Grounding Human Rights in a Pluralist World

Grace Y. Kao

Georgetown University Press/Washington, D.C.
Contents

Acknowledgments vii
Introduction 1

One
Prolegomena to Any Philosophical Defense of Human Rights 11
   Cultural Relativism 11
   Ethnocentrism 18

Two
The Maximalist Challenge to Human Rights Justification 31
   Maximalist Approaches in Human Rights Declarations and Documents 32
   Why Human Rights Need Religion: A Sampling of Four Theoretical Accounts 35
   A Preliminary Assessment of the Maximalist Challenge 49
   Rising to the Maximalist Challenge 54

Three
An Enforcement-Centered Approach to Human Rights, with Special Reference to John Rawls 57
   A Primer on Rawls's Conception of Global Justice 58
   Human Rights in the Law of Peoples Compared to International Human Rights Law 61
   Rawlsian Human Rights: An Assessment 68
   Conclusion 75
Contents

Four
Consensus-Based Approaches to Human Rights 77

Obtaining a Cross-Cultural Consensus on Human Rights 78
Option 1: Consensus-Producing New Universal Human Rights Standards 81
Option 2: Consensus-Encouraging Plural Foundations for Human Rights 87

Beyond Shared Norms: Returning to the Original Sources of Inspiration 96

Five
The Capability Approach to Human Rights 101

What Is the Capability Approach? A Primer 102
Comparing the Capability Approach to the Human Rights Framework 108
Justifying Human Capabilities and Human Rights 112

Enhancing Human Rights through the Framework of Capabilities 118
Revisiting the Question of Justification 125

Six
Grounding Human Rights in a Pluralist World 131

Assessing and Retrieving Minimalist Strategies of Justification 134
Assessing and Retrieving Maximalist Approaches to Justification 146

Grounding Human Rights in a Pluralist World by Straddling the Minimalist-Maximalist Divide 152

Conclusion 170

Notes 173
References 207
Index 225