

The Philosophy of Human Rights

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*“You believe, then, that the fundamentals of justice should be deduced not from a praetor’s proclamation, as many now assert, nor from the Twelve Tables of the Law, as our forefathers maintained, but from the innermost depths of philosophy?” (Cicero, *On the Nature of the Gods*)*

Although discussions about international issues often make reference to the notion of Human Rights – the war in Syria and the ensuing migration of refugees are obvious examples – the philosophical foundations of these rights, their claim to cross-cultural universality, their ability to be a sort of secularized religion of mankind are controversial. This course aims to introduce students to the philosophical debate on these issues and to stimulate independent yet informed thinking.

Teaching Methods

The course presupposes active participation. Classes will be run as seminars: it is expected that students read the material before class and participate in the discussion of the material presented.

Reading assignments / Schedule of classes

Introduction

1) March 6

Cruft R., Liao S. M., and Renzo M., “The Philosophical Foundations of Human Rights. An Overview”, in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.1-23.

Human Dignity and Human Rights

2) March 7

Waldron, J., "Is Dignity the Foundation of Human Rights?" in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.117-137.
Simmons, J. "Human Rights, Natural Rights, Human Dignity" in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.138-152.

Democracy, Equality and Human Rights: Critiques and Interpretations

3) March 8

Cristiano, Thomas “Self-Determination and the Human Right to Democracy” in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.459-480.
Peter, Fabienne, “A Human Rights to Democracy?”, in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.481-491.

Universalism and Pluralism: the Asian and the Islamic Challenges

4) May 9

Li, Xiarong “Asian Values and the Universality of Human Rights” *PHR*, p.397-408
An-Nai'im, Abdullahi A., “Human Rights in the Muslim World”, *PHR*, p.315-334

Recommended but non mandatory extra readings

“The Responsibility to Protect”, available on line (<http://responsibilitytoprotect.org/ICISS%20Report.pdf>). In particular p. 1-55.

Held, Virginia *Care and Human Rights?* in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.624-641

Mendus, Susan *Care and Human Rights. A Reply to Virginia Held*, in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.642-652

Nickel, James, “Human Rights”, 13-35 in *Stanford Encyclopaedia of Philosophy*, (on-line text available)

Li, Xiarong “Tolerating the Intolerable: the Case of Female Genital Mutilation”, pp. 2-8, in *Philosophy and Public Policy Quarterly* (Winter 2001); on-line www.puaf.umd.edu/IPPP/reports

Donnelly, Jack “Human Rights and Cultural Relativity” pp. 89-106 in Donnelly, *Universal Human Rights in Theory and Practice*, Cornell University Press 2003, 2nd edition

Nickel, James, “Universal Rights in a Diverse World” chapt 4 of his *Making Sense of Human Rights*, (www.spot.colorado.edu/~nickelj/mshor-welcome.htm)

Teson, Ferdinand “International Human Rights & Cultural Relativism” pp 379-96 *PHR*

Charles Taylor “A World Consensus on Human Rights?” pp 409-22, *PHR*

Langlois, Andrew “The Real Asian Values Debate”, pp. 46-72 in his *The Politics of Justice and Human Rights*; Cambridge University Press 2001

An Naim, Abdullahi A. “Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment...” in *Human Rights in Cross Cultural Perspectives*, edited by An-Na'im, University of Pennsylvania Press pp. 19-43 , from now on *CCP*

El Fadl, Khaled Abou “The Place of Tolerance in Islam”. Boston: Beacon Press 2002.

Shapiro, Ian and Kymlicka, Will (eds.) “Introduction” to *Ethnicity and Group Rights*

Kymlicka, Will “The Good, the Bad, and the Intolerable: Minority Group Rights” pp 445-61 in *PHR*

Donnelly, Jack “Group Rights and Human Rights”, pp. 204-24 in his *Universal Human Rights in Theory and Practice*.

McDonald, Michael “Should Communities Have Rights? Reflections on Liberal Individualism” pp 33-61, *CCP*

Franck, Thomas M. “The Emerging Right to Democratic Governance” pp. 46-01 in *The American Journal of International Law*, vol. 86, no. 1 (Jan. 1992)

John Rawls *The Law of Peoples*, “Decent Consultation Hierarchy” pp. 71-78

Rao, Arati “Right in the Home: Feminist Theoretical Perspectives on International Human Rights” pp. 505-25 in *PHR*

Li, Xiarong “Tolerating the Intolerable: the Case of Female Genital Mutilation”, pp. 2-8, in *Philosophy and Public Policy Quarterly* (Winter 2001); on-line reserve and on-line www.puaf.umd.edu/IPPP/reports/

Ashworth, Georgina “The Silencing of Women”, pp. 259-76 in Dunne and Wheeler, *Human Rights in Global Politics*

Smith, Michael J. “Humanitarian Intervention: an Overview of the Ethical Issues” pp.478-501 in *PHR*

Nardin, Terry “The Moral Basis of Humanitarian Intervention” *Ethics and International Affairs* vol. 16 no. 1, (2000): 57-70 and in Dunne and Wheeler, *Human Rights in Global Politics*

Donnelly, Jack “Genocide and Humanitarian Intervention” pp. 242-60 in his *Universal Human Rights in Theory and Practice*
Shue, Henry “Nationality and Responsibility” pp. 131-52 in his *Basic Rights*;

Steiner and Alston “Challenges to Universalism-- Children” pp. 511-37 in, *International Human Rights in Context*

Loescher, Gil “Refugees: a global human rights and security crisis” pp. 233-58 in Dunne and Wheeler, *Human Rights in Global Politics*

Cranston, Maurice “Human Rights, Real and Supposed” pp 163-73, *PHR*

Buchanan, Allen “Rules for a Vanished Westphalian World” 697-721 *Ethics* (July 2000);

Sen Amartya, “Elements of a Theory of Human Rights”, *Philosophy & Public Affairs*, 32, n 4, Sept 2004, pp 315-56

Pogge, Thomas “An Egalitarian Law of Peoples”, *Philosophy & Public Affairs*, vol. 23, no.3 (Summer 1993)

Pogge, Thomas. “How Should Human Rights be Conceived?” in *World Poverty and Human Rights*. Polity 2008: 58-76

Smith, Michael J., “Humanitarian Intervention: An Overview of the Ethical Issues”

Singer, Peter, “How Can We Prevent Crimes against Humanity?” *Human Rights, Human Wrongs*. *Oxford Amnesty Lectures*, edited by N. Owen, p.89-137

Rorty, Richard “Human Rights, Rationality and Sentimentality”, in *The Philosophy of Human Rights* (henceforth *PHR*), edited by Patrick Hayden, Paragon Press, 2001, pp 241-56

Caranti, L., “Kant’s Theory of Human Rights,” in T. Cushman (Ed.), *Handbook of Human Rights*, Routledge 2011, 35-44.