



# **Rights in Political Theory and International Relations**

**Winter 2012**

**Professor Rainer Bauböck  
Professor Chris Reus-Smit**

**Tuesdays 3-5pm  
Seminar Room 2**

**Register with: [Maureen.Lechleitner@eui.eu](mailto:Maureen.Lechleitner@eui.eu)**

## **Overview**

This seminar explores the justifications for human and citizenship rights and the relation between these two types of general rights from the perspective of international relations theory and normative political theory.

The seminar is structured into two main thematic blocks. In the first one, we introduce the topic by discussing the origin of the language of rights (week 1), theoretical conceptions of rights (week 2), 19<sup>th</sup> century critiques of human rights (week 3), and contemporary theory debates about their justifications (week 4).

The second theme is the contested universal scope of rights. We will discuss three problems that concern boundaries in the double sense of moral limits of universal rights regime and of the role of political boundaries in structuring these regimes. First, the right of peoples to self-determination, proclaimed by the UN Charter and the 1966 Human Rights Covenants (week 5): Who are the peoples that enjoy self-determination and how can a right to determine the boundaries of political community be conceived as a universal human right? Second, the distinction between citizens and non-citizens, which is seen to be a requirement for representative democracy (week 6): Can principles of democratic legitimacy determine claims to citizenship and justify the denial of admission to would-be immigrants? Third, human rights need to be enforced to become effective, but when do states have rights or duties to intervene in other states in order to protect human rights (week 7)? After discussing these three questions of how the international state system impacts on and constrains universal rights, we will reverse the question and ask how claims for rights have contributed to the evolution of that system itself (week 8).

For the penultimate meeting of the seminar (week 9), we have invited Henry Shue as a guest speaker who will talk about the question how global climate change can be conceived as a “third generation” human rights problem.

The seminar will conclude with a roundtable debate among seminar participants (week 10).

## Seminar Program

1. Rights cultures
2. The nature of rights and rights claims
3. Human rights and their justification
4. Three critiques of human and citizenship rights
5. Boundary problem 1: The right to self-determination
6. Boundary problem 2: Citizenship inclusion and free movement
7. Boundary problem 3: Enforcement and humanitarian intervention
8. Individual rights and systemic change
9. Human rights and climate change
10. Rights in political and international theory: a reevaluation

## Seminar Requirements

Participants are asked:

- to read all the basic seminar texts (mandatory readings are marked with an asterisk)
- to give one presentation that includes additional reading, with an outline disseminated until Friday of the week before
- *to engage actively in discussions, and this includes preparing oral comments for discussion based on the reading and the outline of the presentation*

Researchers who wish to take this seminar for credit, must write a research paper. They must send an outline before 6 March. The full paper has to be submitted by 31 May to [Maureen.Lechleitner@eui.eu](mailto:Maureen.Lechleitner@eui.eu).

Auditing participants should register with the professors, do all mandatory reading and attend regularly

# Seminar Readings

Discussion is a crucial part of this seminar, and it is essential that researchers prepare by doing all of the mandatory readings each week.

## Week 1

(17 January)

### Rights cultures

- \* Christian Reus-Smit, 'Toward an Historical Sociology of Rights Politics' (Unpublished Manuscript).
- \* Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: Free Press, 1994), Chapters One and Two.
- Louis Dumont, *Homo Hierarchicus: The Caste System and Its Implications* (London: Paladin, 1972), pp. 104-150.
- S. N. Eisenstadt and Louis Roniger, 'Patron-Client Relations as a Model for Structuring Social Exchange', *Comparative Studies in Society and History* (Vol.22, No.1, 1980), pp.42-77.

## Week 2

(24 January)

### The nature of rights and rights claims

- \* Joel Feinberg, *Rights, Justice, and the Bounds of Liberty* (Princeton NJ: Princeton University Press, 1980), pp. 130-155.
- \* H. L. A. 'Are There Any Natural Rights?', in Jeremy Waldron (ed), *Theories of Rights* (Oxford: Oxford University Press, 1984).
- \* Peter Jones, *Rights* (London: Macmillan, 1994), pp. 12-26.

## Week 3

(31 January)

### Human rights and their justification

- \* John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), pp.198-230
- \* Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2003), pp.7-56.
- \* Richard Rorty, 'Human Rights, Rationality, and Sentimentality', in *The*

Belgrade Circle, *The Politics of Human Rights* (London: Verso, 1999), pp. 67-83.

\* Chris Brown, *Practical Judgement in International Political Theory* (London: Routledge Press, 2010), pp. 53-71.

## **Week 4**

### **(7 February) Three critiques of citizenship and human rights**

**Guest Speaker: Inés Valdez, Max Weber Fellow)**

\* Jeremy Bentham: Nonsense upon stilts (many editions available, e.g. in: Waldron, J., Ed. (1987). *Nonsense upon Stilts. Bentham, Burke and Marx on the Rights of Man*. London, Methuen).

\* Edmund Burke: Letter on the French Revolution (many editions available, e.g. in: Waldron, J., Ed. (1987). *Nonsense upon Stilts. Bentham, Burke and Marx on the Rights of Man*. London, Methuen)

\* Karl Marx, 'On the Jewish Question' (many editions available, e.g. in: Waldron, J., Ed. (1987). *Nonsense upon Stilts. Bentham, Burke and Marx on the Rights of Man*. London, Methuen).

'Declaration of the Rights of Man and the Citizen'; many editions available, for example in Dale Van Kley (ed.), *The French Idea of Freedom. The Old Regime and the Declaration of Rights of 1789* (Stanford, Cal., 1994), pp. 1-5

Kenneth Baynes, 'Rights as Critique and the Critique of Rights: Karl Marx, Wendy Brown and the Social Function of Rights', *Political Theory*, vol. 28, no. 4 (2000), pp. 451-468

## **Week 5**

### **(14 February) Boundary problem 1: The right to self-determination**

\* Alan Buchanan (2004). Justice, Legitimacy, and Self-Determination. Moral Foundations for International Law. Oxford, Oxford University Press, chapter 8, pp. 331-400.

Antonio Cassese (1995). Self-Determination of Peoples. A Legal Reappraisal. Cambridge, Cambridge University Press, chapter 6, pp. 141-158.

Harry Beran. (1989). A democratic theory of political self-determination for a new world order. Theories of Secession. P. Lehning. London, Routledge: 32-59.

## **Week 6**

### **(21 February) Boundary problem 2: Citizenship inclusion and free movement**

- \* Robert Goodin, "Enfranchising All Affected Interests, and Its Alternatives", *Philosophy and Public Affairs*, vol. 35, no 1, 2007, pp. 40-68.
- \* Abizadeh, A. (2008). "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders." *Political Theory* **36**(1): 37-65.
- Robert A. Dahl (1989): *Democracy and its Critics*, Yale University Press: New Haven and London, chapter 9: The Problem of Inclusion, pp. 119-134.
- David Miller (2010). "Why Immigration Controls are not Coercive: a reply to Arash Abizadeh." *Political Theory* **38**(1): 111-120.
- Rainer Bauböck (2009). "Global Justice, Freedom of Movement and Democratic Citizenship." *European Journal of Sociology/Archives européennes de sociologie* **50**(1): 1-31.

## **Week 7**

### **(28 February) Boundary problem 3: Enforcement and humanitarian intervention**

- \* Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 2000 Third Edition), Part 2, pp.51-126.
- \* Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), pp.21-52.
- \* Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000), pp.97-129, 249-293.

## **Week 8**

### **(6 March) Individual rights and systemic change**

- \* Christian Reus-Smit, 'Struggles for Individual Rights and the Expansion of the International System', *International Organization* (Vol.65, No.2, 2011), pp.207-242.
- \* Bonny Ibhawoh, *Imperialism and Human Rights* (Albany: State University of New York, 2007), pp.29-84.

**Week 9****(13 March)****Human rights and climate change****Guest speaker: Professor Henry Shue**

\* Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1996 Second Edition), pp.5-88.

\* Henry Shue, 'Human Rights, Climate Change, and the Trillionth Ton', in Denis Arnold (ed.), *The Ethics of Climate Change* (Cambridge: Cambridge University Press, 2011), pp.292-314.

**Week 10****(20 March)****Rights in political and international theory:  
a re-evaluation**