



UNIVERSITÀ  
degli STUDI  
di CATANIA

DIPARTIMENTO DI SCIENZE POLITICHE E SOCIALI  
Corso di laurea magistrale in Global Politics and Euro-  
Mediterranean Relations  
Anno accademico 2021/2022 - 2° anno

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# THE PHILOSOPHY OF HUMAN RIGHTS: THE CONTEMPORARY DEBATE

SPS/01 - 6 CFU - 2° semestre

## Docente titolare dell'insegnamento

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**Orario ricevimento:** Lun-Mer 12-14

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## MODALITÀ DI SVOLGIMENTO DELL'INSEGNAMENTO

The course presupposes active participation. Students are required to select at least one text from the reading list and present it to their colleagues. 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. In addition to in-class presentations, students are required to write a 10-15 page final paper on a topic relevant to the course, and to take a final oral exam.

## PREREQUISITI RICHIESTI

Good knowledge of the English language

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## FREQUENZA LEZIONI

Mandatory (students can skip max 25% of class)

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## CONTENUTI DEL CORSO

Although discussions about international issues often make reference to the notion of Human Rights – the war in Syria and the ensuing migration of refugees, the killing of demonstrators in Myanmar, the shortage of anti-covid vaccines for poor countries 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 class aims to introduce students to the philosophical debate on the foundational issue and to stimulate independent yet informed thinking.

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## TESTI DI RIFERIMENTO

- 1) 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.
- 2) Raz, Joseph, "Human Rights Without Foundations", *The Philosophy of International Law* (henceforth PIL), OUP, 2010: 321-337.
- 3) Buchanan, A. "Why *International Legal* Human Rights? "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.244-262.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Buchanan, Allen, "The Egalitarianism of Human Rights", *Ethics*, Vol. 120, No. 4 (July 2010), pp. 679-710.
- 9) Li, Xiarong "Asian Values and the Universality of Human Rights" *PHR*, p.397-408
- 10) An-Nai'im, Abdullahi A., "Human Rights in the Muslim World", *PHR*, p.315-334
- 11) 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
- 12) 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
- 13) "The Responsibility to Protect", available on line (<http://responsibilitytoprotect.org/ICISS%20Report.pdf>). In particular p. 1-28.
- 14) "The Responsibility to Protect", available on line (<http://responsibilitytoprotect.org/ICISS%20Report.pdf>). In particular p. 29-55.

## ALTRO MATERIALE DIDATTICO

### Recommended but non-mandatory extra readings

**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](http://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](http://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/](http://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.

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## PROGRAMMAZIONE DEL CORSO

Argomenti	Riferimenti testi
1 each paper listed as mandatory reading in the syllabus	
2 Introduction	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.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.1-23

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3	Human Rights without foundations?	Raz, Joseph, "Human Rights Without Foundations", (Besson, S. Tasioulas J. eds) <i>The Philosophy of International Law</i> (henceforth PIL), OUP, 2010: 321-337
4	International human Rights Vs Human Rights	Buchanan, A. "Why International Legal Human Rights? "The Philosophical Foundations of Human Rights. An Overview", in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.244-262
5	Human Dignity and Human Rights	Waldron, J., "Is Dignity the Foundation of Human Rights?" in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.117-137.
6	Natural Rights and Human Rights	Simmons, J. "Human Rights, Natural Rights, Human Dignity" in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.138-152.
7	Democracy, Equality and Human Rights: Critiques and Interpretations	Cristiano, Thomas "Self-Determination and the Human Right to Democracy" in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.459-480.
8	Democracy, Equality and Human Rights: Critiques and Interpretations	Peter, Fabienne, "A Human Rights to Democracy?", in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.481-491.
9	Democracy, Equality and Human Rights: Critiques and Interpretations	Buchanan, Allen, "The Egalitarianism of Human Rights", <i>Ethics</i> , Vol. 120, No. 4 (July 2010), pp. 679-710.
10	Universalism, Pluralism, Multiculturalism: the Asian and the Islamic Challenges	Li, Xiarong "Asian Values and the Universality of Human Rights" In: P. Hayden (ed.) <i>The Philosophy of Human Rights</i> (Henceforth PHR), Paragon House 2001: p.397-408
11	Universalism, Pluralism, Multiculturalism: the Asian and the Islamic Challenges	An-Nai'im, Abdullahi A., "Human Rights in the Muslim World", PHR, p.315-334
12	The Feminist Critique: Are Human Rights Patriarchal?	Held, Virginia Care and Human Rights? in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.624-641

13	The Feminist Critique: Are Human Rights Patriarchal?	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
14	Right to Intervention and Responsibility to Protect	The Responsibility to Protect”, available on line ( <a href="http://responsibilitytoprotect.org/ICISS%20Report.pdf">http://responsibilitytoprotect.org/ICISS%20Report.pdf</a> ). In particular p. 1-55
15	Right to Intervention and Responsibility to Protect	Bellamy, Alex “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq” (Ethics & International Affairs, 19(2), 31-54. doi:10.1111/j.1747-7093.2005.tb00499.x)
16	Right to Intervention and Responsibility to Protect	Petra Perisic, “Implications of the Conflicts in Libya and Syria for the Responsibility to Protect Doctrine” 67(5) Zbornik PFZ 783 (2017)

## VERIFICA DELL'APPRENDIMENTO

### MODALITÀ DI VERIFICA DELL'APPRENDIMENTO

Assessment will take place by looking at four aspects of students' performance: 1) Participation in class, 2) Presentation, 3) Final paper, 4) Final exam

Grade Weights:

Participation in class: 25%

Presentation: 25%

Final paper: 25%

Final exam: 25%

### ESEMPI DI DOMANDE E/O ESERCIZI FREQUENTI

1) what is Christiano's argument for the existenc eof a human right to democracy?

2) how would you differentiate the instrumentalist, orthodox, political approach to the foundation of human rights

3) how is the questino of the foundation different from that of the nature of human rights?

4) Are yo convinced by Woldron's account of dignity as an organizing concept for human rights?

5) what is teh egalitarianism of human rigts on which Allen Buchanan insists?

6) Should human rights be protected through the use of force, at leats in some cases? what is your assessment of the R2P doctrine?