

PHILOSOPHY 2103A: PHILOSOPHY OF HUMAN RIGHTS
CARLETON UNIVERSITY: WINTER TERM 2021
PROF. KENNETH FERGUSON

COURSE SYLLABUS

TERM: Winter Terms 2021
INSTRUCTOR: Ken Ferguson

OFFICE HOURS: TBD
EMAIL: kenneth.ferguson@carleton.ca

CATALOGUE DESCRIPTION

PHIL 2103 [0.5 credit]

Philosophy of Human Rights^[SEP]: 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.^[SEP] 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 that 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 largely 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.

Online Course

This is an entirely online, or distance, course. No in-person classes will be held. The PowerPoint slides on which lectures will be based will all be posted on CuLearn, as well as all course assignments, midterms, exams, etc., and students will submit all of their required course assignments through CuLearn.

LECTURES

This will be what is described as a “blended course”: as the course goes along, pre-corded lectures on all of the main topics in the course will be posted on CuLearn. In addition, live Zoom meetings will be held periodically during the course for discussion, exam preparation, office hours and other purposes.

REQUIRED READINGS

There is no required text for this course. All readings will be available either on CuLearn or on the Web. Please see the document **Topics and Readings** posted on CuLearn, for a complete list of all required readings.

COURSE REQUIREMENTS

MIDTERMS

There will be two **midterm exams** each worth 30% of the overall grade. The (somewhat) tentative dates for the midterms are Feb. 12 and March 15 respectively. These midterms will have the following format: two weeks before the date of the midterm, a list of study questions on topics central to the material that has been covered will be posted on CuLearn; the instructor will then select a number of these questions for students to answer on the midterm, but students will not know beforehand which questions will be selected.

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 the midterms.

Topics and Readings

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) Are Human Rights Independent of Law?

Reading 2: "Declaration of the Rights of Man and Citizen" Google this, or go to: <http://www.hrcr.org/docs/frenchdec.html> posted on CuLearn

Reading 3: Jeremy Bentham, selections from "A Critical Examination of the Declaration of Rights.", posted on CuLearn

(b) The Concept of a Human Right

Reading 4 (optional online): Andrew Fagan, "Human rights", Sections 1 and 2, *Internet Encyclopaedia of Philosophy*, at: <https://iep.utm.edu/hum-rts/#SH5b>

Reading 5 (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/>

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

Reading 6: "Calculating Consequences: The Utilitarian Approach to Ethics", Markula Center for Applied Ethics, at: <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/calculating-consequences-the-utilitarian-approach/>

See also: "Best Outcomes: The Utility Test", online at: <https://www.ethicsops.com/best-outcomes-test>

Reading 7 (online): John Hospers, "What Libertarianism Is," online at: http://public.callutheran.edu/~chenxi/phil315_101.pdf

Reading 8: Thomas Donahue, "Natural Rights and Social Contract Theory", available online at: <https://sites.google.com/site/tjdonahu/home/classics/natural-rights-and-social-contract-theory>

Reading 9 (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 10 (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 11 (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 12 (optional online): James Rachels, "The Challenge of Cultural Relativism": available at: <http://faculty.uca.edu/rnovy/Rachels--Cultural%20Relativism.htm> (or just Google title)

Reading 13 (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 14: Ahmad Shaheed and Rose Parris Richter, "Is 'Human Rights' a Western Concept?" from the website *Global Observatory*, online at:

<https://theglobalobservatory.org/2018/10/are-human-rights-a-western-concept/>

Reading 15: Xiarong Li, "'Asian Values' and the Universality of Human Rights," at:

<https://onlinelibrary.wiley.com/doi/full/10.1111/0045-3609.00028>

IV. Common Objections to Human Rights

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

Reading 16: Dr. Mark Cooray, "Rights Without Duties", posted on Culearn

Reading 17 (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 18 (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 19 (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 20: Maurice Cranston, "Human Rights, Real and Supposed," available online at: https://www.academia.edu/35500772/Maurice_Cranston_Human_Rights_Real_and_Supposed?auto=download

Reading 21 (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 22 (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 23 (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 24: John Stuart Mill, *On Liberty*, Chapter 1, online at:

<https://courses.lumenlearning.com/sanjacinto-philosophy/chapter/john-stuart-mill-on-liberty-chapter-1-introductory/>

Reading 25 (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 26 (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 27 (online): Phillip 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 28 (online): Peter Singer, “Free Speech, Muhammad, and the Holocaust”: <http://www.utilitarian.net/singer/by/200603--.htm>

Reading 29 (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 30 (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>

Reading 31 (optional online): David Miller, “Is There a Human Right to Democracy?”, online at: <https://www.politics.ox.ac.uk/materials/publications/13731/sj032is-there-a-human-right-to-democracy-final-version.pdf>

(c) Is Privacy a Human Right?

Reading 32: Andrew Clapham, *A Very Short Introduction to Human Rights*, (Oxford: Oxford University Press, 2007) pp. 108-118

Reading 33 (online): Universal Declaration of Privacy and Security, available at: http://heal-the-earth.org/un/declarations/un_declarations_privacy.htm

Reading 34 (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 35: Max Regus, “Statelessness: What Hannah Arendt Can Still Teach Us”, from the Mantle, at: <https://www.themantle.com/international-affairs/statelessness-what-hannah-arendt-can-still-teach-us>

Reading 36 (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 37 (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 38 (online): *United Nations Convention Against Torture* (up to end of Article 6) ...: <http://www.hrweb.org/legal/cat.html>

Reading 39 (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 40 (online): Michael Kinsley, "Torture for Dummies: Exploding the "ticking bomb" Argument": <http://www.slate.com/id/2132195/>

Reading 41 (online, optional): Seumas Miller, "Torture", *Stanford Encyclopedia of Philosophy*: <http://plato.stanford.edu/entries/torture/>

(c) The Right against Genocide

Reading 42 (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 43 (online): "The 8 Stages of Genocide", From the website of the *International Alliance to End Genocide*:

<http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html>

Reading 44 (online): Paul Boghossian, "The Concept of Genocide":

http://www.academia.edu/241863/The_Concept_of_Genocide

Reading 45 (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 46 (online): *The Declaration on the Right to Development*: <http://www.un-documents.net/a41r128.htm>

Reading 47 (online): Amartya Sen, "Development and Freedom" (from the *Human Rights Reader*, 2nd edition ...pp. 356-359) online at:

<http://heterodoxnews.com/ajes/readings/Sen1999-intro.pdf>

Reading 48 (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 49: Gillian Brock, *Stanford Encyclopaedia*, "Global Justice", Section 2, online at: <https://plato.stanford.edu/entries/justice-global/#WhaTheGloJus>

Reading 50 (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
<p>Reading 51 (online): Andrew Altman, “Discrimination”, <i>Stanford Encyclopedia of Philosophy</i>, Section 4, “Why Is Discrimination Wrong?”, 2015 (Google author, title and Stanford Encyclopedia)</p>
(b) Human Rights and Women’s Rights
<p>Reading 52 (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</p> <p>Reading 53 (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</p> <p>Reading 54: Hilary Charlesworth, “Human Rights as Men’s Rights,” at: https://www.law.lu.se/webuk.nsf/(MenuItemByDocId)/ID158A9EA8E934AB23C1257DA004E56F1/\$FILE/What%20are%20Women's%20International%20Human%20Rights.pdf</p> <p>Reading 55 (online, optional): <i>Convention on the Elimination of All Forms of Discrimination Against Women</i> (CEDAW), New York, 1979: http://www2.ohchr.org/english/law/cedaw.htm</p>
(c) Racism and the Human Rights Movement
<p>Reading 56: “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/</p> <p>Reading 57: Charles Mills, “The Political Economy of Personhood”, from the website <i>On the Human: A Project of the National Humanities Center</i>, online at: file:///Users/kenf/Desktop/Race%20Mills%20The%20Political%20Economy%20of%20Personhood%20«%20On%20the%20Human.webarchive</p>
(c) Human Rights and Sexual Minorities
<p>Reading 58 (online): “4 Reasons Why Religious Liberty Laws Don’t Discriminate”, from the website <i>The Gospel Coalition</i>, by Andrew Walk, April 8, 2016, at: https://www.thegospelcoalition.org/article/three-reasons-why-religious-liberty-laws-dont-discriminate</p> <p>Reading 59: Andrew Altman, “Discrimination”, <i>Stanford Encyclopedia of Philosophy</i>, 2015 Section 8, “Religious Liberty and Anti-discrimination Laws” (Google author, title and Stanford Encyclopedia)</p> <p>Reading 60: Why Federal Laws Don’t Explicitly Ban Discrimination against LGBT, by Katy Steinmetz, <i>Time.com</i>. March 21, 2019: https://time.com/5554531/equality-act-lgbt-rights-trump/</p>

X. Human Rights and Climate Change

Reading 61 (online): Peter Singer, “A Fair Deal on Climate Change”: at:

<https://www.utilitarian.net/singer/by/200706--.htm>

Reading 62 (online): Peter Singer, “Will the Polluters Pay for Climate Change”, August 2006: <http://www.utilitarian.net/singer/by/200608--.htm>

Reading 63 (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/HRAAndClimateChange/Pages/HRCClimateChangeIndex.aspx>

Department of Philosophy and Carleton University Policies (Fall/Winter 2020-21)

Assignments:

Please follow your professor's instructions on how assignments will be handled electronically. There will be NO hard copies placed in the essay box this coming year.

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 Term Work:

If students are unable to complete term work because of illness or other circumstances beyond their control, they should contact their course instructor no later than *three working days* of the due date. Normally, any deferred term work will be completed by the last day of the term. Term work cannot be deferred by the Registrar.

Deferrals for Final Exams:

Students are expected to be available for the duration of a course including the examination period. Occasionally, students encounter circumstances beyond their control where they may not be able to write a final examination or submit a take-home examination. Examples of this would be a serious illness or the death of a family member. If you miss a final examination and/or fail to submit a take-home examination by the due date, you may apply for a deferral no later than *three working days* after the original due date (as per the University Regulations in [Section 4.3 of the Undergraduate Calendar](#)). Visit the [Registrar's Office](#) for further 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. ([Section 10.1 of the Undergraduate Calendar Academic Regulations](#))

Academic Accommodation:

You may need special arrangements to meet your academic obligations during the term:

- *Pregnancy or 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 [EDC](#) website.
- *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 test or exam requiring accommodation. After requesting accommodation from PMC, meet with your professor to ensure accommodation arrangements are made.
- *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 where survivors are supported through academic accommodations as per [Carleton's Sexual Violence Policy](#).
- *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.

Important Dates:

Sept. 9	Classes start.
Sept. 23	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. 12	Statutory holiday. University closed.
Oct. 26-30	Fall Break – no classes.
Nov. 27	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. 11	Last day of fall term classes. <i>Classes follow a Monday schedule.</i> 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. 12-23	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. 23	All take-home examinations are due.
Jan. 11	Classes begin.
Jan. 25	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. 15	Statutory holiday. University closed.
Feb. 15-19	Winter Break – no classes.
Mar. 31	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. 2	Statutory holiday. University closed.
Apr. 14	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. <i>Classes follow a Friday schedule.</i>
Apr. 15	No classes or examinations take place.
Apr. 16-27	Final examinations for winter term and two-term courses. Examinations are normally held all seven days of the week.
Apr. 27	All take-home examinations are due.

Addresses:

Department of Philosophy:
www.carleton.ca/philosophy
 520-2110

Registrar's Office:
www.carleton.ca/registrar
 520-3500

Academic Advising Centre:
www.carleton.ca/academicadvising
 520-7850

Writing Services:
<http://www.carleton.ca/csas/writing-services/>
 520-3822

MacOdrum Library
<http://www.library.carleton.ca/>
 520-2735