# Philosophy of Right

**Phil-V235-001 amd V235-002**  
**Spring, 2009**  
*(Common Curriculum)*

**Instructor:** Dr. Gary B. Herbert *(Her bert)*  
**Office:** 437 Bobet Hall  
**Tues, Thurs. 9:30-10:45**  
**Tues, Thurs. 11:00-12:15**

**Textbook:** *A Philosophical History of Rights*, Gary B. Herbert (Transaction Publishers, Rutgers, 2002, 2003 2nd printing)

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## Assignments

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
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<tr>
<td>Tues., Jan. 13</td>
<td>Introduction, Mechanics</td>
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<tr>
<td>Thurs., Jan. 15</td>
<td>Introducion.</td>
<td>Read: p. xi-xiv, Chapt. 1, pgs 1-18</td>
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<tr>
<td>Tues., Jan. 20</td>
<td>Objective Right--the Ancients (cont.)</td>
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<tr>
<td>Thurs., Jan. 22</td>
<td>Ancient Natural Right--Plato</td>
<td>Read: Chapt. 1, pgs. 18-24</td>
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<td>Tues., Jan. 27</td>
<td>Ancient Natural Right—Plato</td>
<td>Read: Chapt. 1, pgs. 24-35</td>
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<td>Thurs., Jan. 29</td>
<td>Ancient Natural Right—Aristotle</td>
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<tr>
<td>Tues., Febr. 3</td>
<td>Stoic Natural Right</td>
<td>Read: Chapt. 1, pgs. 35-44</td>
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<td>Thurs., Febr. 5</td>
<td>The Medieval Transition</td>
<td>Read: Chapt. 2, pgs. 49-75</td>
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<td>Tues., Febr. 10</td>
<td>The Medieval Transition, (cont.)</td>
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<td>Thurs., Febr. 12</td>
<td>Examination</td>
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<tr>
<td>Thurs., Febr. 19</td>
<td>The Modern Foundations: Thomas Hobbes (cont.)</td>
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<tr>
<td>Tues., Febr. 24</td>
<td>Mardi Gras: no class</td>
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<tr>
<td>Thurs., Febr. 26</td>
<td>The Modern Foundations: John Locke</td>
<td>Read: Chapt. 3, pgs. 104-122</td>
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<tr>
<td>Tues., Mar. 3</td>
<td>The Modern Foundations: John Locke</td>
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<td>Thurs., Mar. 5</td>
<td>The Sociability of Right: Jean-Jacques Rousseau</td>
<td>Read: Chapt. 4, pgs. 131-145</td>
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<tr>
<td>Tues., Mar. 10</td>
<td>The Sociability of Right: Jean-Jacques Rousseau (cont.)</td>
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<tr>
<td>Thurs., Mar. 12</td>
<td>Examination</td>
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<tr>
<td>Tues., Mar. 17</td>
<td>The Sociability of Right: Immanuel Kant</td>
<td>Read: Chapt. 4, pgs. 145-179</td>
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<tr>
<td>Thurs., Mar. 19</td>
<td>The Sociability of Right: Immanuel Kant (cont.)</td>
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<tr>
<td>Tues., Mar. 24</td>
<td>Hegel: Rights and Ethical Existence</td>
<td>Read: Chapt. 5, pgs. 191-247</td>
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<tr>
<td>Thurs., Mar. 26</td>
<td>Hegel: Rights and Ethical Existence (cont.)</td>
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<tr>
<td>Tues., Mar. 31</td>
<td>The Historical School, Utilitarianism, Marxism</td>
<td>Read: Ch. 6: pgs. 253-277</td>
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<tr>
<td>Thurs., Apr. 2</td>
<td>Rights and Language; Human Rights</td>
<td>Read: Chapt. 6, pgs. 285-300</td>
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Spring, 2007 Philosophy of Right

by your teacher to be grave, serious and unavoidable reasons.

for the week-end, or having to failing to know that an exam weather, circumstances, that failing grade for the course.  An reduction.  Absence from more than 40% of the total of 28 classes (i.e. 11.2 classes) whatever reason or at whatever stage of the semester, excused or otherwise, course.

Attendance:  Attendance is expected at all classes.  Each student is responsible for 28 grade, depending on the number of exams given.

partially objective, partially short essay.  Each exam will count one–third or one-fourth of the course through the semester.  The dates of the exams are listed on

Examinations:  There will be three or four examinations in this course, depending on the pace subject may be substituted for the final examination in this course.

With prior permission from, and consultation with, the instructor, a term paper on a suitable subject may be substituted for the final examination in this course.

Course Mechanics

Examinations:  There will be three or four examinations in this course, depending on the pace of the course through the semester.  The dates of the exams are listed on the syllabus.  The exams will be partially objective, partially short essay.  Each exam will count one–third or one-fourth of the course grade, depending on the number of exams given.

Attendance:  Attendance is expected at all classes.  Each student is responsible for 28 classes in this course.  Absence from more than 25% of the total of 28 classes assigned (i.e. 7 classes), for whatever reason or at whatever stage of the semester, excused or otherwise, will result in a grade reduction.  Absence from more than 40% of the total of 28 classes (i.e. 11.2 classes) will result in a failing grade for the course.  An absence on an examination day may be excused only for reasons that are grave, serious and unavoidable (i.e. usually medical), and, except in very unusual circumstances, only if the instructor has been notified prior to the examination.  Ordinarily, rainy weather, over-sleeping, having a cold, having another exam scheduled that day in another class, failing to know that an exam was scheduled for that day, having an opportunity to get a ride home for the week-end, or having to attend your cousin's wedding rehearsal in Dallas are not considered by your teacher to be grave, serious and unavoidable reasons.

READ:  Chapt. 7, pgs. 317-324

READ:  Chapt. 6, pgs. 300-312

READ:  Chapt. 7, pgs. 317-324

READ:  Chapt. 6, pgs. 300-312

Easter:  no class

Easter:  no class

Examination

Rights and Language; Human Rights; Correlativity

Entitlements, Claims, and Options

Postmodernism

Postmodernism (cont.)

Tues., Apr. 7
Thurs., Apr. 9
Tues., Apr. 14
Thurs., Apr. 16
Tues., Apr. 21
Thurs., Apr. 23
Tues., Apr. 28

Tues., May 5
Thurs., May 7

FINAL EXAM (11:30—1:30) for V235--002

FINAL EXAM (9:00—11:00) for V235--001

Philosophy of Right:  Goals and Objectives

Spring, 2007

I. Course description

It is a philosophical fact of life in the West that moral confusion, when it arises, is more often than not resolved by an appeal to the authority of concepts that are often no less ambiguous than the problems they treat.  In fact, it is the ambivalence of these concepts, operating subtly and inconspicuously in our thoughts, that generates the possibility of moral confusion in the first place.  Concepts such as "freedom," "equality," "justice," "worth," "truth," "person" are so elusive, and permit so many conflicting meanings, that the opinions built upon them cannot help but reflect it.

There is no concept that has had a more conspicuous history in this regard than the concept of 'right'.  The concept has served as something of a moral anchor to hold things in place during times of instability, when the place of the individual or the institutions one depends upon have been threatened.  Nevertheless, one can hardly begin a philosophical inquiry into "right" without seeing the concept's philosophical unity shattered, leaving amidst the conceptual residue a bewildering variety of rights, many of which are mutually exclusive.

Reality congeals around our different concepts of right(s), dividing people into ideologically diverse champions of rights variously understood.  The ontological status of those congealings is the concern of this course.  Are one's rights reducible to their historically exhibited manifestations, or are our concepts only historically generated approximations of an independently real structure that precedes and preconditions in some way the development of these concepts?  Western moral history is, in a sense, the history of
answers to that question. The answers that have been found have always been tied to deeper, more subtle questions regarding the ontological status of the individual and, prior to that, the ontological status of individuation itself. They involve questions regarding the nature of nature. The historical genesis of right(s) has, in a sense, followed the philosophical history of nature and has shared its fate.

The plan of this course is to retrace the historical and philosophical evolution of right[s] in order to locate and comprehend the antecedents of the ideas of rights that infuse and govern thinking today.

II. Goals and Objectives:

The goal of this course is to expose students to the many different forms that the concept of rights has taken through the centuries, the philosophical presuppositions of those various, competing conceptions of rights, and the philosophical history of the evolving concept revealed by the dynamical interrelationship of the philosophical presuppositions and differing forms.

The objectives of the course, by and through which its goals will be achieved, will be to learn something of the subtleties and the rich history of the concept of right—from the ancient concept of objective right to our more modern notion of individual rights. Students will learn the difficulties involved in maintaining philosophically the idea that there is an objective right and will learn how the idea of subjective, individual rights became the modern, "Western" solution to those difficulties. They will then follow the philosophical evolution of the western conception of subjective, individual rights to its contemporary repudiation as the ideological basis of bourgeois individualism and its replacement by an ideologically more acceptable (by current standards adhered to by philosophers in applied ethics) conceptions of human rights, basic rights, etc. (more acceptable because they are more suited to the promotion of moral activism.) Finally, they will subject these more contemporary, ideologically-based concepts of right(s) to a more classical critique, the critique that could be made, e.g., by Plato and Aristotle. The aim of the course is a deeper, more subtle, less philosophically naive understanding of the appeal to rights as the proper foundation for a morally respectable civil society.

III. Expected Learning Outcomes

The Arts and Sciences requirements for course syllabi include, among its requirements, the following: that course syllabi must include a “Brief description of course goals.” All course syllabi must explicitly state the learning/intended outcomes of the course, i.e. the skills and knowledge the student will have acquired after completing the course. Common Curriculum course syllabi must relate goals to the goals of the Common Curriculum, which may be found at http://cas.loyo.edu/common/purpose.html.”

Please consult the Department of Philosophy: Goals and Learning Objectives (http://cas.loyo.edu/philosophy/programs.html) for the Philosophy Department’s goals and objectives for Upper Level Philosophy Common Curriculum, and also the College of Arts and Sciences Goals and Objectives of the Common Curriculum (http://cas.loyo.edu/common/purpose.html)/

Philosophy V135, Philosophy of Right, has been designed to satisfy Goals 3a, 4a, 5c, and 7a of the Department of Philosophy: Objectives for Upper Level Philosophy Common Curriculum Courses.

It has also been designed to satisfy the College of Arts and Sciences Objective of the Common Curriculum of helping students to develop: (1) an understanding of philosophical and religious traditions, and (2) the ability to reflect on and critique the presupposed values latent within our world, our commitments, our beliefs, our methodologies, our institutions and our courses of study.

This course also is designed to achieve substantially the Arts and Sciences’ goal for Advanced Common Curriculum courses to achieve substantially the following: Contribute to a values-based critical understanding of our lives, of society and its institutions of our methods and beliefs, (2) address the significance of topics as they relate to the broader human experience, (3) use significant texts, figures or themes, (4) be challenging and appropriate for sophomore and higher level students, (5) address specific objectives of the Common Curriculum

IV. Disability statement

A student with a disability that qualifies for accommodations should contact Sarah Mead Smith, Director of Disability Services at 865-2990 (Academic Resource Center, Room 405, Monroe Hall). A student wishing to receive test accommodations (e.g., extended test time) should provide the instructor with an official Accommodation Form from Disability Services in advance of the scheduled test date.

V. Extraneous data

Gary B. Herbert, gherbert@loyo.edu
Office Hours: Tuesday, Thursday, 1:30—3:30
and, by appointment