

PHILOSOPHY OF COLLECTIVE RIGHTS AND SELF-DETERMINATION

Second Semester 2019

Seminar on Global Inequalities and Social Justice

University of Brasilia (UnB) Law School

Location: Auditório da Faculdade de Direito, Universidade de Brasilia

Date and Time: 25, 26 and 27 November, and 2 December, from 2pm to 5pm.

Professor: Ángel R. Oquendo University of Connecticut School of Law

Participation: Alessandra A. S. Silveira University of Minho School of Law

SYLLABUS COURSE DESCRIPTION AND ASPIRATIONS

The course will not pursue narrowly defined, one-size-fits-all objectives, but, instead, set up a rather open-ended discussion on the topics listed in the Catalogue. It will focus on human rights, the tension between individual and group entitlements, selfdetermination, decolonization, secession, and the rights of indigenous peoples, women, minorities, and dissidents. With the instructor's guidance, students will have the opportunity to find their own way to mastering each such concept. They will reflect upon the multiple paths from philosophy to law. Each week, participants will read the writings of one thinker, analyze her or his general argument, and gradually develop their own perspective.

READINGS PER WEEK

- 1) Jürgen Habermas: Multiculturalism and the Liberal State, 47 STAN. L. REV. 849-53 (1995); Struggles for Recognition in Constitutional States, in MULTICULTURALISM 107-48 (Amy Gutmann, ed.) (Princeton U. Press: Princeton, NJ) (1996)
- 2) Susan Moller Okin: Is Multiculturalism Bad for Women?, BOSTON REVIEW, Oct.-Nov. 1997, at 25-28; Mistresses of their Own Destiny: Group Rights, Gender and the Realistic Rights of Exit, 112(2) ETHICS 205-30 (2002)
- 3) Allen E. Buchanan: Federalism, Secession, and the Morality of Inclusion, 37 ARIZONA L. REV. 53-63 (1995); Self-Determination and Secession (Chap. 8) (I-II, IV-VI), JUSTICE, LEGITIMACY, AND SELF-DETERMINATION: MORAL FOUNDATIONS FOR INTERNATIONAL LAW 331-348, 394-400 (Oxford U. Press: Oxford, UK) (2004)
- 4) Iris Marion Young: Self-Determination as Non-Domination: Ideals Applied to Palestine/Israel, 5(2) ETHNICITIES 139-159 (2005); Self-Determination (Introduction); Two Concepts of Self-Determination (Chap. 2), GLOBAL CHALLENGES: WAR, SELF-DETERMINATION, AND RESPONSIBILITY FOR JUSTICE 1-2, 6-8, 39-57 (Polity Press: Cambridge, UK) (2007)

FOR FUTURE REFERENCE

- 1) José Saramago: Things, THE LIVES OF THINGS (Verso Books: New York, NY) (Giovanni Pontiero, trans. 2013)

- 2) Charles Taylor: The Politics of Recognition, MULTICULTURALISM AND 'THE POLITICS OF RECOGNITION' 25-73 (Princeton U. Press: Princeton, NJ) (Charles Taylor, Amy Gutmann, eds. 1992) 2 PHILOSOPHY OF COLLECTIVE RIGHTS
- 3) Joseph Raz: National Self-Determination (Chap. 5), Multiculturalism: A Liberal Perspective (Chap. 7), ETHICS IN THE PUBLIC DOMAIN 110-30, 155-76 (Oxford U. Press: Oxford, UK) (1994)
- 4) Michael Walzer: Comment, in MULTICULTURALISM 99-103 (Princeton U. Press: Princeton, NJ) (Amy Gutmann, ed.1996); Pluralism and Social Democracy, DISSENT 47-53 (Winter 1998); Multiculturalism and the Politics of Interest (Chap. 4), in INSIDER/OUTSIDER: AMERICAN JEWS AND MULTICULTURALISM 88-98 (U. California Press, Berkeley, CA) (David Biale, Michæl Galchinsky, Susannah Heschel, eds. 1998); What Rights for Illiberal Communities?, in FORMS OF JUSTICE: CRITICAL PERSPECTIVES ON DAVID MILLER'S POLITICAL PHILOSOPHY 123-34 (Rowman & Littlefield Publishers: Lanham, MD) (Daniel A. Bell & Avner de-Shalit eds., 2003); What Does It Mean to Be an 'American'?, 71(3) SOCIAL RESEARCH 633-54 (1990).
- 5) Claus Offe: "Homogeneity" and Constitutional Democracy: Coping with Identity Conflicts through Group Rights, 6 J. POL. PHIL. 113-41 (1998); Political Liberalism, Group Rights, and the Politics of Fear and Trust, 53(3) STUDIES IN EAST EUROPEAN THOUGHT 167-82 (2001)
- 6) Yael Tamir: Against Collective Rights (Chap. 15), in RIGHTS, CULTURE AND THE LAW: THEMES FROM THE LEGAL AND POLITICAL PHILOSOPHY OF JOSEPH RAZ 183-204 (Oxford U. Press: Oxford, UK) (Lukas H. Meyer, Stanley L. Paulson, Thomas W. Pogge, eds. 2003); Liberal Nationalism (Ch. 19), A Race to the Bottom (Ch. 21), WHY NATIONALISM 155-65, 172-182 (2019)
- 7) David Miller: Group Rights, Human Rights and Citizenship, 10 EUR. J. PHIL. 178- 95 (2002); Territorial Rights: Concept and Justification, 60 POL. STUDIES 252-68 (2012); Toleration, Self-Determination and the State, in READING WALZER 23-39 (Routledge: New York, NY) (Yitzhak Benbaji, Naomi Sussmann, eds. 2014)
- 8) Jeremy Waldron: Taking Group Rights Carefully 203-20, in LITIGATING RIGHTS: PERSPECTIVES FROM DOMESTIC AND INTERNATIONAL LAW (Hart Publishing: Oxford, UK & Portland, OR) (Grant Huscroft and Paul Rishworth, eds. 2002); The Dignity of Groups, 2008 ACTA JURIDICA (Cape Town) 66-90 (2008)
- 9) James Griffin: Group Rights, in RIGHTS, CULTURE AND THE LAW: THEMES FROM THE LEGAL AND POLITICAL PHILOSOPHY OF JOSEPH RAZ 161-182 (Oxford U. Press: Oxford, UK) (Lukas H. Meyer, Stanley L. Paulson, Thomas W. Pogge, eds. 2003); Group Rights (Chap. 15), ON HUMAN RIGHTS 256-276 (Oxford U. Press: Oxford, UK) (2009) 10) Will Kymlicka: The Forms of Liberal Multiculturalism (Chap. 3), MULTICULTURAL ODYSSEYS: NAVIGATING THE NEW INTERNATIONAL POLITICS OF DIVERSITY 61-86 (Oxford U. Press: Oxford, UK) (2005) (13.11.13); Neo-liberal Multiculturalism?, in SOCIAL RESILIENCE IN THE NEOLIBERAL ERA 99-125 (Cambridge U. Press: Cambridge, UK) (Peter A. Hall, Michèle Lamont, eds.2013)