

2008

## Stephen James on The Challenge of Human Rights: Origin, Development and Significance by Jack Mahoney. Oxford: Blackwell Publishing, 2007. 215pp.

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### Recommended Citation

James, Stephen (2008) "Stephen James on The Challenge of Human Rights: Origin, Development and Significance by Jack Mahoney. Oxford: Blackwell Publishing, 2007. 215pp.," *Human Rights & Human Welfare*: Vol. 8: Iss. 1, Article 16.

Available at: <https://digitalcommons.du.edu/hrhw/vol8/iss1/16>



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**Abstract**

A review of:

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**Keywords**

Human rights, History, Philosophy

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**The Challenge of Human Rights: Origin, Development and Significance by Jack Mahoney. Oxford: Blackwell Publishing, 2007. 215pp.**

The Challenge of Human Rights is an erudite, engaging and wide-ranging exploration of human rights with an emphasis on foundations, philosophical developments and critiques. This book also discusses issues relating to globalization and human rights. It is a lucid and useful account underpinned by commitments to universalism and cosmopolitanism.

Chapter One synthesizes the orthodox accounts of the developments of natural rights and human rights. Mahoney briefly examines Aristotle's use of the idea of nature (*phusis*), the Roman concept of *ius naturale* (distilled by Marcus Tullius Cicero), the Catholic tradition of natural law and rights (as it evolved with scholars such as Thomas Aquinas, Francisco Suarez and Francisco de Vitoria), and the secularizing Hugo Grotius (2–9). He then revisits the English, French and American revolutions and their leading philosophers, constitutional framers and agitators, such as John Locke, Thomas Paine and Thomas Jefferson (17–25). Mahoney's attention then turns to the conservative and utilitarian critiques of human rights of Edmund Burke and Jeremy Bentham (and John Stuart Mill's contrasting view: 31–33), as well as that of Karl Marx (25–37). He also examines the thoughts of Thomas Hobbes and Jean-Jacques Rousseau (11–17), though neither could really be regarded, given their authoritarian tendencies, as defenders of human rights. He also gives an admirably clear account of Immanuel Kant's defense of rights based on autonomy and human dignity (33–36). Mahoney concludes that human rights are "largely" the result of "Western thought" and Western circumstances in the seventeenth and eighteenth centuries (1), although he does not make any serious attempt to consider non-Western literature and philosophy (compare, for example: Stephen James, Universal Human Rights: Origins and Development (New York: LFB Scholarly Publishing, 2007), Paul Gordon Lauren, The Evolution of International Human Rights: Visions Seen (Philadelphia: University of Pennsylvania Press, 1996) and Irene Bloom, J. Paul Martin and Wayne L. Proudfoot (eds.), Religious Diversity and Human Rights (New York: Columbia University Press, 1996)).

The second chapter continues the historical journey, but with a leap from the mid-nineteenth century to 1941. As a consequence of that leap, Mahoney neglects some important developments in the nineteenth and twentieth centuries, including anti-slavery, anti-racism and anti-colonial movements, humanitarian intervention, early war crimes trials, the initiative of the League of Nations, and utopian, pacifist and rights-oriented thinking in the interwar period (as to which see James and Lauren, above, as well as J. H. Burgers, "The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century," *Human Rights Quarterly*, vol. 14 (November 1992), no. 4, 447–477 and A. W. B. Simpson, Human Rights and the End of Empire: Britain and the Genesis of the European Convention (Oxford: Oxford University Press, 2001)). The chapter efficiently recounts some of the main events leading up to the creation of the Universal Declaration of Human Rights (1948). It then briefly considers primarily regional human rights instruments and the 1993 Vienna World Conference. As is the case with many histories of human rights (but see James, above, Chapter 4), Mahoney's account does not have much to say about the 1966 human rights covenants (nor, more surprisingly, about Nuremberg).

Chapters Three and Four explore the conceptualization and justification of human rights. In Chapter Three, he confronts an “impressive” and “formidable” “charge sheet” against human rights discourse, including the risks of rights inflation, the encouragement of egoism and societal conflict, and Western imperialism (73). Mahoney examines philosophers such as Maurice Cranston, Wesley Hohfeld, Henry Shue, John Rawls and Alan Gewirth, as well as the economist Amartya Sen. Mahoney constructs a view of human rights as universal claims that provide protection against collective intrusions, that include basic rights claims, and that help to create a community where rights and duties have an interrelationship (72–79, 98–104, 113). Chapter Four briefly explores various possible bases for justifying or, to use Mahoney’s term, “[e]stablishing” (119) human rights. He discusses theistic, natural law, intuitionist, pragmatic and dignity-oriented justifications for human rights. He seems most attracted to Alan Gewirth’s universalizing of a person’s claim to autonomy and well-being.

The final chapter addresses the impact of globalization on human rights. Mahoney defines globalization as “the expansion of the scale of human events, activities and interactions from a local to a worldwide, or global, level” (162). There is nothing novel about his description of the main dimensions of the “shrinking” (162) of our world, nor of the various global challenges to state power, sovereignty and legitimacy, and to human welfare. He draws upon Hans Küng, Martha Nussbaum and Henry Shue, among other scholars, in advocating a “global ethic” (165) that rejects crude cultural relativisms, subjects all societies to evaluation, and includes a “principled cosmopolitanism” derived from “the moral consciousness of belonging to a single human race” (185). Thus, he emphasizes the danger of having a morality that is bounded by kinship, community or citizenship in any restrictive sense of that word (180–187). Additionally, he emphasizes that we do not need a “world government” to support human rights norms, but, rather, a range of global, supranational and transnational forms of governance, regulation, community, consciousness and identity (185–186) alongside local ones. These aspirations present significant challenges indeed to humankind. Mahoney is hopeful that they might be met. So am I.

To sum up, [The Challenge of Human Rights](#) is an excellent introduction to human rights for political scientists and philosophers.

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