

## Minimalism about Human Rights: The Most We Can Hope For?

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At the beginning of his talk, Joshua Cohen invoked the memory of John Rawls, who died last November.

The invocation was an apt one, as Cohen's talk was infused by the spirit and ideas of Rawls's own later work—specifically the non-comprehensive 'justificatory minimalism' of Rawls's *Political Liberalism*, and the account of human rights of Rawls's *Law of Peoples*. Cohen's project was the very Rawlsian one of attempting to show how, by the invocation of a minimalist form of justification, a robust and significant set of substantive human rights could come to be justified to, and accepted by, a variety of liberal, non-liberal, secular and religious human societies.

In defending this position, Cohen opposes the recent work of Michael Ignatieff, who defends, in his book *Human Rights as Politics and Idolatry*, a 'minimalist' view about the content of human rights. Ignatieff argues that the human rights we should be most concerned to defend are only that limited set

of rights connected with bodily integrity and freedom from violence and direct coercion. Only then can we hope to secure widespread international and inter-cultural agreement. This is a much thinner conception than is found, for example, in the 1948 UN Declaration of Human Rights, which extends rights to embrace legal, cultural and educational entitlements. Cohen suggests that we can hope for much more than Ignatieff, and that we can be more ambitious about the content of basic human rights.

Cohen suggests that we can make a substantively rich conception of human rights appealing to a variety of viewpoints, and to the adherents of a wide array of "comprehensive doctrines." So, where Ignatieff gave us a minimalism about the content of human rights, Cohen suggests that we need be minimalists only about the justification of human rights. The central idea of justificatory minimalism is that "a conception of human rights—including an account of their content, role and rationale—should be stated autonomously and independent of particular philosophical or religious theories that might be used to explain and justify its content." From the 1948 UN Declaration, Cohen quoted Catholic philosopher Jacques Maritain, who had helped formulate the declaration: "Yes, we agree about the rights, but on condition that no one asks us why." Rather than being a source of weakness, the plurality of ways in which human

rights of a substantive kind might be justified can actually act to bolster the position of the human rights advocate, and can allow us to hope that a rich conception of human rights could come eventually to enjoy universal support.

To flesh out the idea of justificatory minimalism, Cohen explored the ways in which three traditions—each quite distant from liberal thought—could each come to endorse a rich conception of the content of human rights. Firstly, considering the revolution in Catholic social doctrine enacted by the Second Vatican Council, Cohen pointed out how theologians such as John Courtney Murray had found a route from traditional Catholic political thought, which supposed that "error has no rights," to a principled Catholic acceptance of liberal democratic ideals. Looking ahead, Cohen sketched how channels of liberal thinking in the Confucian and Islamic traditions might also develop resources to mount principled defenses of liberal democracy and the importance of the fundamental human rights tied up with those liberal and democratic ideals. Cohen did not suggest that his sketches (drawn from the work of philosophers Tu Wei-Ming and Abdullahi Ahmed An-Na'im) need necessarily represent the proper understanding of these traditions. But he implied that this sort of endeavor showed that there can be many paths to a principled acceptance of non-minimalist human rights.

So, Cohen suggests, justificatory minimalism allows us to "avoid imposing unnecessary hurdles on accepting an account of human rights (and of justice) by intolerantly tying its formulation to a particular ethical tradition." Rather, each particular tradition, with its own internal complexities and traditions of argument, can make its own way, on its own terms, to a shared vision of human rights. If justificatory minimalism is workable, then substantive minimalism about human rights, à la Ignatieff, will not be the most that we can hope for. \*