



What Human Rights Mean

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What human rights mean

The Universal Declaration of Human Rights is the founding document of modern human rights doctrine. Adopted by the United Nations General Assembly in 1948, it was composed by an international committee of experts representing a great range of ethical traditions – even today we would regard the original Human Rights Commission as remarkably multicultural. At the same time, drafting the Declaration seems to have been a considerably more collegial enterprise than many international negotiations. Although members never lost sight of the political dimensions of their assignment, they made an extraordinary effort to understand each other and to identify common ground.

So it is a fact of particular importance that, early in their work, the Declaration's framers found that it was much easier to agree on the content of a declaration of human rights than about a common set of underlying principles. It was the philosophical, not the practical,

arguments that were most difficult, and in the end the framers simply agreed to disagree about the theoretical foundations of human rights.

This is why, unlike various earlier declarations of rights, the 1948 document does not propose any justifying theory. It does not, like the American Declaration of Independence, hold that people are "endowed by their Creator" with certain rights, or, like the French Declaration of the Rights of Man, describe human rights as "natural" and "sacred." After a prefatory reference to the "inherent dignity" of all human beings, the Universal Declaration simply *declares* certain values to be human rights. The framers evidently believed that people in various cultures could find reasons within their own ethical traditions to support the Declaration's practical requirements.¹

From one point of view the Declaration's silence about theoretical foundations can seem to be part of its brilliance.² The framers were surely correct that their philosophical differences would never be fully resolved: without an agreement to disagree, at best the De-

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1 Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), chap. 3.

2 As Michael Ignatieff suggests in *Human Rights as Politics and Idolatry* (Princeton, N.J.: Princeton University Press, 2001), 88.

claration would have been politically empty; at worst there would have been no declaration at all.

From another point of view, however, the absence of an official theory of international human rights is an embarrassment. This is partly because there is no public basis for settling the problems of interpretation and implementation that the framers bequeathed to their successors. As any reader of the Declaration will recognize, these problems can be serious. For one thing, many of its provisions are very general and need interpretation in order to be applied to particular circumstances. (What, for example, does the right “to take part in the government of [one’s] country” [art. 21] entail?) For another, under some conditions the practical requirements of various provisions might conflict and require a decision about political priorities. (Consider, for example, the potential for conflict between the right to “just and favorable remuneration” for work and the need for investment sufficient to sustain future generations.) And, of course, there is the need to determine what political actions are justified in pursuit of a right, and who is responsible to undertake them. Without a justifying theory it is unclear how these problems might be resolved.

But difficulties of interpretation are only part of the problem – and perhaps not the major part. The lack of an official theory invites a kind of philosophical subversion of the political aims of the Declaration’s framers. This is evident, for example, in a widely read article by Maurice Cranston, published in *Dædalus* nearly twenty years ago. Cranston asked the skeptical question “Are There Any Human Rights?”³ His reply, only semi-

skeptical, was that there are indeed some human rights, but many fewer than the Declaration maintains: there are human rights to life and basic civil liberties (freedom of speech, press, and assembly), but there are no human rights to economic goods such as material subsistence, health care, social security, or the notorious (and unjustly maligned) “periodic holidays with pay” (art. 24).

Cranston regarded human rights as “the twentieth-century name for what has been traditionally known as ‘natural rights.’”⁴ And he argued, not implausibly, that the idea of a natural right as it comes to us from the tradition sits uncomfortably with some of the rights of the Declaration. Cranston took Lockean rights to life and liberty to be paradigmatic. Such rights are minimalist: they protect people against being treated in certain ways, but they do not, except in extremis, entitle them to the affirmative support of others. This perspective led him to conclude that much of the Declaration was philosophically fraudulent: it misrepresented as universal human rights objects that were neither *universal* nor *human* nor even *rights*.

This kind of philosophical suspicion of international human rights was typical of a generation of Anglo-American writers. It can be found, for example, in the work of John Finnis, the influential natural law theorist, who, like Cranston, identified human rights as a contemporary idiom for natural rights and argued therefore that the realm of genuine human rights is significantly narrower than international doctrine maintains.⁵ And Michael Ignatieff – himself an articulate

length in *What Are Human Rights?* (London: Bodley Head, 1973).

4 Cranston, *What Are Human Rights?* 1.

5 John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 198, 210 – 213.

3 Maurice Cranston, “Are There Any Human Rights?” *Dædalus* 112 (4) (Fall 1983): 1 – 17. Cranston stated the same position at greater

advocate of human rights – wrote recently that human rights rest upon natural rights and thus, properly understood, set a less demanding standard than the Declaration.⁶

I believe, however, that the tendency to identify human rights with natural rights represents a kind of unwitting philosophical dogmatism. It leads to a damaging misconception of the legitimate scope of international human rights and of their potential for remedying injustice. As with most dogmatisms, the first challenge is to recognize it for what it is. And the best way to see this is to look first at human rights as they actually operate in the world today and then consider whether the natural rights paradigm is a help or a hindrance in grasping their ethical and political significance. Once we see how the traditional paradigm misrepresents the practice of human rights, we will be in a better position to appreciate the real nature of human rights and the reasons why we should care about them.

This is not simply a question of words. Whether it is best to think of human rights as natural rights or as something more ambitious – for example, as the rights of global justice – is ultimately a question about the kind of world we should aspire to and the range of responsibilities that follow for politics and foreign policy. It is a central ethical question about the direction of world politics in the years ahead.

Consider the way that talk about human rights actually functions in the world today. What are human rights as international doctrine conceptualizes them? And what role do ideas of human rights play in the world's conduct of its political business?

6 Ignatieff, *Human Rights as Politics and Idolatry*, 88.

We may begin with the original Universal Declaration adopted by the UN in 1948 and the two principal covenants – one on civil and political, the other on economic, social, and cultural rights – that came into force in 1976.

The Declaration itself is a remarkable document whose name, regrettably, is far better known than its contents. It consists of thirty articles stating a broad array of aims that are supposed to serve as “a common standard of achievement for all peoples and all nations.” The covenants, which unlike the Declaration have the force of law, elaborate on these aims and seek to put them into a form that has legal effect.

These documents set forth an ambitious and, in some ways, a surprisingly specific set of aspirations.⁷ Their provisions read far more like a list of concrete institutional standards than of generalized, abstract rights that might exist in a ‘state of nature.’ They name certain core rights that evoke Lockean principles – for example, rights to life, liberty, and security of the person; and against arbitrary imprisonment, slavery, and torture, as well as the more complex right against genocide. Beyond these, there are also provisions associated with the rule of law (e.g., the right to a fair trial); political rights (including the right “to take part in the government of the country” and to “periodic and genuine elections”); economic rights (including free choice of employment, “just and favourable remuneration [sufficient for] an existence worthy of human dignity,” and health care); and rights of communities (self-determination). These enumerated rights are said to belong to everyone regardless of race, color, sex, language,

7 I rely in some of what follows on my article “Human Rights as a Common Concern,” *American Political Science Review* 95 (2) (June 2001): 269–282.

religion, birth, and social status, and without distinction “on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs.”

Taken together, these rights are not best interpreted as “minimum conditions for any kind of life at all.”⁸ The rights of the Declaration and the covenants bear on nearly every dimension of a society’s basic institutional structure, from protections against the misuse of state power to requirements for the political process, health and welfare policy, and levels of compensation for work. In scope and detail, international human rights are not very much more minimal than those proposed in many contemporary theories of social justice. If we consider the list of human rights as a single package – in the words of the 1993 Vienna Declaration, as “indivisible and interdependent and interrelated”⁹ – then we must understand international human rights as stating, or trying to state, something more like necessary conditions of political legitimacy, or even of social justice.

In the years since the UN covenants came into force, human rights have played a variety of roles in world politics. The most sensational has been the use of human rights to justify foreign interference in a state’s internal affairs. In circumstances as different as those of Haiti, Somalia, and Kosovo, local human rights violations have catalyzed military action by outside agents acting with the

8 Ignatieff, *Human Rights as Politics and Idolatry*, 56.

9 United Nations, “Vienna Declaration and Programme of Action,” adopted by the World Conference on Human Rights, 25 June 1993 (A/CONF.157/23) <[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En)>.

authority of multinational bodies. Indeed, reflecting on these and other interventions of the 1990s, Kofi Annan called for the development of a systematic doctrine of UN-sponsored humanitarian intervention, noting that “the world cannot stand aside when gross and systematic violations of human rights are taking place.”¹⁰ That the secretary-general could undertake such an initiative with any hope of success would astonish the framers of the 1948 Declaration (much as a few might welcome it – in particular, the Indian delegate Hansa Mehta, who argued explicitly that the UN should have authority for human rights-based intervention¹¹).

But intervention in any form has been exceptional, and in recent years the political functions of human rights have more often been considerably less dramatic. For example, a government’s human rights record can serve as a criterion of eligibility for participation in bilateral and multilateral development programs and of its access to financial adjustment assistance. The impact on human rights may also be used as a standard of evaluation for the policies of international financial and trade institutions.

In the United States, legislation requires periodic reporting by the government on human rights practices in other countries (though not in the United States itself), and a country’s eligibility for preferential treatment in U.S. foreign policy can depend on satisfaction of human rights standards. In various parts of

10 Kofi Annan, “Two Concepts of Sovereignty,” *The Economist* (18 September 1999).

11 M. Glen Johnson, “A Magna Carta for Mankind: Writing the Universal Declaration of Human Rights,” in *The Universal Declaration of Human Rights: A History of its Creation and Implementation*, ed. M. Glen Johnson and Janusz Symonides (Paris: UNESCO, 1998), 32.

the world – most notably in Europe – regional codes of human rights have been adopted (though they are not always as expansive as the UN documents) and there is a developing international capacity for adjudication and something like enforcement.

Beyond the multiple roles of human rights in international organizations and national foreign policies, human rights also have important functions as foci of political activity, both within and outside the policy process, for a large and growing number of nongovernmental organizations (NGOs) – the components of a “curious grapevine,” in Eleanor Roosevelt’s evocative phrase.¹² These functions include education and advocacy, standard-setting, monitoring, and, sometimes, enforcement.

The human rights NGOs are often described as the core of a global civil society. That might be misleading – these organizations, after all, frequently speak with a developed-country accent, and many lack effective internal mechanisms of accountability. Still, the human rights NGOs have done important work in popularizing the idea of human rights and in drawing international attention to egregious violations. They have encouraged the growth of a global human rights culture that cuts across national political boundaries while changing the structure of incentives that those who make decisions about national foreign policy must negotiate.

Political scientists sometimes say there is a global ‘human rights regime.’ (A ‘regime,’ in the jargon of the discipline, is a set of “explicit or implicit principles, norms, rules and decision-making procedures around which actors’ expecta-

12 Quoted in William Korey, *NGOs and the Universal Declaration of Human Rights: “A Curious Grapevine”* (New York: St. Martin’s Press, 1998), ix.

tions converge in a given area of international relations.”¹³) It would be hard to deny that this is true, but the term does not fully embrace the reality of international human rights practice. For one thing, by focusing on norms and decision procedures, the idea of a regime deflects attention from the fact that human rights operate as normative standards in various informal political arenas; consider, for example, the annual human rights compliance reports of the Department of State, whose political significance is at best tangential to their role in the official processes of foreign policy. Moreover, the idea of a human rights regime does not properly describe the growing activity and achievements of NGOs. The transnational culture spawned by these organizations is at least as important for its diffuse effects on attitudes and beliefs as for its capacity to influence formal processes of policy-making.

Finally, the idea of a regime does not reflect the emergent and aspirational character of human rights. Unlike, say, the financial or trade regimes, human rights politics doesn’t aim only to institutionalize and regulate existing interactions; it seeks to propagate ideals and motivate political change. Human rights stand for a certain ambition about how the world might be. To whatever extent contemporary international political life can be said to have what, in the domestic analog, John Rawls calls a “sense of justice,” its language is the language of human rights.¹⁴

13 Stephen D. Krasner, ed., *International Regimes* (Ithaca, N.Y.: Cornell University Press, 1983), 2. John Gerard Ruggie argues that there is a global human rights regime in “Human Rights and the Future International Community,” *Dædalus* 112 (4) (Fall 1983): 103–104.

14 For Rawls, the “sense of justice” is a principled conception of social justice broadly shared

Human rights as we find them in international practice don't fit the mold of natural rights in at least three important ways: natural rights are supposed to be pre-institutional; they are supposed to belong to people 'naturally' – that is, solely in virtue of their common humanity; they are supposed to be timeless. But international human rights don't meet any of these standards. The question is what we should make of this. Is there something wrong with human rights?

Natural rights theorists imagined that political society developed by means of a social contract from a pre-political 'state of nature' where people had certain rights that nobody was entitled to violate. These rights, in Robert Nozick's phrase, were "side constraints."¹⁵ Natural rights express protections upon which people are entitled to insist regardless of their institutional memberships. The idea of a state of nature models this fact: it imagines that individuals establish institutions in a pre-institutional situation that is already constrained by certain moral prohibitions; because people have no authority to abrogate these prohibitions, any institutions they establish must respect them.

If natural rights are pre-institutional, then it must make sense to think that they could exist in a condition where there are no institutions. It is not difficult to conceive of Lockean rights to life, liberty, and property in this way. On the other hand, many of the rights enumerated in the human rights documents

can't be so conceived. Think, for example, of rights to an impartial trial, to take part in the government of the country, and to free elementary education. Because these rights describe features of an acceptable *institutional* environment, we can't give meaning to the thought that these rights might exist in a state of nature. What force could they possibly have in a world where there are no institutions?

But why should *human* rights be conceived as pre-institutional? Natural rights theories, at least in the more liberal variants such as Locke's, were primarily attempts to formulate constraints on the use of a government's monopoly of coercive power. They were theoretical devices by which legitimate and illegitimate uses of power could be distinguished, and they make sense only against a background assumption that a central problem of political life is the protection of individual liberties against a predictable threat of tyranny or oppression. This is not the nature of the human rights of the Declaration, which describes "a common standard of achievement for all peoples and all nations." If natural rights are about guaranteeing individual liberty against infringement by the state, human rights are about this *and more*: to put it extravagantly, though I think not wrongly, international human rights, taken as a package, are about establishing social conditions conducive to the living of dignified human lives. These rights represent an assumption of moral responsibility for the public sphere that was missing in classical natural rights theories.

What the proper bounds of that responsibility are, how its burdens should be distributed, and, for that matter, whether we should believe that *any* such responsibility lodges in the public sphere – all are reasonable questions. I don't

within a society that defines a political ideal and serves as a basis for criticism of the status quo. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1999), 41.

15 Robert Nozick, *Anarchy, State, and Utopia* (Cambridge, Mass.: Harvard University Press, 1974), 30–33.

mean to foreclose them. The point is that none of these questions can be resolved, so to speak, by conceptual fiat. They are substantial questions of political morality and deserve to be answered on their merits.

The Universal Declaration holds that all human beings are “born free and equal in dignity and rights” (art. 1) and that “everyone is entitled to all the rights” subsequently enumerated (art. 2). These passages say that everyone has human rights. This is one sense in which rights can be ‘universal.’

But the idea that human rights are like natural rights in belonging to people in virtue of their common humanity involves a further thesis bearing on the *justification* of human rights. It holds that human rights, if they are to be really universal, must be grounded on characteristics that all human beings possess, and therefore their justification must not depend on merely contingent social relationships.

Philosophers have given the idea of “belonging to people in virtue of their common humanity” a specific and, as it turns out, a very restrictive interpretation. It derives from H. L. A. Hart’s important article “Are There Any Natural Rights?” first published in 1955 and widely read more recently because of its influence on the political philosophy of John Rawls.¹⁶ (Interestingly, the phrase ‘human rights’ does not appear in Hart’s article at all.)

Hart distinguishes between “general rights” and “special rights”: special rights arise out of “special transactions [or] special relationships,” such as promises and contracts or membership in political society, whereas general

16 H. L. A. Hart, “Are There Any Natural Rights?” *Philosophical Review* 64 (2) (1955): 175–191.

rights belong to “all men capable of choice . . . in the absence of those special conditions which give rise to special rights.”¹⁷ Hart identifies only one general right – “the equal right of all men to be free.” He does not claim that there are no other general rights, but he mentions none, and he describes every other right either as deriving from this one general right or as a special right.

Now if all rights must fall into one of these two categories, then natural rights must be general. As Hart says, this is because natural rights belong to men “*qua* men and not only if they are members of some society or stand in some special relation to each other.”¹⁸ Many theorists have thought that human rights must be general rights for the same reason.¹⁹

But if we assume that human rights must be general rights as Hart understood them, then we must conclude that there are very few genuine human rights. Consider, for example, the right to an adequate standard of living. Any plausible explanation of the moral basis of this right will have to refer to certain features of people’s social relations. This may not be immediately obvious; rights talk tends to focus on the beneficiaries of rights, so it might seem that we can explain the moral importance of an adequate standard of living without having to refer to anything other than facts about the beneficiary’s ‘humanity’ – for example, her physical needs. However, this is only half the story – and the easier half at that. A complete explanation of the right would also have to say where

17 *Ibid.*, 183, 188; on political society as a cooperative scheme, see 185.

18 *Ibid.*, 175.

19 For example, Peter Jones, *Rights* (New York: St. Martin’s Press, 1994), 81.

the resources should come from to satisfy the right and why anyone has a duty to provide them. Answers to these questions inevitably force us to consider people's social relations. That is why, in the domestic case, similar questions have their natural home in a discourse about social justice.

Well, so what? One might say, as one philosopher has recently written, that "[t]he correct conclusion is that many of the rights affirmed in the *Universal Declaration* are really not human rights at all...."²⁰

But this is another case of conceptual fiat. Why must we insist that human rights be justified by considerations of common humanity as such? The mistake, I think, is to infer from the fact that human rights are supposed to be claimable by everyone, that they must be *general* rights in Hart's sense. Human rights might, instead, be conceived as a category of special rights – roughly speaking, as rights that arise out of people's relationships as participants in a global political economy. Philosophers of global justice disagree about how these relationships should be understood, and particularly, whether it is right to regard them as coincident with membership in domestic society. The latter question is worth thinking about: Why, for example, should we think that social justice requires U.S. citizens to do more for the steel worker in West Virginia than for the factory worker in a Mexican maquiladora? The question resists facile answers.

²⁰ Carl Wellman, "Social Justice and Human Rights," in *An Approach to Rights* (Dordrecht: Kluwer, 1997), 197. Similarly, Cranston: "Another test of a human right is that it must be a universal right, one that pertains to every human being as such – and economic and social rights clearly do not." Cranston, "Are There Any Human Rights?" 13.

For the moment, fortunately, we can be agnostic; for, short of denying that there is such a thing as one's role as a participant in the global economy, any plausible view about global justice will generate *some* conception of the sort of 'special right' I refer to here. And this is all we need to refute the idea that human rights must be limited to those rights we can understand as belonging to people solely in virtue of their common humanity.

When we say that human rights are universal, we might mean that all human beings at all times and places would be justified in claiming them. Natural rights were supposed to have this kind of timelessness, and this might encourage someone to believe that human rights should too.

But of course few of the human rights listed in the Universal Declaration would pass the test. The framers of the Declaration could not have intended that the doctrine of human rights apply, for example, to the ancient Greeks or to China in the Ch'in Dynasty or to European societies in the Middle Ages. International human rights, to judge by the contents of the Declaration and covenants, are suited to play a role in a certain range of societies. Roughly speaking, these are societies that have at least some of the defining features of modernization: a reasonably well-developed legal system (including a capability for enforcement), an economy with some significant portion of employment in industry rather than agriculture, and a public institutional capacity to raise revenue and provide essential collective goods. It is hard to imagine any interesting sense in which a doctrine of human rights pertaining principally to societies meeting these conditions could be said to be 'timeless.'

One philosopher therefore adopts a more cautious formulation: he says that human rights should “have weight and bearing for future human beings in societies not yet existing . . .”²¹ But this doesn’t seem right, either. International human rights are not even *prospectively* timeless. They are standards appropriate to the institutions of modern or modernizing societies coexisting in a global political economy in which human beings face a series of predictable threats. As Jack Donnelly observes, the composition of the list of human rights is explained by the nature of these threats.²² As the economic and technological environment evolves, the array of threats will change, and so, over time, will the list of human rights. The lack of timelessness is a problem only if we insist that human rights should be something they were plainly not meant to be.

The mind seeks simplifying models, so perhaps we should not be surprised that in the absence of a better alternative, philosophers would persist in thinking of human rights as natural rights. The paradigm is coherent and familiar and makes the most of the historical continuity of the human rights movement with earlier efforts to advance the ‘rights of man.’ As we have seen, however, accepting the paradigm has its price: it diminishes and distorts the aspirations of international human rights doctrine. So it is worth considering how else we might conceive of human rights and whether as a matter of political theory a different conception would be more plausible.

21 Rex Martin, *A System of Rights* (New York: Oxford University Press, 1993), 74–75.

22 Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, N.Y.: Cornell University Press, 1989), 26.

Here is a proposal. Suppose we begin with two of the ideas central to contemporary international human rights doctrine.

First, human rights are closely connected to human dignity: they state conditions that domestic social institutions should satisfy in order to respect, in the words of the 1993 Vienna Declaration, “the dignity and worth inherent in the human person.”

Second, human rights are a global concern: their systematic violation in a society over a period of time could justify some appropriate form of remedial action by agents outside of the society where the violation occurs.

Putting these two ideas together, we might say that human rights are the basic requirements of global justice. They describe conditions that the institutions of all domestic societies should strive to satisfy, whatever a society’s more comprehensive aims. And their violation identifies deficiencies that, if not made good locally, should command the attention and resources of the international community. If a country failed to satisfy these conditions even though it were equipped to fulfill them, that country would become susceptible to outside corrective interference. If the failure were due to a lack of local resources, this could justify a requirement on others to assist.²³

There is no escaping that on this view human rights represent a partisan ideal. And the reference to human dignity and human worth guarantees that the ideal will almost certainly be more congenial to some than to other conceptions of justice or political good.

23 John Rawls proposes something like this conception of human rights in *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), sec. 10.

On the other hand, it is a capacious ideal, and at this level of generality it is consistent with the aspirations of all the world's main moral cultures. If evidence is needed, one might simply look to the virtually unanimous endorsement of international human rights norms in a succession of increasingly inclusive international fora.

The qualification about level of generality is important. When we consider practices such as capital punishment in the United States or female genital mutilation in Sahelian Africa, we are reminded that there can be serious intercultural disagreement about what is necessary to respect human dignity and human worth. But one should not be misled by these examples. For one thing, neither of these cases really involves a confrontation between a morally monolithic local culture and the international culture of human rights; in both cases there are significant divisions within the local culture that conflict with majority interpretations of human rights. But even if this were not true, these examples are much more the exception than the rule. Anyone who reads the major international human rights instruments with reasonable charity would see that most of the values found there fit comfortably within a wide range of cultural moral traditions. When human rights are controversial in political practice, it is not usually because they are culturally partisan, but rather because people disagree about their relative priority over other values, or about the nature and extent of the international right and responsibility to remediate.

It is this last point that is likely to evoke the greatest concern. If human rights are requirements of global justice, and if violations could trigger an international duty to act, then human rights might

threaten to engulf many other values we care about. International human rights imperatives could undermine the integrity of local communities by encouraging indiscriminate, well-meaning intervention; they could command resource transfers from societies with their own internal problems; they could play into regional conflicts and exacerbate existing instabilities. The old view of human rights, however misleading it might have been in theory, at least had the political virtues of minimalism. Does the paradigm of global justice demand too much?

Part of the answer depends on the content of the idea of global justice, and part depends on the nature of the remedial rights and responsibilities that flow from human rights violations. The first question is interesting and points to a large, unresolved set of philosophical issues. But I think the second one is more important practically. Here the key point is that the ideas of corrective interference and requirement to assist could each encompass many kinds of action. Interference, for example, could mean military intervention (as in Kosovo) but could also involve nonviolent forms of intervention (like making foreign aid conditional on upholding human rights). Similarly, assistance might consist of direct transfers (as in development aid), but it might also entail less direct forms of help (like reforming discriminatory trade practices). Indeed, human rights violations could command international attention in a meaningful way even if neither corrective interference nor tangible assistance were feasible – for example, by triggering advocacy or cross-border political action by NGOs.

Moreover, the fact that persistent violations *could* justify international action does not mean they always *do*. As in any aspect of political morality, a host of

practical considerations bear on a decision whether and how to act, even when there is an uncontroversially meritorious cause of action. The theory of the just war presents a useful parallel: even when there is a just cause, a country may not resort to war if there is no reasonable expectation that the cause can be won without disproportionate use of force or unacceptable collateral damage. Nor may a country resort to war if it is unable or unwilling to commit the resources necessary to win its cause – that would simply inflict harm without hope of achieving a just result. Similarly in the case of human rights, the international community should act only if there is a reasonable hope of stopping egregious violations of human rights without incurring disproportionate costs or causing unacceptable collateral harm.

These reflections do not add up to a philosophical defense of the idea that human rights are requirements of global justice; they only aim to make that idea plausible as a description of international practice, and to show that the most common worries about it may be overstated.

But someone who is still attached to the traditional paradigm might say it was a mistake from the beginning to give so much weight to the international doc-

trine of human rights and to the role of ideas of human rights in real-world international political practice. Perhaps international doctrine and practice are simply wrong – perhaps they amount to no more than the reification of a bad idea – and perhaps we would be better off dispensing with human rights talk altogether.

I doubt that this will turn out to be right, but the point to be made in conclusion is that there is only one way to find out. Theory has to begin somewhere. We begin with the observation that there is an international practice of human rights, and we ask some distinctively theoretical questions: What kinds of things are these human rights, why should we believe in them, and what follows if we do?

But whereas present practice is the beginning, it need not be the end; in fact, it would be surprising if a critical theory of human rights did not argue for revisions in the practice – conceivably substantial ones. If so, however, one should expect this to be the conclusion of an argument that takes seriously the aspirations of the practice as we have it. To dismiss the practice because it doesn't conform to a received philosophical construction seems to me dogmatic in the most unconstructive way.