

# 9. Are International Human Rights Universal? East–West Philosophical Debates on Human Rights to Liberty and Health<sup>1</sup>

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*Abstract.* In philosophical debates on human rights between the East and the West, scholars argue whether rights in the *Universal Declaration of Human Rights* (UDHR) and other international documents (in short, “international human rights”) are universal or culturally relative. Some scholars who emphasize the importance of East Asian cultures (such as the Confucian tradition) have different attitudes toward civil and political rights (CP rights) than toward economic, social, and cultural rights (ESC Rights). They argue that at least some international human rights on the list of CP rights are not universal and believe that East Asian cultures can contribute to the moral justification of ESC rights. This chapter introduces a philosophical argument to support a normative account of human rights. This normative account, called “the minimal account of human rights,” is based on the ideas of minimal values, especially essential necessities of dignity. Based on this account, we can explain why international human rights are both universal and justified by East Asian cultures, especially the Confucian tradition. To explain this minimal account and illustrate how it can be applied to debates on international human rights, this chapter focuses on debates on the international human rights to liberty on the list of CP rights and the human rights to health on the list of ESC rights.

*Key words:* Human Rights, Dignity, Confucianism, East Asian Cultures, Minimal Values, Liberty, Health.

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## **Section I: What are International Human Rights?**

Before I discuss East–West philosophical debates on human rights, I would like to first discuss what international human rights are. According to Jack Donnelly, a prominent human rights philosopher, human rights are rights that are held by all human beings because they are human (Donnelly 1999, 61). Donnelly’s description of human rights represents the common understanding of human rights. In general, the human rights discussed in this chapter are claim rights,<sup>2</sup> and so there are also correlative obligations—that is, others have *correlative obligations* to the right holders. This is what is meant by the statement that human rights are held by all individuals.

In addition to these common features, there are two ways to determine the normative account and list of human rights. The first is the traditional view, which is defended by many moral philosophers. Scholars who hold this view include Finnis (1980) and Griffin (2008). According to the traditional view, human rights are natural rights (according to Finnis) or deontological rights (according to Griffin). This traditional view focuses on the philosophical, historical, and

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<sup>2</sup> Besides claim rights, there are privilege, power, and immunity rights (Hohfeld 1919). This chapter focuses only on claim rights.

anthropological ideas of natural and deontological rights. Scholars who hold the traditional view make different arguments for human rights, but they all seek to identify the normative justification for human rights based on the concepts of natural and deontological rights in the history of Western philosophy.

The term “human rights” refers to not only traditional rights in Western history but also rights in many international documents. The most prominent international document is the *Universal Declaration of Human Rights* (UDHR) (United Nations 1948). The UDHR and many other international legal and political documents were written by members of the United Nations or other intergovernmental organizations. In other words, these documents were written by people from different nations, and these documents thus typically represent more than one cultural or traditional perspective. In addition, human rights in these international documents have special historical and political meanings that differ from natural or deontological rights in the traditional view. For example, the UDHR can be considered a response to crimes against humanity during World War II (such as crimes committed by Nazi Germany or the Empire of Japan). Because human rights in these international documents have special status, some scholars argue that we should discuss the normative account of human rights on the basis of these international documents. For example, Donnelly treats international human rights law as the standard for international relations and argues for the “universal declaration model,” which recognizes the central role of the UDHR for human rights (Donnelly 2013, 24). Allen Buchanan argues that any normative account of human rights should be based on the importance of international legal human rights in practice (Buchanan 2013). For convenience, I call the human rights in international documents “international human rights” to distinguish them from traditional human rights. For convenience, hereafter, I mainly use the rights in the UDHR as the major list of international human rights; rights in other international documents are supplemental.

Taking international human rights as the human rights in international documents, we need to identify the normative accounts that morally justify these rights. There are at least two major differences between the normative accounts of international human rights and those of traditional human rights. First, the traditional view does not necessarily endorse all of the rights in the UDHR and other international documents. For example, John Locke can be viewed as a supporter of natural rights, but his list of natural rights (life, liberty, and private property) is shorter and more abstract than the list of rights in the UDHR. Finnis (1980) also discusses natural rights, but his list is not the list of the UDHR. Nozick (1974) also defends absolute rights, but he focuses on the ethical constraints rather than the UDHR. Griffin (2008) discusses human rights in terms of the protection of normative agency, but his list of human rights is also shorter than the list of the UDHR, and hence his list of human rights is not the same as the list of international human rights either.

Second, supporters of international human rights can treat the traditional view as just one of many ways to support international human rights. It is not necessary for international human rights to be natural rights or deontological rights. Utilitarianism is usually considered an alternative moral theory to deontology, and it is usually against natural rights and deontological rights. For example, Jeremy Bentham, the founder of utilitarianism, is strongly against natural rights. He writes, “Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense—nonsense upon stilts” (Bentham 1792, Article II.3). J.S. Mill, another classical utilitarian, claims that the moral foundation of rights is utility. He writes, “To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. If the objector goes on to ask, why it ought? I can give him no other reason than general utility” (Mill 1863, V25). Whether utility is really such an important foundation is controversial and open to debate; the point here is that when we talk about international human rights, we do not need to assume that they must be natural rights or deontological rights. Their moral foundations may also be other values, such as utility. A great deal of room remains to determine the moral foundations of international human rights.

The utilitarian account of international human rights is only one of many examples. Scholars use various normative accounts to argue for international human rights. Donnelly borrows ideas

from Rawls (1971) and Dworkin (1977) and argues that there is an overlapping consensus on the UDHR from different traditions (Donnelly 2013, 55-71 & 77-92; see also Rawls 1971; 1993, 133-172). Talbott (2010) discusses human rights in terms of consequentialism and well-being. Beitz (2009) considers human rights from a bottom-up approach, starting from international documents and global political theories. Nussbaum (1997; 2000; 2003; 2006; 2011a; 2011b) and Sen (1984; 1999; 2004; 2009) use their capability approach to discuss human rights. Buchanan argues that there are plural ethical justifications for international human rights (Buchanan 2013, 50-106). Each of them develops their own normative account to justify and provide moral foundations for human rights.

Thus, “international human rights” is essentially an umbrella term for the rights in the UDHR and other international documents. It is possible that these rights differ from traditional rights in terms of rights included and their moral justification. Scholars have sought to develop normative accounts for international human rights by going back and forth between theory and practice using the method of reflective equilibrium (Rawls 1971, 17-19 and 40-46). With this understanding of the features of international human rights, we move on to discuss East–West philosophical debates on human rights. For the rest of this chapter, “human rights” and “international human rights” are used interchangeably.

## **Section II: East–West Philosophical Debates on Human Rights: An Example**

East-West philosophical debates on the traditional human rights can be traced back to at least the end of the 19<sup>th</sup> century (Angle 2002; Svensson 2002). But if we limit the scope to just about international human rights, then the most famous and popular debate concerning international human rights should be the Asian values debate. Although the Asian values debate has become less popular since the 1998 economic crisis, a similar debate has arisen in China because China’s economy has grown rapidly and continuously. Such debates have motivated political theorists and philosophers to discuss the cultural differences between the East and the West. This chapter focuses on the philosophical side of these debates and does not consider the political side. This section discusses an example of two political philosophers and illustrates the philosophical arguments of both sides. As mentioned in the last section, Jack Donnelly argues for the universality of international human rights. In contrast, Daniel Bell argues for the importance of East Asian cultures, concluding that there are alternative moral foundations and that the list of international human rights is different in the East. I consider their ideas as typical models of the universality and relativity of international human rights, respectively.<sup>3</sup>

Donnelly thinks that human rights are based on concepts in liberalism such as equality, autonomy, and equal concern and respect (Donnelly 2013, 55; see also 10 and 55-71). On the other hand, Daniel Bell disagrees with Donnelly and discusses international human rights differently. Bell mainly focuses on how East Asian cultures can affect human rights and makes two important points. First, East Asian cultures, especially Confucianism, provide an alternative moral foundation for international human rights because these cultures and societies have different fundamental human goods (Bell 2000, 106-172; 2004, 25-43; 2006a, 9 and 72-73; 2006b, 180-205; Bell 2006a, 72-73). Second, as the moral foundations between the East and West are different, their lists of human rights are also different. Of course, this does not mean that there is no common consensus on some of the international human rights. In general, Bell believes that some human rights are shared by both the East and the West; examples of these common human rights include rights against slavery, rights against genocide, rights against murder, and rights against torture. Some rights, however, are only Western rights, or at least the contents of these rights are not the same in East Asia. Political rights (such as liberal rights and democratic rights) are the most prominent examples in this category. Bell believes that it should not be assumed that East Asians should promote or protect political rights in East Asia (Bell 2000, 106-172; 2004, 25-43; 2006a, 9 and 79; 2006b, 180-

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<sup>3</sup> For a more detailed description of the debate between Donnelly and Bell, see Chan 2011, 29-30 and 162-176. This section is revised from this reference.

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Based on this understanding, Bell challenges some Western philosophers such as Donnelly, Dworkin, and Rawls (Bell 1998, 14 and 16). Bell argues that Donnelly's view is solely a "West-centric perspective" because Donnelly does not emphasize East Asian cultures sufficiently (note that Bell does not criticize Donnelly for not *mentioning* East Asian cultures, which Donnelly does). Also, Bell thinks that the origination is not a problem; otherwise, his view and others (such as Walzer's view, which Bell mentions in his writings) are problematic because they also originate from the West. Bell's real challenge is that Donnelly does not realize or does not agree that East Asian cultures are among the important moral foundations and are therefore essential in the human rights debate. For example, one of the reasons for Bell believes that Donnelly's view is too "West-centric" is because Donnelly borrows Dworkin's notion of "equal concern and respect," for which Bell considers that it is merely a West-centric value (Bell 2006a, 4). As mentioned before, Donnelly also uses Rawls' idea, which is another problem for Bell (Donnelly 2013, 55-71 and 77-92; Rawls 1971; 1993, 133-172). In general, the core problem is that neither Donnelly nor other Western philosophers use Confucianism or other East Asian cultures as important moral practices or aspirations for international human rights. In this sense, it is difficult to claim that human rights are universal.

Donnelly provides several responses to Bell's challenges. Donnelly believes that it is a historical contingency that the West originated the notion of traditional human rights (Donnelly 1999, 69). He also believes that there is an overlapping consensus on human rights among different cultures, and that cultures can be changed such that international human rights would be more acceptable (Donnelly 2007, 290). In discussing the importance of cultures, Donnelly introduces a "three-tiered scheme" of human rights: the concept or substance of human rights, the interpretations of human rights, and the implementation or form of human rights (Donnelly 2013, 93-105; 2007, 299). His general idea is that the interpretations and the implementation of human rights are relative to different cultures but that the concept and substance of human rights are universal.

Although Donnelly allows cultures to have roles in interpretation and implementation, it can be asked why and how the concept and substance of human rights are universal. Indeed, Donnelly is still criticized by others for not emphasizing East Asian cultures enough at the conceptual level.<sup>4</sup> While many other details on the debate between Donnelly and Bell cannot be covered in this chapter,<sup>5</sup> the point of discussing their views is to illustrate the philosophical side of the human rights debate between the East and the West. One side argues that human rights are universal, while the other argues that East Asian cultures are important in the human rights debate. Is there a way to combine them? Can we develop a normative account that is both culturally sensitive and able to argue for the universality of human rights? This is the topic of the next two sections.

### **Section III: Minimal Account of Human Rights and Human Rights to Liberty**

In order to answer the above questions, we should discuss two points. First, we should provide an analytical framework and develop an argument to explain under what circumstances some items are universal human rights. Second, we should also examine the contexts of East Asian cultures to explain what cultural factors are relevant. Here, I focus on a particular account that I have developed elsewhere (Chan 2011; 2014; 2015). This particular account is called the minimal account of human rights, which I originally developed as a response to the human rights debates in East Asia. I believe this account can explain why international human rights are universal. This section summarizes what I have argued in other works, and the next section introduces some new findings.

As mentioned in the last section, the human rights debates in East Asia include discussions of whether some values in East Asian cultures limit the list of human rights. Most people believe

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<sup>4</sup> See especially Dallmayr 2002, 177-178.

<sup>5</sup> For more details on the debate between Donnelly and Goodhart, see Donnelly (2008) and Goodhart (2008).

that such items as those against slavery, genocide, murder, and torture are human rights (Bell 2006a, 79). However, many traditional political rights in the West (such as freedom of political speech and democratic rights) are not human rights because they conflict with some East Asian cultures (Bell 2000, 106-172; 2004, 25-43; 2006a, 9 and 79; 2006b, 180-205). For convenience, I call the former group “human rights to security” and the latter group “human rights to liberty.” These rights are generally corresponding to civil and political rights (CP Rights) in the UDHR and *The International Covenant on Civil and Political Rights* (ICCPR) (United Nations 1966a). For example, some human rights to security mentioned by Bell are similar to Articles 3 and 4 in the UDHR or Articles 7 and 8 in the ICCPR. Human rights to liberty are similar to Articles 18 to 21 in the UDHR or Articles 18, 19, 21, 22, and 25 in the ICCPR.<sup>6</sup>

Bell believes that human rights to security are universal because Bell agrees with Walzer, who believes that these human rights to security are “minimal and universal codes” (Walzer 1987, 22; see also Chan 2014, 579; Bell 2006a, 76; Walzer 1987, 21-24; Walzer 1994, 6). In other words, the reason for them to think so is that these are what I call “minimal values,” which are “a minimal threshold of human life which no one should sink below” (Chan 2014, 579).<sup>7</sup> Some common international standards, such as protecting a dignified life, can easily fit into the idea of the minimal threshold of human life. I call these “essential necessities of dignity.” This reasoning is summarized in the following argument:

#### Argument 1

- (1) X is a universal international human right if X is a minimal value.
- (2) X is a universal international minimal value if X is an essential necessity for dignity.
- (3) Human rights to liberty are essential necessities for dignity.
- (4) Therefore, human rights to liberty are universal international human rights.<sup>8</sup>

This argument provides an analytical framework for explaining why some rights are universal human rights, and it tells us the jointly sufficient conditions of human rights (i.e., premises 1 and 2). Using this analytical framework, we can explain why this argument can successfully reply to East Asian challenges to human rights. Dignity is widely accepted in international documents and various cultural traditions, including the Confucian tradition. For example, Bloom argues that the notion of the “nobility of heaven” in Mencius’ philosophy is close enough to be an ancient Chinese version of dignity (Bloom 1999, 104-111; Chan 2014, 580-581; see also Ni 2014). There are many details of this Confucian notion of dignity that I do not have space to discuss, but it is clear that dignity is not merely a Western concept (Chan 2014, 581-585).

To fulfill the conditions listed in this argument, I argue why both human rights to security and human rights to liberty are considered essential necessities of a dignified life, and why they are “parallel” in the human rights debates in East Asia. For example, if a person is tortured by other people or is a slave to other people, it is difficult to claim that this person is living a dignified life (Chan 2011, 97-109; 2014, 578-582). Similarly, if a person does not have freedom of speech or freedom to vote, it is difficult to claim that such a person has a dignified life either. This claim is supported by the following four research findings:

- (1) Shue (1996) argues that human rights to liberty are essential to the enjoyment of other rights (including human rights to security).

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<sup>6</sup> Note that in addition to human rights to security and human rights to liberty, some CP rights are what we call “due process rights.” Some scholars, such as Bell, also argue against these rights in the human rights debates in East Asia (Bell 2006a, 76). Due to length limitations, I omit the discussion of these rights.

<sup>7</sup> For similar ideas and expressions, see, e.g., Li 2006, 132, Nickel 2007, 10, and Shue 1996, 18-19.

<sup>8</sup> This argument is modified from Chan 2014, 582.

- (2) Buchanan (1989; 2004) argues that human rights to liberty are essential to the promotion of cultural values (including values in East Asian cultures).
- (3) Sen (1981) argues that human rights to liberty are essential to the avoidance of famine.
- (4) Doyle (1983a; 1983b; 1997) argues that human rights to liberty are essential to the promotion of peace.<sup>9</sup>

It is safe to conclude that human rights to liberty are also very important (Chan 2011, 116-125; 2014, 583-585). East Asian cultures have conflicting contexts on political freedom and democracy. Some contexts in Confucianism support authoritarianism and tyranny, while others are against them. Human rights to security are in a similar situation. That is, some contexts in Confucianism support human rights to security while some other contexts against them as well (Chan 2014, 574-578). The argument for the minimal account of human rights suggests a way to select one East Asian context over another. Therefore, this argument provides an analytical framework to explain why human rights to liberty are universal international human rights.

#### **Section IV: Minimal Account of Human Rights and Human Rights to Health**

The last section and my previous works (Chan 2011; 2014) focus on civil and political rights. Are economic, social, and cultural rights (ESC rights) also universal? I briefly discuss this topic in another book chapter (Chan 2015), and I would like to extend the discussion and apply the minimal account of human rights to these rights. Because it is not possible to discuss all ESC rights here, this section only focuses on human rights to health.

Although human rights to health are not the major concern in the human rights debates in East Asia, these rights are controversial in ethics, and East Asian cultures may contribute to the debates on human rights to health. Human rights to health are affirmed in many international documents, such as Article 25 of the UDHR and Article 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (United Nations 1966b). These international documents provide a practical framework for international human rights to health. But the empirical issues of these international human rights to health are not our concern. Let us focus on the philosophical debates on human rights to health instead. Philosophers have long argued over whether human rights to health are universal. The major problem is that if these rights are universal, then other agents have correlative moral obligations to ensure that the right holders actually have these rights. Is this possible? Human rights to health are not the same as human rights to *be healthy*; they simply refer to the obligations of public health policies to promote health and prevent fatal diseases (Macklin 2007, 713; Wolff 2011, 110). Still, it is important to explain what obligations can be deduced from human rights to health. Some scholars believe it is not possible to have human rights to health because the correlative obligation is not a perfect obligation (O'Neill 1996). This is not only a universality problem but also a resource-allocation problem. If this problem is not solved, then asking for human rights to health is impractical because it is unclear what the relevant moral obligations are and who is responsible for meeting these obligations.

One way to solve this problem is to extend the application of the minimal account of human rights to human rights to health as well. That is, we should argue that health is also a minimal value, as it is also essential to a dignified life. To do so, I believe we should extend the notion of minimal values in terms of capabilities.<sup>10</sup>

As mentioned before, minimal values are related to essential necessities of dignity. However, dignity itself is not a clear concept. One may wonder whether we can develop the concept further by discussing more normative values. One possibility is capabilities: it can be argued that minimal values are also essential necessities of dignity because they are capabilities or conditions to

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<sup>9</sup> This summary is revised from Chan 2011, 121.

<sup>10</sup> For further discussion of the minimal account of human rights and the capability approach in development ethics, see Chan (2019).

protect or promote capabilities. Capability is the central notion in the capability approach. The two most famous founders of the capability approach are Nussbaum and Sen. In this approach, both “functionings” and “capabilities” are technical terms. “Functionings” usually refer to human functions, which can be related to various beings and doings. “Capabilities” is a technical concept based on functionings, which means the opportunities or freedom to achieve functionings (Robeyns 2016, Section 2.1). Based on this common understanding of capabilities, scholars in the capability approach have various ways to interpret capabilities further. Sen does not believe that we should have a complete list of capabilities. On the other hand, Nussbaum believes that it is better to have a list, and she also discusses how the list is related to human dignity. She provides a list of ten central capabilities: life; bodily health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation; other species; play; and control over one’s environment (Nussbaum 2000, 78-80; 2011a, 33-34). She believes that these ten central capabilities are so fundamental that no one should ignore them in the discussion of social and political issues, including human rights debates. Nussbaum also argues that there is a close relationship between dignity and capabilities. She argues that her capability approach shows that freedom (in terms of capabilities) is important for a worthy and dignified life (Nussbaum 2011a, 31). In order to have a worthy and dignified life, a minimal threshold should be met. And this minimal threshold is the ten central capabilities (Nussbaum 2011a, 32). In other words, the ten central capabilities are also essential necessities of dignity.

It is also worth mentioning that both Nussbaum and Sen have also discussed human rights, cultural diversity, and the Asian values debate (Nussbaum 1997; 2000; 2006; 2011a; 2011b; Sen 1997; 1999; 2004; 2009). For example, in the Asian values debate, Lee Kuwan Yew argues that East Asians should focus on economic growth and community values rather than political freedom or full democracy; Sen calls this claim the “Lee Thesis” and argues against it by pointing out that economic growth and political freedom are not in conflict (Sen 1997, 33-34; 1999, 15). Sen also believes that Confucius is against tyrants (Sen 1997, 36; See also Confucius 1992, 131 and 141). Nussbaum discusses the cultural diversity issue in human rights debates (Nussbaum 2000, 34-110; 2011, 101-122).

It is beyond the scope of this chapter to discuss all of the notions of capabilities in detail; I simply discuss how and in what sense my analysis is compatible with their ideas. The minimal account of human rights can be considered as an echo of the ideas of Nussbaum and Sen on capabilities and human rights. As discussed above, human rights are minimal moral demands that constitute a minimal threshold of human life that no one should sink below. In other words, they are essential necessities of dignity. Capabilities can also be considered as a further interpretation of the essential necessities of human dignity. In this sense, they are a moral foundation of the universality of human rights. The capability approach can help to make the minimal account of human rights more complete by further explaining the concept of minimal values, and the minimal account of human rights can help extend the capability approach to the field of East–West debates on human rights and Confucianism.

Having discussed human rights in general, I now focus on health. In advocating capability approach, Sen discusses the importance of health in his early writing (Sen 1992; 2002). Recently, two scholars, Ruger (2010) and Venkatapuram (2011), have developed their own perspectives on the relationship between health and capabilities. Ruger suggests a “health capability paradigm,” while Venkatapuram suggests that health is a “meta-capability,” which is the foundation of Nussbaum’s ten central capabilities and other capabilities. I believe their approaches can be related to the Confucian tradition.

Confucianism may play a role in the health capability paradigm. Ruger’s health capability paradigm contains interdisciplinary elements, but its philosophical foundation is based on Aristotle’s human flourishing (Ruger 2010, 45-50). Nussbaum’s notion of capabilities is originally based on Aristotelian philosophy (Nussbaum 1988; 1992). This is where Confucianism can be connected. From Mencius to Song-Ming Confucians and Contemporary Confucians, all Confucians

believe we should develop our moral senses. More precisely, we should develop our four beginnings to the four virtues and apply them to the whole world (Mencius 2003, 73; Chang et al. 1958). Nussbaum's central capabilities, especially emotion, practical reason, and affiliation, are compatible with Confucianism. The comparison of Aristotelianism and Confucianism is currently a popular topic in the field of East–West comparative philosophy (Yu 2007). Capabilities are relevant to or even based on some moral theories in different cultural traditions, such as Aristotelianism in the West and Confucianism in the East. When Venkatapuram argues that health is a meta-capability and is important for all other capabilities, this thought is compatible with the Confucian notions of relationship and compassion. Some Confucians argue that Confucianism provides a moral foundation for giving the family relationship a more important role in the health care system (Fan 2007; 2008; 2010); others argue that Confucianism focuses more on compassion and caring (Li 2013). These research findings can be combined together to explain and justify why health is important enough to be a minimal value.

After briefly introducing why health is important enough to be a minimal value, we can return to the minimal account of human rights and explain why human rights to health are universal international human rights. The argument is similar to Argument 1 in the previous section:

#### Argument 2

- (1) X is a universal international human right if X is a minimal value.
- (2) X is a universal international minimal value if X is an essential necessity for dignity.
- (3) Human rights to health are essential necessities for dignity.
- (4) Therefore, human rights to health are universal international human rights.

Although human rights to health are not a major concern in human rights debates in East Asia, it is clear that this argument shows that human rights to health are universal international human rights and can easily respond to any challenge from cultural relativism. Indeed, health is a common concern in every culture. It is not difficult to see that many Confucians (such as Confucius and Mencius) emphasize the importance of well-being, which includes public health care. This idea is also related to human dignity and the capability approach as well.

There are two complementary points worth mentioning before ending this section. First, due to the length of this chapter, I cannot discuss other items on the list of ESC rights. Nevertheless, it is not difficult to see how to modify Argument 2 to defend ESC rights as universal international human rights as well. Second, as mentioned in section I, international human rights can have many different moral foundations and justifications. It is important to talk about the minimal account of human rights because it can be embedded into a bigger picture of normative ethics. It is open for debate which normative theory (such as consequentialism or deontology) best suits the minimal account of human rights.<sup>11</sup> Arguing for such a more complete theory is beyond the scope of this chapter, but it is a worthwhile direction for future research.

#### **Section V: Conclusion**

At the beginning of this paper, I discuss two sides of the debate. On one side, some argue that international human rights are universal. On the other side, some argue that some of them (especially human rights to liberty) are not universal because they are only important in the West but not in the East. My approach is that many rights are universal international human rights because they are minimal values that comprise a minimal threshold of human life that no one should sink below. I also discuss the concepts of the essential necessities of dignity and capabilities in this

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<sup>11</sup> Different from my works previously (Chan 2011; 2014; 2015), I now believe that consequentialism is better than deontology as the moral foundation of international human rights. But given that it is a big topic and beyond the scope of this chapter, I keep both options open for debate here and wait for further works in the future.



chapter as well, as they are important to the development of the minimal account of human rights. I also extend the debate to human rights to health to show that the minimal account of human rights is applicable to not only civil and political rights but also economic, social, and cultural rights, and that the minimal account of human rights is compatible with Confucianism. I therefore conclude that the East–West philosophical debate on human rights can be settled. I hope that through this discussion, a complete theory of human rights can be developed based on the minimal account of human rights, and I look forward to seeing further research on this topic in the future.

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