Universidad de Navarra

Human Rights and Political Thought (Doble RRII/Der/His)

Teaching guide 2026-27

- **Character:** Basic.
- **Number of ECTS credits**: 6
- **Course and semester**: 1st year, first semester
- **Language**: English
- **Title:** Degree in International Relations
- **Módulo y materia de la asignatura**: Fundamentos de relaciones internacionales, fundamentos políticos, jurídicos y económicos
- **Professor:** Prof. Pilar Zambrano.
- **Schedule and Location: Tuesdays, 8:00am-9:45 am. Room 01 Amigos/Wednesday 12:00 am-1:45 pm- Room 11 Amigos.**

1.Introduction.

Human Rights and Political Thought" intends to introduce students into the main traditions of western legal and political thought, focusing attention on the conception of the person as a holder of human rights.

Section (I) deploys an introduction into the history of human rights theory and practice, within the more ample frame of the perennial questions of political thought.

Under this light, the history of human rights theory and practice is divided into the five following phases: (i) Human rights as moral requirements in the history of western political thought; (ii) The rise of the state in Europe and the philosophical political debate between absolutism (Hobbes) and constitutionalism (Locke); (iii) The emergence of modern constitutionalism as a political practice, and the development of human rights as political, legal and judicially enforceable requirements; (iv) The emergence of international and regional human rights law; (v); The moral nature of legal interpretation and the gradual expansion of the catalogue of human rights.

Section (II) takes over the questions raised by the unavoidable interpretive nature of judicial adjudication and by the fact of judicial activism: What is a human right and how does it differ from other kinds of rights? Who is the proper holder of human rights? On what grounds should human rights be afforded legal force? Which claims of justice should be included within the catalogue of legally enforceable human rights? What has human dignity got to do with human rights? The possible (always arguable) answers to these questions are addressed from the point of view of the liberal theory of rights and its different ramifications (liberal utilitarianism; libertarianism; Kantian liberalism); and from the standpoint of the natural law tradition.

In the first place, along with Liberal utilitarianism, individual rights are seen as a condition of social utility (Sandel, chapter 2). Secondly, under the lens of libertarianism, rights are conceived as extensions of a fundamental right to self-ownership (Sandel, chapter 3). Next, together with Kant and Rawls, rights are understood as concretions of a fundamental right to equality and liberty (Sandel, chapter 4). Finally, from the standpoint of the Natural Law tradition, rights are conceived as necessary conditions of a fulfilled life and of the common good of the political community.

2.Educational Goals:

2.a) Goals of knowledge: At the end of the course, students are expected to be capable of:

1. Distinguishing human rights as moral, political and legal requirements.
2. Identifying the main landmarks in the history of human rights´ legalization.
3. Contextualizing the concept of human rights as moral requirements within the more ample frame of the perennial questions of political thought.
4. Understanding the concept of human rights as moral requirements from a liberal and a natural law perspective.
5. Identifying the underpinning philosophical divergences that explain contemporary discrepancies concerning the grounds, title, catalogue, content, and categorical weight of human rights.

2.b. Skills:

1. Coherently arguing a self-stance towards the grounds, title, catalogue, content, and categorical weight of human rights.
2. Coherently arguing a self-stance in relation to real or hypothetical cases that involve human rights.
3. Identifying the anthropological; moral and political conceptions that explain the basic institutions and practice of current human rights law.
4. Syllabus

RESULTADOS DE APRENDIZAJE (Competencias)

Módulo 1: Fundamentos de las Relaciones Internacionales

Materia 2: Fundamentos políticos, jurídicos y económicos

Carácter básica, 6 ECTS, 1º semestre / 1er curso

Descriptores Aneca

Pensamiento político, teoría e historia.

La polis griega y su proyección romana: justicia, política y educación.

La res pública medieval y la teoría de los dos poderes

Las transformaciones de la soberanía; la modernidad política

Las tradiciones constitucionales y declaraciones de derechos.

La formación del Estado y sus transformaciones; doctrinas políticas e ideologías contemporáneas; los derechos en los siglos XIX y XX: reinterpretaciones y desarrollos.

Competencias básicas y específicas

CB1	Que los estudiantes hayan demostrado poseer y comprender conocimientos en un área de estudio que parte de la base de la educación secundaria general, y se suele encontrar a un nivel que, si bien se apoya en libros de texto avanzados, incluye también algunos aspectos que implican conocimientos procedentes de la vanguardia de su campo de estudio
CB3	Que los estudiantes tengan la capacidad de reunir e interpretar datos relevantes (normalmente dentro de su área de estudio) para emitir juicios que incluyan una reflexión sobre temas relevantes de índole social, científica o ética
CB4	Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado

CB5	Que los estudiantes hayan desarrollado aquellas habilidades de aprendizaje necesarias para emprender estudios posteriores con un alto grado de autonomía
CG05	Saber expresarse oralmente de manera correcta y adecuada sobre temas internacionales.
CG07	Valorar con espíritu crítico la realidad internacional y sus problemas específicos.
CE01	Conocer los conceptos y técnicas aplicadas al análisis de los actores y relaciones internacionales.
CE13	Conocer y analizar las teorías e ideologías políticas contemporáneas.

ACTIVIDADES FORMATIVAS DE ESTA MATERIA		
	Horas	**Presencialidad alumno en clase**
Clases presenciales teóricas (aproximadamente)	**36**	**100**
Clases presenciales prácticas (aproximadamente)	**16**	**100**
Seminarios, tutorías (aproximadamente)	**5**	**100**
Evaluación (aproximadamente)	**2**	**100**

SISTEMA DE EVALUACIÓN	**PONDERACIÓN**
Intervención en clases y seminarios	Entre un 0-10% de la calificación final
Resolución de problemas y/o prácticas	Entre un 5-25% de la calificación final

Evaluaciones parciales	Entre un 5-30% de la calificación final
Evaluación del examen final	Entre un 30-70% de la calificación final

Syllabus:

Part I: An Introduction to the History of Human Rights Thought and Legalization.

I.1. Introduction. Human Rights and the Perennial Questions of Political Thought

1. The perennial questions of political thought: Is man sociable by nature? What is the point of political communities, and how do good and bad governments affect our lives? Should political authority be limited in any way? Do we have a choice to make? Some core concepts that allow us to better understand these questions: government and "government of the day"-political authority-legal obligation - state- modern state- sovereignty- people. **Week 1.**

2. Human rights, political authority, and legal obligation. Sophocles' *Antigone*: unwritten law. Human rights as moral requirements. **Week 2.**

3. The rise of the modern state in Europe, and the monopoly of public force. The Dialectical Function of Rights. Hobbes absolutism, positivism and "protection by denial". **Week 3.**

4. The foundations of modern constitutionalism. John Locke and Montesquieu. Human rights as political requirements: protection by grant and by division of political powers. **Week 3.**

Bibliography:

Mandatory Selected Texts: Sophocles, [441 BC] Antigone, Aris & Philips, 1993; HOBBES, THOMAS, [1651] ***Leviathan***, edited by Malcolm, N., Oxford University Press, 2012: Part I, chapter 1; Part II, chapter 13; chapter 14, paragraphs 1-4; and chapter 17. LOCKE, JOHN, [1689] ***The Two Treaties of Civil Government***, edited by Macpherson, C.B., 1980: chapter 7, & 77; & 86-94; chapter 8 & 95-99, &119-122; chapter 9, &123-129. MONTESQUIEU, [1748] ***The Spirit of Laws***, Nugent, Thomas (trans.), 1914, book XI (selections).

Mandatory Secondary Sources: MILLER, DAVID, Political Philosophy. A very Short Introduction, Oxford University Press, 2003, chapters 1 & 2.

Recommended: Morris, Christopher W., «The State», in The Oxford Handbook of the History of Political Philosophy, Oxford University Press, 2011, 544-560.

I.2. Locke and Montesquieu Entering into History. The Emergence of the Constitutional State and of Human Rights as political and legal requirements-

1. England´s Bill of Rights of 1689. (**Week 4)**

2. Jefferson and the American Declaration of Independence of 1776; the American Constitution of 1787, and the Bill of Rights of 1791. (**Week 4)**

3. The French Declaration of the Rights of the Man and the Citizen of 1789. The political and legal framework: the French revolution. (**Week 4)**

4. *Marbury vs. Madison*: Human Rights as legal requirements. The judicial enforcement of human rights. (**Week 5).**

Bibliography:

Mandatory Selected Texts: English Bill of Rights, 1689; American Declaration of Independence, 1789; American Constitution, 1787 (Selections); American Bill of Rights, 1791; French Declaration of the Rights of Man and Citizen, 1789; Marbury vs. Madison 5 U.S. 137 (1803) (Selections).

Mandatory Secondary Sources: TOMUSCHAT, CHRISTIAN, Human Rights. Between Idealism and Realism, Oxford University Press, 2003, 6-12.

Recommended: Fioravanti, M., Apuntes de historias de las constituciones, Martinez Neira (trad.), Trotta, Madrid, chapter 2.

I.3. From Constitutional Law to International Rights Law.

1. Why should human rights be protected at the international sphere? What type of international community does this protection imply? The 19th. Century: a few but relevant steps forward the internationalization of human rights formalization. The First World War and the League of Nations. The final emergence: the Second World War, the Nuremberg Trials and the emergence of the United Nations. The Universal Declaration of Human Rights. (**Week 6)**
2. From Declarations to Binding Documents. The International Covenant on Civil and Political Rights (ICCPR). The International Covenant on Social, Economic, and Cultural Rights (ICSECR)**. (Week 6)**
3. The Emergence of Regional Human Rights Systems. The American Convention of Human Rights. (**Week 6)**
4. Roe v Wade and Dobbs v. Jackson. The moral nature of legal interpretation. The empire of justices and the contra-majoritarian premise. Reconsidering Rights: Which rights? Whose rights? How compelling? (**Week 7)**

Bibliography:

Mandatory Selected Texts: *Roe v. Wade,* 410 U.S.11 (selections); *Dobbs v. Jackson Women Health Organization,* 597 U.S.- (2022) (selections); Universal Declaration of Human Rights, 1948; The International Covenant on Civil and Political Rights (ICCPR) &The International Covenant on Social, Economic, and Cultural Rights (ICSECR): Preamble and selected rights; European Convention of Human Rights: Preamble; American Convention of Human Rights: Preamble; African Charter of Human Rights: Preamble; DWORKIN, RONALD, *A Matter of Principle,* Clarendon Press, 1986, 33-38, 69-71

Mandatory Secondary Sources: Alison Dundes Renteln, International Human Rights. Universalism Versus Relativism, Sage Publications, 1990, chapter I; Zambrano, P., Saunders, W. (eds.) Unborn Human Life and Fundamental Rights. Leading Constitutional Cases Under Scrutiny, Peter Lang, 2019, 7-9; chapter 1, ps. 15-21; Concluding Reflections by John Finnis, 254-264.

Recommended: TOMUSCHAT, CHRISTIAN, Human Rights. Between Idealism and Realism, Oxford University Press, 2003, 12-57; Buergenthal, Thomas, «International Human Rights in a Historical Perspective», in Janusz Symonides, Human Rights. Concepts and Standards, Ashgate, 2000, 3-27; Absjorn Eijde, «Economic and Social Rights», in Janusz Symonides, Human Rights. Concepts and Standards, Ashgate, 2000, 110-128.

1. Auxiliary Sources: Universal Rights Group website, available at “https://www.universal-rights.org”.

Part II- The Philosophical Grounds of Human Rights.

II.1. Introduction to Part II. (Week 8)

1. Why should we be concerned with the philosophical grounds of human rights? Which are the central questions? Fundament, catalogue, force and scope of rights. Human Dignity and Justice.

2. Reconsidering the nature of justice and the common good: welfare, freedom and virtue.

3. Reconsidering the connection between justice, the common good and human rights.

Bibliography:

Mandatory Secondary Source: Sandel, M., *Justice. What´s the right thing to do?*, chapter 1.

Recommended: Jerome J., Shestack, «The Philosophical Foundations of Human Rights» in Janusz Symonides, *Human Rights: Concept and Standards,* Ashgate, 2000, 31-68; HERVADA, J., *Natural Right and Natural Law: A Critical Introduction,* Alban D´Entremont (transl.), Servicio de Publicaciones de Navarra, 2nd. Edition 1990, 19-40; 53-56; 70-75.

II.2. Liberalism I: Utilitarian and Libertarian Liberalism. Conflict and Balance between Welfare and Freedom. (Week 9).

1. Justice as the maximization of utility, and individual rights as a means to general welfare. John Stuart Mill

the harm principle, anti-paternalism.

2. Justice as self-ownership and the absolutization of anti-paternalism. John Locke, Robert Nozick and the minimal state.

3. Critical Reflections: are liberal rights absolute? Are liberal rights universal? Are liberal rights morally binding? Are liberal rights too many or too few?

Bibliography:

Mandatory Selected Texts: MILL, JOHN, S., *On Liberty*, introduction, selections; Locke, *Second Treaty on Civil Government,* chapter 9.

Mandatory Secondary Source: Sandel, M., *Justice. What´s the right thing to do?* Chapters II & III.

Recommended: Gregg, Samuel, *On Ordered Liberty,* Lexington Press, 2003, pgs. 13-69.

HARMON, M. JUDD, *Political Thought. From Plato to the Present,* Mc. Graw Hill, 1964, 238-262; 377-386; Collins Jeffrey, «The Early Modern Foundation of Classic Liberalism», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011, 258-281; Jennings, Jeremey, «Early Nineteenth-Century Liberalism», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011, 331-341.

II.3. Liberalism II: Egalitarian Liberalism. Conflict and Balance between Freedom and Equality (Weeks 10 and 11)

2.1. Morals as respect for dignity, and rights as the counter-face of a universal and categorical duty of respect for autonomy. Immanuel Kant.

2.2. Justice as fairness, and rights as respect for autonomy *and* equality. John Rawls.

2.3. Critical Reflections: Are liberal rights (II) truly neutral, universal and absolute? Are liberal rights too many or too few?

Bibliography:

Mandatory Selected Texts: Kant, I. (2018). *Grundwork for the Metaphysics of Morals* (Wood, W. A., ed. and transl.). Yale University Press, selections; John Rawls, *A Theory of Justice,* 1971 (selections),

Mandatory Secondary Source: Sandel, M., *Justice. What´s the right thing to do?,* chapters 5 & 6.

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Recommended: Klosko, George, «Contemporary Anglo-American Political Philosophy, in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011, 456-479.

II.4. The Natural Law Tradition. Justice as the right allocation of duties and merits in relation to the Common Good (Weeks 12 and 13).

1. Aristotle, the Political community as the locus of a virtuous (fulfilled) life, and justice as the right distribution of duties and merits in relation to the common good.
2. Aquinas, natural law and natural rights. Basic Human goods and universal obligations as the primary reference of human rights.
3. The New Natural Law School: the justifying relationship between basic human values, absolute moral principles and fundamental Rights.
4. Critical Reflections: are natural rights absolute? Are natural rights universal? Are natural rights morally binding? Natural rights: too many or too few?

Bibliography

Mandatory Selected Texts: Selections from ARISTOTLE, *Politics,* Book I (selections); AQUINAS, *Summa Theologiae,* I-II, q. 94, aa.4, 5,6; q. 95, aa. 1, 2; q. 96 aa.4, 5, 6.

Mandatory Secondary Sources: Sandel, Michael, *Justice. What´s the Right Thing to do*? Farrar, Straus, and Girous, New York, 2009, chapter 8; Moschella, Melissa, *Ethics, Politics and Natural Law,* Notre Dame Law Press, 2025, chapters 1 to 4.

Recommended: FINNIS, J., *Natural Law and Natural Rights,* Oxford University Press, 2nd. Edition, 2011, chapters 3, 4; Sandel, Michael, *Justice. What´s the Right Thing to do*? Farrar, Straus, and Girous, New York, 2009, chapters 9 & 10.

Students are expected to:

1. **Read the mandatory bibliography** corresponding to the topics that shall be addressed in each class, before coming to class. The teacher will afford reading guides through ADI, in view of aiding students to focus on the issues that shall be discussed in class and assessed through the reading tests.
2. Complete **online weekly reading tests in class** and, when required, coherently argue in class their own answers.
3. Take active part in the **group-discussions** that the professor will raise around selected theoretical queries and hypothetical or real practical cases. In order to focus class discussions, students will be required to work in small groups of 3 students at most, randomly set up by the teacher.
4. The **use of electronic devices is not allowed in class, except for completing the weekly reading tests.**

Assessment Criteria

1. **Class attendance and due readings (10%)**: Students must attend class having read the bibliography of the class topic of each week. This requirement will be assessed through weekly reading tests. To earn the 10 percent for this criterion, students must complete at least 10 out of 12 tests, and meet or exceed the overall average grade of the class. Regular class attendance and relevant participation in class discussions will be rewarded with 0,5 extra point over the final score obtained in the reading tests.
2. **Partial Exam (30%):** It will be proctored. It is a multiple-choice test, with one long answer question.

3. **Final Exam (60%):** It will be proctored. It includes four short answer questions, and one long answer question. **Obtaining a minimum mark of 5/10** in the final exam is mandatory for approving the course.
4. **Optional essay test:** Students may obtain 1 extra point over the score obtained in the partial examination. The performance of this essay will be proctored.

NB: These criteria also apply to the **extraordinary call for exams (June).**

CONVOCATORIA EXTRAORDINARIA

NB: The criteria that apply to the ordinary call, also apply to the **extraordinary call for exams (June).**

Office Hours

Mail: pzambrano@unav.es

- Office: 2700/Bibliotecas
- Students should ask for appointments by email.

Bibliography and Resources

1) Mandatory Selected Texts

1. Aristotle, *Politics,* Book V, (Available in ADI) Find it in the Library

2. Aquinas, *Summa Theologiae,* I-II, q. 94, aa.4, 5,6; q. 95, aa. 1, 2; q. 96 aa.4, 5, 6. (Available in ADI) Find it in the Library

3. Dworkin, Ronald, *A Matter of Principle,* Clarendon Press, 1986 (selections available in ADI). Find it in the Library

4. Kant, I. (2018). *Grundwork for the Metaphysics of Morals* (Wood, W. A., ed. and transl.). Yale University Press, (selections available in ADI)

5. Locke, John, [1689] *Second Treatsie of Government,* edited by Macpherson, C.B., 1980; selections from chapters 7, 8, 9, available in ADI Find it in the Library

6. Mill, John, S. [1859], *On Liberty,* Broadview Press, 2015, Introduction, (available in ADI). Find it in the Library

8. Montesquieu, [1748] *The Spirit of Laws*, Nugent, Thomas (trans.), 1914, Book XI, (selections available in ADI). Find it in the Library

9. Hobbes, THOMAS, [1651] *Leviathan,* edited by Malcolm, N., Oxford University Press, 2012, Part I, chapters V, 13, 14; Part II, chapter 17 (Available in ADI) Find it in the Library

10. Rawls, John, *Political Liberalism,* Columbia University Presss, 2015, Introduction (selections available in ADI)

11. Sophocles, [441 BC] *Antigone,* Aris & Philips, 1993 (selections available in ADI) Find it in the Library

2) Mandatory Secondary Sources:

1. Alison Dundes Renteln, *International Human Rights. Universalism Versus Relativism,* Sage Publications, 1990.

2. Sandel, Michael, *Justice. What´s the Right Thing to do*? Farrar, Straus, and Girous, New York, 2009.

3. Miller, David, *Political Philosophy. A very Short Introduction,* Oxford University Press, 2003, chapters 1 &2.

4. Moschella, Melissa, *Ethics, Politics and Natural Law,* Notre Dame Law Press, 2025, chapters I-IV.

3) Recommended Secondary Sources:

1. Beecher, Jonathan, «Early European Socialism», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011.

2. Collins Jeffrey, «The Early Modern Foundation of Classic Liberalism», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011.

3. Gregg, Samuel, *On Ordered Liberty,* Lexington Press, 2003

4. Shestack, Jerome, «The Philosophical Foundations of Human Rights» in Janusz Symonides, *Human Rights: Concept and Standards,* Ashgate, 2000. Find it in the Library

5. Tomuschat, Christian, *Human Rights. Between Idealism and Realism,* Oxford University Press, 2003. Find it in the Library

6. Jennings, Jeremey, «Early Nineteenth-Century Liberalism», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011.

7. Harmon, M.Judd, *Political Thought. From Plato to the Present,* Mc. Graw Hill, 1964. Harmon, M. Judd, *Political Thought. From Plato to the Present,* Mc. Graw Hill, 1964.

8. Klosko, George, «Contemporary Anglo-American Political Philosophy, in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011.

9. Morris, Christopher W., «The State», in *The Oxford Handbook of the History of Political Philosophy,* Oxford University Press, 2011.

10. Morrison, Wayne, *Jurisprudence: from the Greeks to post-modernism,* Cavendish Publishing, 2011.

11. Fioravanti, M., *Apuntes de historias de las constituciones,* Martinez Neira (trad.), Trotta, Madrid.