Moral Grounds for Human Rights: A Dualist Approach

Makoto Usami, Kyoto University, usami.makoto.2r@kyoto-u.ac.jp

Exploring moral grounds for human rights has long been a great challenge to legal and political philosophers. The challenge is currently even more enormous as some leading authors, notably Charles Beitz and Joseph Raz, dismiss the project of providing ethical justifications for human rights and instead propose the practical account of these rights. To defend and develop the philosophical conception of human rights as opposed to the practical one, proponents of the former conception must offer solid moral foundations for human rights.

A significant contribution to the project of offering ethical grounds for human rights is James Griffin's *On Human Rights*, in which he maintains that a central idea in justifying human rights is that of personhood. Personhood includes three components: first of all, autonomy demands that a person chooses her path through life; second, the notion of minimum provision requires that an individual has at least the minimum of resources and capabilities to act based on his choice; third, liberty claims that one is not forcibly stopped by another from pursuing what one sees as a valuable life. Thus autonomy is here considered as more fundamental than minimum provision and liberty. However, Griffin's autonomy-based approach fails to cover some of what are recognized as human rights. For instance, this approach does not succeed in justifying infant's liberty from abuse because an infant lacks the capability of autonomous choice of her path. To remedy such problems, we need to pay attention to human vulnerability and basic needs when exploring moral foundations for human rights.

David Miller bases human rights on human needs and criticizes Griffin's personhood view. One of the reasons why he prefers the needs account to the personhood account of human rights is that the latter appeals to such values as autonomy and liberty, which are prominent in liberal societies but are not highly regarded in others. In contrast, the former account can obtain support not merely in liberal societies but in non-liberal societies by admitting that needs of people vary from society to society. When contrasting the needs argument with the personhood argument in this way, he seems to suppose that in a non-liberal country there is a broad, if not overwhelming, consensus among people about various aspects of social life including religion, culture, and politics. The reality is frequently the opposite: people in a non-liberal country are no less divergent than those living in the liberal one. Therefore, religious, cultural, and political minorities in a less liberal society need freedom of religion, free speech, and many other forms of individual liberty, as such people in a liberal society do. At the first glance, Miller's needs approach appears to show tolerance toward non-liberal societies by permitting a variety of interpretations of human needs, but in fact it involves the risk of leaving minorities therein unattended. The examination of Griffin's and Miller's views suggest that the idea of human right requires a twofold theory of moral foundations, which takes into account both individual autonomy and human needs.

To meet the requirement previously mentioned, the current paper begins by noting the significance of developing moral justifications for human rights. Next, Griffin's autonomy-based approach is closely examined, with a special reference to the cases to which it cannot apply. Then, I turn to the examination of Miller's needs-based view and identify the perils it involves. Based on

my assessment of the two conceptions of human rights, I try to develop the third conception by identifying two distinct features of human life and to explain how these features relate to each other. One is voluntariness, which denotes that an individual chooses her course of action, forms her way of life, and pursues her values and goals. The other is vulnerability, by which I mean that a person's life depends on its natural and social environment. Then, the paper goes on to argue that institutional arrangements are required to show respect for human voluntariness on one hand, and to provide a group of particularly vulnerable people with rescue on the other hand. It is argued that the principle of respect is promoted by free speech, freedom of religion, freedom of movement, among others, while that of rescue is served by freedom from want, the right to education, and the right to decent medical care. The paper concludes by saying that this dualist view on human rights is more promising than (semi-)monist views presented by Griffin and Miller.

References

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