

Micah Lott  
U of Chicago  
Spring 2010

## **HUMAN RIGHTS AND HUMAN NATURE: CONTEMPORARY PHILOSOPHICAL APPROACHES**

Human rights belong to us *as human beings*. A person may have various roles and identities, but it is her identity as a human being which explains why she possesses human rights. The idea of human rights, then, depends on the notion of something *common* to all human beings. And this common element, it seems, is precisely our humanity –that is, our nature as human beings. Thus it appears that the very idea of human rights requires some account of “the human.” Or, equivalently: human rights needs the idea of human nature.

In recent years, however, the very idea of “human nature” has come under criticism. For example, one influential philosopher suggests that we must give up the category of “fixed human nature” because we now live in a “postmetaphysical universe.”<sup>1</sup> Nevertheless, contemporary philosophers have not given up on the idea of human nature, or its importance for human rights. This course considers attempts by three contemporary philosophers to explain and justify human rights, each of which relies on some view of human nature. These accounts differ, however, in their respective accounts of “the human” and the relationship they find human nature and human rights.

The first part of the course examines the work of Alan Gewirth. Inspired by Kant, Gewirth argues that human rights are grounded in the *rational* aspects of human nature, in particular universal structures of rational willing and choosing. In the second part of the course, we consider “the capabilities approach” to human rights, developed by Martha Nussbaum and Amartya Sen. Nussbaum offers a list of central human capabilities, including such things as bodily integrity, emotions, practical reason and play. She then argues that these capabilities provides the best way to understand human rights. The third part of the course examines the account of human rights recently developed by Nicholas Wolterstorff. Wolterstorff argues that human rights are grounded in the dignity of human beings, and that only a theistic approach can give a satisfying philosophical account of human dignity. Finally, we consider two approaches to human rights – by Richard Rorty and Charles Beitz, respectively – each of which moves away from the appealing to human nature.

---

<sup>1</sup> Seyla Benhabib *Another Cosmopolitanism* (New York: OUP, 2006) see pgs 21, 25-26, 72.

## **APPROACH AND GOALS**

This course takes a philosophical approach to the topic of human rights. We will focus on careful readings of the arguments in these texts. We will work to articulate the strongest version of each view, as well as the strongest possible criticisms of each view. Special emphasis will be placed on speaking and writing clearly, avoiding unnecessary jargon and making sound arguments.

This course is discussion-based. The instructor will give “mini-lectures” introducing topics and explaining key concepts. However, students will be expected to read carefully and to discuss the ideas and arguments in class.

## **TEXTS**

Martha Nussbaum *Women and Human Development*

Nicholas Wolterstorff *Justice: Rights and Wrongs*

Charles Beitz *The Idea of Human Rights*

All other readings will be made available through e-reserve on the Chalk website.

## **COURSE REQUIREMENTS**

- First paper (5-7 pages; double-spaced): Due 6th week. 30% of final grade.
- Second paper (8-10 pages; double-spaced): Due 11th week. 50% of final grade.
- Class participation (=attendance, participation in discussion): 20% of final grade.

## SCHEDULE OF MEETINGS

### INTRODUCTION: HUMAN RIGHTS AND CONCEPTIONS OF “THE HUMAN”

1	Introduction Selections from Rousseau’s <i>Second Discourse</i> , Simone Weil <i>The Need for Roots</i> , and UNDHR	What are human rights? What is human nature? In what ways might the two be connected?
---	---	---

### PART I: HUMAN RIGHTS AND RATIONAL AGENCY

2	Alan Gewirth: “The Basis and Content of Human Rights”	“Human rights have a rational foundation in the necessary conditions or needs of human action, so that no human agent can deny or violate them except on pain of self-contradiction.” -AG How is Gewirth’s argument supposed to go? Does it work?
3	Bernard Williams: <i>Ethics and the Limits of Philosophy</i> “Foundation: Practical Reason” (chptr 4)	Criticizes Kantian approaches like Gewirth’s; finds a gap in the central argument.
4	Alan Gewirth: <i>The Community of Rights</i> Chapter I “Action and Human Rights” (p 1-30)	One of Gewirth’s most mature statements of his view. Re-states his basic position and responds to various criticisms.
5	<i>The Community of Rights</i> Chapter II “Positive Rights” (31-70)	Positive and negative human rights.
6	Gewirth continued.	How successful is Gewirth’s view?

### PART II: HUMAN RIGHTS AND HUMAN CAPABILITIES

6	Martha Nussbaum: “Human Rights and Capabilities” <i>Fordham Law Review</i>	Basic statement of Nussbaum’s capabilities approach.
7	M. Nussbaum: <i>Women and Human Development</i> Intro, 4-15; Chapter 1, 34-69	Overview of Nussbaum’s cross-cultural feminism. Universal values, the role of diversity and the problem of paternalism.
8	M. Nussbaum <i>WHD</i> Chapter 1, 70-110	Nussbaum’s account of the central human capabilities. Explaining the notions of function and flourishing.
9	Continued	Connecting human capabilities and human rights.

10	Amartya Sen: “Human Rights and Capabilities” in <i>Journal of Human Development</i> (2005)	“There are many human rights that can be seen as rights to particular capabilities. However, human rights to important process freedoms cannot be adequately analysed within the capability framework.” –AS
----	--	---

### PART III: HUMAN RIGHTS, HUMAN NATURE AND GOD

12	Nicholas Wolterstorff <i>Justice: Rights and Wrongs</i> “Accounting for Rights” (chapter 11)	Wolterstorff sets out his theoretical framework for understanding rights, including human rights.
13	NW: “Rights Grounded in Respect for Worth” (chapter 13)	Discusses the nature of wronging, respecting. Endorses a principle similar to Kant’s: “always to act in accord with what respect for the non-instrumental worth of the human being requires”
14	NW: “The Nature and Grounding of Natural Human Rights” (chapter 14)	What sort of property is required to explain the existence of human rights?
15	NW: “Is a Secular Grounding of Human Rights Possible?” (chapter 15)	Argues that all secular attempts to ground human rights are unsuccessful. Criticizes Kantian theories of human dignity, including Gewirth. Criticizes a human capacities as the basis for dignity.
16	NW: “A Theistic Grounding of Human Rights” (chapter 16)	Wolterstorff’s own theistic account of the ground of human rights; natural human rights grounded in a worth that derives from the love of God for each individual.

### PART IV: ALTERNATIVES TO HUMAN NATURE?

17	Richard Rorty: “Human Rights, Rationality, and Sentimentality”	Human rights without human nature; anti-foundationalism and the role of sentiment.
----	---	--

18	<p>Charles Beitz</p> <p><i>The Idea of Human Rights</i>: Introduction, “Naturalistic Theories” (chapter 3), “A Fresh Start” (chapter 5)</p>	<p>Beitz criticizes philosophical accounts of human rights in terms of human nature, including the appeal to human dignity and Nussbaum’s capabilities approach. Beitz’s alternative “practical approach.”</p>
19	<p>Beitz: “Normativity” (chapter 6), “International Concern” (chapter 7)</p>	<p>Human rights: “standards for domestic institutions whose widespread recognition as matters of international concern is a condition for the acceptability of a system of states.” (141)</p>
20	<p>Conclusion</p>	<p>A “big picture” view of the issues we have discussed.</p> <p>Which approach(es) are the most/least promising?</p> <p>Which arguments are the most/least convincing?</p> <p>Does human rights need the idea of “human nature”? Why or why not?</p>