

MIDTERM ASSIGNMENT, HUMR 5131, AUTUMN 2013

Deadline: 8 October, 2013, at 1300 hrs.

ANSWER ONE OF THE QUESTIONS PRESENTED BELOW

1) Human Rights across Social and Cultural Boundaries

In his standard reference book about human rights, James Nickel notes, on the one hand, that '[m]oral and legal guarantees of important freedoms, benefits and powers do seem to support people's self-respect'. On the other hand, he also notes that 'we can easily imagine [how problematic the functioning of] the concept of a right [will be] in cultures where actions such as demanding, claiming and protesting are frowned on as discourteous'. Discuss these affirmations and give examples of socio-cultural contexts where they appear to be true. Then show how the two claims also can be thought of as reflecting a unique dilemma—i.e., in justifying human rights—and finally discuss various ways of overcoming this dilemma.

2) Human Rights and Philosophy

Some scholars, like Griffin, believe that human rights are rooted in moral principles whereas, for others, like Bentham, in so far as they are not positive law, they can simply be said to constitute "nonsense upon stilts". According to Habermas, instead, human rights should be understood as both moral and legal principles. Explain the meaning of this thesis also by comparison to its philosophical competitors.