

PHILOSOPHY OF HUMAN RIGHTS

CARLETON UNIVERSITY

PHIL 2103

UPDATED 2016 01 04

TERM: 2016 Winter
MEETINGS: Tuesdays and Thursdays 4:00-5:30 p.m.
INSTRUCTOR: Jay Drydyk
OFFICE: Paterson 3A64
OFFICE HOURS: Thursdays, 1-2:30, 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 Asian values.

REQUIREMENTS

DUE	ASSIGNMENT	WEIGHT
Now	<i>Access your cuLearn account</i>	priceless
Two ways	<i>Participation.</i> 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 the optional test on March 24. It will include some PollEverywhere questions, plus other questions about the lectures.	20
Feb 8	<i>Short essay outline</i> See cuLearn for details.	5
Feb 24	<i>Short essay</i> (1500-2500 words). See cuLearn for details.	25
April 23	<i>Take-home final</i> (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>January 7</i> Introduction Universal Declaration of Human Rights http://www.un.org/en/documents/udhr/	
II. <i>January 12</i> 'Having human rights' ... means what? Nickel (#1)	<i>January 14</i> Human rights & legal rights Vincent (#2)
III. <i>January 19</i> Justifications & how they can fail Prudential argument Nickel (#3)	<i>January 21</i> Utilitarian and other ethical arguments for human rights Mill (#4)
IV. <i>January 26 – Short essay topic</i> Positive vs. negative rights Libertarian argument for human rights Hospers (#5)	<i>January 28</i> Basic rights <i>Critique a really bad short essay outline</i> Shue (#6)
V. <i>February 2</i> John Locke & social contract arguments Locke (#7), Habeas Corpus Act & English Bill of Rights (#8)	<i>February 4</i> Kantian ethics and human rights O'Neill (#9), Kant (#10)
<i>MONDAY, February 8: the short essay outline is due on cuLearn by 11:55 p.m.</i>	
VI. <i>February 9</i> Slavery and racism Aristotle (#11), Paine (#12), Forten (#13), Douglass (#14)	<i>February 11</i> "Rights of Woman", "Rights of Man" Condorcet (#15), Wollstonecraft (#16)
<i>February 16</i> No class – Winter Break	<i>February 18</i> No class – Winter Break
VII. <i>February 23</i> The Universal Declaration of Human Rights (1949) in a postcolonial world Leary (#18), Tyagi (#19), Drydyk (#20)	<i>February 25</i> Economic and social rights Steiner & Alston, Drèze & Sen, Henkin (#21)
<i>WEDNESDAY, February 24: the short essay is due on cuLearn by 11:55 p.m.</i>	
VIII. <i>March 1</i> For & against social rights Cranston (#22), Van Hoof (#23)	<i>March 3</i> Human Rights – Men's or Women's? Charlesworth (#27), Bunch (#28)
IX. <i>March 8</i> Are HR irrelevant to developing countries? Ake (#24)	<i>March 10</i> The right to development Donnelly (#25), Alston et al. (#26)

X. <i>March 15</i> Relativism Benedict (#29), Midgley (#30), Tesón (#31)	<i>March 17</i> Cross-cultural consensus & African cultures Taylor (#32), Donnelly (#33), Wiredu (#34)
XI. <i>March 22</i> Human rights and Islam An-Na'im (#35), Othman (#36)	<i>March 24</i> Optional participation test – Either by laptop in class or in a computer lab (reservation required).
XII. <i>March 29</i> Human rights and “Asian values” Sen (#37), Li (#38)	<i>March 31</i> Human Rights and Hinduism Motilal (#39)
XIII. <i>April 5</i> The Capability Approach Nussbaum (#40)	<i>April 7</i> <i>Review and help session for the take-home final</i> <i>The exam question will be distributed online and in class at the end of the class.</i>
<i>SATURDAY, April 23: the take-home final is due on cuLearn by 11:55 p.m.</i>	

POLICIES AND RULES IN THIS COURSE

- Computers in the classroom.** There are two rules about using computers, tablets, and phones in class.
Rule #1: Do not distract yourself. Make this your own rule, to get the most you can from the lectures.
Rule #2: Do not distract other students. This is a University rule, which I will enforce if necessary.
- 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 encouraged.
- Lateness.** 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.** For the short essay outline or the short essay, each student will receive **one** automatic one-day extension. This will be applied on the first assignment that is late, and it **does not apply to the take-home final**. 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. Beyond these extensions, normal late penalties apply.
- 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. **A take-home final not submitted by the April 23 deadline will be treated as a missed examination, unless an extension has been granted in advance. Before that deadline, you should submit as much as you have finished of your answer to the exam question.**

Reference List

University of Chicago. 2010. “Chicago-Style Citation Quick Guide.” In *The Chicago Manual of Style*, 16th edition. Accessed July 22, 2013. http://www.Chicagomanualofstyle.org/tools_citationguide.html.

Department of Philosophy and Carleton University Policies (2015-16)

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
- 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 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. 2	Classes start.
Sept. 4	Classes follow a Monday schedule.
Sept. 7	Labour Day - University closed.
Sept. 18	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. 12	Thanksgiving Day – University closed.
Oct. 26-30	Fall Break – no classes.
Nov. 24	Last day for tests or examinations in courses below 4000-level before the Final Examination period.
Dec. 7	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. 7	Last day to withdraw from Fall term courses (academic purposes only).
Dec. 8	No classes or examinations take place. Review classes may be held, but no new material may be introduced.
Dec. 9-21	Final examinations for Fall courses, mid-terms for Fall/Winter courses. Exams are normally held all seven days of the week.
Dec. 21	Take-home exams are due.
Jan. 6	Winter term classes begin.
Jan. 19	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. 15-19	Winter Break, no classes.
Mar. 24	Last day for tests or examinations in courses below 4000-level before the Final Examination period.
Mar. 25	Good Friday – University closed.
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 www.carleton.ca/philosophy 520-2110
Registrar's Office:	300 Tory www.carleton.ca/registrar 520-3500
Student Academic Success Centre:	302 Tory www.carleton.ca/sasc 520-7850
Writing Tutorial Service:	4 th Floor, Library http://www1.carleton.ca/sasc/writing-tutorial-service/ 520-6632
MacOdrum Library	http://www.library.carleton.ca/ 520-2735