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Human Rights Without the Human Good? A Reply to Jiwei Ci

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Bernard Williams, in his magisterial discussion of Ancient Greek attitudes to slavery, observes that

[i]n many comparisons between the ancient and the modern world it is assumed that in the ancient world social roles were understood to be rooted in nature. Indeed, it is often thought to be a special mark of modern societies, distinguishing them from earlier ones, that they have lost this idea [...] A central feature of modern liberal conceptions of social justice can indeed be expressed by saying that they altogether deny the existence of necessary social identities.¹

Williams is undoubtably correct about this; as he is about the fact that the ‘intellectual machinery’ by which the point can be expressed is itself distinctly modern, and about the need to guard against making this contrast the sole lynchpin on which our understanding of distant social moralities hangs. Williams’s point makes it well worth asking: what has the history of liberal thought proposed to replace notions of necessary social identity with, and how do those proposals relate to other elements of modern liberalism?

For Jiwei Ci, answers to these questions expose some crippling deficiencies in our thinking about human rights. Ci’s specific target is liberty rights, about which he advances two critical theses:

1. ‘[L]iberty rights, no matter how justified, cannot be justified as human rights.’²
2. ‘liberty rights as understood in the standard way are *too weak* as liberal rights, and this is shown by a contradiction within the liberal approach to liberty rights in a liberal society.’³

In the first half (roughly speaking) of this paper I shall argue that neither of these theses should be accepted. Nonetheless – and this forms my paper’s second half –

¹ Williams, *Shame and Necessity*, p. 126-127.

² Ci, “Liberty Rights and the Limits of Liberal Democracy” (this volume), p. 2.

³ Ci, p. 6.

there may be serious tensions in the way that modern global justice theorists assemble the deliverances of the liberal tradition when vindicating human rights. These tensions centre on the liberal conception of the human good, and I shall suggest that we would do much better, when vindicating human rights, to draw on strands of liberalism which do not invoke any conception of the human good.

I. Against Ci's Two Theses

I begin with Ci's iconoclastic claim that liberty rights, as liberals standardly conceive of such rights, cannot be human rights. Ci's reasoning is as follows: 'because people in different times and places have led humanly meaningful and worthwhile lives without anything like liberty rights', it is mistaken 'to regard liberty rights as rights that human beings have simply by virtue of being human.'⁴ Rather, the standard liberal understanding of liberty rights denotes a set of freedoms associated with a *particular way* of being human, where human agency is fundamentally determined by liberal social forms. The mistake, Ci claims, occurs when global justice theorists treat the peculiarly liberal way of configuring human agency 'as if it were human agency as such'.

I find this argument deeply flawed. For one thing, it is too quick. Liberal global justice theorists will be unperturbed by Ci's objection if they hold that the particular configuration of agency that liberty rights protect is the true or correct configuration of human agency. Thus, to give one example, Darrel Moellendorf defends an expansive account of human rights centred on the Rawlsian conception of the person, on the grounds that the Rawlsian conception of the person is true, and so 'the fact that the conception of persons originates in the democratic tradition cannot be a reason not to apply it elsewhere.'⁵ Here, Moellendorf seems to take the liberal rejection of any necessary social identity as allowing the claim that the liberal (or rather, Rawls's) conception of the person strikes bedrock.

⁴Ci, p. 1-2.

⁵ Darrel Moellendorf, *Cosmopolitan Justice*, pp. 18-23; quote from p. 23.

I suspect Ci does not contemplate this counter-argument because he assumes we already have in view a bedrock understanding of common humanity that is not conclusively liberal. Ci employs the phrase ‘the human form of life’ repeatedly in his essay, and the Wittgensteinian resonance⁶ of that phrase suggests that a certain set of practices which could shape one’s life mark, when manifest, that life as *non-defectively human*. Ci is at any rate committed to such a notion: his objection to seeing liberty rights as human rights depends on the assumption that the appropriate ‘minimalist justification’ for human rights must appeal to what is involved in living ‘a human life’ or ‘humanly meaningful’ life.⁷ This sort of talk is common enough in the philosophical literature on human rights, but – like talk of the *unnaturalness* of nuclear power – complex philosophical commitments are necessary if the atypically narrow scope given to the classificatory term is to make sense. In judgments that some blighted lives are less than fully *human* the commitment in question must be that reflection on human nature reveals a singularly human form of life. While what Ci takes this form of life to involve is opaque, it seems to be characterised by ‘generic freedom’: roughly, that the shape of one’s life passes some test of individual and collective reflective endorsement, and lives that do not pass this test are not fully human. Generic freedom is not liberal freedom (the latter involves a distinctive conception of autonomy that the former lacks), and, armed with this understanding of *the* human form of life, Ci cannot entertain the notion that a distinctively liberal understanding of agency hits bedrock.

Yet matters cannot be so straightforward. If ‘the human form of life’ is to be specified in sufficiently generic terms that the objection Ci presses against liberty rights as human rights does not apply to it, then the notion of ‘the human form of life’ ends up vacuously empty. Many societies certainly have forced some human beings into lives that do not pass, from the inside, the relevant test of reflective endorsement. But if Ci is to say, of slave-holding societies etc., that they are not *human* societies, then his notion of ‘the human form of life’ is in the relevant respects just as limited as the liberal understanding: it is associated with a particular set of historically and

⁶ Wittgenstein, *Philosophical Investigations* I, §241; II, p. 226e. Compare Michael Thompson, *Life and Action*, p. 207-208.

⁷ Ci, p. 3-4.

culturally contingent social practices, alternatives to which humans have found meaningful.⁸

An even more urgent question concerns the coherence of the very idea of *the* human form of life. I do not think it plausible to speak of such a thing. The only way to see human behaviour in terms of the forces that animate it is to keep in view the remarkable diversity of human mores and conventions, social moralities, forms of life, and conceptions of ourselves; all the diverse patterns of conduct through which particular constellations of concepts, beliefs, and values are combined into rational experiences of the world. One must *also* keep in view the complex tides and eddies of thought created by individuals' intellectual engagement with the particular constellations of concepts and beliefs they have inherited in particular times and places, so that any appropriately historical view of all this is a decidedly kaleidoscopic one. I hope the reader will excuse the mangled metaphors, but this is the clearest and most accurate way I know of to characterise what human nature and human reasoning is. And because all that anyone's reflection, anywhere, has to go on is an ensemble of culturally inherited and historically contingent notions, it is not plausible to think that there is a distinctively *human* form of life characterised by the exercise of human reason. There are, in Clifford Geertz's marvelous phrase, only 'the forms human life has locally taken'.⁹

None of this stops us reflecting on the features of the sort of creature that inhabits these diverse forms of life. Nor is there an obvious reason to rule out tying the justification for human rights to those elements of human *beings* which are morally significant enough to ground rights, rather than to a singularly human *way* (form) of life. What then matters is whether liberty rights protect those morally significant features of human beings, and the question of which forms of life liberty rights are

⁸ Compare Raymond Geuss, *The Idea of a Critical Theory*, p. 66: 'I find it quite hard to burden pre-dynastic Egyptians, 9th century French serfs, or early 20th century Yanomamö tribesmen with the view that they are acting correctly if their action is based on a norm on which there would be universal consensus in an ideal speech situation.' Or, for that matter, on Ci's understanding of generic freedom.

⁹ Clifford Geertz, *Local Knowledge*, p. 16. See also Richard Schweder, *Thinking Through Cultures*; and Michael Jackson, *Life Within Limits*.

appropriate to becomes uninteresting: human beings have basic rights in virtue of the kind of creature a human being is, and these rights determine which forms of life are morally acceptable.

Just how a liberal argument along the above lines might unfold is a very complex question. If we are to attribute weighty moral significance to some notion of what it is to be human, we must acknowledge that the contours of the concept “human being” we appeal to are shaped by more than the properties of the *natural kind* “human being” as a biologist might understand it. Any understanding of “human being” that could bear the required philosophical weight will be a deliverance of our second nature: of a particular shaping of our brute biological capacities for reason, speech, and sociability that one acquired in becoming habituated into a culturally and historically particular form of life.¹⁰ I am allowing my language to become McDowellian here to register the point that the sorts of notions of “human being” one must use to vindicate moral claims are themselves products of particular, historically contingent, social moralities. We should not readily assume that just because we all are human beings any rational convergence on the sort of understanding of our life-form that could ground human rights is obvious or to be expected.¹¹ As Geertz observes,

the Western conception of the person as a bounded, unique, more or less integrated motivational and cognitive universe, a dynamic centre of awareness, emotion, judgment, and action organised into a distinctive whole and set contrastively both against other wholes and against its social and natural background is, however incorrigible it may seem to us, a rather peculiar idea within the context of the world’s cultures.¹²

¹⁰ John McDowell, “Two Sorts of Naturalism”, in R. Hursthouse, G. Lawrence, and W. Quinn (ed.) *Virtues and Reasons* (pp. 149-179); compare Simon Hope, “Neo-Aristotelian Justice: An Unsolved Question”, *Res Publica* 19:2, 2013, pp. 157-172.

¹¹ As, for example, Martha Nussbaum seems to: ‘We [meaning, apparently, all reasonable souls] can accept without profound metaphysics the idea that human life has a characteristic shape and form’. *Frontiers of Justice* p. 186; compare Nussbaum, *Women and Human Development* p. 72-73.

¹² Geertz, *Local Knowledge*, p. 59.

This does not mean we cannot, in justifying human rights, appeal to such a conception. I think it does show that we would do very well to avoid blithe assertions of the truth of the liberal conception of our life-form, and to focus instead on the very hard question of how we might adduce considerations for seeing things our way that are accessible to others who see things differently.¹³

Other difficulties also intrude. There is a complex question, which I shall not address here, over the work a conception of human life-form can do in our thinking about moral obligation.¹⁴ There is also a question, to which I will return, of the extent to which defenders of human rights slip between appeals to what a human being *is* and appeals to a ‘truly human’ form of *life*. But the point I wish to register here is that Ci’s claim that liberty rights cannot be human rights depends on the assumption that human rights are grounded in a distinctively human *form of life*. There is no reason for liberal defenders of human rights to accept that assumption; indeed, we should reject it.

I turn now to Ci’s second critical claim: that the liberal understanding of liberty rights is too weak. Ci’s criticism is motivated by the belief that contemporary liberal thinkers ignore the extent to which their favoured conception of agency is determined by the institutions of global capitalism. What is missed is that the autonomy liberty rights protect is ‘autonomy under constraints imposed by the capitalist organisation of economic and social life [...] thus we must understand liberty rights as advancing the cause of human wellbeing within limits set by the capitalist order.’¹⁵ This fact, Ci claims, cripples liberty rights as liberal rights, because the institutions of global capitalism fatally undermine autonomy.

¹³ This is a very controversial point, which I cannot adequately defend here, but nothing I go on to say depends upon this view of the task of moral philosophy.

¹⁴ Compare G.E.M. Anscombe, “Modern Moral Philosophy”, p. 38 (in *Collected Papers* vol III), speaking of the sense in which the possession of certain capacities/virtues is the norm for mankind: ‘in *this* sense “norm” has ceased to be roughly equivalent to “law”’. See also the concerted attempt by Michael Thompson, *Life and Action*, to overcome Anscombe’s doubt.

¹⁵ Ci, p 28.

Ci seeks to vindicate this criticism via a complex argument. Ci sensibly observes that autonomous agents can only determine themselves through inherited understandings they did not initially choose.¹⁶ But Ci goes on to describe certain liberal moral aims, such as individuals' access to the various mechanisms within local forms of life through which changes in social practices may be effected, and the attainment of moral goods, as *grounded* in the need to 'redeem' autonomy from our unchosen second nature. This grounding I find much less obvious, both as a description of liberalism and as a sensible idea.¹⁷

Ci offers two arguments to show that the social forms of modern capitalism are in direct conflict with these moral aims. The first is to observe that under market institutions 'the weak are absolutely inferior to the strong in their ability to shape the social setting for individual autonomy'.¹⁸ Given that free market institutions offer no corrective for inequalities in bargaining power that individuals bring into the market, this is an accurate criticism of libertarian versions of liberalism that only acknowledge rights against interference. But there are plenty of alternative liberal conceptions of liberty rights where liberty rights and welfare rights must be taken together,¹⁹ and Ci's point does not show that *those* conceptions are too weak.

Ci's second argument is more ambitious. As Ci puts it, 'the exercise of individual autonomy, a precious and indispensable value in any modern form of human life, is warped, compromised, and even undermined when it is framed by a social setting

¹⁶ Ci, p. 9.

¹⁷ I struggle to see how 'redemption' is at all a plausible idea. That individuals only acquire the capacities for interaction under *any* complex social forms in virtue of having been habituated into an historically and culturally particular form of life is simply a part of our finitude. Saying that this fact requires *redemption* betrays a dubious wishful thinking, identifying human finitude as a source of regret for human beings. I cannot see why we should take such a thought seriously: it is akin to genuine regret that one lacks x-ray vision or the ability to freeze time.

¹⁸ Ci, p. 8.

¹⁹ For example: Henry Shue, *Basic Rights*, p. 31; Liz Ashford, "The Alleged Dichotomy Between Positive Rights and Negative Duties", in C. Beitz and R. Goodin (ed.) *Global Basic Rights*, pp. 94-100.

increasingly dominated by (global) capital [...] shaped in such a way as to make choosing and pursuing the good life an increasingly uphill struggle.’²⁰ Here, the argument is that the liberal conception of liberty rights is consistent with social forms that undermine our attainment of ethical goods. Ci develops the argument via a detailed meditation on Alasdair MacIntyre’s jeremiad on the atomising, hollow nature of modern liberal social forms – a social world fit for aesthetes, managers, and therapists but one entirely unsuited to the attainment of meaningful virtues and lives²¹ – and the related sociological work of Richard Sennett. The lesson Ci draws is that the liberal conception of liberty rights ‘makes for a regime of self-constitution in which people acquire what is most important for themselves (individual identities) through efforts directed at the most unsuitable objects (external goods) and in the least auspicious manner (sheer competitiveness).’²²

Social forces promoting success in terms of ultimately meaningless baubles achieved at the expense of one’s fellows are undoubtably at work in liberal societies, but the connection to *liberty* rights may not be immediately apparent. As Brian Barry once remarked, a properly liberal society ‘provides alcohol, tranquilizers, wrestling on the television, astrology, psychoanalysis, and so on, endlessly’ for those who do not wish to take the opportunity liberty rights provide for taking responsibility and control over their own lives.²³ But for Barry, nothing about the basic structure of liberal society *entails*, rather than merely makes possible, the dominance of the hollow, atomised, and morally debased lives MacIntyre and Ci lament. Why, then, does Ci think liberty rights are too weak when conceived of as liberal rights, rather than holding that not all individuals may prove strong enough to make the most of their liberty?

Ci’s answer, if I understand him, is that one cannot isolate the liberal conception of liberty rights from the atomising social forces in modern liberal societies. ‘This liberal moral vision’ Ci writes, ‘has as its outer limits a comprehensive ordering of human

²⁰ Ci, p. 11, p. 13.

²¹ Alasdair MacIntyre, *After Virtue* (2nd ed).

²² Ci, p. 15-16.

²³ Brian Barry, *The Liberal Theory of Justice*, p. 127.

life in which prominently figures the capitalist organization of production and consumption'.²⁴ Ci's appeal to the close historical connection between liberalism and capitalism is what makes his essay so interesting and potentially powerful. But I do not think the MacIntyrean jeremiad is at all helpful in making sense of how, if at all, the close historical connection between liberalism and capitalism renders liberal conceptions of liberty rights problematic.

For one thing, there is something unfortunate about the one-sided MacIntyrean contrast between the hollow, atomised, and morally debased liberal form of life and some rich, interconnected, non-liberal alternative in which lives have meaningful narratives. The non-liberal alternative in such comparisons is invariably presented in a remarkably idealised fashion, applying notions of "community" or "narrative structure" solely to favoured instances of such. 'It is', Stephen Holmes has penetratingly remarked, 'as if "the dental" referred exclusively to healthy teeth'.²⁵ In this light, Ci's own avowedly utopian vision of a post-liberal alternative can scarcely be encouraging.

One also wishes for a more nuanced picture of liberal social forms. Consider, for example, Ajume Wingo's comparison between Ghanaian life and the life of one of his American students:

A responsive government makes it possible for persons to lead isolated, even eccentric, lifestyles. While in communalistic parts of Ghana it takes a village to raise a child, in my student's hometown, it takes a daycare centre. Whereas one can fish, hunt, and farm at Whole Foods for far more food than is needed to survive, in rural Ghana, one must trek long distances in order to *literally* fish, hunt, and farm. Whereas extended family is central to the survival of the individual in Ghana, in my student's homeland, an extended family can be ignored without peril. For him, and Americans more generally, value is measured in dollars. But for an average African who lives with (or perhaps in spite of) her non-

²⁴ Ci, p. 27.

²⁵ Stephen Holmes, "The Permanent Structure of Anti-Liberal Thought" (in N. Rosenblum, ed., *Liberalism and the Moral Life*), p. 232.

responsive, dysfunctional government, a familial network is a far surer measure of wealth, guarantor of survival, and protector of freedom than is a government-issued currency.²⁶

Ghanian life as Wingo describes it is much less atomised, and this has advantages: Wingo observes that something like the Kitty Genovese tragedy would be extremely unlikely in a Ghanian community. But Wingo is also sensitive to the fact that atomised modes of life can only arise under stable, effective, generally responsive – although by no means perfectly just – social institutions. Seen in this light, there is considerable force to Judith Shklar’s observation that any hankering for more extensive communal or individual identities is the luxury of a privileged liberal society.²⁷

The one-sidedness of the MacIntyrean jeremiad Ci deploys also obscures the fact that there is more room for thinking through the connections between liberalism and capitalism than Ci allows. At this point, it becomes necessary to pin down precisely what I take “liberalism” to be. “Liberalism” is a contested notion, with various restrictive definitions stipulated for specific purposes: thus Philip Pettit (for the purpose of too-sharply separating liberalism from republicanism) treats liberalism as a 19th century invention; thus Sam Freeman (for purposes unclear to me) seeks to distance libertarian views from the liberal tradition.²⁸ These are just two examples among many, but if one is to get a proper grip on liberalism a broader characterisation is needed. The following seems accurate to me: to borrow a phrase from John Pocock, liberalism is fundamentally concerned with the ‘separation and recombination’ of individual liberty and political authority,²⁹ and it holds that the appropriate separation

²⁶ Ajume Wingo, “The Odyssey of Human Rights”, *Transition* 102:1, 2010, pp. 120-138; quote from p. 121. Compare Michael Jackson, *Life Within Limits*.

²⁷ Judith Shklar, “The Liberalism of Fear”, in N. Rosenblum (ed.) *Liberalism and the Moral Life*, p. 35-36.

²⁸ Philip Pettit, “Liberalism and Republicanism”, *Australian Journal of Political Science* 28:4, 1993, p. 163; Philip Pettit, *Republicanism*, p. 8; Samuel Freeman, “Illiberal Libertarians: Why Libertarianism is Not a Liberal View”, *Philosophy and Public Affairs* 30:2, 2001, pp. 105-151.

²⁹ J.G.A. Pocock, *Virtue, Commerce, and History*, p. 44.

and recombination must be justifiable to all citizens as individuals. I think it is also fair to say that capitalist thinking is entwined with liberalism from the very outset: the 17th century originators of liberalism saw inviolable property rights as the best way of achieving and securing the correct separation and recombination of liberty and authority.³⁰ By the 18th century the nascent institutions of global commerce quickly came to be seen as the best means of subjugating both mankind's anti-social interests and the political pursuit of glory, thereby ensuring a world in which the liberal separation and recombination was stable.³¹

Grasping the initial links between liberalism and capitalism enables us to reject Ci's claim that liberals effectively lack the philosophical materials to think of human nature in terms other than unencumbered, atomised, self-interest.³² The early liberals embraced a much richer and more plausible conception of human nature, and it was precisely a concern with the darker human tendencies that linked liberalism and capitalism. As Albert Hirschman notes,

capitalism was precisely expected and supposed to repress certain human drives and proclivities and to fashion a less multifaceted, less unpredictable, and more "one-dimensional" human personality. This position, which seems so strange today, arose from extreme anguish over the clear and present dangers of a certain historical period, from concern over the destructive forces unleashed by the human passions with the only exception, so it seemed at the time, of "innocuous" avarice.³³

The idea that human nature is accurately described in terms of unencumbered egoism is one contingent possibility within liberal thought, and it rose in influence only by

³⁰ Pocock, *Virtue, Commerce, and History*, Part I; Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination*, chapters 1-3.

³¹ Albert Hirschman, *The Passions and the Interests*; see also Istvan Hont, "Free Trade and the Economic Limits to National Politics", in Dunn (ed.) *The Economic Limits of Modern Politics*.

³² Ci, p. 26, formulates the point as follows: while certain modern liberals do not outrightly endorse atomised self-interest, the fundamentally capitalist nature of the liberal moral vision excludes the real possibility of an alternative. See also MacIntyre, *After Virtue*, p. 34.

³³ Hirschman, *The Passions and the Interests*, p. 132.

exploiting the use – by earlier liberal arguments for capitalism – of the term “interest” to denote innocuous passions, in such a way as to break with those arguments’ richer conceptions of human nature. To the earlier liberal writers, the idea that commerce harnessed the deepest human drives in a way that *naturally transformed* (via invisible hands, and so on) discord into concord was seen as wishful thinking based on a misguidedly narrow understanding of human nature. The context in which the early liberals thought of human nature is one in which a belief in the universality of human nature was increasingly thought to be feasible only if narrowly reductive accounts of human nature were avoided,³⁴ and by the end of the 18th century some thinkers were convinced that diversity was *so* great that commercial interaction offered the only hope of understanding other cultures.³⁵ The point here is that whatever is lost to us from 18th century accounts of human nature, the rejection of simplistically reductive accounts is still an option for us, and it has always been a part of the liberal tradition’s materials for thinking through connections with capitalism.

A similar point can be made with respect to virtue and character, which both MacIntyre and Ci assert are eroded by capitalism. Early liberals were profoundly concerned that the separation and recombination of liberty and authority must be *institutionally protected*: they came to see that conceiving of good government and society through the mode of civic virtue was inadequate. Such a mode appeared to them not only to be unable to address the institutional complexities of liberty, but also to hopelessly idealise away aspects of our nature.³⁶ But the liberal ambivalence towards civic virtue does not necessitate a blindness to character. Whereas older traditions of thinking through the virtues located character within a religious or natural scheme that specified the variety of roles through which man’s social nature

³⁴ For an excellent account of this context see Aaron Garrett, “Human Nature”, in Knud Haakonssen (ed.) *The Cambridge History of 18th Century Philosophy*, vol I, pp. 160-233.

³⁵ See Anthony Pagden, *European Encounters With the New World*, chapter 5.

³⁶ See Steve Pincus, “Neither Machiavellian Moment nor Possessive Individualism”, *American Historical Review* June 1998, pp. 705-736 at pp. 729-732. Pincus deals with the 17th century English context, and see Herbert Storing, *What the Anti-Federalists Were For*, pp. 71-73, for the 18th century American context.

was understood,³⁷ the liberal rejection of any necessary social identity made appeal to such schemes unavailable. In its place, a distinctively liberal strand of thinking about character attempted to make do with the imperfect elements of human nature as such, playing humanity's negative tendencies off one another in order to negate their effects.³⁸

The initial intertwining of liberal and capitalist thought emerges as part of the solution to the problem of man's inhumanity to man; a problem which is very much still with us, although of course not to be understood now in quite the same way it was then. The early liberals' solution had to render stable the liberal separation and recombination of individual liberty and political authority, and at that point the nascent institutions of capitalism become instrumentally implicated in the solution. In light of all this, Ci's complaint that liberty rights are too weak as liberal rights must appear implausible. This is not to say that the tendencies of modern life that so concern MacIntyre and Ci are entirely untroubling. What I am trying to say is that even if those concerns are a problem created by the liberal vision of liberty rights, *those concerns cannot show that the liberal conception of liberty rights is too weak*. If I am right there is a venerable, and clearly liberal, way of conceiving of liberty rights that does not attempt to do any more than secure the basic institutional conditions for the legitimate use of political authority. Ci has not shown that liberty rights, as standardly conceived, are too weak for *that* task.

II. The Liberal Good Life and the Institutions of Global Capitalism

So we ought to reject both of Ci's theses about liberty rights. Yet there is more to be said about human rights generally, for there is more than one way of pressing the objection that, in Katrin Flikschuh's words, 'the currently evolving liberal morality may be labouring under its own historically engendered economic and political

³⁷ Think, for example, of the efforts the Roman of good character would go to in order to display proper masculinity, moderating their gait and vocal resonance: see Peter Brown, *The Body and Society*, pp. 9-12. Greek attitudes are not much different in these respects: Williams, *Shame and Necessity*, pp. 117-123; Julia Annas, "Plato's Republic and Feminism", *Philosophy* 51, issue 197, pp. 307-321.

³⁸ Judith Shklar, *Ordinary Vices*. See also Hirschman, *The Passions and the Interests*.

constraints' in a way that undermines certain liberal accounts of human rights.³⁹ Flikschuh herself, in pressing this objection, differs from Ci on at least two points. First, whereas Ci focuses on the attainment of ethical goods *within* liberal societies, Flikschuh focuses on whether liberalism can achieve *globally* the political and economic aspirations that it holds to be universally valid. The worry, which Flikschuh advances only tentatively, is that societies may only secure liberal moral commitments domestically via political and economic institutions that sustain inequalities at the global level; inequalities which necessarily undermine liberalism's universal commitments.⁴⁰ But – and this is the second important difference between Flikschuh and Ci – Flikschuh is careful not to portray the issue in broadly Marxist terms as a contradiction *inherent* in the *very idea* of liberalism. Everything depends on how liberals understand the universal commitments captured by justice and human rights, and only some strands of liberal thought are open to the charge that the standards of universal justice they promulgate are intermeshed with inequalities at the global level that prevent the realisation of those standards for all.

Making sense of Flikschuh's point calls for a second excursion into the history of liberalism. Flikschuh emphasises two distinct strands of liberal thought. One – older, reaching back to liberalism's 17th century origins – is deontological, understanding the demands of universal morality as a set of constraints on permissible ways of going on. The second strand – venerable but more recent, originating in utilitarian thinking – is fundamentally teleological in outlook, deriving the demands of universal morality from an account of the good human life. For Flikschuh, the problem liberal global justice theorists face lies in the influence in contemporary thinking of this second strand. Whereas the older, deontological, strand of liberalism was fundamentally oriented around questions of political legitimacy, 'liberalism's teleological strand [...] took questions of political legitimacy as settled and considered the question of individual wellbeing entirely from within the institutional and conceptual framework of the individual state'. And precisely because the earlier questions of legitimacy had been settled in ways that vindicated the nascent capitalist international order, the

³⁹ Katrin Flikschuh, "The Limits of Liberal Cosmopolitanism", *Res Publica*, 2004, p. 190.

⁴⁰ Flikschuh, p. 186.

liberal good life ‘presupposes the presence of a competitive free market economy as well as a strong conception of liberal sovereign statehood that deploys political power with an eye to achieving maximal economic advantage’.⁴¹

The deontological strand was certainly not eclipsed by the later teleological strand;⁴² the two persist contemporaneously, as two contingent paths via which liberal thought develops and adapts, and liberal theorists assemble the deliverances of either or both strands in a wide variety of ways. This point may make the historical argument Flikschuh offers appear entirely unconvincing: that a strand of liberal thought developed in a certain way hardly implies that liberal thinking has to stay that way, and the teleological strand of liberal thought certainly does not lack the philosophical resources to give an account of political legitimacy rather than simply taking the issue as settled. Yet I think Flikschuh’s point can be both strengthened and deepened, in a way that exposes this rebuttal as too simplistic, by further reflection on what the conception of the good that forms the liberal *telos* requires of an institutional scheme.

Any plausibly liberal conception of the good life will reflect the abiding concern of liberal thought with the separation and recombination of individual liberty and political authority. For this reason, the liberal good life is the life of *personal autonomy*: the liberal conception of flourishing is one where the shape of one’s own life is, to a significant degree, under one’s control. In Stephen Wall’s words:

Personal autonomy is the ideal of people charting their own course through life, fashioning their character by self-consciously choosing projects and taking up commitments from a wide range of eligible

⁴¹ Flikschuh, p. 189.

⁴² To give one example of the deontological strand’s persistence, although there is a common tendency now to think that liberalism has always opposed to slavery as a monstrous enemy of human flourishing and dignity, one of the most powerful 19th century anti-slavery arguments – Abraham Lincoln’s, among many others – made no such appeal to flourishing, and decried slavery solely in (libertarian) terms of the evil of denying a man the fruit of his own labour. See Garry Wills, “Lincoln’s Black History”, *NYRB* LVI:10, 2009, pp. 52-55. That is a recognisably liberal argument, even if not everyone (including Lincoln) who made it held uniformly liberal views on race.

alternatives, and making something out of their lives according to their own understanding of what is valuable and worth doing.⁴³

All of this will be very familiar to any reader of contemporary political philosophy, and I shall not dwell on the details of differing philosophical accounts. What I want to emphasise is that significant, or at least sufficient, control over the shape of one's life, as it is understood in liberal conceptions of the good life, is a complex matter requiring social institutions to secure for individuals a considerable array of capabilities.

To see this it is necessary to interrogate further what it *is* to 'make',⁴⁴ or 'shape',⁴⁵ or chart the course of, one's own life. It is consistently held to involve an array of meaningful options, although the width of that array is often left unclear.⁴⁶ Yet it should be possible to say more. According to Martha Nussbaum, to live a sufficiently autonomous life requires (among other things) that one attains a decent basic level of education; exercising one's creative choice according to one's own lights; control over one's body and the ability to form mutually consensual sexual relationships according to one's tastes and orientation; an informed view of the world and politics that one has been able to assemble oneself in the market-place of ideas; freedom of movement; the ability to form personal attachments with others and to engage in the pursuits through which those attachments play out; the secure ownership of property; a significant degree of social and workplace mobility; and the economic, political, legal, and physical resources to be able to do all these things without sacrificing or rendering insecure (to an objectionable degree) any basic needs.⁴⁷ My punctuation is here intended to convey the breathlessness one may be left with when confronted by Nussbaum's list. Yet it is difficult to see how someone could have sufficiently authored/made their life if control with respect to one of Nussbaum's items is denied

⁴³ Stephen Wall, *Liberalism, Perfectionism, and Restraint*, p. 203.

⁴⁴ Joseph Raz, *The Morality of Freedom*, p. 375.

⁴⁵ Nussbaum, *Women and Human Development*, p. 72.

⁴⁶ Raz, *Morality of Freedom*, p. 204; Raz, *Ethics in the Public Domain*, p. 4-5; Wall, *Liberalism, Perfectionism, and Restraint*, p. 188-189.

⁴⁷ Nussbaum, *Frontiers of Justice*, p. 77-78.

them (their sexual relations; their possessions; etc.). Something fundamentally similar to this list must, then, be entailed by the liberal conception of the good life as a life that is, to the requisite degree, “made”, “shaped”, “authored”, or “charted” by oneself.

Anything close, if not identical, to Nussbaum’s list will require a very complex constellation of capabilities involving a considerable array of options in a very wide number of spheres of life. These options are not of course limitless – Nozick’s remark⁴⁸ about being able to leave my knife where I like, but not in your chest applies to all this too – but they must be considerable. Defenders of the liberal good life typically take this to be a strength of their conception of the human good: it is not a culturally specific conception, and can be lived within a wide variety of local forms of life.⁴⁹ I am not so sure. What this conception of the good life involves is the option to pursue whichever cultural values one chooses to under one’s own terms *within the context of a basic structure of institutions that secure the long list of capabilities and options that the good life requires.*

In fact, very few sorts of institutional structure will be able to secure the constellation of capabilities and options that constitute the conditions for the liberal good life. It is very hard to see how the requisite institutional structure could be anything other than fundamentally market-based, both because of the range of options required, and because a considerable degree of freedom not only to expend but also to generate one’s wealth seems a fundamental part of this constellation of capabilities and options. This is not to say that what is required is the completely unfettered market that libertarians dream of.⁵⁰ What it is to say is that the conditions for the attainment of the liberal good life seem perfectly suited to, and so far as anyone has managed seem only achievable under, the socioeconomic institutions of global market capitalism, constrained by – but also, importantly, constraining in turn – the domestic

⁴⁸ Robert Nozick, *Anarchy, State, and Utopia*, p. 171.

⁴⁹ Nussbaum, *Frontiers of Justice*, p. 296-297; Raz, *Ethics in the Public Domain*, p. 24.

⁵⁰ Compare Joseph Heath, “Liberal Autonomy and Consumer Sovereignty”, pp. 204-225 of John Christman and Joel Anderson (ed.) *Autonomy and the Challenges to Liberalism*.

forms of liberal democracy. Given that the prosperity that enables liberal societies to secure (should they choose to) the liberal good life for all their members has only been furnished by global socioeconomic institutions that systematically deny that prosperity to others elsewhere,⁵¹ I find the following disquieting suggestion entirely plausible: the liberal good life is not one that can be universally attained. It cannot be, because the institutional structures that create the conditions for the attainment of the good life within liberal societies are inextricably intertwined with systemic economic inequalities at the global level that prevent all from attaining it.

At this point I would like to bring back into view the question of what liberal thought replaces the notion of necessary social identities with. John Tasioulas has recently insisted that to uncover a philosophically robust conception of human rights one must focus on ‘the human good and the special protection it merits’.⁵² Many, many liberal defenders of human rights follow this route of argument. In doing so, they locate a conception of common humanity devoid of any necessary social roles or stratification by defining it through an account of (what is taken to be) a *truly human* life. And that conception of the good life has to be the liberal life marked by autonomy. Here is a reliably representative (if unusually explicit concerning the slip between human *being* and human *life*) example:

the core idea is that of the human being as a dignified and free being who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world in the manner of a “flock” or “herd” animal. A life that is really human is shaped throughout by [the] twin human powers of practical reason and sociability.⁵³

Insofar as defenders of human rights follow this line, it is hard to see how their conception of human rights avoids the contradiction of setting universal entitlements

⁵¹ See, for example, the compelling condemnation of global institutions in Pogge, *World Poverty and Human Rights*.

⁵² John Tasioulas, “The Moral Reality of Human Rights”, p. 100.

⁵³ Martha Nussbaum, *Women and Human Development*, p. 72. Compare Jim Griffin’s understanding of common humanity through shared prudential judgments about wellbeing: Griffin, *On Human Rights*, pp. 113-125.

for all that are intermeshed with global economic institutions that prevent the universal fulfilment of those entitlements.

In reply, defenders of human rights within liberalism's teleological strand might argue that while the content of human rights must be grounded in the liberal conception of human flourishing, the derivation could fall well short of the array of capabilities and options that are intermeshed with capitalist socioeconomic forms. Thus Thomas Pogge has insisted that human rights be understood 'largely in terms of the unspecific means to, rather than components of, human flourishing', and Pogge is careful to select a narrow list of means that fall far short of the complex constellation of capabilities and options one would need to sufficiently shape or author one's life.⁵⁴ Or one might hold that connecting the liberal good life to human rights itself introduces a deontological constraint: the *very idea* of human rights as held by all human beings entails that the conception of the human good that gives such rights content is one simultaneously achievable by all human beings.⁵⁵

But the coherence of either sort of rebuttal is far from clear. As Thomas Hurka correctly observes, *if we think that the criteria of justice are fundamentally concerned with the human good, then we cannot 'first select principles of right and then just slot an account of the good into them, as if the latter made no difference to the former. The good does matter to the right: structural principles that might be plausible given one account of value may not be plausible given another.'*⁵⁶ Hurka's point should be very well taken: if human rights matter because they protect the human good, it is not at all clear how such rights can justifiably fall short of entailing the institutional structures through which that good is to be achieved.⁵⁷

To be clear, the conclusion I have been arguing for in this section is just that the close connection between liberalism and capitalism *only* creates a contradiction when

⁵⁴ Thomas Pogge, *World Poverty and Human Rights*, p. 42.

⁵⁵ Nussbaum seems to follow this line at *Frontiers of Justice*, p. 285-286.

⁵⁶ Thomas Hurka, "Capability, Functioning, and Perfectionism", *Aperion*, p. 161.

⁵⁷ Although see Cruft, this volume, for a fascinating account of the complexities here.

human rights are defined and justified through the teleological strand of liberal thinking. Liberal thought, understood in broader terms, contains the intellectual machinery to support an array of acute and persuasive criticisms of the unjust effects of the institutions of global capitalism. But if liberals are to offer such criticisms, it is by no means clear that they can coherently do so by appealing to the liberal conception of the human good. And they would be well-advised not to do so. The familiar slip in liberal accounts of the good from “human being” to “human life” exposes such accounts to the same objection I pressed against Ci earlier: it is not plausible to speak of *the* distinctively *human* form of life. A robust defence of human rights would do much better to draw on the resources of other strands of the liberal tradition.

This point can, however, be very hard to see because of the striking dominance of the teleological strand in liberal political philosophy in the era of human rights. Should anyone wish to dispute this remark by pointing out that the single most influential liberal thinker of our current period, John Rawls, consistently defended the idea that criteria of justice could be detached from any conception of the human good, I would make two related observations. The first is that if one looks at the initial reception of *A Theory of Justice*, even very sympathetic reviewers – Tom Nagel, Brian Barry among them – insisted that what was missing from Rawls’s account was a conception of the good.⁵⁸ Here one catches a glimpse of the orthodoxy of the teleological strand. The second observation is that while a number of liberals (including Nagel and Barry) came around to Rawls’s view, the notion that one cannot talk of the basic rights and duties of justice in isolation from considerations of the human good is still so central to contemporary liberal theorising that there is an unfortunately common tendency to assume that the *only* way one can try to detach criteria of justice from a conception of the good is to be a Rawlsian ‘political liberal’.⁵⁹ That many global justice theorists do indeed echo Tasioulas’s claim that the human good grounds human rights is a

⁵⁸ Thomas Nagel, “Rawls’s Theory of Justice”, *Philosophical Review* 82:2, 1973, pp. 220-234; Brian Barry, *The Liberal Theory of Justice*, esp. p. 126-127.

⁵⁹ A typical example: Jonathan Quong, *Liberalism Without Perfection*, p. 16. One wonders what Quong, who is particularly sure of this assumption, would make of Kant’s political philosophy – would he really claim Kant was a ‘political liberal’?

manifestation of the dominance of the teleological strand. So, too, is Ci's own erroneous equation of *the very idea* of liberalism with a conception of the human good.

One thing all this has obscured is a very different deontological strand of liberal thinking, which eschews any of the cumbersome Rawlsian apparatus of 'political' liberalism. I know of no better description of this strand of liberalism than the words of the late Tony Judt:

Liberalism [...] is necessarily indeterminate. It is not about some sort of liberal project for society; it is about a society in which the messiness and openness of politics precludes the application of large-scale projects, however rational and ideal – especially, indeed, if they are rational and ideal.⁶⁰

Although obscured, this strand of liberal thinking is not lost: it has modern defenders with cosmopolitan vision in the likes of, for example, Judith Shklar, Bernard Williams, and Onora O'Neill.⁶¹ I shall not here try to trace out all its main features or the divergences among its adherents. Suffice to say that this liberalism is indeterminate, insofar as it is, in virtue of the fact that it understands social moralities not as artifacts of academic contemplation, but as constellations of reason-giving concepts embodied in the mores and conventions of historically and culturally contingent forms of life. Accordingly, reasoning about what social justice requires is to be understood from the point of view of historically located individuals.⁶² It is argued that inclusive reasoning among a diverse domain of agents must necessarily focus on the principles such a domain *cannot* adopt; criteria of social justice are then embodied in a set of constraints against acting on such principles, and questions of *telos* or human good left entirely indeterminate.

⁶⁰ Tony Judt, *Past Imperfect*, p. 315.

⁶¹ Shklar, "The Liberalism of Fear"; Bernard Williams, *In the Beginning Was the Deed*; Onora O'Neill, *Towards Justice and Virtue*.

⁶² Compare O'Neill, *Towards Justice and Virtue* chapter 2 (especially p. 58: 'Reasoning is defective when reasoners misjudge or misrepresent what others can follow'), with Bernard Williams, "Saint-Just's Illusion", *Making Sense of Humanity*. See also O'Neill, *Faces of Hunger*, p. 32; Williams, *In the Beginning was the Deed*, p. 50-51.

The key point I wish to register is that this strand of liberalism, in rejecting the notion of any necessary social identity, puts in its place a conception of human nature understood in terms of the finitude of vulnerable, interdependent beings. It does not equate this conception with a distinctively or ‘truly’ *human form of life*. Rather, it seeks to identify features of human finitude that the mores and conventions of any local form of life must register. The moral significance of these aspects of human finitude is not assumed to be intuitive to bearers of all diverse local forms of life;⁶³ nor need it even be claimed that there are any intrinsically valuable properties of human beings.⁶⁴ Instead, the fact that social moralities are embedded in lived conventions that must register the nature of our finitude is taken to render accessible, to the bearers of diverse forms of life, the justification for institutions which systematically limit vulnerability and foreclose possibilities for exploitation.

To spell all this out in a philosophically robust way would require far more room than I have here. All I can hope to make clear is the mere suggestion that this substrand of deontological liberalism offers something potentially very useful to our thinking about human rights. What it offers is a way of grounding the basic obligations mankind owes to all mankind in a conception of common humanity opposed to any necessary social identity which does not slip into implausible talk of *the human form of life*, and does not implicate the problematic liberal conception of the good. To my mind, this deontological substrand therefore represents a much more promising strand of liberalism to work with when thinking through the relationship between human rights and the socioeconomic institutions of global capitalism. It may well be that adopting this deontological substrand involves philosophical costs regarding the standard understanding of human rights: it is doubtless much easier to vindicate *welfare* rights by appeal to the human good than it is within the indeterminate

⁶³ This is certainly true of O’Neill and Williams; Shklar may be more optimistic: see “The Liberalism of Fear”, p. 30.

⁶⁴ This is especially true of a certain Kantian line: see, for the complexities, Oliver Sensen, “Dignity and the Formula of Humanity (*ad* IV 429, IV 435)”, in Jens Timmermann (ed.) *Kant’s ‘Groundwork of the Metaphysics of Morals’: A Critical Guide* (Cambridge, Cambridge University Press, 2010, pp. 102-118). Compare O’Neill, *Towards Justice and Virtue*, pp. 91-97.

liberalism I am putting forward as an alternative. But exactly how duties concerning others welfare might feature within such an approach is a debate for another day.⁶⁵

I want to conclude by returning to where I began: my title. My title asks a question: human rights without the human good? I have not tried to answer that question here, only to raise it. Ci is correct to ask defenders of human rights to reflect more carefully than many have done on the interconnections between liberalism and capitalist institutions, and if what I have said is plausible such reflection should undermine the plausibility of grounding human rights in the liberal conception of the human good. But – although it is hard to see at times in the current literature – the broad liberal tradition leaves open many paths for conceiving of human rights *without* appeal to the human good, and it is well worth investigating whether human rights would ultimately be better served by attending to such paths.

BIBLIOGRAPHY

- Annas, Julia; “Plato’s *Republic* and Feminism”, *Philosophy* 51, pp. 307-321
- Anscombe, G.E.M.; *Ethics, Religion, and Politics* (Oxford, Blackwells, 1981).
- Appleby, Joyce; *Liberalism and Republicanism in the Historical Imagination* (Cambridge MA, Harvard University Press, 1992).
- Ashford, Elizabeth; “On the Alleged Dichotomy Between Positive and Negative Duties”, in C. Beitz and R. Goodin (ed.) *Global Basic Rights* (New York, Oxford University Press, 2009), pp. 94-100.
- Barry, Brian; *The Liberal Theory of Justice* (Oxford, Oxford University Press, 1973).
- Brown, Peter; *The Body and Society* (2nd ed. New York, Columbia University Press, 2008).
- Flikschuh, Katrin; “The Limits of Liberal Cosmopolitanism” *Res Publica* 10:2, 2004, pp. 175-192.
- Freeman, Samuel; ““Illiberal Libertarians: Why Libertarianism is Not a Liberal View”, *Philosophy and Public Affairs* 30:2, 2001, pp. 105-151.

⁶⁵ For further discussion within a Kantian version of this indeterminate strand, see Hope, “Subsistence Needs, Human Rights, and Imperfect Duties”, *Journal of Applied Philosophy* 30:1, 2013; Hope, “Kantian Imperfect Duties and Modern Debates over Human Rights”, *Journal of Political Philosophy* [forthcoming 2013].

Garrett, Aaron; "Human Nature", in Knud Haakonssen (ed.) *The Cambridge History of 18th Century Philosophy*, vol I (Cambridge, Cambridge University Press, 2011), pp. 160-233.

Geertz, Clifford; *Local Knowledge* (New York, Basic Books, 1983).

Geuss, Raymond; *The Idea of a Critical Theory* (Cambridge, Cambridge University Press, 1981).

Griffin, James; *On Human Rights* (Oxford, Oxford University Press, 2008).

Heath, Joseph; "Liberal Autonomy and Consumer Sovereignty", in J. Christman and J. Anderson (ed.) *Autonomy and the Challenges to Liberalism* (Cambridge, Cambridge University Press, 2005), pp. 204-225.

Hirschman, A.O.; *The Passions and the Interests* (Princeton, Princeton University Press, 1977).

Holmes, Stephen; "The Permanent Structure of Anti-Liberal Thought", in N. Rosenblum (ed.) *Liberalism and the Moral Life* (Cambridge MA, Harvard University Press, 1989), pp. 227-253.

Hont, Istvan; "Free Trade and the Economic Limits to National Politics", in J. Dunn (ed.) *The Economic Limits of Modern Politics* (Cambridge, Cambridge University Press, 1992).

Hope, Simon; "Subsistence Needs, Human Rights, and Imperfect Duties", *Journal of Applied Philosophy* 30:1, 2013, pp. 88-100.

- "Neo-Aristotelian Justice: An Unsolved Question", *Res Publica* 19:2, 2013, pp. 157-172.

- "Kantian Imperfect Duties and Modern Debates Over Human Rights", *Journal of Political Philosophy* online first 2013, doi: 10.1111/jopp.12026.

Hurka, Thomas; "Capability, Functioning, and Perfectionism", *Apeiron* 35:4, 2002, pp. 137-162.

Jackson, Michael; *Life Within Limits* (Durham, Duke University Press, 2011).

Judt, Tony; *Past Imperfect* (New York, NYU Press, 2011).

MacIntyre, Alasdair; *After Virtue* (2nd ed. London, Duckworth, 1985).

McDowell, John; "Two Sorts of Naturalism", in R. Hursthouse, G. Lawrence, and W. Quinn (ed.) *Virtues and Reasons* (Oxford, Clarendon, 1995), pp. 149-179.

Moellendorf, Darrell; *Cosmopolitan Justice* (Boulder, Westview, 2002).

Nagel, Thomas; "Rawls's Theory of Justice", *Philosophical Review* 82:2, 1973, pp. 220-234.

Nozick, Robert; *Anarchy, State, Utopia* (New York, Basic Books, 1974).

Nussbaum, Martha; *Women and Human Development* (Cambridge, Cambridge University Press, 2000).

- *Frontiers of Justice* (Cambridge MA, Belknap, 2006).

O'Neill, Onora; *Faces of Hunger* (London, Harper-Collins, 1986).

- *Towards Justice and Virtue* (Cambridge, Cambridge University Press, 1996).

Pagden, Anthony; *European Encounters with the New World* (Yale, Yale University Press, 1994).

Pettit, Philip; "Liberalism and Republicanism", *Australian Journal of Political Science* 28:4, 1993, pp. 162-189.

- *Republicanism* (Oxford, Oxford University Press, 1997).

Pincus, Steve; "Neither Machiavellian Moment nor Possessive Individualism", *American Historical Review* June 1998, pp. 705-736

Pocock, J.G.A.; *Virtue, Commerce, and History* (Cambridge, Cambridge University Press, 1985).

Pogge, Thomas; *World Poverty and Human Rights* (2nd ed. New York, Polity, 2008).

Quong, Jonathan; *Liberalism Without Perfection* (New York, Oxford University Press, 2011).

Raz, Joseph; *The Morality of Freedom* (Oxford, Oxford University Press, 1986).

- *Ethics in the Public Domain* (Oxford, Clarendon Press, 1995).

Schweder, Richard A.; *Thinking Through Cultures* (Cambridge MA, Harvard University Press, 1991).

Sensen, Oliver; "Dignity and the Formula of Humanity (*ad* IV 429, IV 435)", in Jens Timmermann (ed.) *Kant's 'Groundwork of the Metaphysics of Morals': A Critical Guide* (Cambridge, Cambridge University Press, 2010), pp. 102-118.

Shklar, Judith; *Ordinary Vices* (Cambridge MA, Belknap, 1984).

- "The Liberalism of Fear", in N. Rosenblum (ed.) *Liberalism and the Moral Life* (Cambridge MA, Harvard University Press, 1989), pp. 21-38.

Shue, Henry; *Basic Rights* (2nd ed. Princeton, Princeton University Press, 1980).

Storing, Herbert J.; *What the Anti-Federalists Were For*, (Chicago, University of Chicago Press, 1981).

Tasioulas, John; "The Moral Reality of Human Rights", in T. Pogge (ed.) *Freedom from Poverty as a Human Right* (New York, Oxford University Press, 2007), pp. 75-102.

Thompson, Michael; *Life and Action* (Cambridge MA, Harvard University Press, 2008).

Wall, Steven; *Liberalism, Perfectionism, and Restraint* (Cambridge, Cambridge University Press, 2007).

Williams, Bernard; *Making Sense of Humanity* (Cambridge, Cambridge University Press, 1995).

- *Shame and Necessity* (Berkeley, University of California Press, 1993).

- *In the Beginning was the Deed* (Princeton, Princeton University Press, 2007).

Wills, Garry; "Lincoln's Black History", *NYRB* LVI:10, 2009, pp. 52-55

Wingo, Ajume; "The Odyssey of Human Rights", *Transition* 102:1, 2010, pp. 120-138.

Wittgenstein, Ludwig; *Philosophical Investigations* (trans. G.E.M. Anscombe, Oxford, Blackwells, 1976).