HUMAN RIGHTS: OLD DICHOTOMIES REVISITED

25-26 NOVEMBER 2011
SYDNEY LAW SCHOOL (CAMPERDOWN CAMPUS)
Eastern Avenue
University of Sydney

ABOUT THE CONFERENCE

The purpose of this conference will be to reflect upon the traditional, ‘classical’ dilemmas and taxonomies in the philosophy of human rights, in the light of recent developments in theories of rights and in the international law of human rights. We all have been taught, and have taught, a number of traditional dichotomies that have been entrenched in theories of human rights for a number of decades: moral versus legal, positive versus negative, first-generation versus second- (and third- ) generation; vertical (against the state) versus horizontal (against other citizens); universal versus relative (or particular); judicially-enforced versus legislatively-protected, etc. Have these dichotomies retained their validity and only the circumstances of their practical applications been altered or have they outgrown their validity altogether?

There have been important developments in the philosophy of human rights and in the international law of human rights, both of which may shed a new light on the dilemmas encapsulated by these (and other) dichotomies. As a starting point, we – the planners and organisers of this conference – believe that both disciplines have a lot to learn from each other: that the scholarship of international law should keep track of the recent philosophising on human rights and that theorists of human rights should take on board the developments in international legal instruments, in the practices of human rights and development-related international institutions and in the debates of the international human-rights community. In short, philosophies of human rights (which are usually advanced by scholars of jurisprudence) and international-law scholarship must interact with each other. This is the fundamental premise behind the conference.

The conference will, therefore, bring together the leading international and Australian scholars in jurisprudence and in international human-rights law who will be asked to reflect upon the relevance (or otherwise) of the traditional ‘dichotomies’ at the end of the first decade of the 21st Century. Each of the main themes will, ideally, be elucidated from a philosophical, political, legal and practical point of view. We will structure the conference in the following way: there will be seven main sessions, each of which will be inaugurated by a major paper, presented either from a philosophical or from an international-law perspective, with the invited commentators representing both of these disciplines.

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## DAY 1: FRIDAY 25 NOVEMBER 2011
(Lecture Theatre 104, level 1)

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<td>10:00-10:20</td>
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| 10:20-10:30 | Welcome & Introduction  
Professor Gillian Triggs, University of Sydney  
Professor Wojciech Sadurski, University of Sydney |
| 10:30-11:50 | Session 1: Moral vs Legal Rights  
Professor Tom Campbell, Centre for Applied Philosophy and Public Ethics (CAPPE), Charles Sturt University  
Commentator: Dr Kevin Walton, University of Sydney  
Chair: Professor Wojciech Sadurski, University of Sydney |
| 11:50-12:10 | Morning tea                                                             |
| 12:10-1:30  | Session 1: Negative vs Positive Rights  
Professor Thomas Pogge, Yale University and CAPPE  
Commentator: Professor Duncan Ivison, University of Sydney  
Chair: Justice Virginia Bell, High Court of Australia |
| 1:30-2:30   | Lunch                                                                   |
| 2:30-3:50   | Session 3: Universal versus Relative Rights  
Professor Neil Walker, University of Edinburgh  
Commentator: Dr Patrick Emerton, Monash University  
Chair: Professor Helen Irving, University of Sydney |
| 3:50-4:10   | Afternoon tea                                                           |
| 4:10-5:30   | Session 4: Human Rights versus Democracy  
Professor Jeremy Waldron, New York University & Oxford University  
Commentator: Dr Euan MacDonald, University of Sydney  
Chair: Professor Denise Meyerson, Macquarie University |
| 5:30-6:30   | Drinks                                                                   |

## DAY 2: SATURDAY 26 NOVEMBER 2011
(Lecture Theatre 104, level 1)

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| 10:30-11:50 | Session 5: Human Rights versus Capitalism  
Professor Susan Marks, London School of Economics  
Commentator: Dr Fleur Johns, University of Sydney  
Chair: Professor Martin Krygier, UNSW |
| 11:50-12:10 | Morning tea                                                             |
| 12:10-1:30  | Session 6: Individual versus Collective Rights  
Professor Leslie Green, Oxford University  
Commentator: Dr Jacqueline Mowbray, University of Sydney  
Chair: Assoc. Professor Danielle Celermajer, University of Sydney |
| 1:30-2:30   | Lunch                                                                   |
| 2:30-3:50   | Session 7: Pragamtism versus Idealism in Human Rights Protection  
Professor David Kinley, University of Sydney  
Commentator: Chris Sidoti, International human rights consultant, former Australian Human Rights Commissioner  
Chair: Professor Gillian Triggs, University of Sydney |
| 3:30-4:00   | Closing remarks                                                          |