



HUMAN RIGHTS: HISTORICAL AND THEORETICAL PERSPECTIVES

12 CFU - 2° semestre

Docenti titolari dell'insegnamento

GIORGIA AGATA COSTANZO - Modulo HUMAN RIGHTS: A HISTORICAL APPROACH - SPS/02 - 6 CFU

Email: gcostanz@unict.it

Edificio / Indirizzo: via Vittorio Emanuele, 49

Telefono: 095 7347 238

Orario ricevimento: martedì e giovedì 11:00 - 13:00

LUIGI CARANTI - Modulo HUMAN RIGHTS: A PHILOSOPHICAL APPROACH - SPS/01 - 6 CFU

Email: lcaranti@unict.it

Edificio / Indirizzo: Palazzo Pedagoggi, via Vittorio Emanuele II, 49

Telefono: 3289659543

Orario ricevimento: Lun-Mer 12-14

PREREQUISITI RICHIESTI

- **HUMAN RIGHTS: A HISTORICAL APPROACH**

Conoscenze di base di storia del pensiero politico occidentale

- **HUMAN RIGHTS: A PHILOSOPHICAL APPROACH**

The course is entirely taught in English. Hence at least a B1 knowledge of English is required.

FREQUENZA LEZIONI

- **HUMAN RIGHTS: A HISTORICAL APPROACH**

Obbligatoria

- **HUMAN RIGHTS: A PHILOSOPHICAL APPROACH**

Mandatory (threshold of 75%, below which course is failed)

CONTENUTI DEL CORSO

- **HUMAN RIGHTS: A HISTORICAL APPROACH**

Il corso prende in esame l'affermazione di dottrine politiche concernenti il diritto di natura e la legge di natura attraverso lo studio di articoli e saggi ad opera di importanti filosofi e autori di età moderna e contemporanea che al tema si sono dedicati. Lo studente sarà così in grado di meglio comprendere le origini di ciò che oggi definiamo "diritti umani" in una prospettiva che si fonda sulla tradizione di pensiero prevalentemente occidentale. Al termine del modulo, lo studente sarà in grado di mettere a fuoco quel percorso storico che ha segnato il passaggio dalla legge naturale e dal diritto naturale ai diritti umani, individuando continuità e mutamenti relativi ai dibattiti e alle rivendicazioni sui diritti succedutisi in questo arco temporale, al fine di esplorare come gli stessi si siano storicamente affermati, giustificati e difesi. Il corso mira a far acquisire agli studenti una comprensione e una prospettiva critica sulla storia delle rivendicazioni dei diritti fondamentali che hanno certamente influenzato i documenti sui diritti umani redatti in epoca successiva.

▪ **HUMAN RIGHTS: A PHILOSOPHICAL APPROACH**

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 seminar aims to introduce students to the philosophical debate on these issues and to stimulate independent yet informed thinking. Besides the problem of the foundation of human rights, if there is one or if one is ever needed, the course will explore more concrete issues such as the Responsibility to protect, the Asian and Islamic challenges to Human Rights, the question whether democracy is to be considered a human right, the problem of what constraints do human rights impose on the treatment of migrants and asylum seekers.

TESTI DI RIFERIMENTO

▪ **HUMAN RIGHTS: A HISTORICAL APPROACH**

1. Samuel Moyn, *The Last Utopia - Human Rights in History*, Harvard University Press, 2012 (paperback edition).
2. Lynn Hunt, *Inventing Human Rights - A History*, W W Norton & Co, 2008.
3. John Finnis, *Natural Law and Natural Rights*, Oxford, 2011.
4. M. Ishay, *The History of Human Rights - From Ancient Times To The Globalization Era*, University of California Press, 2008.
5. R. Tuck, *Natural Rights Theories : Their Origin and Development*, Cambridge University Press, 1981.

▪ **HUMAN RIGHTS: A PHILOSOPHICAL APPROACH**

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.

Tasioulas, John, "On the Foundations of Human Rights" in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.45-70.

Nagel, Thomas, "Personal Rights and Public Space" *Philosophy & Public Affairs*, Vol. 24, No. 2 (Spring, 1995), pp. 83-107.

Raz, Joseph, "Human Rights Without Foundations", *The Philosophy of International Law*

(henceforth **PIL**), OUP, 2010: 321-337.

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.

Buchanan, Allen, "The Egalitarianism of Human Rights", *Ethics*, Vol. 120, No. 4 (July 2010), pp. 679-710.

Caranti, L., "Human Rights and Democracy" in T. Cushman (Ed.), *Handbook of Human Rights*, Routledge 2011, 85-99.

Christiano, 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.

Jiwei Ci, "Liberty Rights and the Limits of Liberal Democracy" in Cruft R., Liao S. M., and Renzo M. (eds.) *Philosophical Foundations of Human Rights*. Oxford: 2015, p.588-607.

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

El Fadl, Kahled Abou, "Islam and the Challenge of Democracy" *Boston Review*, April/March 2003 (available on line <http://www.bostonreview.net/BR28.2/abou.html>)

"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

ALTRO MATERIALE DIDATTICO

▪ HUMAN RIGHTS: A HISTORICAL APPROACH

http://studium.unict.it/dokeos/2018/main/document/document.php?cidReq=10584&curdirpath=/shared_folder

▪ HUMAN RIGHTS: A PHILOSOPHICAL APPROACH

http://studium.unict.it/dokeos/2018/main/document/document.php?cidReq=10585&curdirpath=/&eachertable_page_nr=2

PROGRAMMAZIONE DEL CORSO

HUMAN RIGHTS: A HISTORICAL APPROACH

	Argomenti	Riferimenti testi
1	History of Human Rights or Human Rights in History	S. Moyn/ M.Ishay
2	Natural Law and Natural Rights	J. Finnis
3	Hugo Grotius: Human Nature and the Ethics of War	R. Tuck
4	Thomas Hobbes, the right to life and the Responsibility to Protect	R. Tuck
5	John Locke and the right to bear arms	Essay of M. Tunick
6	Human Rights and the Enlightenment: Declaring Rights	M. Ishay/L. Hunt
7	The French Revolution and Human Rights	L. Hunt
8	Olympe De Gouge's Declaration of the Rights of Woman	L. Hunt
9	Declaring Rights in America: The U.S Bill of Rights	L. Hunt
10	The world wars and the search for new solutions: the UDHR	L. Hunt
11	Human Rights as the last Utopia?	S. Moyn

HUMAN RIGHTS: A PHILOSOPHICAL APPROACH

	Argomenti	Riferimenti testi
1	The philosophical foundations of human rights. The contemporary debate	Cruft Liao Renzo Philosophical Foundations of Human Rights

2	Pluralist Foundations	Tasioulas, John, "On the Foundations of Human Rights" in Cruft R., Liao S. M., and Renzo M. (eds.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.45-70.
3	Political Foundations	Raz, Joseph, "Human Rights Without Foundations", <i>The Philosophy of International Law</i> (henceforth PIL), OUP, 2010: 321-337
4	Human Rights and International Law	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?"
6	Human Dignity and Human rights	Simmons, J. "Human Rights, Natural Rights, Human Dignity"
7	Democracy, Equality and Human Rights	Buchanan, Allen, "The Egalitarianism of Human Rights", <i>Ethics</i> , Vol. 120, No. 4 (July 2010), pp. 679-710.
8	Democracy, Equality and Human Rights	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.
9	Democracy, Equality and Human Rights	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.
10	Universalism and Pluralism: the Asian and the Islamic Challenges	Li, Xiarong "Asian Values and the Universality of Human Rights" <i>PHR</i> , p.397-408
11	Universalism and Pluralism: the Asian and the Islamic Challenges	An-Nai'im, Abdullahi A., "Human Rights in the Muslim World", <i>PHR</i> , p.315-334
12	Right to Intervention and Responsibility to Protect	"The Responsibility to Protect", available on line (http://responsibilitytoprotect.org/ICISS%20Report.pdf). In particular p. 1-55.
13	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
14	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.) <i>Philosophical Foundations of Human Rights</i> . Oxford: 2015, p.642-652

VERIFICA DELL'APPRENDIMENTO

MODALITÀ DI VERIFICA DELL'APPRENDIMENTO

▪ HUMAN RIGHTS: A HISTORICAL APPROACH

L'esame è articolato in due momenti: una prova in itinere effettuata a metà del corso e una prova finale fissata nelle date ufficiali indicate nel calendario. La media dei voti riportati dallo studente nelle due prove costituirà il voto finale conseguito per il presente modulo.

▪ HUMAN RIGHTS: A PHILOSOPHICAL APPROACH

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

Grade Weights:

Participation in class: 25%

Presentation in class: 25%

Final paper: 25%

Final oral exam : 25%

PROVE IN ITINERE

▪ HUMAN RIGHTS: A HISTORICAL APPROACH

- E' prevista una prova intermedia a metà corso in cui si richiede allo studente la preparazione di un mid-term paper (4000 parole) su un argomento a scelta tra quelli proposti dal docente. Il paper, redatto in forma cartacea, sarà anche presentato in power point dall'autore per stimolare il dibattito in classe, quindi sarà consegnato o trasmesso via mail al docente ai fini della valutazione . Gli studenti che avranno selezionato lo stesso autore o lo stesso argomento si alterneranno nel ruolo di speaker e discussant simulando i lavori convegnistici internazionali..

▪ HUMAN RIGHTS: A PHILOSOPHICAL APPROACH

Students are supposed to participate actively during classes. Moreover, each student will have to make a presentation in PP of a part of the material to be agreed with the instructor.

PROVE DI FINE CORSO

▪ HUMAN RIGHTS: A HISTORICAL APPROACH

L'esame conclusivo di fine corso consiste in una discussione della durata di circa 30 minuti sul paper finale (8000 parole) presentato dallo studente e fatto pervenire al docente via mail almeno 4 giorni prima della data ufficiale dell'appello. Nel caso in cui lo studente non avesse sostenuto o superato la prova in itinere, lo stesso dovrà inviare al docente il mid-term paper, unitamente al final paper, e discutere entrambi in sede d'esame.

▪ HUMAN RIGHTS: A PHILOSOPHICAL APPROACH

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ESEMPI DI DOMANDE E/O ESERCIZI FREQUENTI

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Examples of topics for final papers:

Human rights and the Islamic Perspective. Women and non-Muslims

A MATTER OF ECONOMY OR A SYSTEM OF VALUES? THE CHOICE OF THE AMERICAN TARGET AND DETERMINANTS OF TERRORISM SUPPORT

A new approach to Human Rights: Ethics of care. A deep analysis of the approach and a comparison with some other theories

Human Rights: Between universality and cultural relativism?

Examples of question for final oral exams:

Can you describe the three main orientation in the contemporary philosophy of human rights?

Can you summarize the main points of Chirstiano's paper on human rights and democracy?

Can you summarize the main points of Kok Chor Tan's paper?

Can you summarize the main points of R2P?
