

# PHILOSOPHY OF HUMAN RIGHTS

## CARLETON UNIVERSITY

### PHIL 2103

REVISED 2014 AUGUST 07

TERM: 2014 Fall  
MEETINGS: Tuesdays and Thursdays 4:00-5:30 p.m.  
INSTRUCTOR: Jay Drydyk  
OFFICE: Paterson 3A40  
OFFICE HOURS: Tuesdays and Thursdays, time TBD, or by appointment  
PHONE: Use cuLearn email instead.  
EMAIL: cuLearn class email. **Write 'PHIL 2103' in the subject line.**

It is precisely in circumstances where human rights are ignored and violated that we need most to know that they exist. In these circumstances, saying that human rights exist may not mean that they are enforced or even recognized. It may mean only that they are justified. Ethical justification, then, is essential to the existence of human rights.

This course examines patterns of ethical argument that have been used to support or oppose human rights. After taking an initial look at the nature of moral argument and good ethical judgment, we shall see how they have weighed heavily not only in favour of the classical liberal rights to liberty and political participation, but also against the initial restriction of these protections to propertied European males. In addition to exposing *inconsistent* application of rights in this way, moral argument and ethical judgment have also shown the earliest lists of human rights to be *incomplete*. As illustrations we will examine debates over “second-generation” social welfare rights and more recent debates over “third-generation” rights such as the right to development, and women’s rights. Finally, we will investigate whether human rights are justifiable within different cultural traditions, including some African traditions, Islam, and what have been called “Asian values”.

#### REQUIREMENTS

DUE	ASSIGNMENT	WEIGHT
Now	<b><i>Access your cuLearn account</i></b>	priceless
Two ways	<b><i>Participation.</i></b> You can meet this requirement in two ways. If you do both, you will earn the higher of the two grades. (1) Register the device you will use in class with PollEverywhere.com, and your class participation rate will be recorded. (2) Take notes during class on the PollEverywhere questions and answers, and then take the optional participation test November 20, based on PollEverywhere questions discussed in class. Each student receives a different set of questions.	20
Sep 30	<b><i>Short essay outline</i></b> See cuLearn for details.	5
Oct 31	<b><i>Short essay</i></b> (1500-2500 words). See cuLearn for details.	25
Dec 22	<b><i>Take-home final</i></b> (maximum 5000 words): See cuLearn for details.	50

#### READINGS

All readings listed below are required. They are available on Ares, the electronic reserve system. Access them either from the MacOdrum Library website or from cuLearn.

## TOPICS AND READINGS

Readings are listed below, week by week, by the author's last name and a reference number. All are available on Ares, the online reserve system. You can access them from the MacOdrum Library website and from cuLearn.

I. <i>September 4</i> Introduction Universal Declaration of Human Rights <a href="http://www.un.org/en/documents/udhr/">http://www.un.org/en/documents/udhr/</a>	
II. <i>September 9</i> 'Having human rights' ... means what? Nickel (#1)	<i>September 11</i> Human rights & legal rights Vincent (#2)
III. <i>September 16</i> Justifications & how they can fail Prudential argument Nickel (#3)	<i>September 18</i> Utilitarian and other ethical arguments for human rights Mill (#4)
IV. <i>September 23 – Short essay topic</i> Positive vs. negative rights Libertarian argument for human rights Hospers (#5)	<i>September 25</i> Basic rights <b>Critique a really bad short essay outline</b> Shue (#6)
<b>Monday, September 29: short essay outline is due on cuLearn at 11:55 p.m.</b>	
V. <i>September 30</i> John Locke & social contract arguments Locke (#7), Habeas Corpus Act & English Bill of Rights (#8)	<i>October 2</i> Kantian ethics and human rights O'Neill (#9), Kant (#10)
VI. <i>October 7</i> Slavery and racism Aristotle (#11), Paine (#12), Forten (#13), Douglass (#14)	<i>October 9</i> "Rights of Woman", "Rights of Man" Condorcet (#15), Wollstonecraft (#16)
VII. <i>October 14</i> The Universal Declaration of Human Rights (1949) in a postcolonial world Leary (#18), Tyagi (#19), Drydyk (#20)	<i>October 16</i> Economic and social rights Steiner & Alston, Drèze & Sen, Henkin (#21)
VIII. <i>October 21</i> For & against social rights Cranston (#22), Van Hoof (#23)	<i>October 23</i> Human Rights – Men's or Women's? Charlesworth (#27), Bunch (#28)
<i>October 28</i> No class – Fall Break	<i>October 30</i> No class – Fall Break <b>Short essay due by 11:55 p.m. on cuLearn</b>
IX. <i>November 4</i> Are HR irrelevant to developing countries? Ake (#24)	<i>November 6</i> The right to development Donnelly (#25), Alston et al. (#26)

X. <i>November 11</i> Relativism Benedict (#29), Midgley (#30), Tesón (#31)	<i>November 13</i> Cross-cultural consensus & African cultures Taylor (#32), Donnelly (#33), Wiredu (#34)
XI. <i>November 18</i> Human rights and Islam An-Na'im (#35), Othman (#36)	<i>November 20</i> Optional participation test – Either by laptop in class or in a computer lab (reservation required).
XII. <i>November 25</i> Human rights and “Asian values” Sen (#37), Li (#38)	November 27 Human Rights and Hinduism Motilal (#39)
XIII. <i>December 2</i> The Capability Approach Nussbaum (#40)	<i>December 4</i> <b>Review and help session for the take-home final</b>
<i>December 21</i> <b>Take-home final due 11:55 p.m. (cuLearn)</b>	

### POLICIES AND RULES IN THIS COURSE

- Computers in the classroom.** Computers may be used in the lecture and tutorial rooms only for purposes related to the course, such as viewing slides, taking notes, viewing readings and websites that have either been assigned or are relevant to the course. Anyone who is found to be using a computer for purposes irrelevant to the course (such as social media, email, extraneous websites, music, or videos) may be asked to leave the room and may be denied permission to use a computer in the classrooms for the duration of the course.
- Written work.** Use a title page and identify yourself by **name and student number**. Use the **Chicago Manual of Style** author-date referencing system, with a reference list (University of Chicago, 2013). Use the quick guide for which a url is given in the sample reference list at the bottom of this page. Writing in the first person (*e.g.*, “I will argue that ...,” “I find this difficult to believe because...”) is permitted.
- Lateness.**
  - Each of the two required lecture responses is due at 11:55 p.m. on the day of the lecture. Normally they will not be accepted late. Extensions will be granted only for good reason (see below).
  - The short essay outline, the short essay, and the take-home final exam are due on cuLearn, each at its specified time. After that time, they are late. No paper copies need to be submitted.
- Extensions.** Each student will receive one automatic one-day extension. (This will be applied on the first occasion that a student’s assignment or essay is late. It does not apply to responses.) Beyond these extensions, normal late penalties apply. Extensions may also be requested for documentable events that prevent you from completing an assignment on time (such as illnesses, emergencies, deaths in family, jury duty, incarceration, abduction by aliens). Leave time for technology failure (printers, internet outage), which will not be accepted as an excuse.
- Penalties.** All assignments are to be submitted on cuLearn by **11:55 p.m.** on due dates. Normally assignments or essays late by less than 48 hours will be accepted but penalized by a deduction of 5 points from the percentage grade. Normally assignments late by more than 48 hours will also be accepted, but penalized by 20 points from the percentage grade, to ensure that no advantage can be gained by taking more time to complete them. **No work will be accepted after December 22 unless an extension has been granted.**

### Reference List

University of Chicago. 2010. Chicago-Style Citation Quick Guide. In *The Chicago Manual of Style*, 16<sup>th</sup> edition. Accessed July 22, 2013. [http://www.Chicagomanualofstyle.org/tools\\_citationguide.html](http://www.Chicagomanualofstyle.org/tools_citationguide.html).

## Department of Philosophy and Carleton University Policies (2014-15)

### **Assignments:**

Unless specifically told otherwise by their instructors, students:

- must not use a plastic or cardboard cover or paper clips
- must staple the paper (there is a stapler on the essay box)
- must include the following:
  - student name
  - student number
  - course number and section
  - instructor's name
- The Philosophy Department does not accept assignments by FAX. You may send them by courier, if necessary.
- No assignments will be accepted after the last day for handing in term work – see dates in next column.
- Assignments handed in through the essay box (just inside the glass doors, Paterson Hall, Floor 3A) must be dropped into the box by **4:15** on a regular business day in order to be date-stamped with that day's date. Assignments handed in after 4:15 or on a non-business day will be stamped as having been handed in on the next business day.
- Students are required to keep copies of their assignments. If your paper is lost at any point, you will be considered not to have submitted it if you cannot produce a copy immediately on request.

### **Deferrals for Term Work:**

If you miss a final examination and/or fail to submit a final assignment by the due date because of circumstances beyond your control, you may apply for a deferral of examination/assignment. For deferred examinations, you must apply within 5 working days after the scheduled date of your exam. To apply for deferral of a final assignment, you must apply within 5 working days of the last scheduled day of classes. Visit the Registrar's Office for more information.

### **Plagiarism:**

It is the responsibility of each student to understand the meaning of 'plagiarism' as defined in the Undergraduate or Graduate Calendars, and to avoid both committing plagiarism and aiding or abetting plagiarism by other students. (Undergraduate Calendar Academic Regulations, section 14.3, or <http://calendar.carleton.ca/undergrad/regulations/academicregulationsoftheuniversity/acadregsuniv14/>)

### **Academic Accommodation:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to your professor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website:

<http://www2.carleton.ca/equity/>

**Religious obligation:** write to your professor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website:

<http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam

requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with your professor to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

### **Important Dates:**

Sept. 4	Classes start (after Orientation events).
Sept. 17	Last day for registration and course changes in Fall and Fall/Winter courses.
Sept. 30	Last day for entire fee adjustment when withdrawing from Fall term or two-term courses.
Oct. 13	Thanksgiving Day – university closed.
Oct. 27-31	Fall Break – no classes.
Nov. 24	Last day for tests or examinations in courses below 4000-level before the Final Examination period.
Dec. 8	Last day of classes, Fall term. Last day for handing in term work and the last day that can be specified by a course instructor as a due date for Fall term courses.
Dec. 8	Last day to withdraw from Fall term courses (academic purposes only).
Dec. 9	No classes or examinations take place. Review classes may be held, but no new material may be introduced.
Dec. 10-21	Final examinations for Fall courses, mid-terms for Fall/Winter courses.
Dec. 21	Take-home exams are due.
Jan. 5	Winter term classes begin.
Jan. 16	Last day for registration and course changes in Winter term classes.
Jan. 31	Last day for entire fee adjustment when withdrawing from winter courses or winter portion of two-term courses.
Feb. 16-20	Winter Break, classes suspended.
Mar. 24	Last day for tests or examinations in courses below 4000-level before the Final Examination period.
Apr. 8	Last day of Fall/Winter and Winter term classes. Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for Fall/Winter and Winter term courses.
Apr. 8	Last day to withdraw from Fall/Winter and Winter term courses (academic purposes only).
Apr. 9-10	No classes or examinations take place. Review classes may be held, but no new material may be introduced.
Apr. 11-23	Final Examinations. Exams are normally held all seven days of the week.
Apr. 23	Take-home exams are due.

### **Addresses:**

Department of Philosophy:	3A35 Paterson Hall <a href="http://www.carleton.ca/philosophy">www.carleton.ca/philosophy</a> 520-2110
Registrar's Office:	300 Tory <a href="http://www.carleton.ca/registrar">www.carleton.ca/registrar</a> 520-3500
Student Academic Success Centre:	302 Tory <a href="http://www.carleton.ca/sasc">www.carleton.ca/sasc</a> 520-7850
Writing Tutorial Service:	4 <sup>th</sup> Floor, Library <a href="http://www1.carleton.ca/sasc/writing-tutorial-service/">http://www1.carleton.ca/sasc/writing-tutorial-service/</a> 520-6632
MacOdrum Library	<a href="http://www.library.carleton.ca/">http://www.library.carleton.ca/</a> 520-2735