

HUMAN RIGHTS I: PHILOSOPHICAL FOUNDATIONS OF HUMAN RIGHTS

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Pick Hall 26 T/TH 1:30-2:50

COURSE DESCRIPTION

Claims on behalf of human rights express the conviction that people are owed certain forms of treatment simply in virtue of their humanity. In this course we will investigate the notion of human rights, examining different philosophical accounts of the nature of human rights and whether or not claims about human rights can be justified. The first part of the course considers the notion of “rights” in general, in preparation for the second (and longest) part of the course, which focuses on *human* rights in particular. The third and final section of the course focuses on one human rights topic of particular importance: global economic rights as those relate to the fact of global poverty and distributive justice in global economic institutions.

APPROACH AND GOALS

The topic of human rights is of immense practical importance in the world today. And there are many disciplinary approaches one might take to the topic – e.g. history, anthropology, political science, literature, etc. This is a philosophy course, which means that we will approach our topic at a fairly high level of abstraction. Our focus will be on understanding the basic concepts involved in claims about human rights, and on analyzing the arguments in the texts we read. We will work to articulate the strongest version of each view, as well as the strongest possible criticisms of each view. Special emphasis will be placed on speaking and writing clearly, avoiding unnecessary jargon and making sound arguments.

Within philosophy, there are a variety of ways to approach human rights. While we will give some consideration to the history of philosophy, the focus of this course is on recent English-language work on human rights. A number of the essays we will read are “contemporary classics” from the last generation of work in political philosophy. Over the term, we will trace three broad approaches to human rights: Kantian-inspired “contractualism,” (Scanlon); natural law theory (Anscombe, Maritain); and a pragmatic-historic view (Ignatieff). One goal of the course is to understand the strengths and weaknesses of each of these approaches, and to discover the extent that they might supplement and support one another. By the end of the course, students will understand the core concepts of human rights, and be able to engage intelligently debates about the basis and scope of those rights.

TEXTS

Michael Ignatieff *Human Rights as Politics and Idolatry* (Princeton University Press, 2001)

Thomas Pogge *World poverty and Human Rights* 2nd edition (Cambridge, UK: Polity, 2008)

T.M. Scanlon *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge, UK: 2003)

COURSE REQUIREMENTS AND POLICIES

- The texts are available in the Seminary Co-op bookstore. Other essays are on the Chalk website.
 - First short-answer assignment. 4-5 pgs double-spaced. Due 4th week (10/19): 25% of final grade.
 - Second short-answer assignment. 4-5 pgs double-spaced. Due 8th week (11/16): 25% of final grade.
 - Final paper. 8-10 pages double-spaced. Due 11th week (12/7): 50% of final grade.
- No computers allowed in class.**
- Don't cheat or plagiarize. See the University guidelines if you are unsure what that means.

SCHEDULE OF READINGS

INTRODUCTION:

1. 9/28	Introduction: Overview of Course themes; UNDHR; Video: George Carlin on Rights	Special features of “rights” talk; Human rights and human good(s); Human right as a) basic morality and b) political philosophy
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PART I. THE IDEA OF RIGHTS: FUNDAMENTAL CONCEPTS

2. 9/30	H.L.A. Hart: “Are There any Natural Rights?”	“if there are any moral rights at all, it follows that there is at least one natural right, the equal right of all men to be free.” Classic essay on the “will theory” of rights
3. 10/5	Joseph Raz: “On the Nature of Rights”	Influential statement of the “interest theory” of rights
4. 10/7	Thomas Scanlon: “Rights, Goals and Fairness”	An early statement of Scanlon’s view, ordering some basic concepts in the realm of rights: valued consequences, individual rights, fairness/equality
5. 10/12	Elizabeth Anscombe: “The Source of the Authority of the State”	“My question is: how the state, or again how government, can be justified” Neo-Aristotelian analysis of: authority, law, right. “Stopping modals” and varieties of necessity.

PART II. THE NATURE AND GROUNDING OF HUMAN RIGHTS

A: WAYS OF CONCEIVING HUMAN RIGHTS

6. 10/14	Thomas Pogge: “How Should Human Rights Be Conceived?” Thomas Scanlon: “Human Rights as Neutral Concern”	The “institutional view” of human rights: official disrespect and individual responsibility. Human rights as universal political concern; moral rights and political rights: the “intolerable”
7. 10/19	Martha Nussbaum “Capabilities and Human Rights.”	The need for judgments about human good/flourishing in human rights; the character of such judgments
8. 10/21	Nussbaum continued. Thomas Pogge: “Human Flourishing and Universal Justice”	Further discussion of human good; worries about paternalism; focus on socioeconomic justice
9. 10/26	Michael Ignatieff, Lecture 1: “Human Rights as Politics” Michael Ignatieff, Lecture 2: “Human Rights as Idolatry”	Human rights as political tool for the protection of individual agency and adjudication of conflict Ignatieff is skeptical about attempts to “ground” human rights in philosophical or religious theses: the “pragmatic” defense of rights.
10. 10/28	Amy Gutman, “Introduction” and Commentators; Reply by Ignatieff	Critical appraisal of Ignatieff by Gutman, Appiah, etc.; Multiple bases for human rights.

B: THE GROUNDS OF HUMAN RIGHTS: OBJECTIONS AND JUSTIFICATIONS

11. 11/2	American Anthropological Association: “Statement on Human Rights”; Stephen Lukes: “Liberalism for Liberals, Cannibalism for Cannibals”	Are human rights a “western” idea? If so, is that a problem?
12. 11/4	Lukes continued. Bernard Williams: “Relativism” in <i>Morality</i>	Worries about paternalism and relativism continued. Is it wrong to “enforce our values” on others?

13. 11/9	Jacques Maritain: “The Rights of Man” from <i>Man and State</i>	Maritain’s account of working on the UNDHR; “Men mutually opposed in their theoretical conceptions can come to merely practical agreement regarding a list of human rights”
14. 11/11	Thomas Scanlon “Contractualism and Utilitarianism”	A more developed statement of contractualism: moral obligation, rights, and reasonableness

PART III: GLOBAL POVERTY, DISTRIBUTIVE JUSTICE AND HUMAN RIGHTS

15. 11/16	Peter Singer: “Famine, Affluence and Morality”; K. Appiah: “The Shallow Pond Theorists” in <i>Cosmopolitanism</i>	Singer’s famous argument about global poverty and personal obligation. Is Singer’s utilitarianism too demanding? Is that a problem?
16. 11/18	Thomas Pogge: “Moral Universalism” and “A Global Resources Dividend”	Pogge’s argument that the global economic order is seriously unjust, and his proposal for moving toward justice.
17. 11/23	Thomas Nagel: “Global Justice” J. Cohen and C. Sabel: “Extra Rempublicum Nulla Justitia?”	A defense of the “statist” view of distributive justice: socioeconomic justice applies only <i>within</i> the sovereign community, and not on a global scale Criticism of statist views like Nagel (or Rawls); outline of the institutions of the global economy and possible non-statist approaches to global justice
18. 11/30	<i>Rerum Novarum</i> Thomas Scanlon: “The diversity of objections to inequality”	Influential papal encyclical on the condition of labor and production; written in 1891, the fount of much contemporary Catholic social thought. Do people have a right to economic equality? What does morality require in distribution?