

Master in Legal Sciences	
Course: <i>Models of Justice and Human Rights</i>	Trimester: 1
	Number of Credits: 4
	Language: English
Professor: José Luis Martí	
Office hours: Wednesday, 3-5pm, at 40.0E26	
Email: josepluis.marti@upf.edu	

Course Description
<p>This course offers an introduction to contemporary theories of justice, political legitimacy and human rights. It is not a course on the history of ideas, but on the latest discussions and proposals. It focuses, then, on the most important challenges currently faced by democracies, and explores the main solutions that diverse political doctrines and theories have developed from them.</p>

Prerequisites
None.

Methodology
<p>Every session will be devoted to a concrete challenge or a particular theory or position. It will start with the presentation and discussion of a real case concerning human rights. Some specific materials will be assigned for each session. Then, such discussion will be followed by the presentation, explanation and discussion of one or more particular theories advancing solutions for that type of cases.</p> <p>The course provides basic knowledge over political philosophy, theories of justice and democracy and human rights, and intends to promote critical thinking as well as the capacity of presenting persuasively solid positions regarding issues of justice and legitimacy.</p> <p>Assistance to 80% of the classes is required. The previous reading of the assigned materials is compulsory and expected. And active participation and open discussion are encouraged through the whole sessions.</p>

Syllabus
<p>Session 1. Introduction to contemporary political philosophy: justice, legitimacy and human rights</p> <ol style="list-style-type: none"> 1.1. Why human rights are important? 1.2. Why justice and legitimacy are relevant? 1.3. Normative political philosophy and the law 1.4. Human rights, states and the globalized world

PART I: DOMESTIC POLITICS

Session 2. Happiness and efficiency

- 2.1. Introduction to utilitarianism
- 2.2. Types of utilitarianism: Hedonism, preference utilitarianism, act-utilitarianism, rule-utilitarianism
- 2.3. Objections
- 2.4. Human rights and utilitarianism

Session 3. Dignity, freedom and equality

- 3.1. Kantian ethics and human rights: basic human dignity
- 3.2. Liberal Egalitarianism: John Rawls' *A Theory of Justice*
- 3.3. Human rights and social rights
- 3.4. Objections

Session 4. Equality and responsibility

- 4.1. Ronald Dworkin's sovereign virtue
- 4.2. Luck egalitarianism: being responsible for one's decisions
- 4.3. Rights as trumps in the constitutional paradigm

Session 5. Unequal distribution and social rights

- 5.1. Human rights and Amartya Sen's model of capabilities
- 5.2. Real equality: what remains from Marxism?
- 5.3. The problem of free choice and free preferences
- 5.4. Gerald Cohen's summer camp and other new Marxist proposals
- 5.5. Objections

Session 6. Constitutionalism and democracy

- 6.1. The foundations of constitutionalism and judicial review
- 6.2. Strong constitutionalism and the countermajoritarian difficulty
- 6.3. Institutional design and the judicial state

Session 7. Markets and freedom: the minimal state

- 7.1. Right-wing liberalism and conservatism: historical background
- 7.2. Robert Nozick's libertarianism
- 7.3. The negative model of human rights
- 7.4. Objections

Session 8. Culture, religion and identity

- 8.1. The Communitarian critique to liberalism: McIntyre, Sandel, Taylor and Walzer
- 8.2. Nationalisms
- 8.3. Politics and religion
- 8.4. Multiculturalism: Kymlicka and Raz
- 8.5. The vernacular model of human rights
- 8.6. Objections

Session 9. Domination, freedom and democracy: new civic republicanism

- 9.1. Introduction: the republican historical tradition
- 9.2. Two types (and a half) of republicanism
- 9.3. The idea of freedom as non-domination
- 9.4. Deliberative democracy and republican self-government
- 9.5. Civic virtues
- 9.6. Republican human rights
- 9.7. Objections

Session 10. Feminism

- 10.1. Introduction: the history of the feminist movement
- 10.2. Contemporary feminism as an anti-liberal theory: the feminism of equality and the feminism of difference
- 10.3. Feminism versus multiculturalism
- 10.4. Catharine MacKinnon's theory
- 10.5. The ethics of care
- 10.6. Domination, equality and democratic deliberation
- 10.7. The feminist model(s) of human rights
- 10.8. Objections

PART II: GLOBAL POLITICS

Session 11. Global justice

- 11.1. Introduction: the new historical background in a globalized world
- 11.2. Domestic justice vs. cosmopolitan justice
- 11.3. An international difference principle: Challes Beitz
- 11.4. John Rawls and the Law of Peoples
- 11.5. Thomas Pogge and poverty
- 11.6. Human rights and international courts of justice

Session 12. Global democracy

- 12.1. Normative theories of the international legitimate order
- 12.2. The statist model
- 12.3. The transnational model
- 12.4. The global model
- 12.5. Is global democracy desirable?

Grading

The course's grading will be based on three different elements:

- 20% will depend on the students participation in the class discussions
- 60% of the course's grading will be based on a final take-home exam that will take place at the end of the term.
- 20% will depend on a video presentation in which the student will be required to orally defend his/her responses to the take-home exam with persuasive arguments and a solid rhetoric.

List of readings

Basic Reading

- Sandel, Michael, *Justice. What's the Right Thing to Do?*, New York: Farrar, Strauss and Giroux, 2009: chaps. 1-4, 6, 7 and 9.
- Plus diverse readings that will be assigned by the professor for each session.

Further readings

- Arnsperberger, Christian y Philippe Van Parijs, *Ética económica y social. Teorías de la sociedad justa*, Barcelona: Paidós, 2002.
- Brighouse, Harry, *Justice*, London: Polity, 2005.
- Fabre, Cecile, *Justice in a Changing World*, Polity Press, 2007.
- Gargarella, Roberto, *Las teorías de la justicia después de Rawls. Un breve manual de filosofía política*. Barcelona: Piados, 1999.
- Kymlicka, Will, *Contemporary Political Philosophy*. 2nd edition, Oxford University Press, 2001.