Outline: The Moral Foundations of Human Rights

Rowan Cruft
University of Stirling (Scotland, UK)

1. What are rights?
   - The variety of types of rights (e.g. human rights, promissory rights, rights created by regulations...)
   - Rights and correlative duties
   - Duties and agent-relativity

2. How to justify any rights and duties
   - The ‘paradox of deontology’, and the difficulty it presents for rights
   - Overcoming this difficulty: Agent-relativity as constitutive of valuable relationships and communities
   - Respect for agent-relativity endorsed by collective principles

3. Human rights: moral foundations
   - Various meanings for ‘human rights’ (legal, moral...)
   - Two key components to the moral foundations of human rights:
     - (a) Human rights as constitutive of the ‘community of humankind’ (without which there would be no justification for human rights)
     - (b) ‘Trumping’ or ‘powerful’ need-based reasons as distinctive grounds for human rights

4. Human rights: positive as well as negative?
   - Does point (b) support implausible assistance rights (because needs can be met as much by assistance as by noninterference)?
   - The importance of demandingness and conflicts
   - Human rights as held against the collective rather than (or as well as?) the individual

5. Conclusion: What kind of ‘human community’ are we?
   - The policy implications of our reflections on moral foundations

Bibliography

Key text: Raz, Joseph, The Morality of Freedom (OUP 1986), Ch. 7, ‘The Nature of Rights’. Also available in an earlier version as an article, ‘On the Nature of Rights’, Mind, 93 (1984) Note: students with access to JSTOR should be able to download this article from: http://links.jstor.org/sici?sici=00264423%28198404%292%3A93%3A370%3C194%3AOTNOR%3E2.0.CO%3B2-H

Further reading

Relevant to sections 1 and 2:
Jones, Peter, Rights (Macmillan 1994), Ch. 1.
Nagel, Thomas, *The View from Nowhere* (OUP 1986), Ch. IX, ‘Ethics’, especially section 4, ‘Deontology’

**Relevant to sections 3, 4 and 5:**
The key Raz reading is highly relevant here. In addition, the following are useful:
O’Neill, Onora: *Towards Justice and Virtue* (CUP 1996), Ch. 5, ‘Structure: obligations and rights’, especially sections 5.2 and 5.3.
Pogge, Thomas: *World Poverty and Human Rights* (Polity 2002), Ch. 2, ‘How Should Human Rights be Conceived?’.

: 