

PHIL 605R: Philosophy of Human Rights

Fall 2015

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Office Hours: 1:30 – 2:30 PM Tuesday; 10:45 – 11:45 AM Thursday

Course Description

The course will consider recent philosophical theory regarding human rights and their role in international legal practice. We will try to sort out what human rights claims are about, how to properly theorize about them, whether (and how) they are distinct from other moral rights claims, what it means to protect (and conversely, violate) human rights, to whom demands grounded in human rights can be properly addressed, and what kinds of demands they can, in fact, sustain. There are a couple of reasons for considering these questions in the context of international law. First, several theorists have recently suggested that international practice is the proper location for understanding the function and content of, specifically, human rights. Second, in any case, it is becoming increasingly plausible that basic normative questions in international law can be illuminatingly addressed by consideration of human rights. For example, the concept of human rights now plays a key role in arguments (inside the academy and out) about the scope and grounds of state sovereignty, intervention, war, the rules for international markets, intellectual property, the authority and legitimacy of international law, international criminal law, material deprivation and opportunity, public health and health care, and environmental regulation. We will not examine extensively many of these topics, as our primary aim will be to understand the theory of human rights. Nonetheless, we will consider the promise of human rights in informing some of these questions.

Objectives

Students will:

- Be familiar with much of the central recent philosophical work on human rights
- Be able to explicate the basic concerns that have driven theorists to write on human rights and related matters
- Develop and be able to articulate cogent and defensible views on these topics
- Improve ability to write analytical papers
- Develop an ability to read and critically consider difficult texts

- Improve ability to reason through and intelligently talk about complex philosophical problems generally

Readings

As a graduate seminar, there will be a focus on in-class discussion rather than lecture. Careful and reflective reading of the texts prior to our meetings, then, is essential.

The required texts are:

Henry Shue, *Basic Rights* (Princeton 1980 – Any Edition)

John Rawls, *The Law of Peoples* (Harvard 1999 – Any Edition)

James Griffin, *On Human Rights* (Oxford 2008)

Charles Beitz, *The Idea of Human Rights* (Oxford 2009)

Allen Buchanan, *The Heart of Human Rights* (Oxford 2013)

Cruft/Liao/Renzo, *Philosophical Foundations of Human Rights* (Oxford 2015)

In addition to these texts, many of the readings will be available on Blackboard (marked “[ER]” for Electronic Reserves on reading schedule).

Requirements

Grade Breakdown:

Paper 60%

Participation 20%

Presentation 20%

Participation: Regular and informed participation on the part of everyone is essential. A part of your grade will be based on your contributions in seminar: the grade will be based on the frequency and quality of your verbal contributions to the class. Such contributions include informed responses to my questions, participation in classroom discussions, responding to your peers, and raising relevant and cogent questions.

Presentation: Each student will present on some aspect of an assigned reading for the course. The presentation should contextualize some important line of reasoning (what is the theoretical point of the argument, and how does it relate to other related positions), explicate the line of reasoning, offer a critical assessment of some aspect of the author’s position, and coordinate the in class discussion surrounding the presentation. The presentation should take between fifteen and twenty five minutes.

Paper: The paper assignment is a two stage process. Stage One is writing the best 15 to 20 page draft you are able. I will then provide you with feedback on your draft. Stage Two is revising the draft to produce the best final draft you are able.

Course Policies

Attendance: Attendance in class is mandatory. Each unexcused absence beyond one will result in a 1/3 letter grade reduction in the final grade.

Academic Honesty: Plagiarism and other forms of academic misconduct will be dealt with harshly in accordance with SPEL policies. At minimum, the student would fail the course. See the SPEL Handbook for a description of official policy.

Papers Drafts: Drafts are to be submitted electronically, by email. When I receive a paper draft, I will confirm with an email.

Schedule of Readings

The following plan is subject to revision – I will let you know of any changes as we go. Listed on the left are the dates of the meetings, on the right are the readings that will be discussed on those dates. Items marked [ER] are available on Blackboard.

Date	Reading
Sep 1	Introductory Discussion <ol style="list-style-type: none"> 1. Joel Feinberg, “The Nature and Value of Rights,” <i>The Journal of Value Inquiry</i>, 4 (1970) 243-251 [ER] 2. “The Philosophical Foundations of Human Rights: An Overview” in <i>Philosophical Foundations of Human Rights (PFHR)</i>, 1-41
Sep 8	<ol style="list-style-type: none"> 1. Henry Shue, <i>Basic Rights</i>, 13-87, 111-130 2. Liora Lazarus, selection from “The Right to Security” <i>PFHR</i>, 429-441 3. Victor Tadros, selection from “Rights and Security for Human Rights Sceptics” <i>PFHR</i>, 447-453 4. Ronald Dworkin, “Rights as Trumps” [ER] 5. Dworkin, “Political Rights and Concepts” in <i>Justice for Hedgehogs</i> (2011), 327-339 [ER] 6. {Recommended, not required} Reeves, “Dworkin on Rights” [ER]
Sep 15 & 22	No class, university in recess
Sep 29	<ol style="list-style-type: none"> 1. Martha Nussbaum, “Capabilities and Human Rights” <i>Fordham Law Review</i> (1997), 273-300 [ER] 2. John Rawls, <i>The Law of Peoples</i>, 3-128 3. Joseph Raz, “Human Rights Without Foundations”, in <i>Philosophy of</i>

	<i>International Law</i> (2010), 321-337 [ER]
Oct 6	1. James Griffin, <i>On Human Rights</i> , 1-110, 149-187
Oct 13	1. Charles Beitz, <i>The Idea of Human Rights</i> , 1-159
Oct 20	1. Beitz, <i>The Idea of Human Rights</i> , 160-212 2. Joseph Raz, "Human Rights in the Emerging World Order" <i>PFHR</i> , 217-231 3. David Miller, "Joseph Raz on Human Rights: A Critical Appraisal" <i>PFHR</i> , 232-243 4. Carol C. Gould, "A Social Ontology of Human Rights" <i>PFHR</i> , 177-195
Oct 27	1. Allen Buchanan, <i>The Heart of Human Rights</i> , 3-158
Nov 3	1. Buchanan, <i>The Heart of Human Rights</i> , 158-303
Nov 10	1. John Tasioulas, "On the Foundations of Human Rights" <i>PFHR</i> , 46-70 2. Onora O'Neill, "Response to Tasioulas" <i>PFHR</i> , 71-78 3. O'Neill, "Women's Rights, Whose Obligations?" in <i>Bounds of Justice</i> (2000), 97-112 [ER] 4. O'Neill, "The Dark Side of Human Rights" <i>International Affairs</i> (2005), 427-439 [ER] 5. Adam Etinson, "Human Rights, Claimability, and the Uses of Abstraction" <i>Utilitas</i> (2013), 463-486 [ER] 6. Elizabeth Ashford, "The Inadequacy of our Traditional Conception of the Duties Imposed by Human Rights" <i>Canadian Journal of Law and Jurisprudence</i> (2006) 217-235 [ER]
Nov 17	1. Samantha Besson, "Human Rights and Constitutional Law: Patterns of Mutual Validation and Legitimation" <i>PFHR</i> , 279-299 2. Saladin Meckled-Garcia, "Specifying Human Rights" <i>PFHR</i> , 300-315 3. George Letsas, "Rescuing Proportionality" <i>PFHR</i> , 316-340 4. Guglielmo Verdirame, "Rescuing Human Rights from Proportionality" <i>PFHR</i> , 341-357 5. Tony Reeves, "Standard Threats: How to Violate Basic Human Rights" <i>Social Theory and Practice</i> (2015), 403-434 [ER]
Nov 24	1. Kristen Hessler, "Resolving Interpretive Conflicts in International Human Rights Law" <i>Journal of Political Philosophy</i> (2005), 29-52 [ER] 2. Griffin, "The Relativity and Ethnocentricity of Human Rights" <i>PFHR</i> 555-569 3. Massimo Renzo, "Human Needs, Human Rights" <i>PFHR</i> 570-587 4. Rainer Forst, "The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach" <i>Ethics</i> (2010) 711-740 [ER]
Dec 1	1. S. Matthew Liao, "Human Rights as Fundamental Conditions of the Good Life" <i>PFHR</i> , 79-100 2. Rowan Cruft, "From Good Life to Human Rights: Some Complications" <i>PFHR</i> , 101-116 3. Jeremy Waldron, "Is Dignity the Foundation of Human Rights?" <i>PFHR</i> 117-137 4. A. John Simmons, "Human Rights, Natural Rights, and Human Dignity"

	<p><i>PFHR</i> 138-152</p> <p>5. Kimberley Brownlee, "A Human Right Against Social Deprivation" <i>Philosophical Quarterly</i> (2013), 199-222 [ER]</p> <p>Initial Draft of Paper Due</p>
Dec 8	<ol style="list-style-type: none"> 1. Gopal Sreenivasan, "A Human Right to Health? Some Inconclusive Skepticism" <i>Proceedings of the Aristotelian Society</i> (2012), 239-263 [ER] 2. Nicole Hassoun, Two Chapters on the Human Right to Health [ER] 3. Jonathan Wolff, "The Content of the Human Right to Health" <i>PFHR</i>, 491-501 4. Kimberley Brownlee, "Do We Have a Human Right to the Political Determinants of Health?" <i>PFHR</i>, 502-514 <p>Paper Draft Returned</p>
Dec 15	<ol style="list-style-type: none"> 1. Elizabeth Ashford, "A Moral Inconsistency Argument for a Basic Human Right to Subsistence" <i>PFHR</i>, 515-534 2. Pablo Gilabert, "The Feasibility of Basic Socioeconomic Human Rights" <i>Philosophical Quarterly</i> (2009), 659-681 [ER] 3. Thomas Christiano, "Self-determination and the Human Right to Democracy" <i>PFHR</i>, 459-480 4. Fabienne Peter, "A Human Right to Democracy?" <i>PFHR</i>, 481-490
Dec 22	Final Draft of Paper Due by 5 PM