

The 1st Philosophy of Human Rights Japan Workshop (University of Tsukuba)

The workshop aims to advance the research concerning philosophy of human rights, while advancing international interactions of researchers.

I hope we can create a safe space for constructive and supportive discussion where many perspectives or opinions can safely appear, which I believe contributes to the advancement of the philosophy of human rights in Japan and other parts of the world.

Date and Time:

- 3rd November 2023, from 11.00 AM (JST)

Venue:

- In-person: Room A101, Jimbun-Shakai-Kei-Tou (Humanities and Social Sciences Building), Tsukuba Campus, University of Tsukuba, Ibaraki, Japan
- Zoom Meeting: If you would like to participate in the workshop online, please fill in the following form.

Registration:

Participation is free.

To keep intellectual safety, participants are required to fill in the format, which asks your name, email address and whether you would like to participate in via Zoom or in person.

<https://forms.gle/tGvhfqXboizyxo46>



If you register to participate remotely (using Zoom), you will receive the meeting link several days before the workshop via email. If you do not receive it before the 2nd of November 2023, please contact Kosuke Kiyama at kosukereal@gmail.com.

Programme

Time	Speaker	Title
11.00-11.05	Opening Remarks	
11.05-11.55	Dr Layna Droz (Tokyo, Japan) and Ms Mirina Uchida (Tokyo, Japan)	Among Nature's and Human Rights, what ideas equip us best in face of rapid climate change and biodiversity loss?
11.55-13.00	Lunch Break	
13.00-13.50	Dr Martin Hapla (Masaryk, Czech Republic)	Utilitarian Explanation of Human Rights
14.00-14.50	Dr Eisaku Kozono (Kyusyu, Japan)	Conceiving the concept of human rights from the perspective of its violations
15.00-15.50	Dr Tomáš Sobek (Masaryk, Czech Republic)	Justifying Human Rights: a Generalization of Alexy's Explicative Argument'
16.00-16.50	Dr Kosuke Kiyama (Tsukuba, Japan)	Re-visiting Pablo Gilabert's Conception of Human Dignity and Human Rights: Vulnerabilities, Relationship of Interests, and Egalitarianism
17.00-17.50	Mr Jan Turlej (Jagiellonian, Poland)	What a Utopian and Realistic Utopian Human Right Is And Isn't: Against Utopian Criticism of Human Rights
17.55	Closing Remarks	

Abstracts

11.05-11.55 'Among Nature's and Human Rights, what ideas equip us best in face of rapid climate change and biodiversity loss?'

Speakers: Dr Layna Droz and Ms Mirina Uchida (Graduate School of Frontier Science, The University of Tokyo, Japan)

Abstract: Climate change affects the fulfilment and exercise of human rights, for instance by impacting the access to shelter and land in communities touched by the rise of sea level. Climate change would also impact the emerging ideas of Nature's rights. The (potential) rights of certain elements of Nature to exist would be threatened. For example, many species of plants cannot migrate to an environment in which they could survive fast enough to keep up with the abrupt

changes in climate, especially in mountainous areas, where the tree lines are evolving quickly under the effects of climate change.

Conversely, some policies that aim at addressing climate change in terms of mitigation or adaptation have also been criticised as violating some human rights, such as the right to work or the right to development. Some climate policies also conflict with some biodiversity conservation policies, while many possible policy synergies representing win-win for both climate and biodiversity have been identified by experts in a workshop co-sponsored by the IPCC and IPBES.

In this paper, we explore different types of Nature's and human rights, and their potential synergies or conflicts in face of rapid climate change and biodiversity loss. Our analysis of these interrelations opens a wide range of questions such as: what categories are pragmatically suitable for the attribution of rights, who decides, and how?

13.00-13.50. 'Utilitarian Explanation of Human Rights'

Speaker: Dr Martin Hapla (Associate Professor at the Faculty of Law, Masaryk University, Czech Republic)

Abstract: Moral human rights are usually seen as a model for institutional ones. However, this relation raises two problems, which can be described as the challenges of self-sufficiency and redundancy. This paper shows that utilitarianism can explain the rightness of institutional human rights as well as the ethics of human rights does. At the same time, it can deal well with both of the challenges mentioned above. This is due to the strengths of utilitarianism: minimizing the normative component and its broad applicability. The paper thus tries to demonstrate that this theory of normative ethics should still have a place in debates on human rights philosophy.

14.00-14.50 'Conceiving the concept of human rights from the perspective of its violations'

Speaker: Dr Eisaku Kozono (Assistant Professor, Faculty of Law, Kyusyu University, Japan)

Abstract: The key question of this presentation is how we should conceive of human rights. This presentation is an answer to the question from the perspective of the concept of human rights violation. In order to get a clue to achieve this, I'd like to

focus on Elizabeth Ashford's arguments on the nature of violations of human rights. Following Ashford's arguments, I'd like to talk about something about the concept of human rights violation. What are the core criteria by which we can determine whether the term "human rights violation" is applicable? What are the important cases to which these criteria are applied, and why is it so important? And, how should we attribute responsibilities for not respecting human rights to human rights violators? After explaining and examining Ashford's arguments, I am going to compare her arguments of the concept of human rights violation with those of Thomas Pogge, who, like Ashford, thinks the concept of human rights violation has a central role when we consider how we should conceive of human rights. And then, I'd like to consider which account is better for answering the questions above.

15.00-15.50 'Justifying Human Rights: a Generalization of Alexy's Explicative Argument'

Speaker: Dr Tomáš Sobek (Associate Professor at the Faculty of Law, Masaryk University, Czech Republic)

Abstract: The main goal of my text is to generalize Alexy's explicative argument against human rights skeptics in order to minimize the overall room for their escape. This argument tries to show that any attempt to intersubjectively justify the nonexistence of human rights as moral rights necessarily commits the so-called performative self-contradiction. Alexy worries that the effect of his argument can be weakened by a group reduction of discourse. But I will argue that this worry is overstated because the price of such a reduction is much higher than Alexy estimates. I will then turn to the issue of moral relativism. I will try to show that the explicative argument, if suitably generalized, can cope even with human rights skeptics who think in terms of moral relativism.

16.00-16.50 'Re-visiting Pablo Gilabert's Conception of Human Dignity and Human Rights: Vulnerabilities, Relationship of Interests, and Egalitarianism'

Speaker: Dr Kosuke Kiyama (Assistant Professor, Faculty of Humanities and Social Sciences, University of Tsukuba, Japan)

Abstract: In international human rights documents, as well as constitutions in many countries, the notion of human dignity is often referred to as what human

rights are grounded on. However, even among proponents of dignity as a ground for human rights, few have explained in detail how the notion grounds the rights. Pablo Gilabert, especially in his marvellous book *Human Dignity & Human Rights* (2018), tried to show how dignity can be a ground for human rights in detail. The purpose of this paper is to revisit the argument as shown in the book, evaluate subsequent controversy around it, and claim that for a more robust dignity-based human rights theory, we should modify his proposal. Especially, I claim the following. First, to accommodate the need for attention to vulnerabilities, we should change the level of consideration from that of the *circumstances of dignity* to the level of the *basis of dignity*. Second, in understanding the *basis of dignity*, we should consider the relationship among interests. This is because we can narrow down interests related to vulnerabilities that ground human rights and justify rights related to the status egalitarian aspects enshrined in the international human rights practice. Third, relatedly, we should adopt interests related to equality as a ground for human rights. This is because the *capacities-centred* view shown by Gilabert cannot help accepting the conclusion that some have rights more and others less because individual's capacities vary. Hence, through the investigation, I claim to establish a dignity-based human rights theory that captures *vulnerabilities* as the basis for human rights, especially interests related to *equality* as a significant element in the basis, from which we can justify egalitarian aspects of human rights practice more robustly.

17.00-17.50 'What a Utopian and Realistic Utopian Human Right Is And Isn't: Against Utopian Criticism of Human Rights'

Speaker: Mr Jan Turlej (PhD candidate at Jagiellonian University in Cracow, Poland)

Abstract: First, I discuss what a utopian and realistic utopian human right is. Although the debate on the utopian dimension of human rights is in progress, the features that make a human right utopian have not yet been well defined. There are successful attempts to determine what an ideal right in the context of ideal theories is (ex. Eddy 2008), but the issue of what a utopian and realistic utopian right is seems to be undertheorized. Against this backdrop, by referring to Ruth Levitas remarks about utopianism (Levitas 2011), I consider:

A human right (x) lies on a continuum that reflects fully utopian and non-utopian (realistic) right, depending to what extent in a given circumstances (y):

a1) its realization at one end is practically possible – what makes x realistic;

a2) its realization is believed to be practically possible – what makes x realistic utopian;

a3) its realization is and is believed to be practically impossible – what makes x utopian;

b1) its action-guiding force at one end mobilizes states/people to take action – what makes x realistic;

b2) its action-guiding force may mobilize states/people to take action – what makes x realistic utopian;

b3) is not action-guiding and does not and may not mobilize states/people to action – what makes x utopian.

Second, I defend human rights against some utopian criticism. According to popular view, rights enumerated in the UDHR or supported by adherences of traditional approaches of human rights are utopian (ex. Moyn 2010). I propose to define a utopian and realistic utopian right first, to consider whether a given treaty or a human rights approach – is not itself utopian, but – gives rise to human rights that may be more or less utopian.

Third, I argue, that accepting the above definition may also weaken some arguments against human rights, namely that they are utopian and hence not action-guiding (ex. Guess 2015).

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