

Department: Philosophy

Course No:3220 [220]

Credits: 3

Title:Philosophical Foundations of Human Rights

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Content Area: CA1-Arts and Humanities

Catalog Copy: PHIL 3220 [220]. Philosophical Foundations of Human Rights

Either semester. Three credits. Prerequisite: At least one of PHIL 101, 102, 103, 104, 105, 106,107. Bloomfield, Parekh

Ontology and epistemology of human rights investigated through contemporary and/or historical texts.

Justification: UConn sees itself as a leader in the study of human rights, and yet there is currently no course on offer that focuses exclusively on these foundational issues. The course will become a core course for the Human Rights minor.

The course will involve conceptual, metaphysical, and epistemological issues in the study of human rights that are appropriate to those who have completed some work at the introductory level of philosophy. Thus, the course is being offered at the 200 level.

Two courses may have some overlap. The first is PHIL 219, typically taught by Professor Parekh, who has been consulted. This is a "Topics" course, which may be repeated for credit. Sometimes foundational issues may be one of the "topics" covered, but 219 also includes more topical issues, including, e.g., women's rights or global poverty. The second course is Political Science 205, typically taught by Professor Hiskes, who has been consulted. Hiskes often addresses similar foundational issues in the first week of his class. Neither of these classes take as their central subject matter the philosophical foundations of human rights.

Course Description:

This course will present issues on the metaphysical and epistemological foundations of human rights as seen from the perspective of modern, western analytic philosophy. A basic class assumption will be that discourse about human rights is a proper part of moral discourse, that human rights are a special topic within moral discourse; how we conceive of human rights will have implications for the form and content of the political, social, and economic discourses relevant to them, but the issue of this conceptualization itself is properly both philosophical and moral/ethical in nature. The discourse on the foundations of morality as a whole is called "metaethics". Thus, in understanding the metaphysics and epistemology of human rights, an apt place to begin is by investigating the metaethical options that are

currently being discussed in contemporary (western analytic) moral philosophy. By understanding these options, we may then turn to how they apply to the special case of human rights.

After the introductory week, the class will have three parts. In weeks 2 through 5, many (certainly not all) of the current metaethical options are surveyed, including constructivism, relativism, pragmatism, and both non-naturalistic and naturalistic forms of moral realism. Weeks 6 through 9 will parallel 2 through 5, where each of these theory types is evaluated for its potential as a theory of the foundations of human rights. In the final three weeks, a fundamental distinction in human rights theory, the distinction between so-called “positive” and “negative” rights, is discussed.

Meets Goals of Gen Ed:

The course will fit into Group One (Arts and Humanities) and Group Four (Multiculturalism and Diversity). I realize that the question requires only 2 of the 7 criteria be met, but this course will contribute to them all.

1. Become articulate: knowledge of and ability to use technical jargon will be required, while a discussion based class style will turn attention to the student's ability to speak clearly about the topic.
2. Acquire intellectual breadth and versatility: students will learn how to comprehend types of theories, or varieties of positions that theorists may try to defend. Students will be taught that applying these various stances to real world problems involving human rights will impact which rights are considered genuine and how the enforcement of genuine human rights may be justified.
3. Acquire critical judgment: as a philosophy course, there is no more central task than engaging a student's ability to think critically about subjects that have heretofore only been thought of in a casual way.
4. Acquire moral sensitivity: since human rights will be treated as a subdiscipline of moral philosophy, moral issues and how they are conceived are at the heart of the course's subject matter.
5. Acquire awareness of their era and society: since the course focuses on human rights, students will consider questions about the relation of human nature to human culture, and the requirements placed by each on the other; as such, student's will learn about western society in the context of its citizens being a part of the human race.
6. Acquire consciousness of the diversity of human culture and experience: following along with the previous question, diversity of culture, especially in regards to how morality is conceived and executed, will be investigated in order to determine which aspects of our experience are shared by all humans, by virtue of a shared, common humanity, as compared to those aspects which are culturally or conventionally driven.
7. Acquire a working understanding of the processes by which they can continue to acquire and use knowledge: the term paper at the end of the semester will require research that will show students how they may proceed in future investigations.

CA1 Criteria:

- 1.) Investigations and historical/critical analyses of human experience: Reflection on the role of morality and its influence on human experience will be required. Since the course aims at an understanding of human rights, students will be forced to compare and contrast the moral values of various cultures, from a critical perspective.
- 2.) Inquiries into philosophical and/or political theory: The course is a philosophy course, and the metaphysical, epistemic, and conceptual issues involved in moral thought and experience are at the heart of the course material.

Course Requirements:

1. 30% of the grade: there will be 5 very short writing assignments due over the course of the semester; that is, 5 out of the 13 weeks in the semester. These will be between 200 and 300 words. Word counts must appear on the assignment. The topics for these assignments must come from the content of the reading for that week. The purpose of them is to provide discussion material for the class meetings. Students will be expected to be able to discuss these assignments in class; one will not get credit for an assignment if one is not in class for the session during which that material is to be discussed. (If you write on, say, Hampton, you have to be there on the day we discuss Hampton.) These assignments will be graded separately and these grades will be averaged equally.
2. 30% of the grade: there will be a term paper, on a subject to be approved by me in writing, roughly at mid-term. The point of the paper will be to explicate (look it up!) the central argument of some self-chosen journal article on human rights, written by a philosopher, and taken from an approved list of journals. Next, two weeks after the subject is approved, a detailed abstract of the term paper will be handed in. This abstract will be between 300 and 400 words and will be graded separately. Finally, on the last day of class, the final draft of the term paper will be due. It will be between 1800 and 2000 words. I will be willing to look at rough drafts of the full term paper as long as I get them well before the due date. In calculating the grade for this portion of the class, the abstract will be worth 10% and the final draft will be worth 90%.
3. 30% of the grade: there will be a cumulative final exam.
4. 10% of the grade: class participation. People will be expected to be able to discuss their "very short" writing assignments in class.

Reading Materials:

Basic Rights, by Henry Shue, will be available at the Coop. All other readings will be available on Husky CT.

Philosophical Foundations of Human Rights

Schedule of Readings:

Week 1: Introduction and the “Universal Declaration of Human Rights”.

Metaethics

Week 2: Constructivism and Relativism

Primary reading: Harman, “Moral Relativism Defended”; secondary reading: Milo, “Contractarian Constructivism”.

Week 3: Pragmatism and Ethnocentrism

Readings: Rorty, selections from *Objectivity, Relativism and Truth*, “Introduction: Antirepresentationalism, Ethnocentrism, and Liberalism” and “Postmodernist Bourgeois Liberalism”.

Week 4: Non-Naturalist Realism and Rationalism

Primary reading: Hampton, selections from *The Authority of Reason*; secondary reading, Shafer-Landau, “Ethics as Philosophy: A Defense of Ethical Non-Naturalism”

Week 5: Naturalist Realism and the Human Condition

Primary reading: Boyd, “How To Be a Moral Realist”; secondary reading, Foot, selections from *Natural Goodness*.

Human Rights

Week 6: Constructivism and Relativism

Readings: Pogge, “How Should Human Rights be Conceived?” and Donnelly, “Cultural Relativism and Universal Human Rights”.

Week 7: Pragmatism

Primary reading: Rorty, “Human Rights, Rationality, and Sentimentality”; secondary reading, Rorty, “On Ethnocentrism: A Reply to Clifford Geertz”.

Week 8: Rationalism

Primary reading: Gewirth, selections from *The Community of Rights*; secondary reading, Nagel, “The Value of Inviolability”.

Week 9: Naturalism

Primary reading: Nussbaum, “Capabilities and Human Rights”; secondary reading: Pogge, “Human Flourishing and Universal Justice”.

Positive and Negative Rights

Week 10: Beneficence and Malfeasance/Perfect and Imperfect Duties

Primary readings: O'Neill, "Duty and Obligation", Gewirth, selections from The Community of Rights; secondary reading, Cranston, "Human Rights, Real and Supposed".

Weeks 11 and 12: Civic Rights and Social-Economic Rights

Reading: Shue, selections from Basic Rights.

Justification: a. Educational goals and objectives will include the student's ability to comprehend types of theories, or varieties of positions that theorists may try to defend. Students will be taught that applying these various stances to real world problems involving human rights will impact which rights are considered genuine and how the enforcement of genuine human rights may be justified.

Comparative analyses of these stances will be required to determine which theory best fits with both data about conditions in the world and intuitions about what a theory of human rights should do. Most optimistically, students will be able to synthesize all this information in a manner that allows them to philosophically evaluate the options against one another, leaving the class with ideas for future research.

b. See attached syllabus, from the answer to the previous question

c. The course will involve conceptual, metaphysical, and epistemological issues in the study of human rights. To what do we refer, what sort of thing are we referring to when we speak of "human rights". What is the nature of the authority or bindingness which attends a claim to human rights? How can we know when a human rights claim is justified? One natural way to explore these questions is through attending to the foundations of morality as a whole, or the field of "metaethics" and seeing how this work applies to the special topic of human rights. Another approach is via the philosophical history of human rights.