

**Politics 9503A/Philosophy 9119A: Human Rights**

**September-December 2019**

**Tuesday 3:30-5:20, SSC 4112**

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Office Hours: Wednesdays 1:30-3:00 & by appointment

This course examines recent debates about the historical, moral, legal, and political aspects of human rights. Some questions to be addressed include: What are human rights? How are they justified? What do human beings have rights to? What is the point of a theory of human rights? Are human rights best understood as moral rights we possess in virtue of being human? Or are they best defined by their practical role in international politics? How does the history of human rights bear on the way we should conceive them? What is the relationship between basic moral rights and international human rights law? To what extent are human rights claims subject to feasibility tests? Can groups hold human rights? How are human rights related to the goal of distributive equality?

**Texts**

Adam Etinson (ed.), *Human Rights: Moral or Political?*, Oxford: Oxford University Press, 2018.

Samuel Moyn, *Not Enough: Human Rights in an Unequal World*, Cambridge and London: Belknap Press, 2018.

**How Your Final Mark is Determined**

30%: Participation

20%: 2,000 word (5-6 page) *Short Essay* (Due Tuesday October 8 at the start of class)

50%: 4,000-4,500 word (12-15 page) *Long Essay* (Due Friday December 6, to be handed in to me in my office, SSC 4129, between 10 am and noon)

### **Participation: 30%**

To be eligible for this portion of the final grade, students must attend all classes except when there are medical or compassionate reasons, and **hand in at each class a weekly response to the readings (one page, single spaced)**. [\*Note: you may miss one weeks' written response without penalty; each further missed response will result in a two-mark deduction from the participation grade.] This one page, single-spaced response should perform two tasks: (1) succinctly state what you take to be the main point and argument of each reading, and then (2) state what issue or issues the readings pose for discussion. The responses will be assessed on a pass/fail basis.

Students who meet this requirement will receive a mark that reflects their **contributions to seminar discussion** – average contributions will receive marks that translate into the B range, excellent contributions will receive marks that translate into the A or A+ range. I expect that all students will contribute to every class, or at least will not fail to contribute to two classes in a row.

### **Short Essay: 2,000 words (5-6 pages) 20% (Due Tuesday October 8)**

Answer this question: 'What is the relevance of history to understanding the nature of human rights?'

The *Short Essay* should be based on Part I of Etinson (i.e., pp. 41-113) and should be 2,000 words (roughly 5-6 pages, double-spaced). Late essays are subject to a penalty of 2% per day.

### **Long Essay: 4,000-4,500 words (12-15 pages) 50% (Due Friday December 6)**

Answer **one** of the following questions:

'Describe and evaluate the orthodox-political debate' (Waldron, Nickel, Sangiovanni)

'Are human rights feasible?' (Brownlee, Ashford)

'What is the relationship between the ideal of human rights and the facts of power?' (Gilabert, Coady)

'Is there a human right to collective self-determination?' (Peter Jones)

'Outline and evaluate the central arguments in Samuel Moyn's book, *Not Enough*'

The *Long Essay* (due Friday December 6, to be handed in to me in my office, SSC 4129, between 10 am and noon) is worth 50% of your course grade. The essay should draw on our required reading plus additional readings as appropriate. The essay should be 4,000-4,500 words (roughly 12-15 pages, double-spaced). Late essays are subject to a penalty of 2% per day.

## **Weekly Meetings**

At each meeting, I will begin by offering some background to a few of the issues covered in the day's assigned reading. This will *not* be a lecture on the readings themselves. Students will be expected to do this reading *before* the meeting. After my background comments, we will have an open discussion of the reading, focusing on its content, plausibility, and implications. Students are encouraged to contribute their own questions and comments.

### **September 10:** Introduction: Overview of the course

Read Etinson, 1-38 as preparation for the rest of the course.

### **September 17:** What are rights? What are human rights? Do human rights exist? What do we have rights to? What are the main arguments for and against human rights?

Hart, H.L.A., 'Are There Any Natural Rights?', *Philosophical Review*, 64 (1955) 175–191.

Nickel, James, 'Human Rights', *Stanford Encyclopedia of Philosophy*, 2019.

Sen, Amartya, 'Elements of a Theory of Human Rights,' *Philosophy & Public Affairs*, 32 (2004), 315–356.

Wenar, Leif, 'Rights', *Stanford Encyclopedia of Philosophy*, 2015.

### **September 24:** How should the history of human rights inform conceptual and theoretical claims about the nature of human rights?

Koskenniemi, Brett 41-68

Moyn, Tasioulas, Flynn 69-113

### **October 1:** What is the Orthodox-Political debate? What are the nature, grounds, content, and aims or purposes of a theory of human rights?

Waldron, Raz 117-144

Nickel, Etinson 145-173

**October 8: *Short Essay due at the start of class.***

Is the Broad View of human rights an improvement on existing alternatives? Should international human rights law implement moral human rights?

Sangiovanni, Forst 174-208

Buchanan & Sreenivasan, Mayr 211-237

**October 15:** What is the moral point of international human rights law? What is the Margin of Appreciation? Is it justified?

Kumm, Besson 238-268

Follesdal, Letsas 269-310

**October 22:** Should human rights pass a feasibility test? Are subsistence rights *real* human rights?

Brownlee, Cruft 313-336

Ashford, Weinstock 337-371

**October 29:** What are the main political challenges to human rights? Can these challenges be answered?

Gilbert, Frazer 375-408

Coady, Nesiah 409-437

**November 5: Reading Week: No Class Today**

**November 12:** Is the right of peoples to self-determination a *human* right? Does such a right justify the exclusion of outsiders?

Jones, Kymlicka 441-468

Levitov & Macedo, Benhabib 469-499

**November 19:** What were the roles of sufficiency and equality in the development of the idea of social or distributive justice, social rights, and the national welfare state?

Samuel Moyn, *Not Enough*, ix-xii and 1-67

**November 26:** How were welfare, needs, and human rights understood in the United States and the postcolonial world from the 1940s to the 1970s?

Samuel Moyn, *Not Enough*, 68-145

**December 3:** What were the roles of subsistence and equality in the global distributive justice debates of the 1970s? How have human rights been understood in the age of neoliberalism?

Samuel Moyn, *Not Enough*, 146-220

**Friday December 6: *Long Essay* due before noon to SSC 4129.**