

## **RETH 42902 Rights and Justice**

T 2:00-4:50

Swift 200

Winter 2019

M/W 1:30-2:50pm

Professor Richard Miller

Office: Swift 202

Hours: M & W 3:00-4:40pm

Sign up with Julia Woods at

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### **Description**

This course will examine theories of rights and justice, focusing on racial justice, immigration, animal rights, justice across cultures, global ethics, environmental justice, and the human rights regime. The assigned readings theorize about and apply justice and rights to social problems that lie within but often outside the bounds of the nation-state, or to subjects that are not understood according to the category of state citizenship. Readings generally aim to expand the scope of moral concern to include neglected or vulnerable human populations, animals, and the environment. The organizing question of the course is: What do we owe each other, and why? Prior work in ethics, philosophy, or political theory is welcome but not required.

### **Format**

Class meets once a week in a seminar format. For the first class, I will make some introductory remarks about the organizing ideas of the course and will sketch a plan for the following weeks. Then we will turn to the first reading for discussion (see below). For the second class, we will all turn to the reading for discussion (there will be no presentation).

Starting on week 3, one or more student(s) will help to lead each session by providing a ~15 minute presentation. Each presentation should have three components: (a) a thesis, (b) a development of key points that flesh out the thesis, and (c) one or two focused, critical questions. The thesis is to be plainly stated in the presentation. The presentation is not to summarize the reading. Depending on the number of seminar enrollees, some seminars may have more than one presentation—one at the outset, one midway through the seminar meeting. Each presentation is to take its cues from the focus questions that I list below. Students assigned to a presentation are to send **two brief** questions via email to me to distribute to the rest of the seminar members by 5pm the day before class. Seminar discussion will take its bearings from the presentation(s) and should reference specific textual passages in order to advance an insight or question. Toward the end of each seminar, around 4:30, I will bring the discussion to a close and make comments that set the stage for the next seminar meeting.

Specific guidelines for your presentations are on Canvas\Course Materials\Files. I will send presenters an email a week in advance of their presentations to put them in contact with each other if there is more than one presenter that week.

## Assignments

1. Regular attendance and participation: 20%
2. Seminar presentation: 20%.
3. Concept Analysis: 20%. Each student is to write a 2 page, single-spaced, 12 font paper that takes up one concept from the reading and puts it to critical scrutiny. The paper should examine how one or two authors understand the concept, e.g., equity, freedom, equality, solidarity, desert, capability, entitlement, or power. The Concept Analysis is not to be on the same material as your Seminar Presentation. Due: **Feb. 2**, submitted to me as a Word document via email by 5pm. Please write your name and the course number in the subject heading, e.g., J. Jones RETH 42902/Concept Analysis.
4. Final Paper on topic approved by the instructor: 40%. Each student should write a 15 page double-spaced, 12pt font critical paper on one or more of the texts read in the course on a topic approved by me. *Note: The paper title, 1-2 paragraph thesis, and brief bibliography are due on March 1.* The final paper is due **March 19**. Each of these written materials is to be submitted to me as a Word document via email by 5pm on the due dates. Please write your name and the course number in the subject heading, e.g., J. Jones RETH 42902/Paper.

**Texts—see the calendar below**

### Focus comments and questions

1. You should *think through and with* each author's argument, considering his or her work on its *strongest terms*. Imagine yourself as a ventriloquist of each author and consider how you would defend or develop his or her ideas, and why. What central claims and methods characterize each author's work? What are the distinctive marks of each author's method and core ideas? What is the author accomplishing? Only when those questions are addressed are you in the proper position to raise challenges or critical questions.
2. How would you describe the author's project in broad, comprehensive terms?
3. Against what foil(s) is the author arguing?
4. How would you compare one author's work with the work of at least one other author, either by way of similarity or contrast? What concepts shape your comparison? Why are these comparisons important?
5. How is justice conceived? What concepts organize each author's depiction of justice? With what or whom does justice put one in a relationship? How does justice order that relationship? What other concepts, e.g., freedom, equality, solidarity, desert, capability, or power enable you to clarify the concept of justice that is being developed by the author under review?
6. How are rights related to justice? Who or what are rights-bearers, and what do they have a claim to, and why?
7. What is identified as a fundamental *injustice* by the author under review? What features of social life are picked out as "unjust"? What renders them so? What impediments to a just life or just society are identified?
8. What is the basic *subject* of justice? Institutions? Individual persons? Specific groups? Identities? Communities?

9. What is the *scope* of justice? Of rights? How far do they extend? Does their existence depend on the existence of political or social institutions tasked with enforcing them? Do they “stop” at national borders?
10. What is the *basis* of justice? On what values or sources does it rely?
11. How *deep* into specific social groups and institutions do rights penetrate? Do they shape relations *within* the family? *Within* voluntary interpersonal relationships? *Within* civic groups and religious institutions?
12. How are basic concepts of rights or justice *applied* to concrete problems? What does the application *reveal* about the meaning of justice?
13. What is the relationship between religion and justice? Is religion a source of ideas about justice, or an obstacle to its theorization or realization? Is religion a good to be protected by justice?

### P/F and Auditing Policy

Students may enroll for P/F or participate as Auditors with my approval. All students, regardless of enrollment status, are expected to keep up with the readings, attend all sessions, and provide a seminar presentation with discussion questions. P/F Students must write 2 Book Reviews, due Nov. 1 and Dec. 8.

### Calendar

Required in advance of the first week: *The Universal Declaration on Human Rights* at <http://www.un.org/en/documents/udhr/>; the Genocide Convention at <http://www.un-documents.net/cppcg.htm>; *International Covenant on Civil and Political Rights* at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; the *International Covenant on Economic, Social, and Cultural Rights* at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

Recommended in advance of the first week: “*Western Theories of Justice*” at <http://www.iep.utm.edu/justwest/> and Jeremy Waldron, “Introduction,” to *Theories of Rights*, ed. Waldron on Canvas/Files.

#### **Wk 1**

Jan. 8 Aristotle, *Nicomachean Ethics*, books 1, 5, 8, 10.

#### **Wk 2**

Jan. 15 James W. Nickel, *Making Sense of Human Rights*, 2<sup>nd</sup> ed.

#### **Wk 3**

Jan. 22 Gustavo Gutierrez, *A Theology of Liberation, 15<sup>th</sup> Anniversary ed.* ([1973] 1988).

#### **Wk 4**

Jan. 29 Peter Singer, *Animal Liberation*, updated ed. ([1975], 2009).

**Feb. 2: Concept Analysis due by 5pm via email as Word attachment.**

#### **Wk 5**

Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*

Feb. 5

**Wk 6** Sumner Twiss, et al., eds. *The Practices of Global Ethics: Historical Developments, Current*  
Feb. 12 *Issues, and Contemporary Prospects*, readings TBA.

**Wk 7** Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens*  
Feb. 19

**Wk 8** Charles Mills, *The Racial Contract*  
Feb. 26

**Mar. 1: Paper title, thesis, and brief bibliography due by 5pm via email as Word attachment.**

**Wk 9** Henry Shue, *Climate Justice: Vulnerability and Protection*  
Mar. 5

**Wk 10** Michael Walzer, *Just and Unjust Wars*, 5th ed. Prefaces to the first and the fifth  
Mar. 12 editions and chapters 1-4, 6, 9, 16, 18-19, and Postscript to the 5<sup>th</sup> edition

**Mar. 19: Final Paper due at 5pm via email as Word attachment.**