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Book Review (reviewing Charles R. Beitz, The Idea of Human Rights)

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Book Notes

The Idea of Human Rights. Charles R. Beitz. New York: Oxford University Press, 2009. Pp. 256. \$34.95.

One of the great legacies of World War II is an ambitious global movement that aims to protect the rights of individuals, regardless of the rights that their own governments may choose to extend to them. This movement has manifested itself in an increasingly dense web of treaties seeking to regulate state behavior, the creation of international organizations attempting to serve persons directly, and even the eradication of states deemed unfit to protect the most urgent interests of their citizens. But despite the fact that the rhetoric and global practice of human rights has become increasingly more complex, efforts to provide a coherent moral theory explaining what exactly human rights are and what obligations they place on global actors have lagged. Recognizing this void in political theory, Charles Beitz's *The Idea of Human Rights* seeks to provide an explanation of human rights offering a solid philosophical foundation that would extend protections to individuals regardless of geographic boundaries.

Beitz begins his analysis by making two critical observations. The first is that "human rights has [sic] become an elaborate international practice" that continues to receive an increasingly larger share of material resources and international attention. Of particular significance to Beitz's argument is the fact that the participants in this complex global enterprise have continued to attribute utmost importance to the moral claims that underpin the endeavor. According to Beitz, the emphasis on the theoretical tenets of human rights is important but underdeveloped. Beitz's second observation is that, despite this rising importance, the "practice of human rights can also evoke a disabling skepticism." This skepticism takes many forms, and often is directed at the difficulty in defining the scope of human rights or the high costs associated with interventions to enforce them. With these two observations as a foundation, Beitz clearly articulates the goal that animates his book: to contribute to a coherent explanation of the moral considerations justifying the practice of international human rights, while also ensuring that his theory can resist a variety of skeptical claims, including criticisms from those individuals who consider themselves advocates for global justice.

After outlining the two observations that motivate his project, Beitz discusses two possible approaches to developing a theory of human rights, neither of which, he believes, can adequately explain the international human rights enterprise as it is currently practiced. The first is naturalistic theories, which view international human rights as rights that all human

beings possess in virtue of "their humanity." Under this view, human rights exist regardless of the prevailing legal or social structures, and attach to all persons notwithstanding their spatial or temporal locations. The second approach is agreement theories, which seek to argue that, although there are serious disagreements about the nature of political and social rights in the world, "overlapping consensus" can be reached on a core set of moral standards that constitute human rights. Although both of these views have their advantages, Beitz argues that these two approaches invite misunderstanding because they do not adequately explain the function that international human rights are meant to play in regulating the behavior of political actors. Moreover, neither approach reflects the historical development of human rights, where the initial architects of the project sought to enshrine protections without endorsing the concept of a single or agreed upon conception of human nature.

After offering a critique of each of these two possible approaches, Beitz puts forward what he considers a "practical" approach to international human rights. This practical approach draws heavily from insights from John Rawls' book *The Law of Peoples* by looking at the functional role of human rights in practice to "constrain our conception of human rights from the start." From these insights, Beitz argues that the practice and discourse of international human rights are aimed at protecting individuals' most urgent interests from the acts and omissions of states. At this stage in his argument, to illuminate the core features of human rights, Beitz creates what he refers to as a "two-level model." In this model, states have a first-level interest in attending to citizens' interests, but when this fails to happen, international actors on a second level are justified in intervening at the expense of state sovereignty to guarantee the rights of individuals. Since the global community does not have a single unitary actor that can take steps to protect the rights of individuals, states acting unilaterally or in concert often take on the task of correcting for the shortcomings of the rights-violating state. In the eyes of Beitz, taking this practical approach has the advantage of developing a view of human rights that relies on current global discursive practices while avoiding many of the pitfalls of attempts to generate a coherent justification for this project by appealing to a prior set of ideas or beliefs. In other words, Beitz's core argument is that the goal of developing a theory of human rights should not be to formulate a list of rights or to develop a single mechanism to show how those rights should bear on practical choices. Instead, this book argues that the goal when developing a theory of rights should be to clarify the ways human rights should be used in global political discourse and to articulate what considerations should be taken into account in the development of the international practice of human rights.

In many ways Beitz's work presents an important contribution to our philosophical understanding of human rights. The concern with his project,

however, is that he places great weight in the belief that the existence of the emergent practice of a global human rights *regime* is sufficient to provide a normative justification for the existence of human rights *in themselves*. Although this theory may free practitioners from having to appeal to natural rights or a false consensus to justify interventions, it offers only a limited instrument for criticizing developments in international law or arguing for the obligation to act in specific scenarios. Given these shortcomings, Beitz's major contribution may not be in providing a comprehensive theory of the nature of human rights, but instead in arguing for a particular methodological approach: that theorists should look to human rights as they are actually practiced and discussed in the world, infusing human rights theory with lessons derived from the international community's actual experience.

—Adam Chilton

Philosophy of Human Rights: Theory and Practice. David Boersema. Boulder: Westview Press, 2011. Pp. 456. \$46.00.

David Boersema's *Philosophy of Human Rights* is a lucid, unpretentious textbook that will serve college-level teachers acquainting students with contemporary rights theory, as well as general readers seeking an introduction to the field. The book follows a three-part division. Part I is an overview of basic issues in the philosophy of rights. It introduces readers to competing theories about what rights are, where they can be said to originate, and who or what can be said to possess them. Part II outlines the use of rights rhetoric in American and, to a lesser extent, global politics. This part shows how rights claims are raised by competing interests and profiles debates surrounding six rights that contemporary political groups often invoke. Part III is a brief appendix consisting of seven rights documents, including the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

Each chapter of the book begins with a general discussion by Boersema, followed by brief selections from contemporary philosophers and humanists. The selections, which Boersema summarizes and clarifies, are meant to underscore some of the major axes along which contemporary rights theorists disagree.

Boersema's style reflects a commitment to modest pedagogy. He sidesteps jargon and generally suppresses his opinions, allowing readers to observe the concerns, tendencies, and rhetorical moves that characterize the writings of modern-day rights theorists. The focus is not on cataloguing the various positions that recent theorists have taken, but on providing an un-