

Human Rights: History and Theory

MA in Citizenship and Human Rights 2018-19

Instructor: Iñigo González Ricoy
E-mail address: igonzalez@ub.edu
Office: 4074 (Faculty of Philosophy)
Office hours: Fridays, by appointment

1 Presentation

The course examines the history, nature, grounds, and content of human rights, as well as the criticisms they have been subject to. It is divided into three blocks. The first block will introduce the idea of human rights as well as the history of its philosophical friends and foes and of the international and domestic institutional system of human rights. The second block will analyze the competing philosophical theories about the nature and normative grounds of human rights, and will discuss the various criticisms they have received, including charges of ethnocentrism, individualism, military interventionism, inflation, etc. The third block will address recent debates on the application of human rights to a number of domains, such as poverty, climate change, and work.

2 Assessment

Course assessment will be divided into the following two items:

1. Attendance and presentation in the classroom of the required readings (40%).
2. Term paper (3,000 words max.) (60%).

The term paper is due **May 3** (to be emailed to the instructor). It should be on a topic falling within the scope of the course, to be worked out in consultation with the instructor. Papers should contain (a) an abstract, (b) an introduction that states the research question, why the question is relevant, and a clear statement of the thesis defended, (c) a brief state of the art on the topic, (d) the development of the arguments that support the thesis defended, (e) potential objections and replies to them, (f) a conclusion, and (g) the bibliography (only to be included at the end if the Harvard system of citation is used).

In order to get feedback, students will present a two-page prospectus of their paper in the final session of the course. The prospectus should include the research question, the tentative thesis that will be defended, an outline of the main arguments (and potential criticisms), and a preliminary bibliography. It will be emailed to the instructor by **April 5**, who will distribute it among the other students. All students are expected to attend this session, to read the prospectus of fellow students in advance, and to bring questions and suggestions for them to the classroom.

3 Course organization and required readings

Readings with and asterisk () are mandatory.*

February 8. Presentation of the course and methodological introduction.

- Cruft, *et al.*, 2015. “The Philosophical Foundations of Human Rights: An Overview,” in *The Philosophical Foundations of Human Rights* (Oxford: OUP).
- Nickel, J., 2007. “The Contemporary Idea of Human Rights,” in *Making Sense of Human Rights*, 2nd ed. (London: Routledge).

February 15. The history of human rights.

- [Declaration of the Rights of Man and Citizen](#) (1789), [Universal Declaration of Human Rights](#) (1948).
- Pagden, A., 2003. “Human Rights, Natural Rights, and Europe's Imperial Legacy,” *Political Theory* 31 (2): 171-199.
- Clapham, A., 2007. “The Historical Development of International Human Rights,” in *Human Rights. A Very Short Introduction* (Oxford: OUP).

February 22. The practice of human rights.

- *Lafont, C., “Sovereignty and the International Protection of Human Rights,” *Journal of Political Philosophy* 24 (2015): 427–445.
- Beitz, C., *The Idea of Human Rights* (Oxford: OUP), ch. 2.

March 1. The nature of human rights.

- *Beitz, C. R. (2001). “Human rights as a common concern,” *American Political Science Review*, 95(2), 269-282.
- Rawls, J. 1999. *The Law of Peoples* (Harvard: Harvard UP), pp. 78-81.
- Cruft, *et al.*, 2015. “The Philosophical Foundations of Human Rights: An Overview,” in *The Philosophical Foundations of Human Rights* (Oxford: OUP).

March 8. The grounds of human rights.

- *Nickel, J., 2007. “A Framework for Justifying Specific Rights,” in *Making Sense of Human Rights*, 2nd ed. (London: Routledge).
- Habermas, J., 2010. “The Concept of Human Dignity and the Realistic Utopia of Human Rights” *Metaphilosophy* 41: 464-480.
- Griffin, J. 2007. “First Steps in an Account of Human Rights,” in *On Human Rights* (Oxford: OUP).

March 15. Criticisms of human rights.

- *Marx, K., 1987. “On the Jewish Question,” in J. Waldron (ed.), *Nonsense Upon Stilts. Bentham, Burke and Marx on the Rights of Man* (London and New York: Methuen), 144-150.
- Zolo, D., 2010. “Humanitarian Militarism?,” in S. Besson and J. Tasioulas (eds.), *The Philosophy of International Law* (Oxford: OUP).
- Žižek, S., 2005. “Against Human Rights,” *New Left Review* 34: 115-131.

March 22. The content of human rights: social rights.

- [International Covenant on Economic, Social and Cultural Rights](#) (1966).
- *Pogge, T., 2007, “Severe Poverty as a Human Rights Violation,” in T. Pogge (ed.), *Freedom from Poverty as a Human Right* (Oxford: OUP).

- Nickel, J., 2007. “Social Rights as Human Rights,” in *Making Sense of Human Rights*, 2nd ed. (London: Routledge).

March 29. The content of human rights: environmental rights.

- *Caney, S. 2010. “Climate Change, Human Rights and Moral Thresholds”, in S. Humphreys (ed.), *Human Rights and Climate Change* (Cambridge: CUP).
- Gardiner, S., 2013. “Human Rights in a Hostile Climate,” in Holder C, and Reidy, D. (eds.). *Human Rights: The Hard Questions* (Cambridge: CUP).
- Humphreys, S. (ed.), 2010. “Introduction,” *Human Rights and Climate Change* (Cambridge: CUP).

April 5. The content of human rights: labor rights.

- *Gilabert, P. (2016). “Labor human rights and human dignity,” *Philosophy & Social Criticism*, 42(2), 171-199.
- Risse, Mathias (2012) *On Global Justice*. Princeton, NJ: Princeton University Press.

April 12. Presentation of the paper prospectus.

4 Further readings

Beitz, C., 2009. *The Idea of Human Rights*, Oxford: Oxford University Press.

Beitz, C., 2013. “Human Dignity in the Theory of Human Rights: Nothing But a Phrase?” *Philosophy and Public Affairs* 41: 259-290.

Besson, S., and Tasioulas, J. (eds.), *The Philosophy of International Law*, Oxford: Oxford University Press.

Buchanan, A., 2010. *Human Rights, Legitimacy, and the Use of Force*, Oxford: Oxford University Press.

Buchanan, A., 2013. *The Heart of Human Rights*, Oxford: Oxford University Press.

Cohen, J., 2004. “Minimalism about Human Rights: The Most We Can Hope For?”, *Journal of Political Philosophy*, 12: 90–213.

Cruft, R., Liao, S., and Renzo, M. (eds.), 2015. *Philosophical Foundations of Human Rights*, Oxford: Oxford University Press.

Donnelly, J., 2013. *Universal Human Rights in Theory and Practice*, 3rd edn. Ithaca, NY and London: Cornell University Press.

Ernst, G. and Heilinger, J. (eds.), 2011. *The Philosophy of Human Rights: Contemporary Controversies*, Berlin: De Gruyter 2011.

Etninson, A., forth. *Human Rights: Moral or Political?* Oxford: Oxford University Press.

Forst, R., 2012. *The Right to Justification*. New York: Columbia University Press.

Gilabert, P. 2011. “Humanist and Political Perspectives on Human Rights,” *Political Theory* 39: 439–467.

- Glendon, M. A., 1993. *Rights Talk: The Impoverishment of Political Discourse*. New York: Free Press.
- González-Ricoy, I. and A. Gosseries, eds., *Institutions for Future Generations*, Oxford: Oxford University Press.
- Gould, C. C., 2004. *Globalizing democracy and human rights*, Cambridge: Cambridge University Press.
- Griffin, J., 2008. *On Human Rights*, Oxford: Oxford University Press.
- Hart, H., 1955. "Are There Any Natural Rights?" *Philosophical Review*, 64: 175–191.
- †Holmes, S. and Sunstein, C., 1999. *The Cost of Rights: Why Liberty Depends on Taxes*, New York: Norton.
- †Kant, I., 1970. *Political Writings*, Cambridge: Cambridge University Press.
- Karp, D.J., 2014. *Responsibility for human rights: transnational corporations in imperfect states* (Cambridge: CUP).
- †Locke, J., 1986 [1689]. *The Second Treatise on Civil Government*, New York: Prometheus Books.
- Maritain, J., 1949. "Introduction," in UNESCO, [Human Rights: Comments and Interpretations](#) (London: Allan Wingate, 1949)
- Moyn, S., 2010. *The Last Utopia. Human Rights in History*, Cambridge: Harvard University Press.
- Nickel, J., 1993. "The Human Right to A Safe Environment," *Yale Journal of International Law*, 18: 281–295.
- O'Neill, O., 2005. "The Dark Side of Human Rights" *International Affairs*, 81: 427–439.
- Pogge, T., 2002. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Cambridge: Polity Press .
- Rawls, r. 1999. *The Law of Peoples*, Cambridge: Harvard University Press.
- Shue, H., 1996. *Basic Rights*, Second edition. Princeton: Princeton University Press .
- Tuck, W., 1979. *Natural Rights Theories: Their Origin and Development*, Cambridge: Cambridge University Press.