

Natural Human Rights

A Theory

This timely book by internationally regarded scholar of ethics and social/political philosophy Michael Boylan focuses on the history, application, and significance of human rights in the West and in China. Boylan engages the key current philosophical debates prevalent in human rights discourse today and draws them together to argue for the existence of natural, universal human rights. Arguing against the grain of mainstream philosophical beliefs, Boylan asserts that there is continuity between human rights and natural law and that human beings require basic, essential goods for minimum action. These include food, clean water and sanitation, clothing, shelter, and protection from bodily harm, including basic healthcare. The achievement of this goal, Boylan demonstrates, will require significant resource allocation and creative methods of implementation involving public and private institutions. Using the classroom-tested dynamic approach of combining technical argument with four fictional narratives about human rights, the book invites readers to engage with the most important aspects of the discipline.

Michael Boylan is Professor of Philosophy and Chair of the Philosophy Department at Marymount University. He is author of twenty-six books and more than a hundred articles. His monograph *A Just Society* (2004) was recently the subject of an edited volume featuring fourteen authors from eight countries entitled *Morality and Justice: Reading Boylan's "A Just Society."* He has served on professional and governmental policy committees and was a Fellow at the Center for American Progress and a program presenter at the Brookings Institution. He is an international figure who has been an invited speaker at a number of prominent universities outside the United States, including Oxford, Cambridge, Manchester, University College London, Trinity College (Dublin), University College (Dublin), the Sorbonne, the Catholic University of Leuven, University of Oslo, University of Copenhagen, Cologne University, Bochum University, Twente and Delft Universities, Valparaiso University (Chile), University of Sydney, University of Melbourne, Australian National University, and Charles Sturt University (Wagga Wagga, Australia). He is also a published novelist and poet.

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For my family: Rebecca, Arianne, Seán, and Éamon

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Preface

I have fashioned this book as a symphony. There are several forms of the symphony, but in this depiction I have sought a literal and an artistic understanding of this word. *Sym-phonía* (συμφωνία) means bringing together various sounds or voices into a coherent presentation. So literally, the etymology refers to creating a harmony of voices, and since there are many voices in the cacophony of human rights discourse, I have taken it upon myself to present many of these voices and the patterns they convey and then to forge what I think is an account that best addresses critical problems: the melody of natural human rights.

The second meaning of the word refers to the artistic way I try to do this. My composition technique combines what I have termed “direct discourse philosophy” with “fictive narrative philosophy.”¹ Direct discourse philosophy is what most people in the West think of when they consider philosophy. The materials are the claim (conclusion) and the reasons (premises that interact via an inferential logical structure). Most of this book is presented via direct discourse philosophy. However, there are a few variations to the themes via fictive narrative philosophy, as well. These come in the form of four original short stories that introduce each movement in the composition.

A musical symphony begins with an *overture*. This sets up the various themes that will be explored in the composition. In this case various inputs from the philosophical and political science literature are lightly set out in terms of background conditions in the current world affairs (Chapter 1). The overture presents the themes that will be developed.

¹ For further explication on the way direct discourse philosophy and fictive narrative philosophy work, see Michael Boylan and Charles Johnson, *Philosophy: An Innovative Introduction: Fictive Narrative, Primary Texts, and Responsive Writing* (Boulder, CO: Westview, 2010).

These themes include the traditions in the West and in China (Chapters 2 and 3) so that a more inclusive vision of the setting of human rights and natural law might be presented. In the process of setting out these histories, I have sought to give a more comprehensive shared community worldview account by melding direct discourse philosophy of various eras with glimpses of literature from that time. The addition of brief literary overviews works in counterpoint to the direct philosophy. This is a common practice among those who compose histories.

Next is the *adagio*. This is a rather more slowly moving time signature. In the very brief period of my life in which I tried composing classical music I would always pay attention to the *adagio*. It would reveal the essence of what was being put forth. Here as well, I examine what I feel are the principal theories that would justify human rights (Chapters 4, 5, and 6). Each is brought forward with its strengths and weaknesses. Obviously, I believe my own theory of agency-based human rights is the best choice. Therefore, I end the *adagio* movement with a strong presentation of my own version of natural human rights.

There is then an elision (Chapter 7) presenting my theory on how people actually accept new normative theories and the ontological commitments that various approaches entail. The elision leads to the *scherzo* (Chapters 8, 9, and 10), which is spritely and briefly sets out an application of the theory through three cases that both mirror the table of embeddedness's first three levels (basic goods level one, basic goods level two, and secondary goods level one) and are consonant with the three short stories that deal with the same problems: war rape, political speech, and LGBT rights. The *scherzo* moves quickly toward the ultimate resolution (cadence) in each instance.

In the *rondo*, the allegro pace continues the upbeat tempo and moves us toward summative resolution on how we think of political change and who is responsible for it.

Throughout, I engage each section with a short story that fits within the general plan of the table of embeddedness. I believe that this sort of presentation will resonate well with a wide range of readers and especially among those in the classroom (according to my coauthored empirical study).² Fiction connects with virtually everybody in presenting some essential characteristics of the problem at hand. In this symphony,

² "Using Fictive Narrative to Teach Ethics/Philosophy," coauthored with Felicia Nimue Ackerman, Sybol Cook Anderson, Gabriel Palmer-Fernandez, and Edward Spence, *Teaching Ethics* 12.1 (Fall 2011): 1–34.

there is a short story that is meant to represent what I call fictive narrative philosophy that presents another way to support the point of contention at hand.

Because of this innovative approach, I believe that this text can reach readers especially by

- presenting major modes of thinking about human rights
- setting out traditional ways that the West and China understood natural law (and the resulting human rights)
- examining the most prominent ways that human rights are justified within the current debate in the Western tradition
- arguing for an original position of natural human rights
- applying the apparatus to selected key problems relevant today
- introducing each major section with a short story that depicts a violation of human rights in line with the pedagogical structure presented

I believe this is a unique book that combines a variety of modes of conceptualizing human rights and provides an apparatus with which the reader can integrate the arguments into a worldview-challenging experience.

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