ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Module code: LW646
Credits: 10
Semester: 2
Department: LAW
International: Y

Overview
Economic, social & cultural rights promise to all the material means to attain satisfactory standards of living in an egalitarian society, and the socio-cultural agency to influence an enlightened society. An expansive reading of economic, social & cultural rights thus implies a radically progressive politics, structural social change and distributive justice. In practice, however, such rights are confronted with the conservatism of legal institutions and the dictates of market economics. This module explores the substantive rights, legal procedures and institutional mechanisms that seek to protect economic, social & cultural rights in both domestic legal systems and international human rights law. What are economic, social & cultural rights, and on what terms are they justified? Does every individual hold, for example, a right to a house, or a right to a free education, or a right to a constant supply of water? Are such things 'legal' rights, in a judicially enforceable sense, or social aspirations whose availability inevitably oscillates with the politics of the day and the whims of the market? What relevance do budget allocation and public finance decisions have as sites for the 'progressive realisation' of economic, social & cultural rights? What is the relationship between economic development and socio-economic rights? What does the pervasiveness of models of neo-liberalism and austerity mean for socio-economic rights? What are the mechanisms for claiming economic, social and cultural rights? To what extent, if any, can they be claimed collectively?

The module will examine state obligations in this context under international human rights law. It will analyse the extent to which economic, social & cultural rights are protected in domestic legal systems, and will review relevant jurisprudence from comparative jurisdictions. The challenges for socio-economic rights advocates in redressing domestic and global inequalities remain substantial. This course aims to help students to understand and analyse the roots and scale of these challenges, and to develop the tools and thinking necessary to tackle them.

Learning Outcomes
On successful completion of the module, students will be able to:

- understand the content of economic, social & cultural rights, and the workings of the relevant legal frameworks at domestic, constitutional, regional and international level;
- engage with legal, policy and economic arguments with respect to economic, social & cultural rights;
- critically evaluate the economic, social & cultural rights regime under domestic and international law and jurisprudence, highlighting lacunae within the law and barriers to progress;
- understand the ideological contestations in human rights discourse vis-à-vis economic, social & cultural rights.

Teaching & Learning methods

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<thead>
<tr>
<th>Delivery methods</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Lectures</td>
<td>24</td>
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<tr>
<td>Tutorials</td>
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<tr>
<td>Planned learning activities</td>
<td>0</td>
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<td>Independent student activities</td>
<td>226</td>
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<td>Total</td>
<td>250</td>
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Assessment type

Continuous Assessment: 100%

Pass standard: 40%

Penalties: Standard Maynooth University Department of Law penalties apply in instances of ethical violation, plagiarism, late submission of any coursework, and failure to attend class satisfactorily.