

Master in Legal Sciences	
<b>Course:</b> <i>Models of Justice and Human Rights</i>	<b>Trimester:</b> 2
	<b>Number of Credits:</b> 3
	<b>Language:</b> English
<b>Professor:</b> José Juan Moreso and José Luis Martí	
<b>Office hours:</b> Tuesday, 3-5pm, at 40.0E26	
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Course Description
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 problems nowadays in our developed democracies, and explores the main solutions that diverse political doctrines and theories have developed.

Prerequisites
None.

Methodology
Every session will start with a presentation or a lecture on one particular theory or group of theories. And it will finish with the analysis of a particular case or problem for which the theory advances an alleged solution. Open discussion, though, is expected and encouraged through all the session. The students are also encouraged to read the materials for each session in advance.

Syllabus
<p>Session 1. Introduction to contemporary political philosophy: justice, legitimacy and rights</p> <ul style="list-style-type: none"> <li>1.1. Why justice and legitimacy are relevant?</li> <li>1.2. The idea of human rights</li> <li>1.3. Normative political philosophy and the idea of law</li> </ul> <p>Session 2. Utilitarianism</p> <ul style="list-style-type: none"> <li>2.1. Introduction to Utilitarianism</li> <li>2.2. Kinds of Utilitarianism: Hedonism, preferences, act-utilitarianism, rule-utilitarianism</li> <li>2.3. Criticisms</li> <li>2.4. Human rights and utilitarianism</li> </ul>

### Session 3. Egalitarian liberalism

- 3.1. I. Kant: critique of Utilitarianism
- 3.2. John Rawls: The theory of Justice
- 3.3. John Rawls: The Political Liberalism
- 3.4. Taking Rights Seriously: Ronald Dworkin
- 3.5. Analytical Marxism
- 3.6. Human rights in the constitutional paradigm

### Session 4. Right-wing liberalism: libertarianism and conservatism

- 4.1. Right-wing liberalism and conservatism: a historical background
- 4.2. Robert Nozick's libertarianism
- 4.3. Criticisms
- 4.4. Human rights and right-wing liberalism

### Session 5. Communitarianism and multiculturalism

- 5.1. The Communitarian critique to liberalism: McIntyre, Sandel, Taylor and Walzer
- 5.2. Nationalisms
- 5.3. Multiculturalism: Kymlicka and Raz
- 5.4. Criticisms
- 5.5. Community, culture and human rights

### Session 6. Republicanism and democratic legitimacy

- 6.1. Introduction: the republican historical tradition
- 6.2. Two types (and a half) of republicanism
- 6.3. The contemporary revival
- 6.4. Freedom as non-domination
- 6.5. Republican self-government
- 6.6. Civic virtues
- 6.7. Human rights and republicanism

### Session 7. Feminism

- 7.1. Introduction: the history of the feminist movement
- 7.2. Contemporary feminism as an anti-liberal theory: the feminism of equality and the feminism of difference
- 7.3. Catharine MacKinnon's theory
- 7.4. The ethics of care
- 7.5. Domination, equality and democratic deliberation
- 7.6. Human rights and feminism

## Session 8. Constitutionalism and democracy

- 8.1. The origins and foundations of constitutionalism
- 8.2. The constitutional protection of human rights and the judicial review of legislation
- 8.3. The democratic critique

## Session 9. Global justice and global democracy

- 9.1. Introduction: the new historical background in a globalized world
- 9.2. Normative theories of the international legitimate order: is global democracy possible and desirable?
- 9.3. The discussion on global justice: Beitz, Rawls, Pogge
- 9.4. Human rights and international courts of justice

### Grading

Grading will be fundamentally based on a final essay. The students must choose a topic, related with one of the theories explored along the course, and the teachers may suggest a particular line of inquiry. The qualification of this essay will amount to 80% of the final grading. The other 20% will be based on the participation of students in class discussions.

### List of basic readings

- Brighouse, Harry, *Justice*, London: Polity, 2005.
- Campbell, Tom, *La justicia. Los principales debates contemporáneos*. Gedisa, 2002.
- 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.
- Sandel, Michael, *Justice. What's the Right Thing to Do?*, New York: Farrar, Strauss and Giroux, 2009: chaps. 1-4, 6, 7 and 9.