Philosophy 2103A

CONTEMPORARY MORAL, SOCIAL & RELIGIOUS ISSUES CARLETON UNIVERSITY PROFESSOR KENNETH FERGUSON

COURSE SYLLABUS

TERM: Fall Terms 2019 OFFICE: Paterson Hall, 3A58

TIME: Tues/Thursday 4:05-5:25 OFFICE HOURS: TBD

LOCATION TBA **PHONE**: Office: (613) 520-2600

INSTRUCTOR: Ken Ferguson EMAIL: <u>kenneth.ferguson@carleton.ca</u>

CATALOGUE DESCRIPTION

PHIL 2103 [0.5 credit]

Philosophy of Human Rights Philosophical introduction to human rights sources, concepts, justifications, consequences, and challenges to them. Evolution of selected human rights as a) demands made in political struggles; b) declarations supported by moral or political principles and arguments; c) codes ratified and implemented by governments and international organizations.

Prerequisite(s): a course in philosophy or second-year standing. Lectures three hours a week.

DETAILED COURSE DESCRIPTION

Most of us today believe that we humans have rights and that we possess these rights quite independently of any laws made by governments or international bodies such as the United Nations. (After all, we invoke these rights as the reason for *making* laws which promote and protect them and for criticizing laws which fail to respect them.) Belief in such human rights, moreover, plays a central role, both domestically and internationally, in justifying and evaluating social and political policies, programs and initiatives.

Despite the prominence of human rights, however, they remain puzzling, problematic and controversial in many respects. One problem concerns their justification. How do we really know that human rights exist, particularly in view of the fact that they cannot be identified with any legal rights guaranteed by actual laws? Where do these rights come from? What is their source? There are several competing answers to these questions, and it is not easy to determine which of them is correct. A second problem concerns the scope of human rights. Precisely what things do we have a right to? Civil and political rights, e.g. the right not to be imprisoned unjustly, are fairly uncontroversial. But do we also have a right to free health care, to an education, or to a decent job? And how is it to be determined whether we have a right to these and other things? A third major controversy about human rights concerns their universality. Are human rights merely a Western cultural phenomenon, and is the attempt to impose them on other cultures merely another form of Western imperialism?

Our objective in this course is to investigate and explore these and other philosophical issues that arise in connection with human rights. In addition to this, however, we will also do our best to provide a detailed, rigorous, and systematic defense of the conception of human rights embodied in the Universal Declaration of Human Rights and other prominent human rights documents.

REQUIRED TEXT

A course pack, with the title *Readings in the Philosophy of Human Rights*, has been prepared by the Instructor. This course pack can only be purchased at **Haven Books**, located at 43 Seneca St.

This text will be supplemented by online readings. (A complete list of **Topics and Readings** is also posted on CuLearn.)

ATTENDANCE POLICY

Although attendance will not be taken, as it is not feasible in a class of this size, regular attendance is important if students wish to do well. It is understood that students are responsible for any material missed due to absence.

CLASS FORMAT

The emphasis in the course will be on reasoning, analysis and critical evaluation. Readings will be assigned for each class, and students will be expected to have read them. The role of the Instructor will be to guide students through the readings, to ensure that discussions remain focused on relevant and important issues, and to illustrate the processes of interpretation, analysis and criticism by repeated example in class.

Course Requirements

Midterms: There will be **two midterm exams** each worth 30% of the overall grade. They will have the following format: one week before the date of the midterm a list of study questions on topics central to the material covered will be distributed to students; the instructor will then select a number of these questions for students to answer on the midterm. The first midterm will be held in our scheduled class on Tuesday, Oct. 8. The second midterm will be held in our scheduled class on Thursday, Nov. 7.

Final Examination: There will be a final exam scheduled during the examination period, worth 40% of the overall grade for the course grade. The format for the final will be similar to that for midterms.

Access to Culearn

Students must ensure that they have access to CuLearn for this course, as lecture slides and other information and material will be posted on it.

Topics and Readings

Fall Semester 2019

I. Introduction

Philosophical Questions, Problems and Issues about Human Rights

Reading 1: The Universal Declaration of Human Rights (from the U.N. website, http://www.un.org/Overview/rights.html)

II. The Nature and Justification of Human Rights

(a) What are Human Rights?

Reading 2: James W. Nickel, "Human Rights," in *Encyclopaedia of Ethics*, ed. Lawrence C. Becker and Charlotte B. Becker (New York: Garland, 1992) I: pp. 561-565

Reading 3 (online): James W. Nickel, "Human Rights," *Stanford Encyclopaedia of Philosophy*, Section 1 (First published Feb 7, 2003; substantive revision Apr 11, 2019) at: https://plato.stanford.edu/entries/rights-human/

Reading 4 (optional online): James W. Vincent, "The Idea of Human Rights," from *Human Rights and International Relations*, (Cambridge: Cambridge U. P., 1991) pp. 7-18

(b) Are Human Rights Independent of Law?

Reading 5 (online): "Declaration of the Rights of Man and Citizen" Google this, or go to: http://www.hrcr.org/docs/frenchdec.html

Reading 6: Jeremy Bentham, selections from "A Critical Examination of the Declaration of Rights." Taken from *The Philosophy of Human Rights*, edited by Patrick Hayden (St. Paul, Paragon House, 2001) pp. 118-125

(c) What is the Justification or Source of Human Rights?

Reading 7: "Utilitarianism", from *Philosophy: A Text With Readings* by Manuel Velasquez, 11th edition (Boston: Wadsworth, 2011) pp.441-446

Reading 8: John Hospers, "What Libertarianism Is," from Social Ethics: Morality and Social policy, 5th ed by Thomas Mappes and J.S. Zembaty, (NY: McGraw-Hill, 1997) pp. 349-356

Reading 9: "Justice Depends on a Social Contract: From Hobbes and Locke to Rawls", from *The Philosopher's Way: A Text With Readings*, by John Chaffee 2nd edition (Upper Saddle River, New Jersey, Pearson/Prentice Hall, 2009, p. 567 and pp.574-587

Reading 10: Alan Gewirth, "The Epistemology of Human Rights", taken from Political Philosophy: Classic and Contemporary Readings, edited by Louis Pojman (Toronto: McGraw-Hill, 2002) pp. 474-479

Reading 11 (online): Johannes Morsink, "The Dawn of Human Rights: The Universal Declaration and the Conscience of Humanity", (Read up to page 36 in the document.) To obtain this reading Google 'The Dawn of Human Rights Morsink'

III. The Universality of Human Rights

(a) Are Human Rights Universal?

Reading 12 (online): "Statement on Human Rights", by the American Anthropological Association, in *American Anthropologist*, New Series, Vol. 49, No. 4, Part 1. (Oct. - Dec., 1947), pp. 539-543:

http://direitosehumanos.files.wordpress.com/2008/03/satement-45.pdf

Reading 13 (online): Graeme Reid, "The Trouble With Tradition", from the website of Human Rights Watch: When Values Trample Over Rights, available at: http://www.hrw.org/world-report/2013/essays/trouble-tradition

Reading 14 (online): James Rachels, "The Challenge of Cultural Relativism": available at: http://faculty.uca.edu/rnovy/Rachels--Cultural%20Relativism.htm (or just Google title)

Reading 15 (online): "Cosmopolitanism: How to Be a Citizen of the World", interview with K.A. Appiah on Mother Jones website: http://motherjones.com/politics/2006/02/cosmopolitanism-how-be-citizen-world

(b) Are Human Right Distinctively Western?

Reading 16: Jack Donnelly, "Human Rights and Human Dignity: An Analytical Critique of Non-Western Conceptions of Human Rights," *American Political Science Review*, 76 (1982) pp. 303-316

Reading 17: Xiarong Li, "'Asian Values' and the Universality of Human Rights," from *The Philosophy of Human Rights*, ed. P. Hayden, (St. Paul, Minnesota: Paragon House, 2001) pp. 397-08

IV. Common Objections to Human Rights

(a) Do Human Rights Neglect Human Duties (and Other Objections)?

Reading 18: "Contemporary Critiques of Human Rights", David Chandler, from *Human Rights: Politics and Practice*, 3rd edition, (Oxford: Oxford University Press, 2016) pp.110-125 **Reading 19 (online):** Eric Posner, "The Case Against Human Rights", The Guardian, December 4, 2014, available online at: https://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights

V. Economic and Social Rights

(a) The Distinction between Negative and Positive Human Rights

Reading 20 (online): Tibor R. Machon, "The Perils of Positive Rights" (from the Freeman Website, Apr 2001 • Volume: 51 • Issue: 4): https://fee.org/articles/the-perils-of-positive-rights/
Reading 21 (optional online): Stephen Holmes and Cass R. Sunstein, The Cost of Rights: Why
Liberty Depends on Taxes, Chapter 1, "All Rights Are Positive", (from the New York Times:
http://www.nytimes.com/books/first/h/holmes-rights.html

(b) Social/Economic Justice and Human Rights

Reading 22: Maurice Cranston, "Human Rights, Real and Supposed," from *Political Theory and the Rights of Man*, ed. D.D. Raphael, (Bloomington, Indiana: Indiana U. Press, 1967) pp. 43-53 Reading 23 (online): James W. Nickel, "Human Rights," *Stanford Encyclopaedia of Philosophy (First published Fri Feb 7, 2003; substantive revision Thu Apr 11, 2019*) Section 3.2 "Social Rights", Google author & title, or go to: https://plato.stanford.edu/entries/rights-human/

(c) Is There a Human Right to Health Care?

Reading 24 (online): Trevor Burrus, "Is There A Right to Health Care?", Nov. 15, 2017, from the website *Libertarianism.org*, available online at:

https://www.libertarianism.org/columns/is-there-right-health-care

Reading 25 (optional online): "Human Rights and Health", from the website of the World Health Organization, December 2017, at: http://www.who.int/mediacentre/factsheets/fs323/en/

VI. Issues Related to Freedom and Democracy

(a) The Right to Free Speech (and Other Freedom Rights)

Reading 26: John Stuart Mill, "The Harm Principle and Of the Liberty of Thought and Discussion", taken from *Social and Political Philosophy: Contemporary Readings*, edited by George Sher and Baruch Brody (New York, Harcourt Brace, 1999) pp. 72-77

Reading 27 (online, optional): David van Mill, "Freedom of Speech" (Sections 1, 2.3, 3.3, 4.2 and 6) *Stanford Encyclopaedia of Philosophy*: http://plato.stanford.edu/entries/freedom-speech/#DemFreSpe

Reading 28 (online): Yasmeen Sirhan, "Macron's War on 'Fake News', from *The Atlantic*, Jan. 6, 2018, at: https://www.theatlantic.com/international/archive/2018/01/macrons-war-on-fake-news/549788/

Reading 29 (online): Fillip Steffensen, "The Perils of Banning Fake News", from the Foundation for Economic Education, Dec. 4, 2018, at: https://fee.org/articles/the-perils-of-banning-fake-news/

Reading 30 (online): Peter Singer, "Free Speech, Muhammad, and the Holocaust": http://www.utilitarian.net/singer/by/200603--.htm

Reading 31 (online): "Hate Speech on Campus", from the American Civil Liberties Union (posted December 31, 1994): http://www.aclu.org/free-speech/hate-speech-campus

(b) Is There a Human Right to Democracy?

Reading 32: Charles Beitz, "Rawls' Law of Peoples" (section on "The Doctrine of Human Rights"), from the journal *Ethics*, Vol. 110, No. 4 (July, 2000) pp. 683-688

Reading 33: John Rawls, *The Law of Peoples*, taken from the journal *Critical Inquiry*, Vol. 20, No. 7, 1993, pp. 56-59

Reading 34 (optional online): "Democracy and Human Rights", from the website of the United Nations, available at: http://www.un.org/en/sections/issues-depth/democracy/index.html

(c) Is Privacy a Human Right?

Reading 35: Andrew Clapham, *A Very Short Introduction to Human Rights*, (Oxford: Oxford University Press, 2007) pp. 108-118

Reading 36 (online): Universal Declaration of Privacy and Security, available at: http://heal-the-earth.org/un/declarations/un declarations privacy.htm

Reading 37 (optional online): H.A. Harris, "Privacy Rights According to the Supreme Court of Canada", Office of the Privacy Commissioner of Canada to the CAPA Conference, 1997, available at: http://www.priv.gc.ca/media/sp-d/archive/02 05 a 971030 e.asp

VII. Issues Related to Vulnerable Peoples and Violence

(a) The Rights of Stateless Peoples

Reading 38: Hannah Arendt, "The Rights of the Stateless" (*The Origins of Totalitarianism*, 1951) from *The Human Rights Reader*, 2nd edition, ed. by Micheline R. Ishay ... pp. 373-76

Reading 39 (online): "The Rights of Stateless Persons must be Protected", statement by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, at the 4th Council of Europe Conference on Nationality: https://wcd.coe.int/ViewDoc.jsp?id=1722017

Reading 40 (online, optional): Mathew J. Gibney, "Statelessness and the Right to Citizenship", Refugee Studies Centre, University of Oxford:

http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/FMR32/50-51.pdf

(b) Is the HR against Torture Absolute or Might There Be Exceptions?

Reading 41 (online): *United Nations Convention Against Torture* (up to end of Article 6) ...: http://www.hrweb.org/legal/cat.html

Reading 42 (online): Charles Krauthammer, "The Truth About Torture", from *The Weekly Standard* 12/05/2005, Volume 011, Issue 12: https://www.washingtonexaminer.com/weekly-standard/the-truth-about-torture

Reading 43 (online): Michael Kinsley, "Torture for Dummies: Exploding the "ticking bomb" Argument": http://www.slate.com/id/2132195/

Reading 44 (online, optional): Seumas Miller, "Torture", Stanford Encyclopedia of Philosophy: http://plato.stanford.edu/entries/torture/

(c) The Right against Genocide

Reading 45 (online): BBC Documentary "Genocide", episode 26 of the acclaimed series *The World At War*: http://www.veoh.com/watch/v3311014gweZwNta?h1=Genocide+Part+1

Reading 46: Scot Straus, "Genocide and Human Rights", from *Human Rights: Politics and Practice*, edited by Michael Goodhart (Oxford: Oxford University Press, 2009) pp. 279-95

Reading 47 (online): "The 8 Stages of Genocide", From the website of the International Alliance

to End Genocide: http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html

Reading 48 (online): Paul Boghossian, "The Concept of Genocide":

http://www.academia.edu/241863/The Concept of Genocide

Reading 49 (online): "How Can We Prevent Genocide?", Gregory Stanton, speech given at the Raphael Lemkin Centenary Conference, London, 18 October 2000:

http://www.genocidewatch.org/images/AboutGen How Can We Prevent Genocide.pdf

VIII. The Right to Economic Development

Reading 50 (online): The Declaration on the Right to Development: http://www.un-documents.net/a41r128.htm

Reading 51 (online): Amartya Sen, "Development and Freedom, from the *Human Rights Reader*, 2nd edition ...pp. 356-359

Reading 52 (optional online): "The Singer Solution to World Poverty", by Peter Singer, from New York Times, Sept. 5, 1999: http://people.brandeis.edu/~teuber/singermag.html

Reading 53: Thomas Pogge, "Real World Justice", from *Morality and Moral Controversies: Readings in Moral, Social, and Political Philosophy*, 8th edition, ed by John Arthur and Steven Scalet (Upper Saddle River, New Jersey: Prentice Hall, 2009) pp. 501-9

Reading 54 (optional): John McMillan, "Antipoverty Warriors", from *Morality and Moral Controversies*, 8th edition ... pp. 509-513

Reading 55 (online): Debra Satz, "What Do We Owe the Global Poor?":

http://www.thefreelibrary.com/What+do+we+owe+the+global+poor%3F+Response+to+world+poverty+and+human...-a0139107177

IX. Human Rights and Discrimination

(a) Conceptual Issues about Discrimination

Reading 56 (online): Andrew Altman, "Discrimination", *Stanford Encyclopedia of Philosophy*, Section 4, "Why Is Discrimination Wrong?", 2015 (Google author, title and Stanford Encyclopedia)

(b) Human Rights and Women's Rights

Reading 57 (online): Marquis De Condorcet, "On the Admission of Women to the Rights of Citizenship" (1790), translated by Dr. Alice Drysdale Vickery:

http://www.keele.ac.uk/history/currentundergraduates/tltp/SUFFRAGE/DOCUMENT/PLEAWOME.HTM

Reading 58 (online): "50 Million Missing Girls", from New York Times, November 25, 2005: http://www.nytimes.com/2005/11/24/opinion/24iht-edswami.html? r=2

Reading 59: Hilary Charlesworth, "Human Rights as Men's Rights," from *Women's Rights; International Feminist Perspectives*, edited by Julie Peters and Andrea Wolper (New York: Routledge, 1995) pp. 103-113

Reading 60 (online, optional): Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 1979: http://www2.ohchr.org/english/law/cedaw.htm

(c) Racism and the Human Rights Movement

Reading 61: "The Critique of Racial Liberalism: An Interview with Charles W. Mills", by Neil Roberts, April 3, 2017, at: https://www.aaihs.org/the-critique-of-racial-liberalism-an-interview-with-charles-w-mills/

Reading 62: Charles Mills, "The Political Economy of Personhood", from the website *On the Human: A Project of the National Humanities Center*, online at:

<u>file:///Users/kenf/Desktop/Race%20Mills%20The%20Political%20Economy%20of%20Personhood%20«%20On%20the%20Human.webarchive</u>

(c) Human Rights and Sexual Minorities

Reading 63 (online): "4 Reasons Why Religious Liberty Laws Don't Discriminate", from the website *The Gospel Coalition*, by Andrew Walk, April 8, 2016, at:

https://www.thegospelcoalition.org/article/three-reasons-why-religious-liberty-laws-dont-discriminate

Reading 64: Andrew Altman, "Discrimination", *Stanford Encyclopedia of Philosophy*, 2015 Section 8, "Religious Liberty and antidiscrimination Laws" (Google author, title and Stanford Encyclopedia)

Reading 65: Why Federal Laws Don't Explicitly Ban Discrimination against LGBT, by Katy Steinmetz, *Time.com*. March 21, 2019: https://time.com/5554531/equality-act-lgbt-rights-trump/

X. Human Rights and Climate Change

Reading 66 (online): Peter Singer, "A Fair Deal on Climate Change":

http://www.policyinnovations.org/ideas/commentary/data/per capita emissions

Reading 67 (online): Peter Singer, "Will the Polluters Pay for Climate Change", August 2006:

http://www.utilitarian.net/singer/by/200608--.htm

Reading 68 (online): "Human Rights and Climate Change, from the website of the United Nations, Office of the High Commissioner, at:

http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx

Department of Philosophy and Carleton University Policies (Fall/Winter 2019-20)

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 on the first page: student name and number; course name and number; instructor's name.
- No assignments will be accepted after the last day for handing in term work see dates below.
- 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.

Evaluation:

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Deferrals for Final Exams:

If you miss a final examination (formally scheduled or take-home) because of circumstances beyond your control, you may apply for a deferral. You must apply within <u>3 working days</u> after the scheduled date of your formally scheduled exam or within <u>3 working days</u> after the due date of a take-home exam. Visit the Registrar's Office for more information: http://calendar.carleton.ca/undergrad/regulations/academicregulationsoftheuniversity/acadregsuniv2/#2.5

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. https://carleton.ca/registrar/academic-integrity/

Academic Accommodation:

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

If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation or contact your PMC coordinator to send your instructor your Letter of Accommodation at the beginning of the term. You must also contact the PMC 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 instructor as soon as possible to ensure accommodation arrangements are made. carleton.ca/pmc

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/

Survivors of Sexual Violence: as a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and is survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities: Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Important Dates:

Sept. 4	Classes start.
Sept. 17	Last day for registration and course changes for fall term and fall/winter (two-term) courses.
Sept. 30	Last day for entire fee adjustment when withdrawing from fall term or two-term courses. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
Oct. 14	Statutory holiday. University closed.
Oct. 21-25	Fall Break – no classes.
Nov. 22	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, before the official examination period.
Dec. 6	Last day of fall term classes. Classes follow a Monday schedule . Last day for academic withdrawal from fall term courses. 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 a fall term course.
Dec. 9-21	Final examinations for fall term courses and mid-term examinations in two-term courses. Examinations are normally held all seven days of the week.
Dec. 21	All take-home examinations are due.
Jan. 6	Classes begin.
Jan. 17	Last day for registration and course changes in the winter term.
Jan. 31	Last day for a full fee adjustment when withdrawing from winter term courses or from the winter portion of two-term courses. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
Feb. 17	Statutory holiday. University closed.
Feb. 17-21	Winter Break – no classes.
Mar. 24	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter courses before the official examination period.
Apr. 7	Last day of two-term and winter term classes. Last day for academic withdrawal from fall/winter and winter courses. Last day for handing in term work and the last day that can be specified by a course instructor as a due date for two-term and for winter term courses.
Apr. 10	Statutory holiday. University closed.
Apr. 13-25	Final examinations for winter term and two-term courses. Examinations are normally held all seven days of the week.

Addresses:

Apr. 25

Department of Philosophy: 3A35 Paterson Hall

www.carleton.ca/philosophy

All take-home examinations are due on this day.

520-2110

Registrar's Office: 300 Tory

www.carleton.ca/registrar

520-3500

Academic Advising Centre: 302 Tory

www.carleton.ca/academicadvising

520-7850

Writing Services: 4th Floor, Library

http://www.carleton.ca/csas/writing-services/