

**JAMR44, Human Rights and the Problem of National
Sovereignty, 7.5 credits**
*Human Rights and the Problem of National Sovereignty, 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 2022-02-02 to be valid from 2022-03-24, spring semester 2022.

General Information

The course Human Rights and the Problem of National Sovereignty is an optional course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is also open to students on the programme leading to a Swedish Professional Law degree with a specialization in International Human Rights Law.

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

Students will enhance their research skills; improve their writing skills in the scholarly genre; refine their analytic skills through careful analysis and discursive argumentation in defense of an original thesis in each of their papers; and cultivate the capacity to engage in small group discussion: in developing and conducting one in-class presentation, and in classroom participation more generally. They will learn about the idea of human rights and the nature of national sovereignty in today's world.

Knowledge and understanding

To pass this course the student shall show understanding of the fundamental claims of human rights theory and how those claim relate to the phenomenon of national sovereignty today.

Competence and skills

To pass this course the student shall demonstrate

- mastery of analytic tools for analyzing core claims of human rights theory as they relate to basic features of contemporary national sovereignty
- analytic capacity to assess the strengths and weaknesses of competing claims about human rights theory as it relates to legal issues of national sovereignty today
- a basic grasp of the fundamental features of, and significance for human rights of, national sovereignty as the primary organizing principle of international relations in the world today.

Judgement and approach

To pass this course the student will demonstrate a university-level ability to analyze texts in political theory, to construct an original thesis based on a careful reading of the assigned texts and, in an essay, to defend that thesis with discursive arguments.

Course content

Today's international order is founded on the sovereignty of territorially bounded nation-states. Democratic nation-states claim sovereignty on the basis of the democratic self-determination of their citizens. But these same states sometimes might want to act, and often claim to act, in the name of universally valid principles of human rights. Do any states ever act accordingly or are such claims naïve, deceitful, or worse? The course will explore the very possibility of human-rights-compliant state-behavior. Our exploration will be guided by a series of questions: What exactly are "human rights," philosophically, sociologically, and politically? Does our territorially circumscribed, state-centric world of international relations simply preclude the possibility of human rights? If not, then how exactly can universal rights be circumscribed within the domestic legal orders of individual nation states? For example, could stateless persons claim a human right to residence in a particular country? Do human rights commit nation states to some form of international distributive-justice? Are human rights only possible if states weaken national sovereignty? Could a state be required by human rights principles to grant asylum without losing its sovereignty? In the name of political reality, should we replace the idea of universally valid human rights with human rights conceived as rights valid, at least initially, only locally? Should we conceive of human rights as authored by the very persons to whom they are addressed locally? And what about an authoritarian state: Can it practice some form of human rights even if it rejects others, and even if it is not bound by the domestic rule of law?

Course design

The course is based on in-class discussion. (a) In the sessions, students should be producers and not just consumers of viewpoints, interpretations, and arguments about the assigned readings. (b) Each session, the instructor will provide an overview and context for the readings and identify the main claims of each reading and the problems posed by those claims. (c) During the final week, the student will submit a thesis-driven, analytic essay, based on careful analysis of the course materials, addressing one issue involving human rights in the context of national sovereignty, and using one empirical example. (d) The examiner will review the essays closely and provide critical feedback as well as suggestions for improvement in style and substance.

Assessment

The student's course grade will be based on one essay, to be written and submitted during the final week. Students will be provided with a list of topics from which they may choose. The grade will be adjusted for the quality of the student's classroom participation. Attendance at half the sessions is required to pass the course.

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

A student merits a B (pass) by attending at least half of the sessions, participating thoughtfully in at least one class session, and submitting an essay of adequate quality, where adequate is defined as (a) a thesis that extrapolates a claim by one of our authors; (b) a thesis-defense with arguments found in the authors themselves; (c) an essay that practices close textual analysis and that explains the authors but does not exceed the authors' self-understandings; (d) an essay that develops the thesis in terms of one, thoughtfully chosen concrete or historical example; (e) written in a clear style with not too many linguistic mistakes; and (f) quoting at least four short passages from the assigned readings when making claims about them.

BA – Pass with credit

A student merits a BA (pass with credit) by attending and participating thoughtfully and regularly in class discussions, leading at least one class discussion, and submitting an essay of good quality, where good is defined as (a) a thesis that extrapolates claims by two of our authors; (b) a thesis-defense with arguments that, in an original way, builds on arguments made by the authors themselves; (c) an essay that practices close textual analysis that exceeds the authors' self-understandings; (d) that develops the thesis in terms of one, thoughtfully chosen, concrete or historical example that draws on at least one source outside the course; (e) written in a clear style with few linguistic mistakes; (f) quotes at least six short passages from the assigned readings when making claims about them, and (g) an essay that, in its conclusion, also identifies the limits of the student's argument.

AB – Pass with distinction

A student merits an AB (pass with distinction) by attending and participating thoughtfully and regularly in all class discussions, leading at least two class discussions, engaging other students in discussion and not only the instructor, and by submitting an essay of superior quality, where superior is defined as (a) an essay with an original thesis that extrapolates claims by three of our authors; (b) a thesis-defense with original arguments that go clearly beyond arguments made by the authors themselves; (c) an essay that practices close textual analysis that develops an original interpretation of the authors; (d) that develops the thesis in terms of one, thoughtfully chosen concrete or historical example that draws on at least two sources outside the course; (e) an essay written in a clear style, with no linguistic mistakes; (f) quoting at least eight short passages from the assigned readings when making claims about them; (g) an essay that, in its conclusion, identifies the limits of the student's argument and (h) also identifies several ways in which the student's thesis could be pursued further.

Entry requirements

Passed examination in courses corresponding to the first term 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 JAMR44, Human Rights and the Problem of National Sovereignty

Applies from V22

2201 Human Rights and the Problem of National Sovereignty, 7,5 hp
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