

Human Dignity

HMRT 26150

Winter Quarter 2016
Tuesdays & Thursdays 1:30 – 2:50
Location: Cobb 104

INSTRUCTOR

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COURSE DESCRIPTION

This advanced undergraduate/graduate course will examine the notion of human dignity, with a special eye towards its role in contemporary human rights discourse. The course begins by tracing the historical development of the idea of human dignity both in philosophy and in law, and from there it moves on to examine contemporary usages. Questions to be examined include the following: What is the meaning of "human dignity"? Is it basic to morality? What sort of things does it prohibit or require? Is there a distinction to be made between dignity, on the one hand, and *human* dignity, on the other? What is the connection, if any, between having dignity and having rights? Is human dignity an inherently religious concept? What grounding might it have in secular ethics?

COURSE REQUIREMENTS

(35%) Class Participation: All students will be expected to come to class prepared with a discussion question about the assigned readings for the day. The question can be critical (i.e., it may raise an objection against an assigned author), interpretive (i.e., it may raise an issue of interpretation in an assigned text), or thematic in nature (e.g., the question may interrogate a broad idea or theme that emerges from the readings). Since there won't be enough time for every student to ask their question in any given class, the instructor will call on students to raise questions at random. The purpose of this exercise is to allow students to play an active role in lectures, and also to generate engaged classroom discussion. Student participation will be evaluated on the basis of (i) the quality of a student's prepared questions, and (ii) a student's effort and engagement in class discussions

more generally. As far as general participation goes, my advice is: don't be shy. If you have something on your mind, we are all interested in hearing it.

(65%) Final Writing Assignment (Due by end of day, March 15th – Email submission preferred): (Word Limit: 2500-3500 for undergraduates; 3500-4500 for graduate students) As a final written assignment, students will be expected to write a *final paper* that puts any two sections of the course into dialogue with one another. Students must convey their choice to the instructor by midterm, i.e., February 16th. Students are encouraged to submit an outline of their paper for consultation with the instructor before final submission.

By February 9th, the instructor will offer some suggestions of particular essay questions that might be fruitfully pursued, although if a student would like to propose an original topic that will be absolutely fine as well, so long as the instructor is consulted beforehand. The final paper is an opportunity for students to directly engage the material covered in the course, as well as to think about how research on different aspects of human dignity might interrelate. For instance, a student might try to determine which contemporary theory can best respond to a problem encountered by Stoic conceptions of human dignity. In general, research papers will be assessed on the basis of (i) lucidity, (ii) effort, (iii) relevance to the chosen question, (iv) independence of thought, and (v) comprehension of the relevant readings.

Note: Papers and prospectuses submitted late will be penalized by 1/3 grade per day (e.g. A- instead of A if the paper is one day late).

COURSE MATERIALS

There are three books required for purchase in association with this course. All other readings listed below are available on Chalk, electronically.

REQUIRED TEXTS:

- (1) Michael Rosen, *Dignity: its History and Meaning* (Cambridge: Harvard University Press, 2012)
- (2) Jeremy Waldron, *Dignity, Rank and Rights* (Oxford: Oxford University Press, 2012), ed. M. Dan-Cohen.
- (3) Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015).

SYLLABUS

I. HISTORICAL SOURCES

JANUARY

5 SOME HISTORICAL BACKGROUND

- (1) Michael Rosen, *Dignity: its History and Meaning* (Cambridge: Harvard University Press, 2012), Ch. 1, pp. 1-62.

7 CLASS CANCELLED

12 STOIC THOUGHTS

- (1) Martha Nussbaum, "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism" in *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin* (Oxford: Oxford University Press, 2002), eds. G. Clark & T. Rajak, pp. 31-50.
- (2) *Obergefell v Hodges*, US Supreme Court Decision (October 2014), pp. 1-28. Pay particular attention to the dissent of Justice Thomas, esp. pp. 16-17 thereof. I also recommend taking a look at Justice Roberts' dissent.

Supplementary Readings

- (a) Martha Nussbaum, "Human Dignity and Political Entitlements" in *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (2008), pp. 351-380.

14 NAZI ORIGINS?

- (1) James Q. Whitman, "On Nazi 'Honour' and the New European 'Dignity'" in *Darker Legacies of Law in Europe: The Shadow of National Socialism and Fascism over Europe and its Legal Traditions* (Oxford: Hart Publishing, 2003), eds. C. Joerges & N.S. Galeigh, pp. 243-266.
- (2) Gerald L. Neuman, "On Fascist Honour and Human Dignity: A Sceptical Response" in *Darker Legacies of Law in Europe: The Shadow of National Socialism and Fascism over Europe and its Legal Traditions* (Oxford: Hart Publishing, 2003), eds. C. Joerges & N.S. Galeigh, pp. 267-274.

19 CHRISTIAN SOURCES I

- (1) Giovanni Pico della Mirandola, *On the Dignity of Man* (Cambridge: Hackett Publishing, 1486/1965), tr. C.G. Wallis, pp. 1-35.

- (2) Pope John Paul II's encyclical, *Evangelium Vitae* (March 25, 1995). (Skim through it).
- (3) Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012), pp. 47-54 and 90-100.

Supplementary Readings

- (a) Jeremy Waldron, "The Image of God: Rights, Reason, and Order" in, *Christianity and Human Rights: An Introduction* (Cambridge: Cambridge University Press, 2009), eds. Witte and Alexander, Ch. 10, pp. 216-235.

21 CHRISTIAN SOURCES II

- (1) Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), Introduction & Ch. 1, pp. 1-65.

Supplementary Readings

- (a) Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), Ch. 2, pp. 65-101.

26 KANTIAN SOURCES I

- (1) Immanuel Kant, *Groundwork to the Metaphysics of Morals* (Cambridge: Cambridge University Press, 1997), Tr. Mary Gregor, esp. Sec. II, pp. 19-51.
- (2) Immanuel Kant, *The Metaphysics of Morals*, pp. 138-139; 225-260.

Supplementary Readings

- (a) Michael Rosen, *Dignity: its History and Meaning* (Cambridge: Harvard University Press, 2012), pp. 19-31; 77-90; 142-156.

28 KANTIAN SOURCES II

- (1) Stephen Darwall, "Kant on Respect, Dignity, and the Duty of Respect" in *Kant's Ethics of Virtue* (Berlin: de Gruyter, 2008), ed. M. Betzler, pp. 175-200.

FEBRUARY

2 KANTIAN SOURCES III

- (1) Elizabeth Anderson, "Emotions in Kant's Later Moral Philosophy: Honor and the Phenomenology of Moral Value" in *Kant's Ethics of Virtue* (Berlin: de Gruyter, 2008), ed. M. Betzler, pp. 123-146.

Supplementary Readings

- (a) Peter Berger, “On the Obsolescence of the Concept of Honor” in *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame: Notre Dame University Press, 1983), eds. S. Hauerwas & A. MacIntyre, pp. 172-81.

4 KANTIAN SOURCES IV: ATTEMPTED APPLICATIONS

- (1) Oscar Schachter, “Human Dignity as a Normative Concept” in *The American Journal of International Law* (1983), Vol. 77, No. 4, pp. 848-854.

The German Airliner Case

- (2) The German Airliner case: *Bundesverfassungsgericht*, Feb 15, 2006, pp. 1-9.
(3) Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012), pp. 100-129.

Dignity and Dwarf-Tossing

- (4) UN Human Rights Committee, *Wackenheim v. France*, pp. 1-4.
(5) Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012), pp. 63-77.

Supplementary Readings

- (a) Robert W. McGee, “If Dwarf Tossing is Outlawed, Only Outlaws Will Toss Dwarfs: Is Dwarf Tossing a Victimless Crime?” in *American Journal of Jurisprudence* (1993), Vol. 38, pp. 335-358.

II. DIGNITY, RANK, AND RIGHTS

9 WALDRON’S VIEW I

- (1) Jeremy Waldron, *Dignity, Rank, and Rights* (Oxford: Oxford University Press, 2012), ed. M. Dan-Cohen, pp. 1-77.

11 WALDRON’S VIEW II

- (1) Michael Rosen, “Dignity: Past and Present” in *Dignity, Rank, and Rights* (Oxford: Oxford University Press, 2012), ed. M. Dan-Cohen, pp. 79-98.
(2) Jeremy Waldron, “Reply” in *Dignity, Rank, and Rights* (Oxford: Oxford University Press, 2012), ed. M. Dan-Cohen, pp. 133-148.

16 DIGNITY AND RIGHTS I

- (1) Joel Feinberg, “The Nature and Value of Rights” in *The Journal of Value Inquiry* (1970), Vol. 4, No. 4, pp. 243-260.

Supplementary Readings

- (a) James Nickel, *Making Sense of Human Rights: Second Edition* (Oxford: Blackwell, 2007), Ch. 2, pp. 22-28.
- (b) Allen Buchanan, "What's So Special About Rights?" in *Social Philosophy and Policy* (1984), Vol. 2, No. 1, pp. 61-83.

18 DIGNITY AND RIGHTS II

- (1) Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1978), Chs. 6-7, pp. 150-206.

Supplementary Readings

- (a) James W. Nickel, "Equal Respect and Human Rights" in *Human Rights Quarterly* (1982), Vol. 76, No. 4, pp. 76-93, esp. pp. 76-80, 86-93.

III. HUMAN DIGNITY AND HUMAN RIGHTS

23 HUMAN DIGNITY IN HUMAN RIGHTS LAW

- (1) Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights" in *European Journal of International Law* (2008), Vol. 19, No. 4, pp. 655-724.

Supplementary Readings

- (a) Paolo G. Carozza, "Human Dignity and Judicial Interpretation of Human Rights" in *European Journal of International Law: a Reply* (2008), Vol. 19, No. 5, pp. 931-944.
- (b) Gerald L. Neuman, "Discourses of Dignity" in *Understanding Human Dignity* (Oxford: British Academy, 2013), ed. C. McCrudden, pp. 637-648.

25 HUMAN DIGNITY AND HUMAN RIGHTS I

- (1) Preambles to UDHR and ICCPR (online).
- (2) Jeremy Waldron, "Is Dignity the Foundation of Human Rights?" in *Philosophical Foundations of Human Rights* (Oxford: Oxford University Press, 2015), eds. S.M. Liao, M. Renzo, & R. Cruft, Ch. 5, pp. 117-138.
- (3) John A. Simmons, "Human Rights, Natural Rights, and Human Dignity" in *Philosophical Foundations of Human Rights* (Oxford: Oxford University Press, 2015), eds. S.M. Liao, M. Renzo, & R. Cruft, Ch. 6, pp. 138-153.

MARCH

1 HUMAN DIGNITY AND HUMAN RIGHTS II

- (1) Charles Beitz, “Human Dignity in the Theory of Human Rights: Nothing But a Phrase?” in *Philosophy and Public Affairs* (2013), Vol. 41, No. 3, pp. 259-290.

Supplementary Readings

- (a) Jurgen Habermas, “The Concept of Human Dignity and the Realistic Utopia of Human Rights” in *Metaphilosophy* (2010), Vol. 41, No. 4, pp. 464-480.

IV. SOME FINAL THOUGHTS

3 SKEPTICISM ABOUT DIGNITY

- (1) Steven Pinker, “The Stupidity of Dignity” in *The New Republic*, May 28, 2008, pp. 28-31.
(2) Ruth Macklin, “Dignity is a Useless Concept” in *British Medical Journal* (2003), No. 327, pp. 1419-1420.

Supplementary Readings

- (a) Michael Rosen, “Dignity: The Case Against” in *Understanding Human Dignity* (Oxford: British Academy, 2013), ed. C. McCrudden, pp. 143-154.

8 THE INSTRUCTOR’S VIEW

- (1) Adam Etinson, “What’s So Special About Human Dignity?” (DRAFT).