



The Hebrew University of Jerusalem

Syllabus

Human Rights: The Greek Experience - 39022

Last update 05-09-2021

HU Credits: 2

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: History

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Matthias Schmidt

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Coordinator Office Hours: Mondays - 14:00-16:00

Teaching Staff:

Dr. Matthias Schmidt

Course/Module description:

Most historians would agree that source evidence from Greek and Roman antiquity for the centrality of modern human rights is not really promising. The history of the modern concept(s) of universal human rights in the Western hemisphere might be traced back to the enlightenment of the 17th/18th century and its philosophical debates on benevolent social practice - or more likely to the second half of the 20th century only. Nevertheless, researchers in different disciplines assume that the European discourse on human rights date further back, while the idea of rights is as old as civilization. Therefore, Western and European societies search “for cultural factors that facilitated the creation and transmission of human values across history” (Rachel Hall Sternberg, *The Ancient Greek Roots of Human Rights*). In consequence, sources from the ancient Greek worlds are read and understood also as antecedents for modern human rights law in general - not in the sense of direct influence, but in form of premises, ideas, and normative concepts and frameworks for existing human rights law (Dinah Shelton, *Oxford Handbook of International Humans Rights Law*, 3). Other researchers disagree and follow an alternative approach assuming that it is “more convincing to argue a present cause by first determining its political meaning today” (Samual Moyn, *Human Rights and the Uses of History*, 61). The seminar will deal with the question of existence and meaning of “human rights” and other civil/social/political rights in different periods of Greek history in antiquity as possible sources of modern universal human rights law. Relevant texts from different periods will be read and analyzed in order to understand if (and how) modern concepts of human rights might be rooted in ancient Greek civilization, history and thought - or if the reference to Greek antiquity in human rights law is used to “update the myth of ‘Western civilization’ to suit momentary agendas” (Samual Moyn, *Human Rights and the Uses of History*, xiv).

Course/Module aims:

The students will explore ancient Greek sources from different cultural-social-political spheres and contexts during the periods of Greek history in a comparative perspective. They will discover the meanings and functions of these source texts in their historical contexts. They will identify conceptual elements of individual or collective “human rights” and other civil/social/political rights and discuss their value for modern human rights law, realizing that these ideas were already challenged in antiquity by “hierarchy, power and subordination” (Shelton, *Handbook*, 3). Through a critical and complex reading the students will compare the concept of ancient sources with underlying concepts of modern human rights law - like the universality of human rights and human dignity, the question of natural law/rights, the role of civil society, equality and democracy or the problem of universalism versus cultural relativism. They will develop arguments in order to

support or reject the theories and approaches concerning the “transmission of human values across history”. During the course students will get acquainted with different models and developments towards the value of Greek political and philosophical thinking as antecedents for the creation of modern human rights concepts. The discussion will contribute to the understanding of the different nature and purposes of ancient and modern discourses on “human rights”.

Learning outcomes - On successful completion of this module, students should be able to:

- * identify different and changing concepts of individual and collective rights in a variety of social/political and intellectual contexts and periods in ancient Greek history;
- * determine ideas and normative concepts of “human rights” expressed in ancient sources in their historical contexts;
- * describe the elements of the underlying concepts and their importance for the transmission of human values across history;
- * evaluate the meaning and importance of Greek concepts as antecedents for modern human rights law and determine their political meaning today;
- * understand the history and development of human rights law;
- * assess the variety of modern approaches towards the question of the history of human rights and their political agenda;
- * develop an awareness of the nature and purposes of using ancient concepts as antecedents for modern human rights law;
- * select and synthesize material from lectures and recommended primary and secondary sources as well as research literature to use in oral and written discussions of set topics.

Attendance requirements(%):

90%

Teaching arrangement and method of instruction: Reading, analysis and interpretation of primary and secondary sources of different nature of historiography, philosophy, inscriptions, legislation and contracts as well as artifacts; presentation and discussion of research literature; preliminary readings for each session will be circulated and must be prepared in advance. In the seminar, lectures, power point presentations, class room discussions, group work and student presentations will alternate.

Course/Module Content:

The following work plan gives the main structure of the seminar. An extended work plan with detailed source references will be published on moodle step by step during the term.

1. Introduction

1.1 What are “Human Rights”? - Definitions, Approaches, Examples

1.2 Research Problems and Methodology: Is there a History of Human Rights Law before the 20th century?

1.3 Defining Normative Conceptual Elements: Natural Rights - Universal Law - Universal Ethics - Unity of Humanity - Philanthropia - Dignity - Justice - Equality - Democracy - Political Participation - Free Speech - Individual Freedom - Universalism and Ethnocentrism - Cultural Relativism

2. The Early Literature:

2.1 Homer and the Civilised War Heroes - Origins of a Common Humanity?

2.2 Hesiod and the Life of Ordinary People

3. The Classical Period

3.1 The Athenian Model: Democracy, Freedom, Equality and Justice (Herodotus, Thucydides, Xenophon; Aischylos, Sophocles)

3.2 After the Crisis: The Philosophical and the Political answers (Platon, Aristotle; Demosthenes, Isocrates)

4. The Hellenistic Period

4.1 Universalism and Ethnocentrism in Alexander’s Empire (Plutarch, Arrian, Diodorus)

4.2 Empire and Natural Equality: The Stoic Philosophy

4.3 Brutality, Warfare and Diplomacy (Polybios, Diodorus)

4.4 Hellenistic Judaism and Early Christianity (Philo of Alexandria, Josephus Flavius; Paulus of Tarsus; the Gospel Authors)

5. Conclusion

5.1 Human Rights in the Greek World: An Anachronism or a contribution to the modern discourse?

Required Reading:

The actual required reading (documents, articles, book chapters) will be determined in relation to the specific subjects of the course. All items of the required reading will be posted in due course on the moodle.page for the seminar in chronological order according to the speed of our work capacity in the seminar. The following list includes items texts focused on the question of Human rights in Greek antiquity as well as more general historical surveys referring inter alia to the Greek and Roman World in the context of Human rights.

Richard A. Baumann, "Introduction", in: *Human Rights in Ancient Rome*, London-New York: Routledge, 2000, 1-9 (on moodle; and online access via Mount Scopus Library) .

Richard A. Baumann, "Human Rights: the Greek experience", in: *Human Rights in Ancient Rome*, London-New York: Routledge, 2000, chap. 2: 10-19 (on moodle; and online access via Mount Scopus Library).

Paul Cartledge, Matt Edge, "'Rights', Individuals, and Communities in Ancient Greece", in: Ryan K. Balot (ed.), *A Companion to Greek and Roman political thought*, Chichester, England: Wiley-Blackwell, 149-163 (on moodle; and online access via Mount Scopus Library).

Maurice Cranston, "What are Human Rights", in: Walter Laqueur, Barry Rubin (eds.), *The Human Rights Reader*, New York: New American Library, revised edition 1990, 17-25 (on moodle; and Mount Scopus Library JC571 H76 1990).

Jack Donneley, "The Concept of Human Rights", in: *idem.*, *Universal Human Rights in Theory and Practice*, Cornell University Press, 3rd edition, 2013, chap. 1: 7-23 (on moodle; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) DON 3).

Jack Donneley, "A Brief History of Human Rights", in: *idem.*, *Universal Human Rights in Theory and Practice*, Cornell University Press, 3rd edition, 2013, chap. 5: 75-92 (on moodle; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) DON 3).

John M. Headley, "The Universalizing Principle and the Idea of a Common Humanity", in: *idem.*, *The Europeanization of the World. On the Origins of Human Rights and Democracy*, Princeton-Oxford: Princeton University Press, 2008, chap. 2: 63-148 (online access via Mount Scopus Library and JC 423 H425 2008).

Louis Henkin, *The Age of Rights*, New York: Columbia University Press, 1990, 1-5 (reprinted in: Louis Henkin, Gerald L. Neuman et. al. (eds.), *Human Rights*, New York: Foundation Press, 1999, 2-6; on moodle).

Micheline R. Ishay, "Early Ethical Contributions to Human Rights", in: *idem.*, *The History of Human Rights from Ancient Times to the Globalization Era*, Berkeley-Los Angeles, University of California Press, 2004 (on moodle, and Mount Scopus Library JC 571 I73 2004), chap 1: 15-61.

Paul Gordon Lauren, "The Foundations of Justice and Human Rights in Early Legal Texts and Thoughts", in: Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford: Oxford University Press, 2013, 163-193, (online access via Mount Scopus Library; and Law Faculty Library Mount Scopus, Middle Level General 342.7 (100) OXF).

Kenneth Minogue, "The History of the Idea of Human Rights", in: Walter Laqueur, Barry Rubin (eds.), *The Human Rights Reader*, New York: New American Library, revised edition 1990, 3-17 (on moodle; and Mount Scopus Library JC571 H76 1990).

Philip Mitsis, "Natural Law and Natural Right in Post-Aristotelian Philosophy. The Stoics and Their Critics", in: ANRW II 36.7 (1994), 4812-4850 (on moodle).

Anthony Preus, "Did the Ancient Greeks have a Concept of Human Rights?", in: *International Journal of Decision Ethics*, 1.2 (2005) 43-64 (on moodle; and online at > *Philosophy Faculty Scholarship* 24 (2005) > https://orb.binghamton.edu/philosophy_fac/24)

Josiah Ober, "Meritocratic and civic dignity in Greco-Roman antiquity", in: Marcus Düwell et. al. (eds.), *The Cambridge handbook of human dignity: Interdisciplinary perspectives*, Cambridge: Cambridge University Press, 2014, 53-63 (on moodle; and > online access via Mount Scopus Library).

Brian Orend, *Human Rights. Concepts and Context*, Peterborough, Canada: Broadview Press, 2002, chapter 7: *History I: Origins to the Nineteenth Century*, 91-212.

Rachel Hall Sternberg, *The Ancient Greek Roots of Human Rights*, Austin: University of Texas Press, 2021.

Siep Stuurman, "Introduction: How Cross-Cultural Equality Became Thinkable", in: *idem.*, *The Invention of Humanity. Equality and Cultural Differences in World History*, Cambridge, Mass., - London: Harvard University Press, 2017, 1-30 (on moodle; Mount Scopus Library HM 821 S778 2017).

Siep Stuurman, "Visions of a Common Humanity", in: *idem.*, *The Invention of Humanity. Equality and Cultural Differences in World History*, Cambridge, Mass.,-London: Harvard University Press, 2017, chap. 1: 31-66 (on moodle; Mount Scopus Library HM 821 S778 2017).

Robert W. Wallace, "Personal Freedom in Greek Democracies, Republican Rome, and Modern Liberal States", in: Ryan K. Balot (ed.), *A Companion to Greek and Roman political thought*, Chichester, England: Wiley-Blackwell, 164-177 (on moodle; and > online access via Mount Scopus Library).

Susan Ford Wiltshire, *Greece, Rome and the Bill of Rights*, Norman-London: University of Oklahoma Press, 1992.

Additional Reading Material:

The titles below are considered as additional reading. They include comprehensive introductions to different or general aspects of our subject, monographs on certain issues and problems, but also some specific publications on different issues, which might give perspectives beyond the discussion in class. If necessary - some sections of these items will become obligatory reading during the course and then posted on the moodle.page.

1) General Readers & Handbooks

Charles R. Beitz, *The Idea of Human Rights*, Oxford: Oxford University Press, 2009 (Mount Scopus Library JC 571 B453 2009).

Scott Sheeran, Sir Nigel Rodley, *Routledge Handbook of International Human Rights Law*, London New York: Routledge. Taylor & Francis Group, 2013 (online access via Mount Scopus Library; and Law Library Mount Scopus, Middle Level General 342.7 (100) ROU).

Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford: Oxford University Press, 2013, esp. Part I: Theoretical Foundations, 9-143; Part II Historical and Legal Sources, 144-344; Part III Structural Principles, 345-498 (online access via Mount Scopus Library; and Law Library Mount Scopus, Middle Level General 342.7 (100) OXF).

1) Origins, Genealogy and Historical Developments

Jack Donnelly, "A Brief History of Human Rights", in: *idem.*, *Universal Human Rights in Theory and Practice*, Cornell University Press, 3rd edition, 2013, chap. 5: 75-92 (Law Library Mount Scopus, Middle Level General 342.7 (100) DON 3).

Jack Donnelly, "Human Rights and Human Dignity: An Analytical Critique of Non-Western Conceptions of Human Rights", in: *The American Political Science Review* 76.2 (Jun 1982), 303-316.

John M. Headley, "The Universalizing Principle and the Idea of a Common Humanity", in: *idem.*, *The Europeanization of the World. On the Origins of Human Rights and Democracy*, Princeton-Oxford: Princeton University Press, 2008, chap. 2: 9-62 (online access via Mount Scopus Library; and Mount Scopus Library JC 423 H425 2008).

Stephen James, *Universal Human Rights. Origins and Development*, New York: LFB Scholarly Publishing LLC, 2007 (online access via Mount Scopus Library).

Hans Joas, *The Sacredness of the Person. A new Genealogy of Human Rights*, Washington, D.C.: Georgetown University Press, 2013 (online access via Mount Scopus Library).

Johannes Morsink, *The Universal Declaration of Human Rights. Origins, Drafting & Intent*, Philadelphia: University of Pennsylvania Press, 1999 (online access via Mount Scopus Library; and Law Library Mount Scopus, Middle Level General 342.7 (100) MOR).

Samuel Moyn, *Human Rights and the Uses of History*, London-New York: Verso 2014 (Law Faculty Library Mount Scopus, Middle Level General 324.7 (100) MOY).

Samuel Moyn, "Humanity before Human Rights", in: idem., *The Last Utopia. Human Rights in History*, Cambridge, Mass.,-London: The Belknap Press of Harvard University Press, 2010, chap. 1: 11-43 (online access via Mount Scopus Library).

Natale Spineto, "Models of the Relationship between God and Human in 'Paganism'", in: Katell Berthelot, Matthias Morgenstern, *The Quest for a Common Humanity. Human Dignity and Otherness in the Religious Traditions of the Mediterranean*, Leiden-Boston: Brill, 2011, 23-40 (online access via Mount Scopus Library).

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 0 %

Participation in Tutorials 10 %

Project work 90 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

In this seminar classical literature and sources are studied in English or Hebrew translations. Knowledge of Greek and Latin is not required.