

John Stuart Mill and a pragmatic defence of Human Rights

The paper suggests that Mill's account of moral rights is an adequate starting point for a consequentialist justification of Human Rights –supra-legal rights.

The issue of Rights justification is approached from a double point of view: (i) a reading of Mill's moral philosophy, as interpreted by David Lyons; (ii) a reading of the contractarian justification of rights.

Mill's moral philosophy is strongly founded on the notion of moral obligation, and that of reciprocity; those notions comprise a view that combines teleology and the supreme normative force of rights. The contemporary contractarian approach (Gauthier, Scanlon) on its turn may contribute a more precise argument for the rational foundation and normative force of rights within an essentially instrumental account of society and institutions. Both lines of reasoning add up to a full pragmatic justification of the normativity of rights, essentially in line with Mill's own ideas about moral rights.

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