

CC0003 Ethics and Civics in a Multicultural World

Week 07:

Human Rights Part 2

Assoc Prof Andres Carlos Luco



Learning Objectives

By the end of this lecture, you should be able to:

- Explain how moral theories and principles can serve to provide a rational basis for thinking of human rights as moral rights, and not only as legal rights.
- Explain the sense in which human rights are said to be “universal,” and distinguish this notion of **universality** from **unanimity** in opinions about human rights.
- Discuss the yoga sutras of Patañjali as a theory of the moral rights of **persons**.



Outline

The following topics will be covered in this lecture:

- The American Anthropological Association
- Recap of Week 6
- Human Rights as Discoveries of Reason
 - Agency/Autonomy-Based Justifications of Human Rights
 - A Virtue Ethics-Based Justification of Human Rights
 - Utilitarian Justifications of Human Rights
- The Universality of Human Rights
- The Rights of Persons

Topic 01: The American Anthropological Association

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Statement on Human Rights

- In 1947, the American Anthropological Association (AAA) released a statement on human rights. It voiced skepticism about the Universal Declaration of Human Rights, which was adopted by the United Nations in 1948.
- Notably, the AAA's statement proclaimed (AAA 1947: 542):

“Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole.”



A · M · E · R · I · C · A · N
A N T H R O P O L O G I C A L
A S S O C I A T I O N

AAA's Approach

- Over 50 years later, in 1999, the AAA issued a new statement on human rights which includes the following passage ([AAA 1999](#)):

“Thus, the AAA founds its approach on anthropological principles of respect for concrete human differences, both collective and individual, rather than the abstract legal uniformity of Western tradition. In practical terms, however, its working definition [of human rights] builds on the Universal Declaration of Human Rights (UDHR), the International Covenants on Civil and Political Rights, and on Social, Economic, and Cultural Rights, the Conventions on Torture, Genocide, and Elimination of All Forms of Discrimination Against Women, and other treaties which bring basic human rights within the parameters of international written and customary law and practice. The AAA definition thus reflects a commitment to human rights consistent with international principles but not limited by them.”



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Discussion Questions – Set 1

- Do you see the 1999 statement from the AAA as a rejection of the 1947 statement?
- What explains the differences between the 1999 statement and the 1947 statement?
A shift in ethical or meta-ethical views?
Historical changes that occurred in the 52 years between 1947 and 1999?
- Do you agree more with the 1947 statement or with the 1999 statement? Is it possible to agree with both? Explain.



Acknowledgements:

Slide 1 and 4: Choat (n.d.). International human rights day concept: Silhouette birds flying and broken chains on blue sky background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/international-human-rights-day-concept-silhouette-birds-flying-and-broken-chains-on-blue-sky-background/288629551>

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Slide 3: Momius (n.d.). Key topics [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/key-topics/167344594>

Slide 5: The Executive Board, American Anthropological Association. 1947. Statement on Human Rights. *American Anthropologist*, 49(4), pp.539 - 543.

Slide 6: American Anthropological Association. 1999. Declaration on Anthropology and Human Rights. [online] Available at: <https://www.americananthro.org/ConnectWithAAA/Content.aspx?ItemNumber=1880&>

Slide 5 and 6: Jenny on the moon (n.d.). Silhouettes of people with posters, bullhorns. Expression of political, social, personal position. Revolution, demonstration, protest concept. [Vector flat illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/silhouettes-of-people-with-posters-bullhorns-expression-of-political-social-personal-position-revolution-demonstration-protest-concept-vector-flat-illustration/383262947>

Slide 5 and 6: American Anthropological Association. (2021, June 2). In *Wikipedia*. https://en.wikipedia.org/wiki/American_Anthropological_Association

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Topic 02: Recap of Week 6

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Rights as Entitlements

In the previous lesson, we discussed the general idea of a right (Timmons 2020: 19):

- A **right** is an entitlement to be free to do something, to exercise a power, or to be provided with some benefit.
- When a person P has a right (an entitlement), others have duties (obligations) either to refrain from interfering with P's freedom, to refrain from interfering with P's ability to exercise a power, or to provide P with some benefit.



Legal Rights vs. Moral Rights

Last time, we also discussed the differences between legal rights and moral rights.

A **legal right** is a right that exists because of a legal statute or some other government action.



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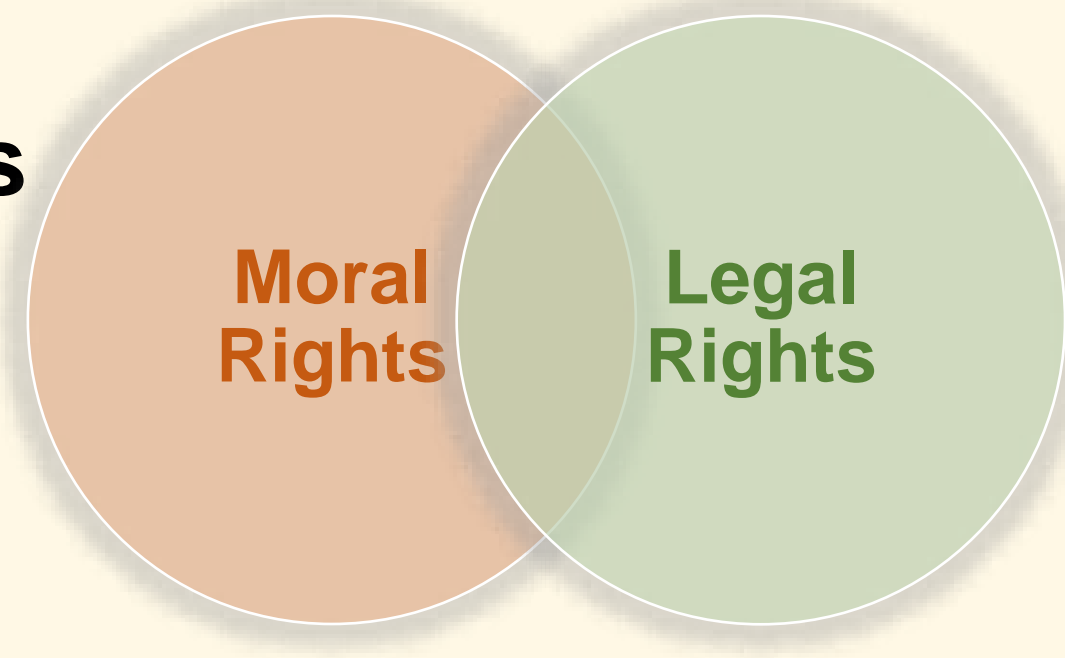
A **moral right** is a right that exists independently of any legal system or set of conventions.



Human Rights as Moral Rights

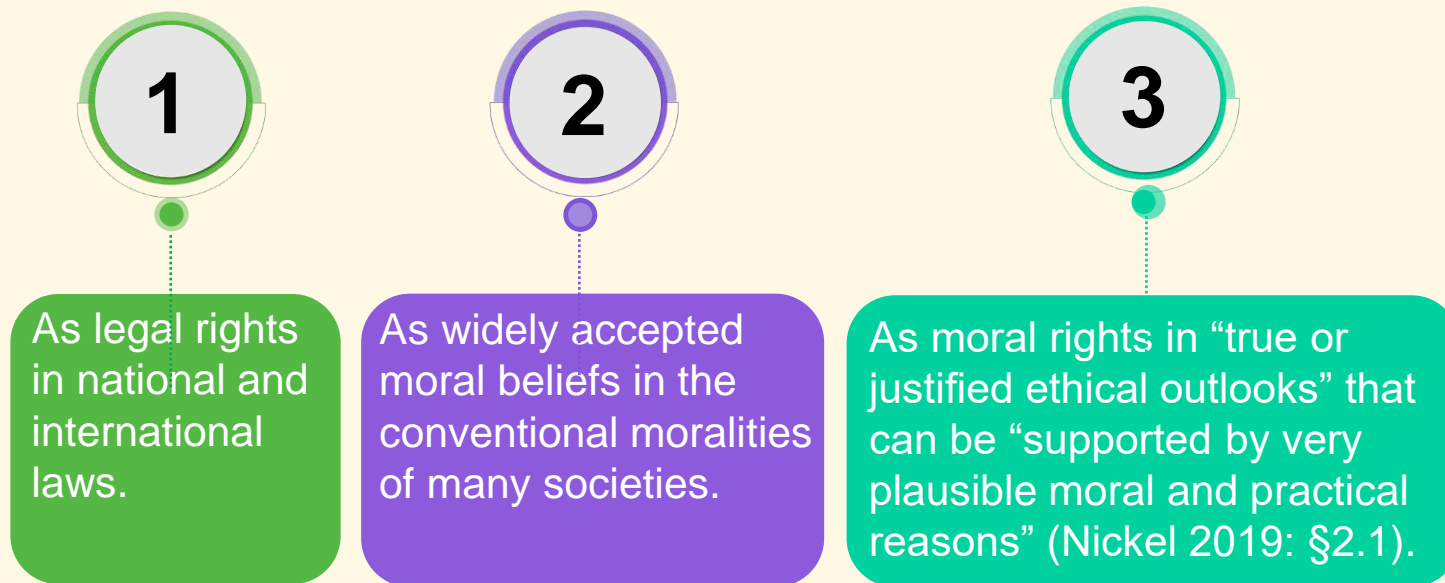
Finally, we also discussed how human rights may be regarded as both legal rights and moral rights.

- The experience of the Holocaust suggested that people's human rights can be violated even if they aren't legal rights. If human rights can be violated without being legal rights, then this suggests that human rights are moral rights.
- The Universal Declaration of Human Rights can be read as a statement of moral rights, since the Declaration is not a law by itself and yet it declares that the rights it describes ought to be protected in all nations.



How do Human Rights Exist?

- Now we will take a closer look at the idea that human rights may exist as moral rights.
- In his article titled “Human Rights” (2019), the philosopher James Nickel suggests that human rights may exist in all of the following ways:



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Slide 10: Timmons, M., 2020. Disputed Moral Issues. 5th ed. Oxford University Press, p. 19.

Slide 10 and 11: Emerald_media (n.d.). liderlik & başarmak [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/liderlik-armak/106087910>

Slide 11: Jaykoppelman (n.d.). Right and wrong arrows decisions concept [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/right-and-wrong-arrows-decisions-concept/225613429>

Slide 11: Monster Ztudio (n.d.). Law and Justice, Legality concept, Judge Gavel on a wood table with background space for your text [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/law-and-justice-legality-concept-judge-gavel-on-a-wood-table-with-background-space-for-your-text/258916633>

Slide 13: Nickel, J., "Human Rights", The Stanford Encyclopedia of Philosophy (Summer 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2019/entries/rights-human>

Topic 03: Human Rights as Discoveries of Reason

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Nickel's Perspective

This is how Nickel explains the idea that human rights may exist as discoveries of reason:

“Yet another way of explaining the existence of human rights is to say that they exist most basically in true or justified ethical outlooks.

On this account, to say that there is a human right against torture is mainly to assert that there are strong reasons for believing that it is always morally wrong to engage in torture and that protections should be provided against it. This approach would view **the Universal Declaration [of Human Rights]** as attempting to formulate a justified political morality for the whole planet. **It was not merely trying to identify a preexisting moral consensus; it was rather trying to create a consensus that could be supported by very plausible moral and practical reasons...**”

([Nickel 2019](#): §2.1)



Nickel's Perspective (cont.)

This is how Nickel explains the idea that human rights may exist as discoveries of reason:

“...This approach requires commitment to the objectivity of such reasons. It holds that just as there are reliable ways of finding out how the physical world works, or what makes buildings sturdy and durable, there are ways of finding out what individuals may justifiably demand of each other and of governments. **Even if unanimity about human rights is currently lacking, rational agreement is available to humans if they will commit themselves to open-minded and serious moral and political inquiry.**”

([Nickel 2019](#): §2.1)



Reasoned Justifications of Human Rights

Moral philosophers have devised many reasoned justifications of human rights. Here is a non-exhaustive list (Nickel 2019: §2.2):

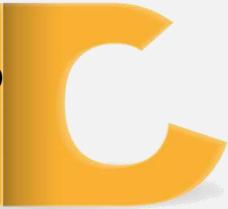
Human rights secure human agency and autonomy



Human rights foster the development of virtues needed for people to achieve flourishing lives



Human rights are needed to promote human well-being



Let us take some time to understand these justifications of human rights. To do this, we can look to the moral theories and principles we studied earlier.

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Slide 15: Choat (n.d.). International human rights day concept: Silhouette birds flying and broken chains on blue sky background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/international-human-rights-day-concept-silhouette-birds-flying-and-broken-chains-on-blue-sky-background/288629551>

Slide 16 and 17: Bakhtiarzein (n.d.). Ethics and law symbol of ethical moral in decision making hammer symbol [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/ethics-and-law-symbol-of-ethical-moral-in-decision-making-hammer-symbol/427160193>

Slide 16, 17 and 18: Nickel, J., "Human Rights", The Stanford Encyclopedia of Philosophy (Summer 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2019/entries/rights-human>

Slide 18: Wenani (n.d.). 3 Option banners: A, B, C [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/3-option-banners-a-b-c/41156999>

Topic 04: Agency/Autonomy-Based Justifications of Human Rights

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Gewirth's Agency-Based Justification

The philosopher Alan Gewirth gave a reasoned justification of human rights based on agency:

1. Valuing one's agency requires valuing one's freedom and well-being.
2. If one values his/her own freedom and well being, then he or she will rationally claim rights for his/her freedom and well-being to be respected by others.
3. If an agent claims rights to the respect of his/her freedom and well-being, then consistency requires that he/she recognise that other agents possess the same rights.
4. Consistency is a requirement of rationality.
5. **(Conclusion)** Therefore, if any agent claims rights for his/her freedom and well-being to be respected by others, then that agent rationally must accept that all other agents possess the same rights to freedom and well-being. These rights are human rights.



Human Rights and the Golden Rule

You may notice that Gewirth's agency-based justification employs the same kind of reasoning that the Golden Rule is based on.

- A simple expression of the Golden Rule is: **Treat others as you want to be treated** (Gensler 2013: 1).
- Gewirth's justification of human rights says something similar to the Golden Rule: respect the same rights for others as you would claim for yourself.
- Both Gewirth's justification and Gensler's discussion of the Golden Rule point out that consistency is a requirement of rationality (Gensler 2013: 8).



Griffin's Agency-Based Justification

James Griffin—another philosopher—also argues for human rights on the basis of agency.

- Griffin defines **agency (autonomy, personhood)** as the “ability to form, revise, and pursue conceptions of a worthwhile life” (Nickel 2019: §2.2).
- Griffin observes that people value their agency very highly. Agency is not just something that we want to protect, but also something we *should* protect.
- According to Griffin, respecting people's human rights is necessary to the protection of their agency. Hence, we should respect human rights.



Human Rights and Kant's Principle of Humanity

Griffin's justification of human rights resonates with Kant's Principle of Humanity.

- The Principle of Humanity states that an action is morally required when refraining from the action would fail to treat persons (including oneself) as ends (Shafer-Landau 2020: 119-125).
- To treat a person as an end is to respect their rationality and autonomy. Autonomy in Kant's philosophy is the same thing as agency in Griffin's.
- So, if respecting human rights is necessary to protecting autonomy, then by the Principle of Humanity, it's morally required to respect human rights.

Discussion Questions – Set 2

- These rights are listed in the Universal Declaration of Human Rights ([UDHR](#)).
 - **Article 3:** Everyone has the right to life, liberty and security of person.
 - **Article 21:** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
 - **Article 23:** Everyone has the right to work...
- In order to maintain your own agency and well-being, is it necessary that others (including the government) respect these rights?



Acknowledgements:

Slide 20: Choat (n.d.). International human rights day concept: Silhouette birds flying and broken chains on blue sky background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/international-human-rights-day-concept-silhouette-birds-flying-and-broken-chains-on-blue-sky-background/288629551>

Slide 21 and 22: Jenny on the moon (n.d.). Silhouettes of people with posters, bullhorns. Expression of political, social, personal position. Revolution, demonstration, protest concept. [Vector flat illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/silhouettes-of-people-with-posters-bullhorns-expression-of-political-social-personal-position-revolution-demonstration-protest-concept-vector-flat-illustration/383262947>

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Slide 23: Freshidea (n.d.). Change Strategic Direction [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/change-strategic-direction/209161323>

Slide 24: Shafer-Landau, R., 2020. A concise introduction to ethics, pp. 119 - 125.

Slide 24: Pixel-Shot (n.d.). Man and woman bumping fists on color background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/man-and-woman-bumping-fists-on-color-background/237159790>

Slide 25: Universal Declaration of Human Rights. (2021, July 21). In *Wikipedia*. https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights

Slide 25: Sosiukin (n.d.). Just a lot of question marks on colored papers. vintage background [Photograph]. Adobe Stock Images. https://stock.adobe.com/sg/search/images?load_type=search&is_recent_search=&search_type=usertyped&k=questions&native_visual_search=&similar_content_id=&asset_id=334683814

Topic 05: A Virtue Ethics-Based Justification of Human Rights

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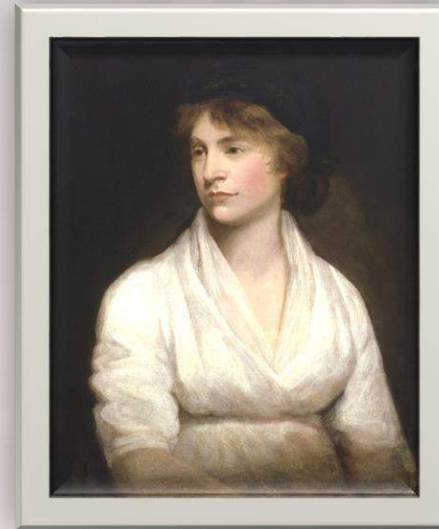
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Right to Education

Virtue ethics provides another frame for a reasoned justification of human rights.

- The English philosopher Mary Wollstonecraft wrote an early argument for the right to an education in her book ***A Vindication of the Rights of Woman*** (1792).
- Wollstonecraft's argument explicitly referenced Aristotle's virtue ethics. Its key premise was that an **education is necessary to achieving a life of eudaimonia (happiness, flourishing)** (Botting 2016).



Mary Wollstonecraft
(1759 – 1797)

Article 13 of ICESCR on Education

- The human right to an education is recognised not only in the Universal Declaration of Human Rights, but also in core human rights treaties.
- For instance, Article 13 of the International Covenant of Economic, Social and Cultural Rights states that:

“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.” ([ICESCR](#))



Wollstonecraft's Argument

- Wollstonecraft was an advocate for universal primary education: that is, free primary school for all children—boys and girls, rich and poor.
- Wollstonecraft argued for a right to universal primary education on the ground that good education cultivates virtuous, independent, and responsible citizens who can achieve flourishing. This, in turn, would bring about other valuable outcomes, such as:

A stack of several books is shown on the right side of the slide, slightly out of focus. The books have various colored spines, including red, yellow, and white. The background is a soft, warm-toned blur.

**Benefits
to
society**

**Advancing
gender
equality**

Discussion Questions – Set 3

- Wollstonecraft argued that children have a right to an education because a proper education is needed for a flourishing life. Do you agree?
- How do you think education can help children attain flourishing lives?
 - For guidance, you might think of the [Convention on the Rights of the Child \(CRC\)](#), which Singapore ratified in 1995 and which recognises a right of the child to education (Article 28). Article 29 of the CRC describes the goals that the education of the child shall be directed toward (see next slide for the text of Article 29). Do you think the goals of education described in Article 29 are needed for a child to flourish in life? Do you think the goals are attainable?



Discussion Questions – Set 3 (cont.)

Article 29 of the Convention on the Rights of the Child:

States parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.



Acknowledgements:

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Slide 28 and 30: Botting, E. 2016. Wollstonecraft, Mill, and Women's Human Rights. New Haven: Yale University Press.

Slide 28 - 30: Monticelllo (n.d.). Composition with books on the table [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/composition-with-books-on-the-table/163581047>

Slide 29: Ohchr.org. n.d. OHCHR | International Covenant on Economic, Social and Cultural Rights. [online] Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Slide 31 and 32: Ohchr.org. n.d. OHCHR | Convention on the Rights of the Child. [online] Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Slide 31 and 32: Sosiukin (n.d.). Just a lot of question marks on colored papers. vintage background [Photograph]. Adobe Stock Images. https://stock.adobe.com/sg/search/images?load_type=search&is_recent_search=&search_type=usertyped&k=questions&native_visual_search=&similar_content_id=&asset_id=334683814

Topic 06: Utilitarian Justifications of Human Rights

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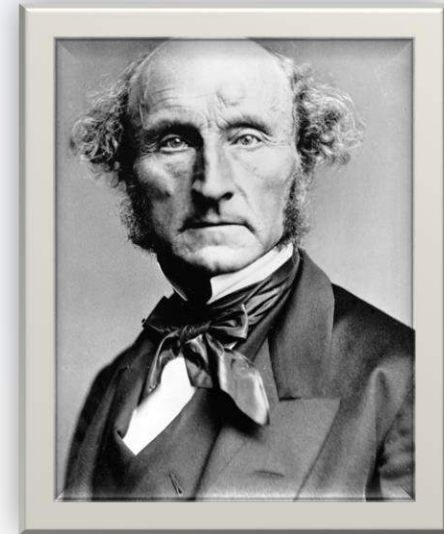
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Human Rights and Utilitarianism

Finally, utilitarianism is another source of reasoned justifications for human rights.

- Consider, for instance, the human right to freedom of expression.
- Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) states: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
- The classical utilitarian philosopher John Stuart Mill penned a celebrated defense of the right to free expression in his book ***On Liberty*** (1859).



John Stuart Mill
(1806-1873)

Mill's Trilemma in *On Liberty* (1859)

Mill's argument for the right to free expression has been called "Mill's trilemma."

If the suppressed opinion is true, then society loses a chance to exchange error for truth.

If the suppressed opinion is false, then society loses "what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error" (Mill, *On Liberty*, p. 20).

If the suppressed opinion is partially true, then society loses chance to "supply the remainder of the truth" to the received opinions that only embody a part of the truth (Mill, *On Liberty*, p. 47).



Economic Benefits

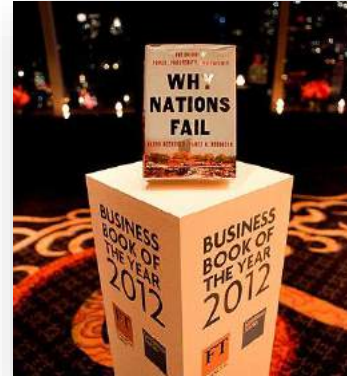
Another utilitarian argument for human rights focuses on their economic benefits.

- Economic wealth improves people's well-being, because they (or their governments) can purchase more of the things they need and want in life. So, *one way* to raise overall well-being is to increase people's wealth.
- This utilitarian argument for human rights suggests that respect for some human rights is conducive to economic prosperity, which in turn maximises overall well-being.



Inclusive Economic and Political Institutions

In their award-winning book, *Why Nations Fail* (2012) the economist Daron Acemoglu and the political scientist James A. Robinson argue that “inclusive” economic and political institutions are major drivers of a country’s economic growth.



- **Inclusive economic institutions** are characterised by secure property rights, an unbiased system of law, reliable public services, equal opportunities for entrepreneurship, and allowances for people to choose their careers (Acemoglu & Robinson 2012: 74)
- **Inclusive political institutions** are pluralistic and centralised (Acemoglu & Robinson 2012: 79-80).

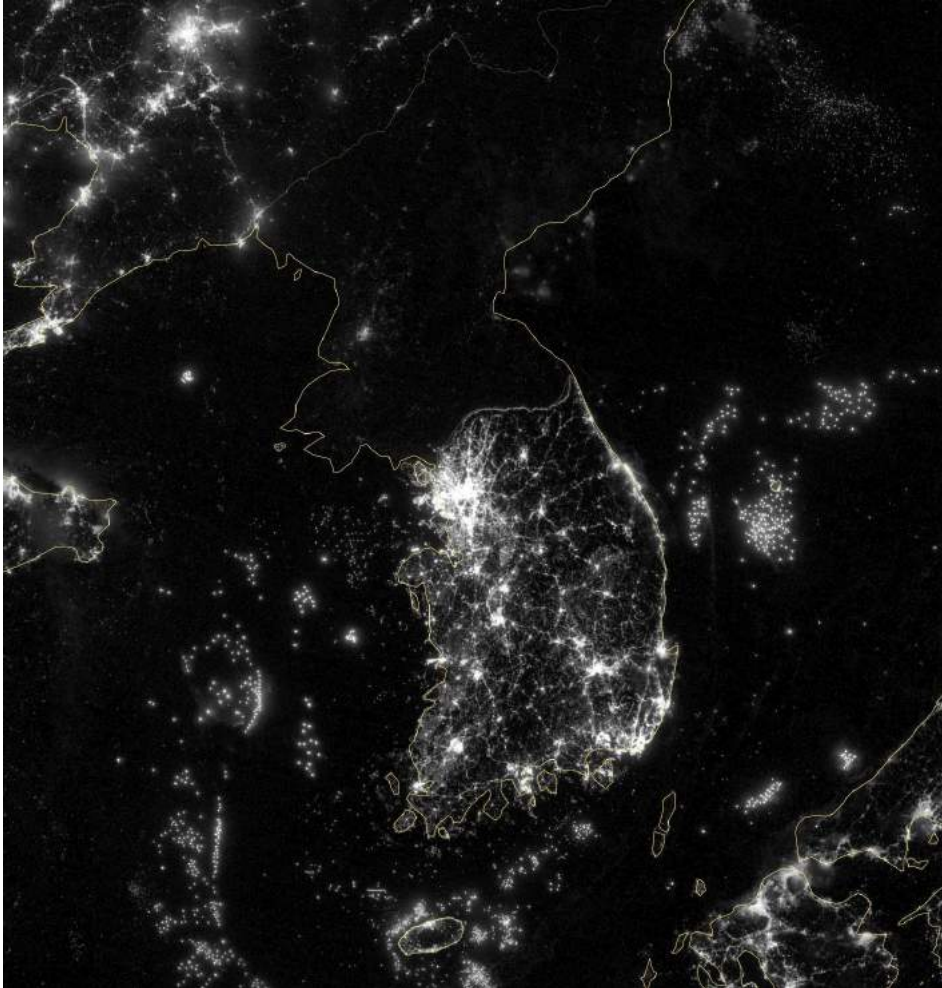
Importance of Protection of Human Rights

Many of the features of inclusive economic and political institutions can be secured by protecting human rights.

- **Human right to private property:** [Article 17 of the Universal Declaration of Human Rights](#).
- **Human rights to public services (social insurance, health, education):** Articles 9, 12, and 13 of the [International Covenant on Economic, Social and Cultural Rights](#).
- **Human right to the rule of law:** Article 16 of the [International Covenant on Civil and Political Rights](#).



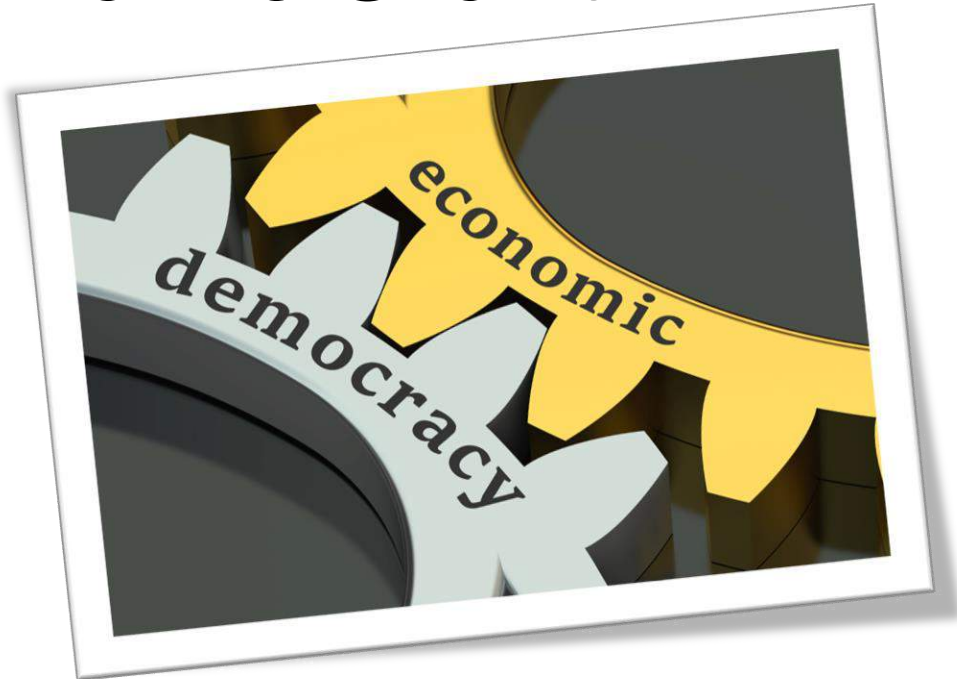
Importance of Protection of Human Rights



Acemoglu and Robinson attribute the vast difference in national wealth attained by North and South Korea to the latter country's more inclusive economic and political institutions.

Democracy Fosters Economic Growth

- A more recent study by Acemoglu, Robinson, and other researchers provides further evidence that respect for human rights promotes economic prosperity.
- The study, titled “Democracy Does Cause Growth,” found that democracy fosters economic growth (Acemoglu et al. 2019).
 - Acemoglu et al. examined 184 countries between 1960 to 2010. They discovered that countries that switched from authoritarian rule to democracy experienced a 20 percent rise in [Gross Domestic Product](#) (a measure of national wealth) over a 25 year period, compared to countries that remained authoritarian ([Dizikes 2019](#); Acemoglu et al. 2019: 48).



Healthcare, Education and Public Services

- According to Acemoglu et al., the reason that democracies foster economic growth is that they invest more in healthcare, education, and other public services than authoritarian regimes do ([Dizikes 2019](#)).
- If this is true, then respect for human rights to health and education promotes economic prosperity.
- In principle, nondemocratic countries could also invest in health and education. However, Acemoglu et al. found that democracies were more likely to actually make these wealth-generating investments (Acemoglu et al. 2019: 51).



Summary: Utilitarian Prosperity Argument

To summarise this utilitarian argument for human rights, we have the following:



Discussion Questions – Set 4

- Why do you think that in the sample of 184 countries that Acemoglu et al. examined, democracies made more investments in health and education than non-democracies did?
- Could the reason have to do with the tendency of democracies to support other human rights, such as the right “[t]o vote and to be elected at genuine periodic elections” (Article 25, [ICCPR](#))?



Acknowledgements:

Slide 34: Choat (n.d.). International human rights day concept: Silhouette birds flying and broken chains on blue sky background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/international-human-rights-day-concept-silhouette-birds-flying-and-broken-chains-on-blue-sky-background/288629551>

Slide 35: John Stuart Mill. (2021, August 18). In *Wikipedia*. https://en.wikipedia.org/wiki/John_Stuart_Mill

Slide 35: Ohchr.org. n.d. OHCHR | International Covenant on Economic, Social and Cultural Rights. [online] Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Slide 35: Freshidea (n.d.). Freedom Of Expression. [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/freedom-of-expression/141315946>

Slide 36: MclittleStock (n.d.). Comment icon on a cage [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/comment-icon-on-a-cage/355123178>

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Slide 38: Acemoglu, D. and Robinson, J., 2012. Why Nations Fail: The Origins of Power, Prosperity, and Poverty. New York: Crown business, pp. 79 - 80.

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Topic 07: The Universality of Human Rights

CC0003 Ethics and Civics in a Multicultural World

Week 07:

Human Rights Part 2

Assoc Prof Andres Carlos Luco



Human Rights are Universal

- The arguments for human rights help us to understand the meaning behind the claim that human rights are universal.
- As Nickel notes, human rights are said to be universal in the sense that all living human beings have human rights:

“All living humans - or perhaps all living persons - have human rights. One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights...People have human rights independently of whether they are found in the practices, morality, or law of their country or culture” ([Nickel 2019](#): §1).

Universality of HRs ≠ Unanimity about HRs

The claim that human rights are universal is sometimes misunderstood to be the claim that all people unanimously believe that human rights exist. However, this is not what is meant by the claim.

- Even if someone doesn't believe they or anyone else has human rights, everyone may nonetheless **have** human rights. People could have human rights without **believing** they have them.
- In the relevant sense, to say that human rights are universal means that all human beings **have** human rights.

Universality Found in Reasoned Justifications

- The reasoned justifications for human rights we've just examined are meant to show that all humans have human rights—and hence, that human rights are universal.
- It's in arguments for human rights that we found a basis for claiming their universality.
- As a final pass, these are the arguments for human rights we've discussed:
 - Human rights secure human agency and autonomy.
 - Human rights foster the development of virtues needed for people to achieve flourishing lives.
 - Human rights are needed to promote human well-being.

World Opinion on Human Rights

- Currently, it's not a unanimous worldwide opinion that there are universal human rights. Even so, there is a growing consensus around the idea of universal human rights.
- The [Vienna Declaration and Programme of Action](#) was adopted by 171 countries that participated in the 1993 [World Conference on Human Rights](#) in Vienna, Austria.
- The Vienna Declaration reaffirmed that human rights are “universal,” and maintained that “it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms” ([Vienna Declaration](#)).



Surveys of World Opinion on Human Rights

Several international surveys of opinion about human rights have been conducted between 2006 and 2018.

- The Council on Foreign Relations summarised the results of a few surveys that were taken in 21 countries from 2005 to 2008. The complete report is posted on NTULearn under “Further Readings.” An online synopsis is available at <https://www.cfr.org/backgrounder/world-opinion-human-rights>
- The research firm Ipsos published a survey of 28 countries on the topic of human rights. It can be found here: <https://www.ipsos.com/en-us/news-polls/global-advisor-human-rights-2018>

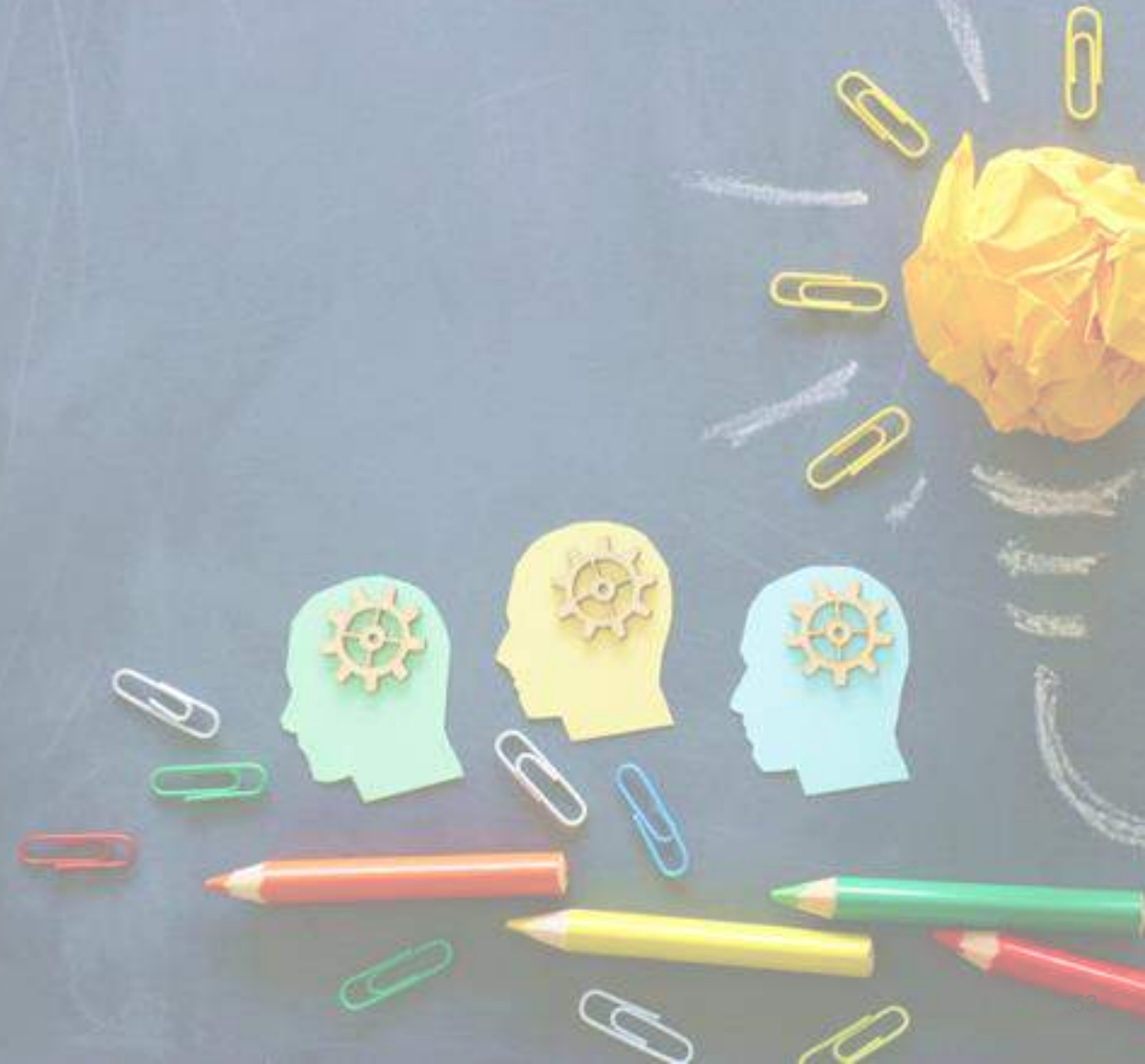


Council on Foreign Relations' Findings

The Council on Foreign Relations reported these findings:

“Majorities or pluralities in all [21] nations polled express support for the United Nations (UN) playing an active role in promoting human rights and reject the argument that this would be improper interference in the internal affairs of a country” ([CFR 2009](#)).

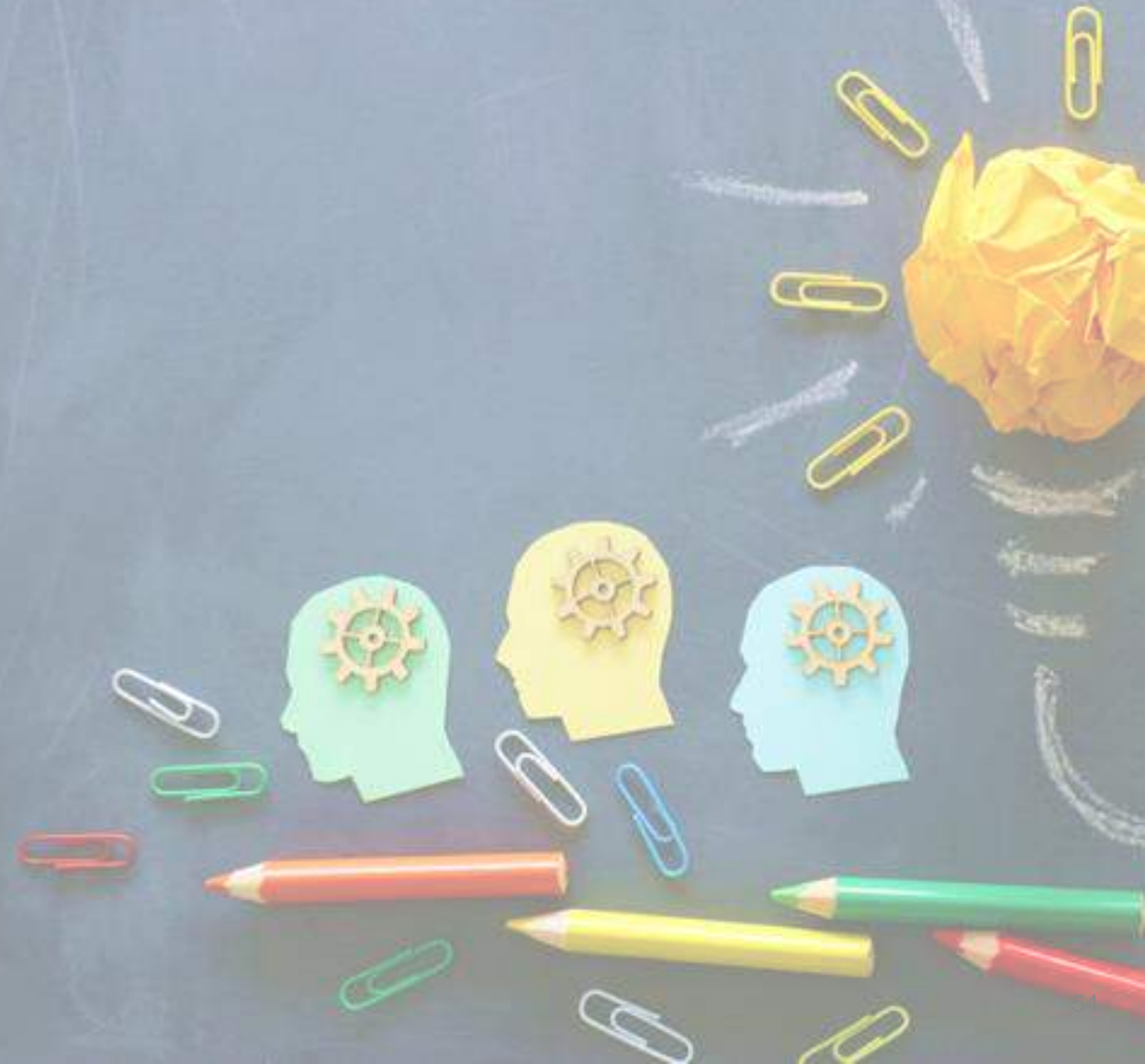
“Large majorities in nearly every country say that the UN should try to further women’s rights even when presented the argument that this would conflict with national sovereignty” ([CFR 2009](#)).



Ipsos's Findings

Ipsos reported these findings in its survey:

“...most global citizens (73%) believe that there is such a thing as human rights, while 14% are closer to the opinion that there is no such thing. One in ten (13%) don't know or have no opinion about the issue. Those most likely to believe that human rights do exist are citizens of Turkey (92%), South Korea (87%), Colombia (87%) and China (85%). Those most likely to disagree are found in Poland (29%), Brazil (26%) and Russia (21%)” ([Ipsos 2018](#)).



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Topic 08: The Rights of Persons

CC0003 Ethics and Civics in a Multicultural World

Week 07:

Human Rights Part 2

Assoc Prof Andres Carlos Luco



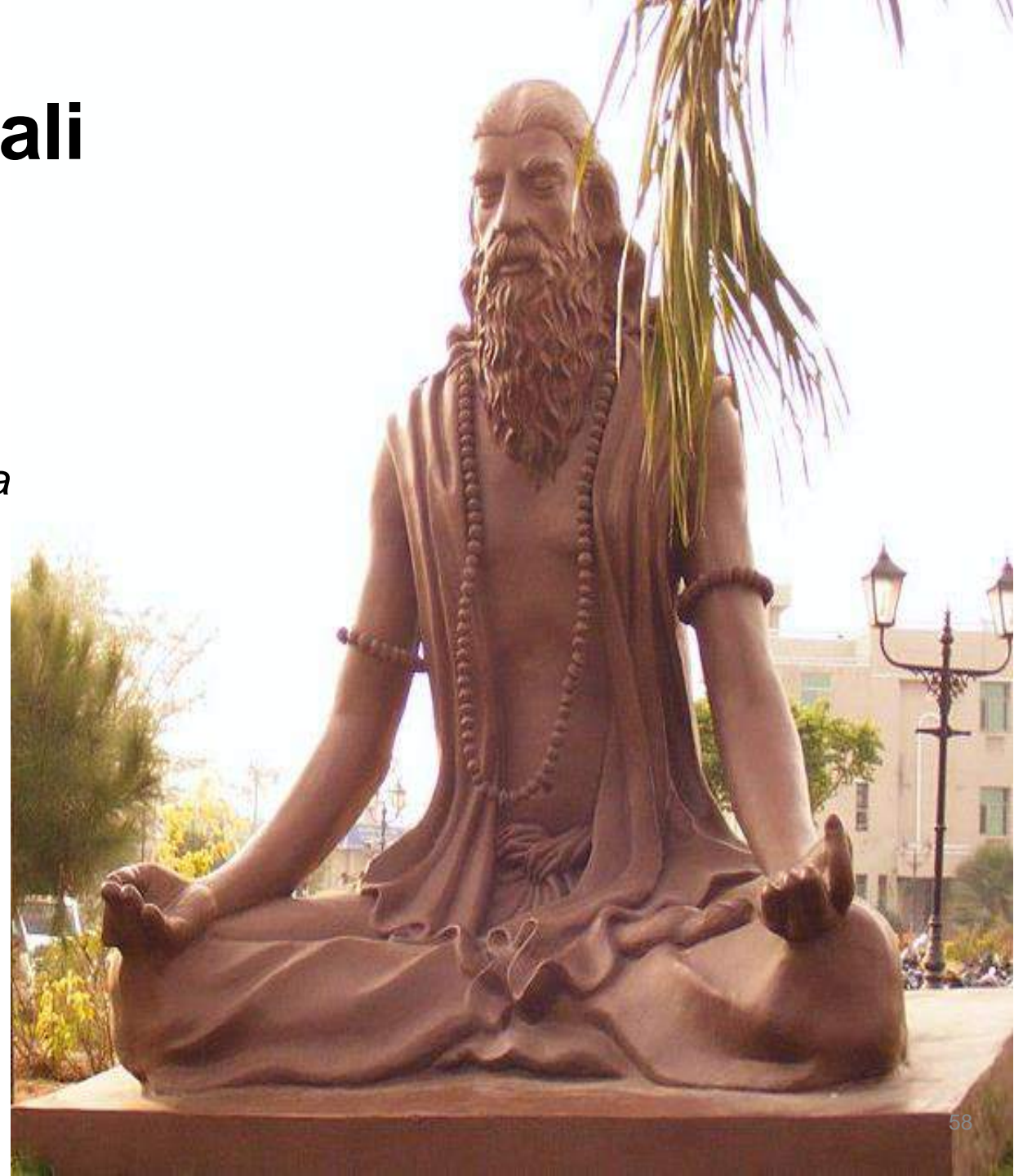
Why do Human Beings Have Human Rights?

- So far, we've taken for granted the traditional definition of human rights as moral rights we have simply because we exist as human beings ([UN Human Rights](#)).
- But what if human rights aren't moral rights we have due to being *human*? What if human rights are moral rights we have due to some other feature that all or most human beings share, but that is not a human feature *per se*?
- To explain these questions, we can consider Shyam Ranganathan's (2015) discussion of human rights from the perspective of Patañjali's Yoga philosophy.



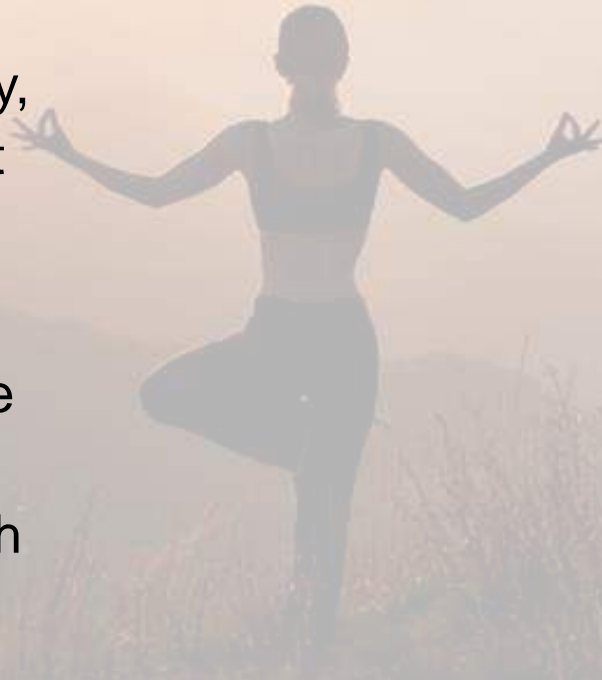
The *Yoga Sutras* of Patañjali

- Patañjali's *Yoga Sutras* are canonical writings of classical Yoga philosophy.
- “Sutras” are aphorisms—brief statements that convey a lot of wisdom in a few words. The *Yoga Sutras* are written in Sanskrit.
- Patañjali's life is dated to some period between the years 325 and 425 (Adamson & Ganera 2020). He was not the founder of Yoga, but his sutras are considered to be among the most authoritative accounts of Yoga thought and practice (Bryan 2021).



Ranganathan on Patañjali and Human Rights

- Shyam Ranganathan is a contemporary philosopher who applies Yoga philosophy to present-day ethical issues.
- In his chapter “Human Rights, Indian Philosophy, and Patañjali” (2015), Ranganathan argues that Yoga provides a philosophical rationale for human rights.
- More importantly, Yoga reveals that people have human rights *not* because we are human, but because we are abstract, valuable entities which Ranganathan calls *persons*.



Persons as Abstractions

- According to Ranganathan, in Yoga philosophy “a person is a self-directed abstraction from content (objects)” (Ranganathan 2015: 174).
- Persons are not mental contents, such as thoughts and emotions. You may identify imaginatively and emotionally with the main character in a movie. In spite of these thoughts and emotions, you know very well that you are not the character you identify with.
- So, your thoughts and emotions don’t make you a person. Your personhood consists in being a persisting subject of thoughts and emotions (Ranganathan 2015: 176).



Persons as Abstractions (cont.)

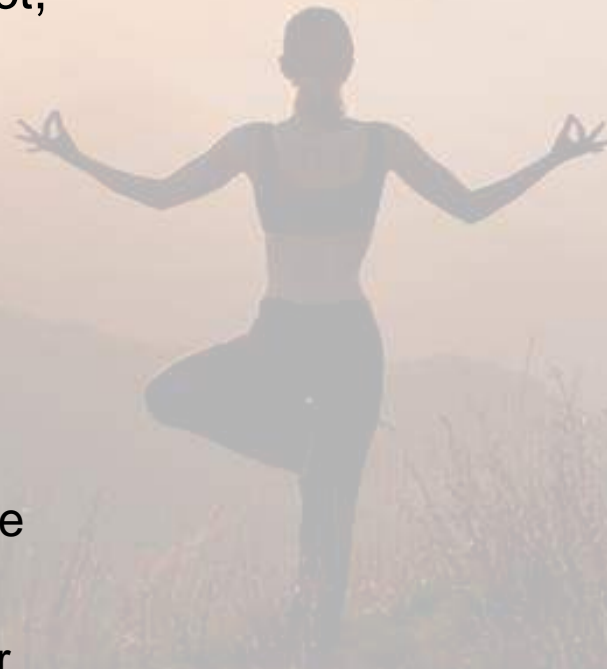
Ranganathan goes on to suggest that a person is not a body, nor a member of a biological species.

- Your personhood is not your body. You are a distinct thing from illnesses and microbes that afflict your body (Ranganathan 2015: 276).
- A person is a valuable entity—it is the kind of thing that warrants respect. But if your personhood were constituted by your membership in the human species, then a human tumour or hair would warrant respect. Also, if your species membership were to change somehow, you'd still be a valuable entity worthy of respect (Ranganathan 2015: 179)



Persons as Valuable Entities

- Ranganathan takes persons to be entities that can only be defined in moral terms—as entities with responsibilities, as entities worthy of respect, and ultimately, as entities possessing *moral rights* (Ranganathan 2015: 174-175, 197).
- A Yoga account of personhood suggests that a person is the kind of thing that has the freedom to move, either in thought or in action (Ranganathan 2015: 175).
 - Our freedom to move in thought allows us to take a critical attitude.
 - Our freedom to move in action is the capacity for choice.

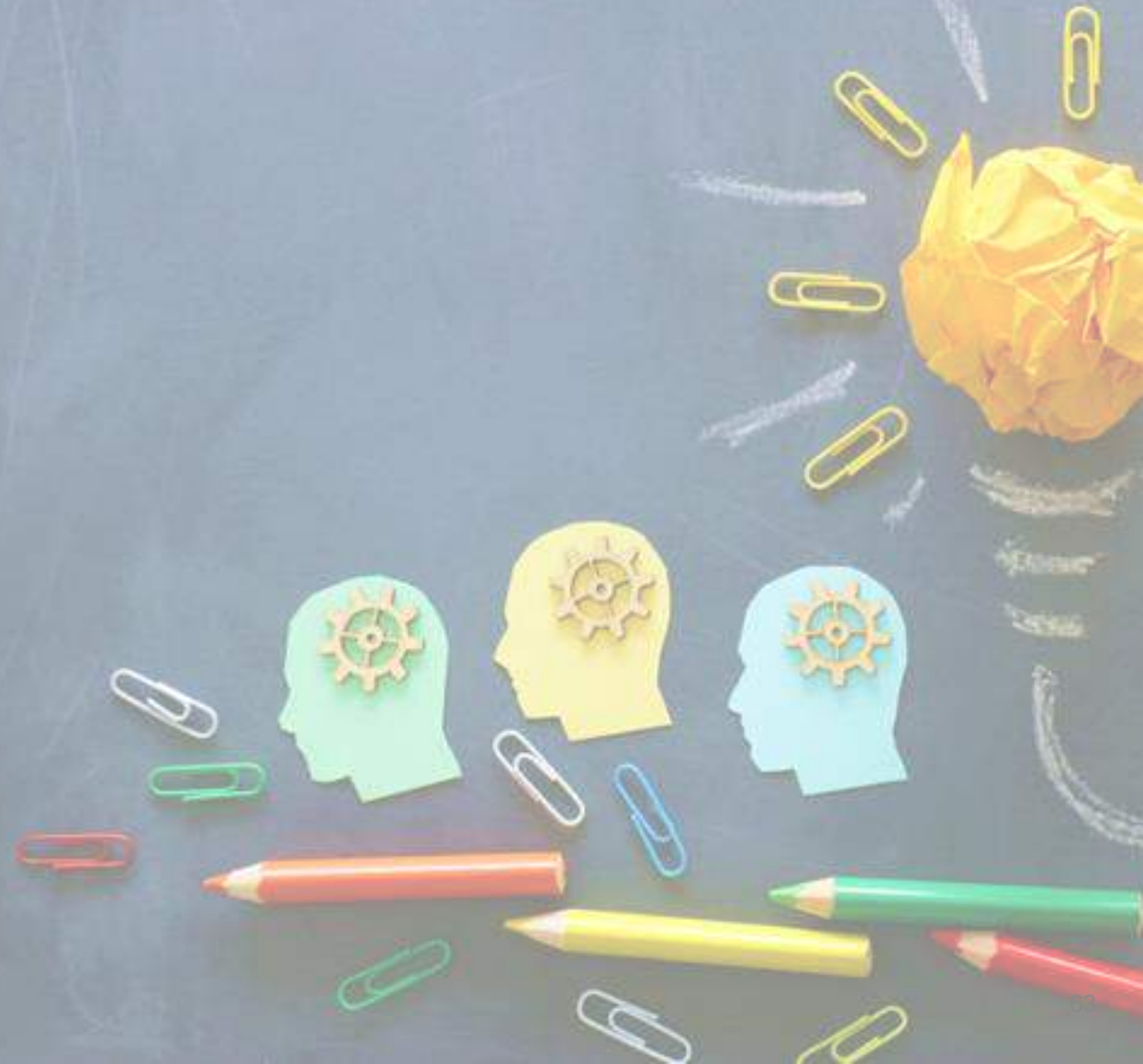


Persons are Rights-Bearers

Since persons are ultimately beings capable of movement, Ranganathan comes to the conclusion that persons have moral rights to whatever is needed to retain their mobility:

“A society arranged on principles articulated by Patañjali would encourage mobility of all sorts. Justice, on this account, is the freedom to move. Failures of a society to deliver the basic requirements of health would be a failure to promote mobility. Healthcare is on this account a right, not a privilege. Education, insofar as it aids mobility, would be a right. If income is necessary for mobility, then a minimum income...would also be a right.”

(Ranganathan 2015: 197-198)



Disconnect Between Humans and Persons

- Ranganathan's Yoga-inspired philosophy of personhood disconnects the status of being a person, and the rights that being a person entails, from being human.
- It follows from this view that some persons may not be human, and some humans may not be persons:
 - “...the rights that we have are not granted to us by our biology but constitute who we are as persons. Some persons are humans, but not all things human are persons, and not all persons are human”
(Ranganathan 2015: 178).

Discussion Questions – Set 5

- Is it possible for a non-human being to be a person that possesses moral rights? Is it possible for a human not to be a person?
- Consider these examples:
 1. An orangutan named Sandra was declared by a judge in Argentina to be a “non-human person” with a right to freedom. Is Sandra really a person with a moral right to freedom?



Discussion Questions – Set 5 (cont.)

- Is it possible for a non-human being to be a person that possesses moral rights? Is it possible for a human not to be a person?
- Consider these examples:
 1. A pig is raised for food, but it is intelligent and has a sense of humor. It is a non-human being, but it has some characteristics of a person. Is it a person?
 2. Terri Schiavo was an American woman who died in 2005 after spending 20 years in a vegetative state. An autopsy revealed that her brain was so atrophied, that she couldn't have been conscious. Terri was human, but during her vegetative state, was she also a person?



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