

IVR2018 Abstracts (Panels)

	First	Last	Institution	Title of Panel	Description of panel (including the titles and summaries of all presented papers)	Presenter 1	Title of presentation	Presenter 2	Title of presentation	Presenter 3	Title of presentation	Presenter 4	Title of presentation	Commentator(s) if any
P2	Akihiko	Morita	SHOKEI GAKUIN University	Is human rights possible in the contemporary multicultural society? - Historical and theoretical exploration	<p>Respect for human rights is, as Joseph Raz holds, the precondition of democracy which renders legitimacy to the rule of law. So, one of the fundamental questions about human rights, democracy and rule of law is whether human rights as the current form able to meet the emerging needs in the contemporary multicultural society.</p> <p>This panel aims at responding to this question both historically and theoretically, referring to concrete cases.</p> <p>The panel starts with Dr. Monika Zalewska who addresses a fundamental question about modern democracy, "Does Hans Kelsen's Pure Theory of Law Supports Rule of Law and Democracy?"</p> <p>Then, we examine the legitimacy of human rights with Mr. Kento Miyata who presents a critical review of the justification of human rights by Rainer Forst and Akihiko Morita who addresses a theoretical framework for addressing philosophical foundation of human rights in the contemporary multicultural society</p> <p>Based on these foundational presentations, we take up contemporary human rights issues with Kozi Asano who argues about a Rawlsian Theory of Human and Animal Rights, Akiko Nozaki who talks about the Freedom to have / not to have children in Liberal Society and Jin-Sook Yun who presents a Study on Same-Sex Marriage -Based on Analysis of the Landmark Decisions in the United States.</p> <p>With a variety of perspectives and cases based on historical and theoretical scrutiny about human rights, the panel is meant to provide new horizon on the theory of human rights, democracy and rule of law as three pillars of liberal democracy.</p>	Monika Zalewska	Does Hans Kelsen's Pure Theory of Law Supports Rule of Law and Democracy?	Kento Miyata	a critical review of the justification of human rights by Rainer Forst	Akihiko Morita	a theoretical framework for addressing philosophical foundation of human rights in the contemporary multicultural society	Kozi Asano	A Rawlsian Theory of Human and Animal Rights	Two more presenters, Akiko Nozaki on the Freedom to have / not to have children in Liberal Society and Jin-Sook Yun on a Study on Same-Sex Marriage - Based on Analysis of the Landmark Decisions in the United States
P1	Adina	Preda	University of Limerick	The nature and status of rights	<p>In spite of the rich literature on rights, some central questions about them remain unanswered. One obvious question is what exactly rights are and how important are they? Rights have corresponding duties although not all duties have corresponding rights; this is an assumption shared by most rights theorists and all papers in this panel. But do rights ground these duties or the other way around? Is there more than one duty that corresponds to a right? And what distinguishes a duty that corresponds to a right from one that does not? Most discussions of rights assume that they have a special normative force and constrain behaviour in certain ways. But it remains unclear in what way rights are different from other important moral considerations and what their special moral force consists in. This panel seeks to answer some of these questions.</p> <p>The first paper, by Alice Pinheiro Walla, aims to clarify a perceived misconception in the contemporary rights discourse: the view that rights can be derived from ethical obligations. It argues that rights give rise to corresponding obligations, but that ethical requirements do not give rise to corresponding rights. This is not to deny that ethical obligations can be quite stringent and urgent, and that failing to discharge them may constitute a serious moral violation. This stringent feature of ethical obligations may lead us to assume that they must be attached to a corresponding right. The author offers an account of what constitutes a right proper, as opposed to other moral considerations, and argue that rights' ability to impose a duty on another person or on all other persons is central for understanding the notion of a right.</p> <p>The second paper, by Gopal Sreenivasan, asks an important but neglected question, namely how many duties correlate with a given claim-right? According to Wesley Hohfeld, the answer is 'only one'. The duty that correlates with a given claim-right -- or, at least, a given claim-right held by a particular right-holder -- is the duty with same content as the claim-right in question. Thus, the duty that correlates with my claim-right 'not to be killed' is the duty 'not to kill (me)'. The aim of this paper is to examine one ground on which to contest Hohfeld's answer that only one duty correlates with any given claim-right. According to Henry Shue, three distinct duties correlate with my claim-right (against you) not to be killed. In addition to your duty 'not to kill' me, there is also a 'duty to protect' me (against attempts to kill me) and a 'duty to aid' me (in case someone has attempted to kill me). Moreover, you need not be the only person to bear these additional duties. Typically, in Shue's view, others will bear them too.</p> <p>An immediate consequence of Shue's answer is that the distinction between 'positive' and 'negative' claim-rights becomes problematic, since any particular right correlates with both negative duties (e.g., not to kill me) and positive duties (e.g., to protect me). A less obvious, but equally valid consequence of Shue's answer is that the provision of some public goods will be implicated in the scope of the duties correlative to every claim-right. This follows because (and insofar as) a minimally effective system of law and order both counts as a public good and is also required to protect me against violations of my rights.</p> <p>In this paper, Sreenivasan examines what grounds there are, if any, for taking Shue's side of his dispute with Hohfeld. He argues, in particular, that these grounds offer no independent basis for affirming the second consequence of Shue's answer, which reads a public good into every right.</p>	Alice Pinheiro Walla	Where do rights come from?	Gopal Sreenivasan	Hohfeld and Shue on correlativity: Follow the gourd!	Rewan Cruft	Rights, Demands and the First and Second Person	Adina Preda	Are conflicts of rights possible?	