

# Table of contents

<b>Foreword</b> . . . . .	11
<b>Introduction</b> . . . . .	13
<b>Chapter 1 What are human rights?</b> . . . . .	19
1.1 The concept and definition of human rights . . . . .	19
1.1.1 Human rights as institutional rights . . . . .	20
1.1.2 Human rights as justified moral rights . . . . .	21
1.1.3 Characteristic features of human rights as justified moral rights . . . . .	24
1.1.4 Do human rights have a dual nature? A note on dualistic conceptions of human rights . . . . .	27
1.1.5 Are human rights a political concept? A note on political conceptions of human rights . . . . .	30
1.2 The justification of human rights . . . . .	32
<b>Chapter 2 Utilitarianism and the concept of rights</b> . . . . .	39
2.1 Natural enemies? Jeremy Bentham's utilitarianism and (human) rights . . . . .	40
2.1.1 Natural rights do not exist . . . . .	41
2.1.2 Bentham's critique of the Declaration of the Rights of Man and of the Citizen . . . . .	43
2.2 Natural friends? The utilitarianism of John Stuart Mill and (human) rights . . . . .	45
2.3 Utilitarianism, justified moral rights and their relation to empirical reality . . . . .	47
2.4 Utilitarianism and instrumental and non-instrumental approaches to rights . . . . .	48
2.5 A partial summary: a utilitarian conception of rights . . . . .	51
<b>Chapter 3 A utilitarian justification of human rights</b> . . . . .	53
3.1 How does utilitarianism justify human rights? . . . . .	53
3.1.1 Talbott's consequentialist justification of human rights . . . . .	54
3.2 A critique of the utilitarian justification of human rights . . . . .	56
3.3 The advantages of a utilitarian justification of human rights . . . . .	59
3.3.1 The first advantage: the ability to grasp the complex nature of human rights . . . . .	59

3.3.2 The second advantage: a justification of the rights of all human beings . . . . .	61
3.3.3 The third advantage: immunity to the objection of cultural relativism . . . . .	62
3.4 A brief summary: the utilitarian justification of human rights . . . . .	64
<b>Chapter 4 The theory of basic needs and capabilities as a justification basis for human rights . . . . .</b>	<b>65</b>
4.1 The concept of need . . . . .	66
4.1.2 Needs as socially recognized wants? . . . . .	69
4.2 Basic needs as a justification of human rights . . . . .	71
4.2.1 David Miller's approach . . . . .	71
4.2.2 Massimo Renzo's approach . . . . .	74
4.2.3 The relationship between theories of needs and other justification approaches . . . . .	76
4.3 Basic needs and their relation to the concept of rights . . . . .	77
4.3.1 The issue of indeterminacy . . . . .	77
4.3.2 Basic needs and the Is-Ought problem . . . . .	79
4.4 The convincing nature of basic needs . . . . .	84
4.5 The theory of capabilities and human rights: a solution to the problems of basic needs? . . . . .	86
4.6 A partial summary: the limits of the theories of basic needs and capabilities and their possible relation to utilitarianism . . . . .	90
<b>Chapter 5 Normative agency as a justification basis for human rights . . . . .</b>	<b>93</b>
5.1 Alan Gewirth's theory . . . . .	93
5.1.1 The basis and nature of Gewirth's justification of human rights . . . . .	93
5.1.2 Criticism of Gewirth's justification of human rights . . . . .	98
5.2 James Griffin's theory . . . . .	105
5.2.1 The basis and nature of Griffin's justification of human rights . . . . .	105
5.2.2 Critiques of Griffin's justification of human rights . . . . .	108
5.3 Normative agency and consequentialism . . . . .	110
<b>Chapter 6 Contemporary justifications of human rights inspired by discourse theory . . . . .</b>	<b>113</b>
6.1 Alexy's first attempts to justify human rights with discourse theory . . . . .	114
6.2 Alexy's explicative-existential justification of human rights . . . . .	115
6.2.1 The Is-Ought problem within an explicative-existential justification . . . . .	116

6.2.2 An analysis of the existential argument . . . . .	121
6.2.3 The rights of persons or the rights of human beings? . . . . .	123
6.3 Rainer Forst and the right to justification as a basis for the justification of human rights . . . . .	126
6.4 Seyla Benhabib and the right to have rights as a basis for the justification of human rights . . . . .	128
6.5 A partial summary: discourse theory and utilitarianism . . . . .	130
<b>Chapter 7 Human rights as a political project . . . . .</b>	<b>133</b>
7.1 Rorty's approach to human rights: from the rejection of metaphysics to sentimental education . . . . .	134
7.2 A critique of Rorty's approach to human rights . . . . .	137
7.3 How to understand Rorty? The relevance of his place in the philosophical tradition . . . . .	139
7.4 Utilitarianism and political projects . . . . .	142
<b>Conclusion . . . . .</b>	<b>143</b>
<b>References . . . . .</b>	<b>149</b>