

HEALTH, DEVELOPMENT & HUMAN RIGHTS

Problems with Economic & Social Rights

As you read the material for our next class, keep the questions below in mind. To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages. Keep in mind that there are two basic kinds of information that you need to look for in the reading:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, *it is information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible conclusion about an issue, rather than another.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently about these issues at our next class meeting.

Readings

- Onora O'Neill, "The Dark Side of Human Rights".
- *Optional*: United Nations Commission on Human Rights, "Universal Declaration of Human Rights".

Questions

1. Throughout her article, O'Neill raises problems with rights based on their ambiguous nature, especially when applied to economic and social rights. This article may seem complex, but if you review your notes from the beginning of the course, when we discussed Shelly Kagan's overview of rights, this article should be easier to understand. For instance, O'Neill argues that rights correlate with obligations/duties. How is this similar to what we saw in Kagan?
2. Why does O'Neill believe that "the costs are [too] high" (p. 430) for adopting an aspirational view of human rights?
3. What is O'Neill's distinction between first- and second-order obligations? How do this work with traditional civil and political ("liberty") rights? Why does O'Neill believe that this distinction raises serious difficulties for economic and social ("welfare") rights?
4. Why is O'Neill not impressed by declarations of universal human rights (like the famous one from the United Nations)? Why does she believe that such declarations undermine the very notion that the rights therein are universal?
5. In the last section of her article, O'Neill argues that even if economic and social rights are grounded in second-order obligations of the state, there are problems in imposing first-order obligations on the citizens of a state. How does she defend this claim?