

JAMR42, Human Rights, Values and Legal Trends: The Role of Ethics, 7.5 credits

*Human Rights, Values and Legal Trends: The Role of Ethics, 7,5
högskolepoäng*

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2020-02-05 to be valid from 2020-02-05, spring semester 2020.

General Information

The course Human Rights, Values and Legal Trends: The Role of Ethics is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is also open as an elective course for students within the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in International Human Rights Law in their second-cycle studies.

Language of instruction: English

Main field of studies

Human Rights

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass the examination the student shall be able to demonstrate

- comprehensive and in-depth knowledge of the topic of central value issues related to human rights qua rights, including the role of ethics, post-conflict justice studies, the United Nations rule of law philosophy (including R2P), and trends in legal doctrine
- a thorough understanding of contemporary outlooks on jus cogens norms and corresponding rights, including positions that give rise to a concept (law) of

- singularity on behalf of the various branches of public international law
- in-depth knowledge of competing versions of general rights theory and, moreover, narrow and broad stakeholder typologies and their criteria for conceptualisation
- an understanding of theoretical premises for general rights discourse, such as the logical correlativity thesis for rights and obligations, the interest-incompatibility thesis for values that ground rights, and the separation thesis for law and morality
- a solid understanding of mainstream and influential views in ethics, together with other non-legal prescriptive ideas that affect key values and their outcomes, such as life, freedom and security
- awareness of differences between traditional and progressive outlooks in international law and the (actual or potential) impact of these for case law and non-judicial modalities in post-conflict justice practice
- broad background knowledge of public international law, including the sources of the law and recognition, fundamental legal concepts, principles, processes and the rules applicable in core areas of the law.

Competence and skills

To pass the examination the student shall be able to demonstrate

- the ability to ascertain differences and similarities between competing outlooks from legal doctrine and philosophy of law frameworks in the field of international law
- the ability to link legal doctrine with knowledge about general rights theory and ethics acquired through the course
- the ability to discuss rights and practical implications for states and other stakeholders, in the context of new legal developments and key values like life, freedom and security
- the ability to identify and formulate value-based challenges that can be derived from the causes, consequences, and concerns of particular conflict scenarios in the context of international law within a limited period of time and to present the results orally
- the ability to work both individually and in groups
- the ability to engage in focused research on specific subject-matter and to present the result in scholarly writing
- robust skill set in research, including the search, processing, analysis and assessment of relevant legal and other material.

Judgement and approach

To pass the examination the student shall be able to demonstrate

- the ability to draw effectively and critically upon multiple sources, including but not limited to legal sources, to examine, explain and evaluate progressive trends in legal doctrine as these relate to or impact basic international human rights standards and the values that underpin them
- the ability to reason with analytical clarity, ethically as well as legally and doctrinally and concerning claims about rights and values
- the ability to think independently and creatively while drawing on relevant scholarship
- insight into general rights theory complexities, challenges and constraints through test cases from domestic law, international case law, and international instruments, and various sub-distinctions at the international level, such as the one between international criminal law and international criminal justice.

Course content

This course is designed to address central areas of international human rights under the following main headings:

General Rights Theory and Meta-Normativity of Human Rights

This focuses on a comparison of different accounts of claim-rights. In particular, the contrast between Will and Interest Theory (of rights) will be covered in detail. The various outlooks, some of which are presented in the context of domestic law, will be applied to international law, with a view to clarifying i) the meta-normative direction posts they entail and ii) their accuracy and adequacy for (criminal, humanitarian and standard) international human rights interpretation, and iii) the premises that guide values, such as the interest-incommensurability thesis, the logical correlativity thesis, and the separation thesis for law and ethics.

The Intersection of General Rights Theory and Trends in Legal Doctrine

This examines the intersection of general rights theory and trends in legal doctrine in the area of public international law, for the objectives of outlining i) analogical credentials-checking criteria of jus cogens norms and corresponding basic human rights and ii) doctrinal ideas of a singular concept of law. As a course that homes in on the values that underpin rights (in general and jus cogens norms and corresponding basic human rights in particular), additional examinations accommodate a discussion of victims' special rights, rights-typology and the hierarchical implications of this in the light of considerations having to do with ethics.

Ethics and Evaluation

This highlights the general tools of ethics and their possible overlaps with political ideology. The tools consist of descriptive and prescriptive theories, that is, morally-substantive outlooks. Examples include teleological and deontological ethics. In addition, pluralism, amoralism, and economic realism are addressed on account of their historical importance for human rights reasoning and ranking. The theoretical premises and practical implications are also applied to post-conflict justice, especially the part that transcends (traditional) retributive justice, namely restorative justice as a post-World War II phenomenon.

Ethics and the Development of Law

The role of ethics in public international law will be studied in a dynamic perspective. The emergence of general principles and substantive norms of international law as well as non-judicial aspects of post-conflict justice will be examined with a view to a range of contemporary, central and controversial "best (development) practice" issues. These include conflict causality and country-specific scenarios, developments pertaining to crimes against humanity and social/economic human rights, distinctions between religious and other types of pluralism (in international case law) as regards individual freedoms, activist-type (doctrinal) pushes for recognition of ecocide, and anti-corruption measures.

Course design

Instruction is given in the form of lectures and seminars, where active participation is expected.

Assessment

The students are assessed on the basis of

- an oral presentation in compulsory seminars (30 % of the final grade) and
- a take-home written exam (70 % of the final grade).

Students unable to participate in the oral presentation can compensate with a written task. Students must pass both the oral presentation and the take home exam to pass the course. Additionally, active participation during the seminars can affect the final grade in borderline cases.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

B – Pass

In order to pass the student must be able to demonstrate a solid ability independently to search for and to evaluate legal and other sources in international human rights, the ability to conduct satisfactory analysis of trends in legal doctrine in relation to ethical or other non-legal prescriptive ideas as well as general rights theory and their premises, good knowledge of jus cogens norms, good knowledge of post-conflict justice studies and the United Nations rule of law philosophy, awareness of differences between traditional and progressive outlooks that impact case law and non-judicial modalities in post-conflict justice practice, and a broad background understanding of the substantive and procedural aspects of public international law; and finally, the student must be able to demonstrate his/her ability to convey his/her knowledge both orally and in written form.

BA – Pass with credit

In order to achieve this grade, the student must show a broad as well as deep knowledge of trends in legal doctrine in relation to ethical or other non-legal prescriptive ideas as well as general rights theory and their premises, very good knowledge of jus cogens norms, very good knowledge of post-conflict justice studies and the United Nations rule of law philosophy, good awareness of differences between traditional and progressive outlooks that impact case law and non-judicial modalities in post-conflict justice practice, and a broad background understanding of the substantive and procedural aspects of public international law; and finally, the student must be able to demonstrate his/her ability to conduct deep and nuanced analysis of legal trends in a manner that draws on different sources, the ability to articulate the normativity of ethics and of law, the ability to respond to questions and interact with other students at presentations and seminars, the ability to carry out assignments in a timely manner and a good command of presentation and communication skills.

AB – Pass with distinction

In order to achieve the highest grade, the student must, in addition to the general knowledge and skill in the overall subject of basic international human rights standards required for the grade of BA, be able to demonstrate in-depth knowledge of an aspect of basic international human rights standards showing a deep awareness of the systematic and theoretical underpinnings of the particular aspect being studied. The student's independent choice of the specific aspect for in-depth study should be scientifically motivated and must demonstrate a very good ability in identifying an interesting topic relevant to the study of international human rights standards as these intersect with value-oriented inquiries resulting in ethics assessment.

Written works shall, in particular, be of a good professional standard with regard to both the substantive content and the technical aspects.

Entry requirements

A grade of pass for course examinations corresponding to the first semester of the Master's programme equivalent to 30 credits.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAMR42, Human Rights, Values and Legal Trends: The Role of Ethics

Applies from V20

2001 Human Rights, Values and Legal Trends: The Role of Ethics, 7,5 hp
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