

HUMAN RIGHTS I: PAPER TOPICS

Please respond to one of the following, using no more than eight double-spaced pages. Papers are due in Stuart 202 by 3 pm on Monday, 21 November. Good luck!

1. Suppose someone said, "The Universal Declaration of Human Rights could just as easily have been the Universal Declaration of Human Duties: nothing essential would have been lost in describing the duties that people owe to one another instead of their rights." Why might someone think that? What is the most compelling reason for thinking it is important to identify human *rights* as opposed to duties owed to human beings? What do you think?
2. One difference between Alan Gewirth's defense of absolutism and that offered by Thomas Nagel is that Nagel concedes that it can be wrong to fail to violate absolute prohibitions (or absolute rights) in order to prevent catastrophic consequences whereas Gewirth does not. Explain what you regard as the most important advantages and disadvantages of each author's position. Which one has the more compelling defense of absolutism?
3. Samuel Scheffler argues that natural rights can have the form of side constraints despite including welfare rights. If there really are such rights, it seems that I could violate them simply by watching TV while someone falls into poverty. But, someone may say, it's unreasonable to say that I have a duty to avoid situations like that: what behavior on my part do the putative rights constrain? Explain Scheffler's conception of natural rights and why someone might raise this objection against it. How might Scheffler respond? What do you think: is the objection successful or can Scheffler defend his alternative conception of natural rights?
4. Several of the authors we have read maintain that there is a significant difference between, on the one hand, civil and political rights, and, on the other hand, social and economic rights. They believe not only that the two kinds of rights can be distinguished but also that the civil and political rights are genuine rights in a way that the social and economic ones are not. What, in your opinion, is the best reason for thinking that there is such a difference? How might defenders of social and economic rights respond to this argument? What do you think: is there a significant difference between these two classes of rights or not?

5. The American Anthropological Association's "Statement on Human Rights" was controversial among anthropologists. For example, Julian Steward wrote a letter to the Association's journal in which he claimed to find a flaw in the Statement's reasoning.

As "respect for cultural differences" certainly does not advocate tolerance of the values in Nazi German, where the "individual ... [realized] his personality" through the Youth movement, a qualification is introduced (p. 543) that seems to contradict the basic premise and to be incompatible with anthropological thinking. "Even where political systems exist that deny citizens the right of participation in their government, or seek to conquer weaker peoples, underlying cultural values may be called on to bring the peoples of such states to a realization of the consequences of the acts of their governments, and thus enforce a brake upon discrimination and conquest." This may have been a loophole to exclude Germany from the advocated tolerance, but it looks to me like the fatal breach in the dyke. Either we tolerate everything, and keep hands off, or we fight intolerance and conquest — political and economic as well as military — in all their forms. Where shall the line be drawn? As human beings we unanimously opposed the brutal treatment of Jews in Hitler Germany, but what stand shall be taken on the thousands of other kinds of racial and cultural discrimination, unfair practices, and inconsiderate attitudes found throughout the world?¹

What were the authors of the Statement trying to accomplish by introducing the qualification that Steward criticized? Explain Steward's criticism of the qualification. How might the authors of the Statement defend their position? Which side is right?

6. Suppose we were to become convinced of the truth of moral relativism. Would it make sense to change our beliefs about what is morally permitted, forbidden, or required as a result? If you think it would make sense, what beliefs should we change? If you think it would not make sense, explain what you regard as the best reason for thinking otherwise and why you do not accept it.

¹ Steward, Julian H. "Comments on the Statement on Human Rights." *American Anthropologist* 50, no. 2 (1948): 351-52. The quoted passages are from the American Anthropological Association's "Statement on Human Rights." *American Anthropologist* 49, no. 4, Part 1 (1947): 539-43. Both Steward's letter and the Statement are on reserve in the Regenstein library.