

Dissertation

Stefano Sutti: Natural Law and Human Rights

Dear PhD Committee,

After having had the pleasure to assess the thesis of Mr. Stefano Sutti, I hereby share my evaluation.

In his thesis, Mr. Sutti sets out to explore the philosophical or axiological roots of modern human rights in the natural law traditions. He starts with Greek antiquity that has been, as the author rightly observes, a melting pot of “Western” and “Oriental” ideas (I would however, abstain from calling such mixture as “foreign contamination”, as Mr. Sutti puts it, p. 50). Among others, he turns to Sophocles, the Sophists, Plato, Aristotle and the Roman law tradition. In a next step Mr. Sutti investigates what he calls the Biblical legacy, emphasizing a principle difference between antique philosophies and Judeo-Christian thought when it comes to notions and values that precondition human rights. The author argues that it is above all Judeo-Christian monotheism aligned with the idea of humanity’s monogenesis that has made possible modern human rights thought. In the early modern age, so the argument of the thesis evolves, Christian natural law theories have been secularized in several aspects and on this basis, ideas of human rights could take form. Their first concrete realizations, i.e. declarations of rights in the 18th century, are, as Mr. Sutti argues, imbedded in two distinct human rights tradition, an American and a continental one. According to the author, the former tradition is one being globalized after World War II and hegemonic after the Cold War has been decided in favor of Western democracies. As Mr. Sutti is not shy to expose, he is critical of this “globalization of a moral theory”, in parts because he thinks that its philosophical roots do not render human rights a suitable model for a universal moral code, in parts also because Mr. Sutti seems to be skeptical towards their axiological foundations: egalitarianism and individualism.

The thesis meets the standards of good scientific practice in all regards. Quotes are indicated throughout, there are no parts where questions arise as to who speaks, the author or a source. In terms of formal style, the present thesis is accurate in general. A minor aspect of discomfort is

however the way paragraphs are (not) structured. Often, paragraphs consist of a single sentence, making it difficult at times for the reader to follow line of thoughts gradually in a coherent manner. As far as the English language is concerned, the text is of high quality in general, some improvements here and there pertaining to style and clarity could however be achieved by conducting professional (native speaker) proofreading.

A major strength of the present thesis is the deep knowledge of its author in terms of the history of ideas and scholarship accordingly. He shows familiarity with the relevant primary sources and integrates an impressive amount of academic literature. There are hardly any gaps as Mr. Sutti pays attention to a broad range of sources from scholars in different countries and works in different languages. There are, however, some flaws in the way the thesis is executed. One issue I have identified concerns the structure of arguments and thoughts. I have no doubt that in this whole thesis for its author there is a stringent golden thread, but to a reader – even with specific pre-knowledge of the larger subject – this greater picture is sometimes difficult to grasp. It seems as if the knowledgeable author somehow gets into his own way when delving into side-discussions, hinting at background discourses or simply missing on opportunities – at the end of each chapter and also in the conclusion itself – to summarize main (intermediate) findings.

One difficulty related to this, is that the thesis does not start with an open research horizon (“What are the philosophical/ideological roots of human rights?”) but rather with an assumption (“[T]he Biblical legacy contains in nuce as well other elements of what will become the doctrine of Human Rights”, 84). Although there is nothing wrong with having such an assumption, one should however balance the risk of claiming too much and showing too little. Such balance could have been achieved, for example, by starting the chapters devoted to certain periods of history or schools of intellectual thought with outlining in more detail what these schools of thoughts etc. were, what their main characteristics and representative are and by relating these descriptions with the overall research interest/question. Instead, the reader often gets the impression of the author “jumping right in”, drawing on his rich knowledge but falling short in making connections to his research interest in particular instances. What would have helped a lot in that regard, not only the reader but the author as well, is a clear definition of human rights and their axiological characteristics in the very beginning of this thesis. One cannot but ask oneself: How is Mr. Sutti able to identify origins of human rights thought in various natural law traditions if what human rights are supposed to mean is not spelled out in an operational definition? Given the pluralization of human rights and the different sub-traditions of human

rights the author points out later (Part 4), it would have been important to give the endeavor of a genealogy of human rights morality a bit more methodological precision.

As for the claims and arguments of the thesis, they are convincing in many regards, particularly in their “details”, as for example the overestimated relevance of the Magna Charta, the important role of Ockham and later Grotius for the notion of subjective rights or the divide between “Lockean” and “Rousseauian” natural/human rights. Here the author shows great understanding of the history of ideas and the history of natural law traditions in particular. A bit less convincing, however, is Mr. Sutti’s major claim that human rights ultimately root in Biblical ideas and values. It is well established that modern human rights to a great extent in some way or another rely on Christian notions and values. Scholars have pointed out the relevance of reformist theological thought and the role of Christian minorities denominations (e.g., Joas 2013, mentioned by the author only in a footnote) or have highlighted Christian democracy as a driver of the international human rights movement following WW II (e.g., Moyn whose work on “Christian Human Rights” is not referred to in the thesis). But Mr. Sutti seems to build his genealogy on the claim that human rights ultimately rest on the Biblical tradition itself. To make this more convincing, it would have been necessary that the author elaborates more on what human right scholarship came to understand as the ambivalence of the Biblical tradition, especially in view of what Mr. Sutti describes as downright fundament of egalitarianism and individualism: Judaic ethics or the Old Testament. Without addressing the tensions between particularism and universalism, between individualism and collectivism in (ancient) Judaic ethics, the argument according to which human rights owe their ethical orientation to that particular tradition – and not others – remains vulnerable. For if the Judeo-Christian tradition were ambivalent and nonetheless still could be seen as a genealogical root of modern human rights, so could perhaps other traditions. Mr. Sutti for example seems to dismiss contributions of Stoic natural law theories to human rights – against a majority opinion of scholars who have exhibited the relevance of Stoic thought for 18th century rights pioneers and drafters of rights declarations – by arguing that the Stoic deterministic world view of a world *logos* does not leave much room for human action, responsibility and duties. There surely is some truth to it. He however acknowledges this tradition’s cosmopolitan orientation. Again, an ambivalent tradition. Why should the origins of human rights thought be without any ambiguity? Why sideline the Stoic natural law tradition in favor of Biblical monotheism if both and – probably all natural law traditions – are complex in the way they relate to modern human rights?

I think the author could have progressed much further in his project and clarified the larger picture in ways that could enlighten our understanding of human rights that do not represent, as he rightly observes, genuine universal norms and values and maybe not even *universalizable* norms and values but refer to particular social, cultural, political and philosophical contexts or world views without which they can neither be understood in their coming into being, nor affirmed and advocated – nor rejected. An interesting feature of this present thesis is that its author seems to prefer those philosophical or ideological strands close to the latter option. This is, I would like to underline, legitimate in politics as well as in research. If one reads the present thesis as a critique of a “hegemonic myth” or “secular religion”, or also as a contribution to the philosophy of history, it is indeed a thought-provoking piece of work. In sum, I would grade this thesis “dobry” (db/4).

With best wishes and kind regards,



Innsbruck, 6 March 2021

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