

## RIGHTS

Seminar in Social & Political Philosophy: 16:730:583  
Rutgers University – New Brunswick

Fall 2020  
Fridays: 1:10-4:10pm

Professor Alexander Guerrero, alex.guerrero@rutgers.edu  
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Office Hours: by appointment

All course meetings will be held over Zoom:

<https://zoom.us/j/94096153607?pwd=Rk82MUJxTWVhUjFhYk0RVb1hsdnhXdz09>  
Meeting ID: 940 9615 3607  
Passcode: rights

### I. COURSE DESCRIPTION

This course will focus on what rights are and what entities have them.

We will begin by considering conceptual issues distinguishing rights from other aspects of morality and then examine theories relating rights to duties to oneself, to social recognition, to procedural rules, and to issues arising in a pandemic. A large part of the class will focus on the moral status of animals and whether they are rights-bearers.

Readings are drawn from contemporary analytic philosophy and Native American philosophy, including work by Derrick Darby, Ronald Dworkin, Alexander Guerrero, Shelly Kagan, Frances Kamm, Christine Korsgaard, Tom Regan, Judith Jarvis Thomson, and Wub-e-ke-niew. Professor Kagan and Professor Korsgaard will join as guest professors to respond to questions about their recent work in separate virtual visits to the regular class meeting.

### II. COURSE REQUIREMENTS

#### Talking

**(A) Course Participation:** Come to class, be on time, be prepared, talk regularly and about as much as is compatible with everyone else also speaking that much. If you can't attend for some reason, please email the instructors in advance of class. PLEASE BE SURE TO DO THE READING FOR THE FIRST DAY OF CLASS. **(10% of grade)**

**(B) Presentation:** Each person taking the class for credit will be required to be a "commentator" on one of the readings for one of the meetings of the course. This role should be treated as if you were serving as a commentator for a conference (like one of the American Philosophical Association conferences) and you have been assigned a paper on which to comment. **(15% of grade)**

You will have 7 minutes total for your comments and you will be expected to make a handout.

You need only offer as much description and summary as is necessary to understand your critical points (which might be focused entirely on one part of one argument; it should not aim to summarize the whole reading), and you should see your role as offering critical commentary on an argument or claim made by the author of the relevant reading.

You will need to practice giving your comments so that they can fit in the allotted time, and you will need to send both professors your handout at least one day in advance of the course meeting at which you will offer your comments.

### Writing

**(A) Written Questions:** All students taking the course for credit will be required to submit to the two professors 2 questions about the reading for the week by Thursday, 5pm ET, before the class meeting for that week. These should be substantive questions, such as you might ask in class. We may draw on or engage with these questions in class. We will explain the mechanics of this in class on the first day. Prior to the first day, please send us the two questions by email (our emails are listed above). **(15% of grade)**

**(B) Term Paper:** All students taking the course for credit must write a substantive term paper for the course. These papers should be between 7000 and 10000 words long. Details will be provided in class. **(60% of grade)**

### III. ACCESSIBILITY

We want this class to be a great and educational experience for all of you, and all of you are entitled to equal access to educational opportunities at Rutgers. Students with disabilities are encouraged to speak with me if that would be helpful and to avail themselves of the services provided by the Office of Disability Services: <https://ods.rutgers.edu/>

### IV. PLAGIARISM AND ACADEMIC INTEGRITY

You are expected to be familiar with and adhere to the Rutgers University policies on plagiarism and academic integrity. Penalties for violations of these policies can be severe, including an automatic failing grade for the course and worse. This document provides a comprehensive overview of those policies:

<http://nbacademicintegrity.rutgers.edu/home-2/academic-integrity-policy/>

### V. PLAN FOR COURSE AND READINGS

#### REQUIRED TEXTS

- Shelly Kagan, How to Count Animals, more or less (Oxford, 2019)
- Christine Korsgaard, Fellow Creatures: Our Obligations to the Other Animals (Oxford, 2018)
- Judith Jarvis Thomson, The Realm of Rights (Harvard, 1990)

**PLAN FOR COURSE**

<b>I. Selected Work on Rights</b>		
9/4	<b>Introduction: Rights</b>	<ul style="list-style-type: none"> <li>▪Judith Jarvis Thomson, <u>The Realm of Rights</u>, pp. 1-4, 37-78</li> </ul>
9/11	<b>Tradeoffs &amp; Trolleys</b>	<ul style="list-style-type: none"> <li>▪Judith Jarvis Thomson, <u>The Realm of Rights</u>, pp. 105-122, 149-202</li> </ul>
9/18	<b>Recent Work on Rights</b>	<ul style="list-style-type: none"> <li>▪Ronald Dworkin, <u>Justice for Hedgehogs</u>, pp. 203-214, 271-299</li> <li>▪Frances Kamm, “What Ethical Responsibility Cannot Justify”</li> </ul>
9/25	<b>Rights and Recognition</b>	<ul style="list-style-type: none"> <li>▪Derrick Darby, “Rights Externalism and Racial Injustice”</li> <li>▪Charles Mills, “Racial Rights and Wrongs: A Critique of Derrick Darby”</li> </ul>
10/2	<b>Rights, Animals, Pandemics</b>	<ul style="list-style-type: none"> <li>▪Tom Regan, <u>The Case for Animal Rights</u>, pp. 113-120, 150-56, 243-50, 262-63, 266-273, 276 (8.4, 5)-280, 283-316, 324-25</li> <li>▪Frances Kamm, “Rights in a Pandemic”</li> </ul>
<b>II. Korsgaard’s <i>Fellow Creatures</i></b>		
10/9	<b>Korsgaard (1)</b>	<ul style="list-style-type: none"> <li>▪Christine Korsgaard, <u>Fellow Creatures: Our Obligations to the Other Animals</u>, Chapters 1 - 4</li> </ul>
10/16	<b>Korsgaard (2)</b>	<ul style="list-style-type: none"> <li>▪Christine Korsgaard, <u>Fellow Creatures: Our Obligations to the Other Animals</u>, Chapters 5-8</li> </ul>
10/23	<b>Korsgaard (3)</b> (Professor Korsgaard visits)	<ul style="list-style-type: none"> <li>▪Christine Korsgaard, <u>Fellow Creatures: Our Obligations to the Other Animals</u>, Chapter 9 and Section 10.4</li> </ul>
<b>III. Kagan’s <i>How to Count Animals</i></b>		
10/30	<b>Kagan (1)</b>	<ul style="list-style-type: none"> <li>▪Shelly Kagan, <u>How to Count Animals, more or less</u>, Chapters 1-4</li> </ul>
11/6	<b>Kagan (2) and Kamm</b>	<ul style="list-style-type: none"> <li>▪Shelly Kagan, <u>How to Count Animals, more or less</u>, Chapter 5</li> <li>▪Frances Kamm, paper on moral status/rights/directed duties</li> </ul>

11/13	<b>Kagan (3)</b>	▪Shelly Kagan, <u>How to Count Animals, more or less</u> , Chapters 7-9
11/20	<b>Kagan (4)</b> (Professor Kagan visits)	▪Shelly Kagan, <u>How to Count Animals, more or less</u> , Chapter 11
<b>IV. Other Thinking about Animals and Rights</b>		
11/25 (Wed)	<b>Native American Perspectives on Ethics, Rights, and Animals</b>	<ul style="list-style-type: none"> <li>▪Wub-e-ke-niew, <u>We Have the Right to Exist: A Translation of Aboriginal Indigenous Thought</u>, selected pages</li> <li>▪John (Fire) Lame Deer, <u>Lame Deer, Seeker of Visions</u>, pp. 119-128</li> <li>▪Alex Guerrero, “Ahnishinahbæótjibway Ethics”</li> </ul>
12/4	<b>Moral Rights and Procedural Rights</b>	▪Alex Guerrero, “Moral and Procedural Rights”