



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Philosophy of Human Rights and Pluralism

2223-4-A5810260

Learning objectives

The course in *Philosophy of Human Rights and Pluralism*, which will be conducted in English, aims to introduce students to a philosophical reflection on human rights, providing on the one hand precise theoretical categories and an adequate awareness of the historical, cultural and legal developments that have marked the development of the culture of human rights, and promoting on the other hand reflection on the dynamics of social and cultural changes that can promote not only the recognition of rights at the constitutional and legislative level, but above all in actual normative experience.

Contents

What are human rights? What is the relationship between human rights and positive legal systems? Is there a universal foundation for human rights? What are the factors that have led to the establishment of a human rights culture? What factors can further promote its spread? The course will address these and other fundamental questions of the philosophy of human rights by examining, on the one hand, the main positions characterising the theoretical debate on human rights and, on the other hand, by reconstructing the historical ground of the development of the culture of human rights and their gradual implementation in positive legal systems, in a context of growing pluralism that places state systems in continuous confrontation with the different forms of development of international and supranational systems.

Detailed program

The course will be divided into four main parts.

In the *first* part some fundamental theoretical and philosophical tools will be proposed in order to better define the

phenomena and conceptions underlying the use of the expression “human rights”. We will address the problem of the foundation of human rights starting from a reflection on the relationship between nature and culture and on the essentially normative dimension of society, referring not only to the debate between naturalism and legal positivism, but also to the more recent reflections on social ontology (John R. Searle).

In the *second* part we will reflect on the historical development of the culture of rights in Western civilization, starting from the wars of religion and the overturning, characteristic of the formation of the modern state, of the sovereign-subject relationship into a state-citizen relationship, through neo-constitutionalist theories, up to the more recent movements for rights, following the affirmation of the different “generations” of rights in Norberto Bobbio’s reading.

In the *third* part we will return to theoretical reflection on the notions of “human rights” and “fundamental rights”, dwelling, in particular, on the relationship between subjective and objective rights, on the question of the correlation between rights and the duties corresponding to them, and on the relationship between the recognition of rights and their guarantees. We shall examine, in particular, Luigi Ferrajoli’s criticism of the conception of rights proposed by Hans Kelsen and the role that Ferrajoli’s logical constitutionalism attributes to the theory of law in highlighting the contradictions and shortcomings of positive legal systems.

In the *fourth* and last part of the course we shall reflect, in the light of the plurality of sources of social normativity, on the promotion of the recognition and protection of human rights. Notably, we will investigate the relationship between normative experience and enacted law: while in some cases the normative experience of certain rights precedes their legal recognition, in other cases the opposite happens, as the legal recognition of rights may not immediately be followed by a corresponding change in normative experience. We will discuss these problems through the notions of “normative change” and “nomotrophic action”.

Prerequisites

The course in *Philosophy of Human Rights and Pluralism*, which will be conducted in English, requires a fair knowledge of this language at the level of reading and listening comprehension, and possibly at the level of oral production, but does not imply any other particular prerequisite: the theoretical and methodological notions necessary for the acquisition of the learning objectives of the course will be provided and discussed during the course of the lectures.

Teaching methods

The lectures will be face-to-face lessons marked by discussion and dialogue with the students in order to encourage the acquisition of the knowledge and skills expected through an autonomous reworking of the contents. During the lessons, some texts will be shared and examined as a starting point for a critical reflection on the topics of the course.

Lessons will be in English.

For those students who are interested, there is the possibility of analysing and discussing a short text in class to be agreed with the lecturer.

Assessment methods

The assessment of learning will consist of a final oral interview on the topics covered in class, which will aim to ascertain and evaluate

- (i) the awareness of the theoretical and practical issues related to the development of the culture of human rights,
- (ii) the acquisition of conceptual categories and basic historical notions in order to be able to discuss them in a rigorous and relevant manner,
- (iii) the ability to reflect independently on the topics of the programme and to construct rigorous critical arguments.

There are no written tests or intermediate tests.

Textbooks and Reading Materials

The bibliography for attending students will include several chapters of Norberto Bobbio, *The Age of Rights*, Polity Press, 1996 (also available in digital edition) and other materials that will be indicated and discussed during the lectures.

Non-attending students should contact the lecturer in advance to agree on the bibliography for the examination.

Sustainable Development Goals

NO POVERTY | ZERO HUNGER | QUALITY EDUCATION | GENDER EQUALITY | CLEAN WATER AND
SANITATION | AFFORDABLE AND CLEAN ENERGY | DECENT WORK AND ECONOMIC GROWTH |
REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | RESPONSIBLE CONSUMPTION
AND PRODUCTION | CLIMATE ACTION | LIFE ON LAND | PEACE, JUSTICE AND STRONG INSTITUTIONS |
PARTNERSHIPS FOR THE GOALS
