**Political Science 8016**

**International Human Rights Scholarship**

Hilary Term 2018 • Thursday 4-6 • Phoenix House 202

Course Instructor: Gavin Morrison 3 College Green, 6 th Floor • 6.01 • morrisog@tcd.ie • Office Hours: Wednesday 3-5

**Module Learning Aims:** “Human rights are women’s rights and women’s rights are human rights” – Hillary Clinton, 1995

“We the peoples of the United Nations determined…to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women” – Preamble to the Charter of the United Nations

“The right to a holiday with pay, for example, can only be enjoyed by people who are paid. It *is* a right of a certain kind…but it is *not* a universal right” – Maurice Cranston

These three quotes express some of the myriad of different views about human rights. Human rights have become one of the most dominant and discussed concepts in modern politics. Human rights are one of the most regularly invoked concepts in political discourse – a human rights claim is often viewed as the playing of a trump card. The primary aim of this course is to examine the different theoretical accounts of human rights – what they are, who has them, and who has to do something about them. The course will deal primarily with the different theories of human rights (for those taking PO8018 we will examine more empirical issues surrounding human rights). In this course we will examine the main theoretical disputes regarding human rights – how do we justify them? What counts as a human right? What is a right? What is the link between human rights and human dignity? Are human rights ‘positive’ or ‘negative’? Who is obligated to act to secure human rights? At the end of the course you should have a better understanding of the complexity of these various questions and a beginning on how to answer them.

**Learning Outcomes:** Upon successful completion of this module, students should be able to:

1. Distinguish between different theoretical approaches to understanding human rights.
2. Demonstrate understanding of these different approaches and their implications.
3. Apply this understanding to real-world problems of international politics.
4. Make and criticize arguments regarding how human rights fit into the international/global political order, and what our rights and obligations (both individual and collective) in that system should be.

**Assessment:** Students are expected to attend seminar each week and to participate in informed discussions of the readings. Participation will count for 20% of the grade. Students are expected to submit short (approximately 250 words) papers in weeks 2-5 on the readings for the week. These papers should be submitted through Turnitin. Each paper should make one (and only) one point about the readings. The point you make is up to you; you can attack one of the readings, defend it, relate two readings together, draw policy implications from the readings etc. Papers are due at 5 PM the day before the class in which the readings will be discussed. Each short paper counts for 5% of the grade. Each student will also write a short seminar paper (10-15 pages) that critically engages with the argument made in one or more of the readings. A student may, with the instructor’s permission, select an original topic for the paper. The seminar paper will count for 60% of the course grade. All papers must be submitted through Turnitin.

Participation: 20%

Response Papers: 20%

Seminar Paper: 60%

**Participation:** Participation in seminars constitutes an important portion of your grade. There is a significant amount of reading to be done, and the expectation is that all students will come to class having done the assigned readings. Seminar participation requires contributing to class discussion, including listening to others, and demonstrating a sound knowledge of readings through constructive in-class commentary and/or questions. Required readings are indicated although other readings are included for additional consultation.

**General Reading List:**

This is a list of texts which it will be useful to have access to – it is entirely comprised of books. I will assign chapters/papers from these more specifically.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013.

*Philosophical Foundations of Human Rights*, ed. By Rowan Cruft, S. Matthew Liao, and Massimo Renzo, Oxford University Press, 2015.

Henry Shue, *Basic Rights: Subsitence, Affluence, and U.S. Foreign Policy*, Second Edition, Princeton University Press, 1996.

James Griffin, *On Human Rights*, Oxford University Press, 2008.

**Topics:**

Week 1: Introduction and What are rights?

*Required:*

Leif Wenar, ‘The Nature of Rights’ in *Philosophy & Public Affairs*, Vol. 33, No. 3 (Summer 2005).

H. L. A. Hart ‘Are There Any Natural Rights?’ in *Philosophical Review*, No. 64, (1955).

Ronald Dworkin, ‘Taking Rights Seriously’ in *Taking Rights Seriously*, (Bloomsbury: 1977).

Joseph Raz, ‘On The Nature of Rights, in *Mind*, Vol. 93, No. 370, (April, 1984).

*Recommended:*

Charles Beitz, ‘What Human Rights Mean’ in *Daedalus* Vol. 132, No. 1 (Winter, 2003).

Hillel Steiner, ‘Human Rights and the Diversity of Value’ in *Critical Review of International Social and Political Philosophy*, Vol. 15, No. 4 (2012).

Matthew H. Kramer, ‘Refining the Interest Theory of Rights’ in *The American Journal of Jurisprudence*, Vol. 55, (2010).

Week 2: Positive versus Negative Rights

*Required:*

Maurice Cranston, ‘Are There Any Human Rights?’ in *Daedalus*, Vol. 112, No. 4 (Fall, 1983).

Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Second Edition, Princeton University Press, 1996, Section I, Chapter 1.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013, Part 1, Chapter 3 – pp. 40-55.

*Recommended:*

Thomas Pogge, *World Poverty and Human Rights*, Polity Press, 2008, Section 2 – How Should Human Rights Be Conceived?

Alan Gewirth, *Human Rights: Essays on Justifications and Applications*, University of Chicago Press, 1982, Introduction.

Tibor R. Machan, ‘Human Rights Reaffirmed’ in *Philosophy*, Vol. 69, No. 270 (Oct., 1994).

Week 3: Justifications – The Political Conception of Human Rights

*Required:*

Kenneth Baynes, ‘Toward a Political Conception of Human Rights’ in *Philosophy & Social Criticism*, Vol. 35, No. 4 (2009).

Johsua Cohen, ‘Minimalism About Human Rights: The Most We Can Hope For?’ in *The Journal of Political Philosophy*, Vol. 12, No. 2 (2004).

Charles. R. Beitz, *The Idea of Human Rights*, Oxford University Press, 2009, ‘Chapter 5 – A Fresh Start’.

*Recommended:*

John Rawls, *The Law of Peoples with The Idea of Public Reason Revisited*, Harvard University Press, 1999, Sections 4 and 10.

Joseph Raz, ‘Human Rights in the Emerging World Order’ in *Philosophical Foundations of Human Rights*, ed. By Rowan Cruft, S. Matthew Liao, and Massimo Renzo, Oxford University Press, 2015.

Week 4: Justifications – Human Dignity and Human Rights

*Required:*

Pablo Gilabert, ‘Human Rights, Human Dignity, and Power’ in *Philosophical Foundations of Human Rights*, ed. By Rowan Cruft, S. Matthew Liao, and Massimo Renzo, Oxford University Press, 2015.

Jeremy Waldron, ‘Is Dignity the Foundation of Human Rights?’ in *Philosophical Foundations of Human Rights*, ed. By Rowan Cruft, S. Matthew Liao, and Massimo Renzo, Oxford University Press, 2015.

James Griffin, *On Human Rights*, Oxford University Press, 2008, Part 1 Chapter 2 – First Steps in an Account of Human Rights.

*Recommended:*

Jeremy Waldron, *Dignity, Rank, and Rights*, Oxford University Press, 2009, ‘Lecture 1: Dignity and Rank’.

Michael Rosen, *Dignity: Its History and Meaning*, Harvard University Press, 2012, Section 1 – “The Shibboleth of All Empty-Headed Moralists”.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013, Part III, Chapter 8.

Week 5: Duties and Obligations

*Required:*

Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Second Edition, Princeton University Press, 1996, Section I, Chapter 2.

James Griffin, *On Human Rights*, Oxford University Press, 2008, Part 1 Chapter 5 – My Rights: But Whose Duties?

Onora O’Neill, ‘The Dark Side of Human Rights’ in *International Affairs*, Vol. 81, No. 2, (2005).

Jesse Tomalty, “The Force of the Claimability Objection to the Human Right to Subsistence” in *Canadian Journal of Philosophy* Vol. 44, No. 1, (2014).

Samuel Moyn, ‘Rights vs. Duties’ in *Boston Review*, May 16th 2016, available at <http://bostonreview.net/books-ideas/samuel-moyn-rights-duties>

*Recommended:*

O’Neill, Onora, ‘Rights, Obligations and World Hunger’ in *Global Ethics* ed. by Pogge, Thomas and Horton, Keith, (St. Paul: 2008).

Joel Feinberg, ‘Duties, Rights, and Claims’ in *American Philosophical Quarterly*, Vol. 3, No. 2 (Apr., 1966).

Jeremy Waldron, ‘Special Ties and Natural Duties’ in *Philosophy & Public Affairs*, Vol. 22, No. 1 (Winter 1993).