hague Congresses (1899, 1907).

(W) The Fourteen Points Address (1918).

(W) The Covenant of the League of Nations (1919).

(W) The Kellogg-Briand Pact (1928).

### **Week 7 (3/8): Nuremberg and the "Rebirth" of International Law**

(P) Elizabeth Borgwardt, *A New Deal For the World* (2005), pp. 218-247.

(P) Sheldon Gluck, *The Nuremberg Trial and Aggressive War* (1946), pp. 3-45.

(P) Montgomery Belgion, *Victor's Justice* (1949), pp. 1-42.

\*Michael Marrus, *The Nuremberg War Crimes Trial, 1945-46* (1997), selected documents.

### **DEADLINE 1: Research Paper Proposal**

## **PART III: HUMAN RIGHTS AS "UNIVERSALIST PROJECT"?**

### **Week 8 (3/15): The Universal Declaration and Beyond**

\*Lauren, *Evolution of International Human Rights*, pp. 135-270.

(W) United Nations Charter (1945).

(W) United Nations Universal Declaration of Human Rights (1948).

(W) European Convention for the Protection of Human Rights (1950).

(W) United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1951).

(W) United Nations Convention on the Political Rights of Women (1952).

(W) European Social Charter (1961).

(W) United Nations International Covenant on Civil and Political Rights (1966).

(W) United Nations International Covenant on Economic, Social, and Cultural Rights (1966).

### **Week 9 (3/22): Universalism Revisited**

\*Ishay, *History of Human Rights*, pp 245-314.

(P) Jack Donnelly, "Human Rights and Cultural Relativism," chapter 6 of his *Universal Human Rights in Theory and Practice* (2003), pp. 89-123.

(P) Bhikhu Parekh, "Non-Ethnocentric Universalism," in Tom Dunne and Nicholas J. Wheeler, eds., *Human Rights in Global Politics* (1999), pp. 128-159.

(P) Kenneth Cmiel, "Human Rights, Freedom of Information, and the Origins of Third-World Solidarity," in Mark Philip Bradley and Patrice Petro, eds., *Truth Claims: Representation and Human Rights* (2002), 107-130.

**Week 10 (3/29): Human Rights, the USSR, and the Politics of the Cold War**

- (P) Joshua Rubenstein, *Soviet Dissidents: Their Struggle for Human Rights* (1980), pp. 31-96.  
(P) Joshua Rubenstein and Alexander Gribanov, eds., *The KGB File of Andrei Sakharov* (2005), pp. 100-110, 122-129, 150-159.  
(P) Andrei Sakharov, "How I Came to Dissent" (1974).  
(P) Andrei Sakharov, *Progress, Coexistence and Intellectual Freedom* (1968), pp. 59-67, 71-85.  
(P) Aleksandr Solzhenitsyn, *Letter to Soviet Leaders* (1974), 7-13, 42-59.  
(W) Articles from *Time Magazine* (Feb. 25 and April 22, 1974).  
(W) The Helsinki Agreement (1975).

**DEADLINE 2: Research Paper Outline and Bibliography**

**INTERLUDE 2: SPRING BREAK**

**Week 11 (4/5): Break**

**PART IV: HUMAN RIGHTS AS A MEANS FOR GLOBAL JUSTICE?**

**Week 12 (4/12): Human Rights and the Problem of Genocide**

- \*Samantha Power, *A Problem from Hell* (2003), selected chapters.  
(P) David Rieff, "A New Age of Liberal Imperialism," in Jeffrey Wasserstrom, Lynn Hunt and Marilyn Young, eds., *Human Rights and Revolutions* (2000), pp. 177-190.

**Week 13 (4/19): Courts, Truth Commissions, and Justice**

- (P) Jose Zalaquett, "Balancing Ethical Imperatives and Political Constraints," *Hastings Law Journal*, vol. 43 (August 1992): 1425-1438.  
(P) Juan E. Mendez, "Accountability for Past Abuses," *Human Rights Quarterly*, vol. 19, no. 2 (1997): 255-282.  
(P) Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (1995), vol. 2, pp. 453-494; vol. 3, pp. 101-143, 163-173.

**Week 14 (4/26): Human Rights After 9/11**

- \*Michael Ignatieff, *Human Rights as Politics and Idolatry* (2001).  
(P) Richard A. Falk, "The Geopolitics of Exclusion," in *Human Rights Horizons* (2000), pp. 147-164.  
(W) "Human Rights in Islam" *Institute of Islamic Information and Education Brochure Series*; No. 7.

**PART V: RESEARCH PRESENTATIONS**

**Week 14 (5/3)**

**Week 15 (5/10)**