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## Faith and Human Rights

Christianity and the Global  
Struggle for Human Dignity

Richard Amesbury  
and George M. Newlands

Fortress Press  
Minneapolis

Today, Romero is emblematic not only of the struggle for human rights, but also of the contributions to that struggle made by people of faith around the world. Whether in El Salvador or South Africa, Poland or India, Palestine or Tibet, the Philippines or Zimbabwe, South Korea or Burma (Myanmar), many human rights activists are religious people, who conceive their political efforts in distinctly religious terms.

Thousands of marchers have turned out, and their mood is celebratory rather than somber. Particularly striking is the presence of numerous young people, who were born in the three decades since Romero's death. As night falls, and the initial hum of cicadas develops into something more closely resembling the whine of a table saw, bottle rockets sizzle and explode overhead. But what best captures the spirit of the people is a spontaneous call-and-response chant: "*¡Romero vive! ¡La lucha sigue, sigue!*" ("Romero lives! The struggle continues!").

## 2

## What Are Human Rights?

Courageous leaders such as Oscar Romero have helped to inspire new generations of human rights advocates, and the idea of human rights is today widely endorsed in principle. Yet, for many, human rights remain an elusive ideal rather than a practical reality. Moreover, as with any popular ideal, "human rights" is also a rhetorically loaded phrase, and its very ubiquity may conceal underlying ambiguities in its application. What exactly is a human right? How are rights related to obligations? Which moral or legal claims express genuine human rights?

In this chapter we attempt to sketch a rough map of these conceptual contours. Unlike the previous chapter, which focused on the practical struggle for human rights in Central America, this chapter examines the *concept* of human rights and its historical development.

Like maps of rivers, or of disputed territorial borders, our map is provisional and subject to revision. However, it may still be of some help in orienting oneself in this otherwise complex and shifting terrain.

## Rights

So that we can better appreciate what is distinctive about the concept of human rights, it will be helpful to begin by examining the genus of which it is a species—namely, the notion of *rights*. Generally speaking, talk of rights involves at least three grammatical elements: a subject, a direct object, and an indirect object. Thus, we can speak of X's right to Y vis-à-vis Z, where X is the *bearer of a right*, Y represents the *content of the right* (what it is a right *to*), and Z is the *person or institution against whom the right is asserted*. For example, we can imagine a journalist asserting the right to freedom of the press against her government. Although, in any given case, X is a particular individual, X's right to Y is typically a function of this individual's membership in a larger group (for example, the citizenry of a liberal democracy). To assert a right is, in essence, to demand something to which one is entitled by virtue of being properly positioned or otherwise having met the relevant criteria.

Given these features of rights-talk, we can propose a rough definition of rights: your rights are entitlements pertaining to those needs and desires that other people are obligated to fulfill, or to allow *you* to fulfill. According to this account, rights have both a negative and a positive dimension: they can be violated by omission as well as by commission. It has become customary to express the normative force of rights by saying that *my rights entail others' duties*. However, this way of putting the point overlooks the fact that many rights take the form of liberties or immunities (freedoms *from*, rather than freedoms *to*) and so entail constraints or "disabilities," rather than positive duties, on the part of others. For example, I may have a right to place pink flamingo lawn ornaments in my yard, but it is not clear that this entails any specific duties for my neighbors, apart from the general obligation to respect my private property.

On the other hand, the notion of rights is meaningless if a person's rights do not make some sort of corresponding demand on the behavior of others. Imagine, for example, that I prefer a ten-foot radius of personal space when I go out in public. However, since other people are not obliged to respect this idiosyncratic preference of mine, I cannot be said to



have a *right* to what I want in this case. If we use the term *obligations* broadly, so as to include constraints as well as positive duties, then it can properly be said that my rights entail others' obligations.<sup>1</sup> According to this formulation, obligations have to do with what we owe to others, and rights have to do with what others owe to us.

But although the terms are conceptually related, talk of rights cannot simply be translated into talk of obligations, or vice versa. For one thing, although rights entail obligations, not all obligations entail rights. For example, I may have a moral obligation to be generous toward others, but it does not follow that any potential beneficiary of my generosity has a *right* to it. This example helps to bring out additional features of rights—namely, that they pertain primarily to *individuals* and to what they can legitimately expect from others *as their due*.<sup>2</sup> As one scholar helpfully puts it, rights-talk provides us with “a way of talking about ‘what is just’ from a special angle: the viewpoint of the ‘other(s)’ to whom something is owed or due, and who would be wronged if denied that something.”<sup>3</sup> Moreover, by placing the accent on individual entitlement, rather than on some more abstract requirement of justice, rights-talk is inherently minimalistic: it pertains to what is decent, rather than

to what is good. To put it another way, the obligations that an individual's rights create for others are not supererogatory. One who infringes upon another's rights or does not adequately address the demands they create is blameworthy, but like an employer who, in accordance with the terms of a contract, pays an employee the sum on which they had earlier freely agreed, one who respects the rights of others is not considered meritorious or worthy of any special praise.

## The Idea of Human Rights

Many rights, such as the right to vote in presidential elections in the United States, are the product of distinctive political and legal arrangements and pertain only to the individuals who happen to belong to the relevant community (in this example, U.S. citizens of a certain age who legally reside in one of the fifty states). That this is so has led some theorists to suppose that rights are essentially government grants, and that the having of rights—not to mention the particular rights that one has—depends entirely upon one's membership in a given political community. In contrast to this view, which is a version of legal positivism, other thinkers have held that at least some rights are “natural”—that they

do not depend upon any contingent feature of one's identity and so are possessed universally. The latter is the philosophical tradition out of which the contemporary idea of human rights emerged.

What the idea of human rights claims is that all human beings possess the same basic rights, irrespective of their other differences, and that these rights place human beings in a state of reciprocal obligation toward one another. In contrast to the sort of rights that must be earned, or that are available only to citizens of particular political communities, human rights are the common birthright of humanity, and their possession cannot depend on one's membership in any particular community (other than the human community itself). Having these rights is said to be a function of one's status as a human being, irrespective of one's culture, nationality, race, religion, and so on. Thus, as an initial (purely formal) definition, we can say that human rights are *rights belonging to every human being, which every (appropriately situated) human being is obligated to respect*.<sup>4</sup> Their universality cuts in both directions: everyone (it is claimed) owes something to everyone else. In practice, as we shall see, it is primarily (though not exclusively) against governments (as opposed to private individuals) that human rights are conceived as claimable.

## Development

Although, as we shall see in chapter 5, human-rights thinking has important historical antecedents, the idea of human rights as we know it today is relatively recent. It came into prominence during the Enlightenment, as Europe was undergoing significant social changes.<sup>5</sup> In modernity, the institutions and social arrangements that were designed to protect basic human dignity in premodern societies broke down, and the individual was suddenly faced with unprecedented challenges to his or her ability to live a decent human life. As one scholar puts it, "Society, which once protected his dignity and provided him with an important place in the world, now appears, in the form of the modern state, the modern economy, and the modern city, as an alien power that assaults his dignity and that of his family."<sup>6</sup> The idea of human rights, and with it the conviction that the authority of the group is limited by the dignity of the individual, emerged partly in response to these distinctly modern challenges.

Modernity and the Enlightenment were also characterized by new attitudes toward authority and its justification, and traditional institutions and offices came increasingly to be viewed as suitable objects of criticism. The



idea of human rights, with its presumption in favor of the individual, reflects new conceptions of political legitimacy and popular sovereignty. These developments, it is important to appreciate, affected not only the political philosophy of the time but also the political and social practices that philosophy takes as its starting point. Language derives its sense from practice, and the language of human rights is no exception. Thus, Annette Baier has observed that the development of the idea of human rights is associated not simply with, for example, the social contract theory of Locke and Rousseau but also—and more importantly—with an increasing unwillingness on the part of the powerless to beg from the powerful:

The conditions of the form of human justice that recognizes universal rights include . . . a limited willingness to beg, a considerable unwillingness to ask, even when—if we did ask the powerful for a handout—it would perhaps be given to us. What we regard as ours by right is what we are unwilling to beg for and willing only within limits to say “thank you” for.<sup>7</sup>

In modernity, even charity—the highest of medieval virtues—was subjected to critical reappraisal, and the practice of asserting one’s rights

gradually came to replace the rituals of petitioning the powerful. A new conception of the self—as dignified bearer of inalienable rights—had emerged.<sup>8</sup>

## Human Rights in the Twentieth Century

It was not until the mid-twentieth century, however, that talk of human rights entered into popular discourse. As before, developments in the language reflected developments in social conditions and practice. The twentieth century has been called the bloodiest in all of human history, and with good cause. With the rise of new ideologies, new social arrangements, and of course new (and lethal) technologies, human dignity was again under unprecedented assault.

Alluding to the horrors of the Holocaust and the Second World War (though without naming them), the preamble to the Universal Declaration of Human Rights observes, “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.” Arguably the most important moral manifesto to arise out of that outrage, the Universal Declaration was drafted in 1947 and 1948, and it was officially adopted by the United Nations on December 10, 1948.<sup>9</sup> It consists of thirty

articles proclaimed to represent a “common standard of achievement for all peoples and all nations.” The universality this implies is further reinforced by the language used in each of the articles: almost all of them begin with the word *everyone* or with the phrase *all human beings* (or *no one*, where immunities are at issue). The rights enumerated here are meant to apply globally, though it is worth noting that while no state voted against the declaration in the United Nations General Assembly, Saudi Arabia, South Africa, and the Soviet-bloc countries abstained. Despite its references to the barbarism of the recent past, the declaration is an optimistic document, which looks forward to “the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want.”<sup>10</sup>

Among the rights listed in the declaration are the following:

- The right to life
- Freedom from slavery
- Freedom from torture
- The right to equal protection before the law
- Freedom of movement
- The right to own property
- Freedom of conscience and religion.

- Freedom of assembly
- The right to work
- The right to an education

However, the declaration was not meant to be comprehensive or exhaustive. Rather, by articulating the aspirations of (at least much of) the international community, it set the stage for future international resolutions, conventions, covenants, treaties, and other human rights instruments.

Although it is not legally binding, the declaration is significant, among other reasons, insofar as it set in motion the emergence of a systematic body of international human rights law and the transformation of an essentially moral ideal into a political reality. To give legal weight to the rights enumerated in the Universal Declaration, in 1966 the United Nations adopted two additional treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which came into effect in 1976. The former includes such rights as freedom of expression, the right to be presumed innocent until proven guilty, and the right to privacy; the latter includes, for example, the right to safe working conditions, the right to join trade unions, and the right to adequate



food, clothing, and shelter. Taken together, the Universal Declaration, the ICCPR, and the ICESCR are known as the International Bill of Rights.

### "Generations" of Human Rights

While it has generally proven politically advantageous to pay lip service to the idea of human rights, at least as long as the latter is conceived in fairly abstract terms, there has been much debate within the international community as to *which* putative rights are in fact genuine *human* rights, and some countries have refused to be bound by international human rights law. The United States did not ratify the ICCPR until 1992, and it has never ratified the ICESCR.<sup>11</sup>

Indeed, part of the explanation for the existence of these two distinct human rights covenants—one for civil and political rights and the other for economic, social, and cultural rights—is to be found in the differing priorities of Western liberal democracies and (what were once) Marxist states. Generally speaking, the ICCPR tended to reflect the concerns of the former, whereas the ICESCR tended to reflect the priorities of the latter. Since then, additional instruments have been created to address specific classes of people and issues

not adequately covered in the International Bill of Rights, including conventions on the rights of women and children and a Declaration on the Right to Development.

Many commentators now speak of these developments as involving three "generations" of human rights. The first generation consists of civil and political rights such as the right to own property, freedom of speech, and the right to vote. The rights in this category are ones that human beings enjoy as individuals and that are asserted primarily in relation to their own governments. Thus, they reflect the important role played in most of the modern world by nation-states. They are called the first generation of human rights because their importance was recognized relatively early on (for example, by John Locke and by the drafters of the Declaration of Independence and the American Bill of Rights).

A second set of human rights includes several economic, social, and cultural rights, such as the right to an education and the right to earn a living. Unlike civil and political rights, second-generation rights are harder to protect, since they tend to involve positive entitlements rather than simply freedoms and immunities. Thus, their realization depends upon the existence of civil institutions such as schools,



hospitals, and labor unions.<sup>12</sup> Moreover, unlike first-generation rights, which are typically asserted against one's own government, it is not always clear who is responsible for meeting the obligations that second-generation rights entail.

Currently, an international consensus is beginning to take shape regarding a third generation of human rights. These rights differ from the others insofar as they are generally rights that pertain to groups of human beings, rather than directly to individuals.<sup>13</sup> This is in part because—unlike torture or arbitrary arrest, say—the challenges to which they respond are ones that threaten more than just isolated individuals. Some examples of these proposed “group rights” are the right to peace, the right to a healthy environment, and the right to economic development.<sup>14</sup> Also very important to this category are the rights of minorities and indigenous communities.

Every declaration of rights is ultimately a product of its times, as notable for what it omits as for what it includes. For instance, the International Bill of Rights, while global in its aspirations, uses gendered language and makes no mention of sexual orientation; what it says about the family is clearly reflective of mid-twentieth-century Western social norms.

Thus, even if human rights themselves are universal, it is not surprising that the declarations in which they are articulated develop over time.

## Enforcement and Prosecution

While the codification of international human rights law represents a major accomplishment of the past half century, the biggest impediment to the realization in practice of human rights remains the lack of adequate mechanisms for enforcement. At present, the primary guarantors of the rights enumerated in treaties such as the ICCPR and the ICESCR are the signatory states themselves—an arrangement that respects state sovereignty but results in considerable variation with respect to human rights practice within the international community. Many observers have noted the resulting paradox that “states are at one and the same time the necessary agents for the implementation of human rights, and also among their chief violators, or at least colluders in their violation.”<sup>15</sup> The role played by the United Nations itself is largely supervisory. Its most important human rights body, the Human Rights Council, comprises representatives from various governments who are charged with examining allegations of

human rights violations by states.<sup>16</sup> The UN's various other adjudicatory bodies, including the Human Rights Committee (in the case of the ICCPR) and the Committee on Economic, Social, and Cultural Rights (in the case of the ICESCR), can examine and record allegations of abuse reported by either states or individuals, but they cannot ordinarily initiate investigation or undertake action on their own. More often than not, the primary incentive for states to comply with international law is the pressure of public opinion rather than the threat of any more direct collective action.

Although, in the absence of an international "police force," the human rights legal regime lacks effective mechanisms for uniform enforcement, the past few years have seen the creation of a judiciary body charged with trying individuals accused of grievous violations of international law. Under the terms of an international treaty called the Rome Statute, the International Criminal Court (ICC) was established in The Hague to address "the most serious crimes of concern to the international community as a whole," namely genocide, crimes against humanity, war crimes, and the crime of aggression. The treaty was adopted by 120 states in 1998 and entered into force in 2002. While its jurisdiction is limited and

does not include many of the rights enumerated in prior declarations and treaties, the ICC nevertheless represents a significant stride toward the implementation of international human rights law. However, the United States—which, along with China, Iraq (then under Saddam Hussein), Israel, Libya, Qatar, and Yemen, voted against the Rome Statute—has expressed strong opposition to the ICC.<sup>17</sup>

## Grassroots Organizations

Despite the ongoing challenges facing international law, the idea of human rights remains an immensely attractive and powerful moral ideal, as attested by the work of numerous human rights nongovernmental organizations (NGOs) and grassroots groups. In recent decades, the phrase *human rights* has become associated closely with the work of Amnesty International, Human Rights Watch, and other such organizations. While employing a staff of lawyers and human rights professionals, such organizations are also adept at marshaling popular support for human rights. By building networks among concerned volunteers and financial contributors around the world, they have helped to distribute the costs (personal as well as financial) of human rights activism. Amnesty International, which was



founded by British lawyer Peter Benenson in 1961, is famous for the letter-writing (and e-mail) campaigns it organizes on behalf of prisoners of conscience and other victims of human rights abuse, and chapters of the organization can be found on college campuses and in communities around the world.

The success of these grassroots efforts is indicative of the role that public opinion can play in such matters. The desire on the part of governments to avoid public embarrassment is often a powerful practical incentive to respect human rights—though it is also a fragile one that depends upon the continued prestige and legitimacy of the human rights ideal.

## Continuing Development

This chapter has attempted a brief sketch of the history of the idea of human rights. But some skeptics deny the existence of universal human rights precisely on the ground that the idea of human rights *has* a history. One such skeptic, the prominent philosopher Alasdair MacIntyre, argues that rights “presuppose . . . the existence of a socially established set of rules. Such sets of rules only come into existence at particular historical periods under particular social circumstances. They are in no way universal features of the human

condition.”<sup>18</sup> According to MacIntyre, human rights “are fictions” comparable to “witches or unicorns.”<sup>19</sup>

However, the fact that *thinking* about human rights has a history does not necessarily lead to the conclusion that rights themselves are merely historical artifacts or “constructs.” It is true that one cannot talk of rights outside the social conditions that make such talk intelligible, but given those conditions of intelligibility, one can speak of rights existing in other times and places.<sup>20</sup> From within the particularity of a historical context, as we will argue more fully in chapter 4, it is possible to make claims that aspire to be true universally.

Human rights are said to obtain irrespective of time and place, but thinking about human rights—and the language in which this thought is expressed—is neither universal nor ahistorical. Like all moral discourse, it developed in a particular time and place, in response to various historical forces, and it depends for its sense upon the maintenance of certain practices. These are the *conditions* that make possible talk of *unconditional* rights.

As threats to human dignity change, the discourse and practice of human rights also must adapt. The past sixty years have seen the



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development of new ways of thinking about human rights and new institutions for protecting them. Nevertheless, enormous challenges remain. Whereas the infrastructure, if not the language, of human rights is best adapted to protecting the individual from his or her own government, in our contemporary, globalized world, threats to human dignity come increasingly from other sources (though governments continue to rank near the top of the list), ranging from multinational corporations to terrorist organizations. And as we have seen, these threats often endanger communities, not just particular individuals. Thus, the creation and maintenance of a global human rights regime will require new ways of holding all of us accountable to one another, both morally and legally.

## 3

## Human Rights and the Problem of Grounding

“**A**ll human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” These words from article 1 of the Universal Declaration of Human Rights express a truly remarkable claim: that irrespective of nationality, race or ethnicity, economic status, gender, sexual orientation, religion, social connections, and indeed any other differentiating fact about ourselves, each and every one of us possesses dignity and is deserving of respect and kindness *just by virtue of being human*.

Notice, however, that the Universal Declaration of Human Rights is silent about the source of this dignity that persons possess. As the prominent Muslim scholar of human rights Abdullahi Ahmed An-Na'im notes,

“The omission of any specific foundation of the equality of all human beings in dignity and rights, whether religious or secular, was apparently designed to evade the issue in the interest of achieving consensus on the Declaration.” But today more than ever, An-Na'im adds, “the question of the moral or philosophical foundation of human rights remains both difficult to answer and critical for the practical implementation of these rights.”<sup>1</sup>

For critics of human rights, the declaration's silence on the question of foundations is evidence that its moral claims are baseless—that no such foundations exist. Thus, Alasdair MacIntyre scathingly remarks, “In the United Nations declaration on human rights of 1949 [sic] what has since become the normal U.N. practice of not giving good reasons for any assertions whatsoever is followed with great rigour.”<sup>2</sup> This chapter does not attempt to offer good reasons for the assertion about human dignity with which it begins; however, it explores the prior question of what these grounds might look like—of the form that a justification of human dignity (and derivatively, of human rights) might take. Later chapters are then devoted to the task of sketching the outline of such an account.

## Moral Justification: The Very Idea

The assumption behind MacIntyre's gibe is that moral claims deserve our respect and allegiance only if they can be furnished with good grounds. What we need, he suggests, are *reasons* for caring about one another. But that this is so is not itself obvious. Let's imagine that a person has collapsed in an airport terminal. Others quickly rush to his or her aid. We may admire these individuals, even call them heroes for saving the day, but we do not ordinarily consider their behavior to stand in need of justification. Rather, it is the person who strides past without stopping to help from whom we demand (or would like to demand) some explanation. “What's wrong with him?” one might ask of such a person, thus implying that his lack of concern constitutes a defect of character, a lack of human wholeness.

There is indeed something important to appreciate here, and it has to do with the fact that instinctive, prereflective reactions play a fundamental role in our thinking about moral matters. Ludwig Wittgenstein once remarked, “My attitude towards him is an attitude towards a soul. I am not of the *opinion* that he has a soul.”<sup>3</sup> He meant that our recognition



of the humanity of others shows itself in how we respond to them, and that these reactions are not themselves the result of a prior “theory” we have chosen to adopt on independent grounds. Of course, morality involves rational deliberation, but our moral reactions to others provide the conditions within which such deliberation—including the demand for justification—has its sense and gravity.

In fact, one reason for treating certain moral claims with skepticism is precisely that they do not accord with, or allow us to make sense of, our untutored moral intuitions. For instance, some animal rights activists use the slogan “Meat is murder.” The force of such a remark derives from the way we ordinarily employ the concept of *murder*: it draws an analogy between the slaughter of animals for food and the slaughter of other human beings. But can those who use this slogan really mean what they say? Our moral reactions seem to belie such claims.<sup>4</sup> One’s reaction to a chicken or a fish is simply not a reaction to a soul (a point that has nothing to do with any “theory” of what a soul is)—which is not to say that it is a reaction to an insentient piece of matter either.<sup>5</sup>

The point here is that our sense of human dignity is closely related to how we actually respond to other human beings. But how ought

we to conceive of this relation? One possibility would be to say that human beings have dignity *because* (or *insofar as*) we respond to them with respect. The eminent legal theorist Ronald Dworkin seems to endorse a version of this argument when he writes:

The life of a single human organism commands respect and protection . . . because of the complex creative investment it represents and because of our wonder at the . . . processes that produce new lives from old ones, at the processes of nation and community and language . . . , and, finally . . . at the process of internal personal creation and judgment.<sup>6</sup>

On this account, the “sacredness” of human beings is a function of the wonder and awe they inspire in us.<sup>7</sup>

However, Michael Perry argues that such a view of the relation between our understanding of human dignity and our reactions is inadequate as the basis for human-rights thinking. Perry, a Catholic legal scholar and philosopher, does not dispute Dworkin’s claim that human beings can be awe inspiring or his claim that they are sacred; however, he questions Dworkin’s attempt to derive the latter from the former. He writes, “To suggest . . . that something is sacred *because* it inspires

awe in us, because we value it, is to reverse the ordinary order of things.”<sup>8</sup> Perry continues:

Dworkin seems to be using “sacred” in what we can call a weak, or “subjective,” sense—something (for example, a human life) is sacred *because*, or *in the sense that*, it inspires awe in us and we attach great value to it—rather than in the strong, or “objective,” sense—something is sacred and *therefore* inspires awe in us and we attach great value to it.<sup>9</sup>

For Perry, reactions alone are too subjective a basis on which to build a conception of human dignity. For what are we to say about those who do not react as we think they should—who react, for instance, with contempt toward those who differ in some way from themselves? For Perry, it is important to affirm that human beings are sacred in an objective sense, so that their sacredness can function as a *reason* for treating them with respect.

Here, then, is a philosophical puzzle: If we say human dignity depends entirely on human reactions, then we forfeit the grounds required for claiming that human beings *ought* to be treated with respect (irrespective of how they actually *are* treated). But if we say that human dignity is independent of and logically prior

to human reactions, such that the latter must answer to the former, then it is not clear how such a conception of dignity could be rendered intelligible and defended. It would float free of our intuitions in much the same way that the claim that “meat is murder” does. In order to resolve this dilemma, it will be helpful to think further about our moral reactions and how they differ from purely physiological responses.

### Instincts: Moral and Physiological

Charles Taylor has noted that certain moral reactions, including the inclination to come to the aid of those who are injured, are “uncommonly deep, powerful, and universal.”<sup>10</sup> But although apparently “instinctual,” such reactions are also shaped by one’s culture. Thus, while the demand to render assistance is felt in all cultures, there can be—and in fact is—disagreement among (and even within) cultures as to the scope of what is demanded of one: Does the obligation extend only to members of one’s own caste, tribe, race, religion, and so on? Or is the class of beneficiaries wider? (This is, of course, the question famously posed by the parable of the good Samaritan.) Whatever answer is given, Taylor notes, will be “inseparable from an account of what it is



that commands our respect.”<sup>11</sup> It will serve in effect to pick out those properties of persons that are thought to render them deserving of our attention and concern. Our moral reactions are thus “not only ‘gut’ feelings but also implicit acknowledgments of claims concerning their objects.”<sup>12</sup> They entail what Taylor calls an “ontology of the human,” an account of what it is that merits our response.<sup>13</sup>

In this respect, our moral reactions differ from mere physiological responses such as nausea. To be sure, both are reactions to objects possessing certain properties, but “in one case the property marks the object as one *meriting* this reaction; in the other the connection between the two is just a brute fact.”<sup>14</sup> For instance, there is no point in arguing over which objects or states of affairs *ought* to evoke nausea. There might be ways of manipulating such responses, as in *A Clockwork Orange*, but “what seems to make no sense here is the supposition that we might articulate a description of the nauseating in terms of its intrinsic properties, and then argue from this that certain things which we in fact react to that way are not really fit objects for it,” or that certain things we do not find nauseating really are.<sup>15</sup> The concept of *the nauseating* is simply coterminous with whatever in fact elicits nausea.

Earlier we noted Perry’s concern that making human dignity (or “sacredness”) depend on our reactions—as he thinks Dworkin’s argument does—reverses the natural order of things. Perry’s worry is that appealing to moral reactions will render dignity as subjective a concept as the nauseating. But Taylor’s point is that moral reactions need not be understood on the model of purely physiological responses. In the case of the former, but not the latter, it is possible to *argue* about which reactions are merited and which are not. The ontological claims implicit in (or affirmed by) our moral responses open up a space for critical reflection and debate.

On Taylor’s account, dignity and moral reactions are closely intertwined, but neither is more basic than the other. It is impossible to make sense of or debate the claims of human ontology without relying on our reactions, and vice versa. Because our moral reactions are not simply brute facts—because they can be reasoned about and need not merely be accepted as given—it is sometimes necessary to suppress certain reactions in the interests of the claims implicit in others. Our reactions are not, after all, infallible. But although they can be refined, our reactions cannot be dispensed with, in the service of a more “rational” moral calculus. For without

such reactions, moral reflection would simply not be possible. As Taylor notes, "It is never a question of prescinding from our reactions altogether," of attempting to construct an ontology of the human from a neutral, disinterested stance, unencumbered by moral instinct.<sup>16</sup> For our instincts are "our mode of access to the world in which ontological claims are discernible and can be rationally argued about and sifted."<sup>17</sup> To ignore them is to lose sight of the very thing we purport to be arguing about.<sup>18</sup>

### Ontologies of the Human and the Grounds of Dignity

Philosophers have wondered what reasons can be given in answer to the question of why we ought to care about one another. But truly asking such a question—for example, when stepping over an injured person on the way to the departure lounge—is pathological. An individual unfettered by moral instincts, and so without an ontology of the human, is a person bereft of all moral direction, with whom there consequently would be little hope of reasoning about moral matters. Competent moral agents, by contrast, are already inside the space of moral reflection, relying on certain moral reactions even as they criticize others.

Moral reactions can be distinguished from purely physiological responses in part because they entail ontological commitments. These commitments are deeply embedded in our thinking, and as Taylor notes, "The moral ontology behind any person's views can remain largely implicit."<sup>19</sup> However, when what is implicit is made explicit in the form of a claim, it can be rationally examined and debated.<sup>20</sup> To attempt to articulate grounds for treating others with compassion and respect is thus to seek to make explicit an appropriate ontology of the human—a conception of human nature such that these human beings are seen as *meriting* our concern. This is a task properly undertaken in dialogue with others, drawing upon the full range of critical resources that our traditions make available to us. The challenge here is addressed not to sociopaths who are devoid of moral insight, but to ordinary human beings like ourselves, who respond in characteristic ways to others. Thus, any such justification will be rooted in our reactions, even though the claims implicit in these reactions will need to be scrutinized, debated, and refined—in some cases necessitating adjustments in the reactions themselves. The goal of this process of mutual correction is what John Rawls has described as a state of "reflective equilibrium."<sup>21</sup>



An ontology of the human is an account of what it is about human beings—or about certain human beings—that merits our respect. But such accounts can vary both among and within traditions. At one extreme, the property picked out may serve to define a privileged class of human beings (for example, landholding European men). But the account can also be broader in scope. Such an account might tell us, for instance, that all human beings “are creatures of God and made in his image, or that they are immortal souls, or that they are . . . emanations of divine fire, or that they are . . . rational agents and thus have a dignity which transcends any other being, or some other such characterization; and that *therefore* we owe them respect.”<sup>22</sup>

We began by raising the question of the grounds for human rights. Now we can return to that question with a clearer understanding of what we are asking. To inquire into the grounds for human rights is to raise the question of the sort of human ontology compatible with the claim with which this chapter began: that all human beings are born free and equal in dignity and rights and should treat one another like brothers and sisters. Although every ontology derives its significance from the tradition(s) out of which it develops, the properties identified by the relevant sort of

ontology would be universal, unrestricted by race, gender, nationality, religion, or any other social division.

Perry has argued that only religion is capable of providing us with an *objective* conception of human dignity (or sacredness), and that, consequently, the idea of human rights—that there are certain things that ought to be done for all human beings, and other things that ought never to be done to them—is “ineliminably religious.”<sup>23</sup> We agree that religious traditions can make available ontologies of the human that conform to the requirements just articulated. However, we see no reason to deny that similar resources can be found within other, nonreligious traditions of moral reflection.<sup>24</sup>

In chapter 6 we will attempt to offer our own rudimentary account of human dignity—one grounded in religious claims distinctive of the Christian tradition. But we do not claim that ours is the only such account that can be offered. Other accounts, other ontologies of the human, can be articulated from within other traditions (religious and nonreligious), and even from within Christianity itself. Indeed, as we will try to show in the next chapter, it is not necessary to achieve consensus at the level of ontology in order to be justified in affirming the universality of human dignity.

## Dignity: Human or Divine?

By placing the emphasis on *human personhood*—albeit personhood as understood from within the context of particular moral and religious traditions—the approach we advocate differs from certain other ways of thinking about the relation between religion and human rights that claim to derive such rights from divine commands or a universal moral law. Such proposals ultimately seek to locate the source of human rights in something other than the inherent worth—the sacredness—of individual human beings themselves (for example, in the will of God or the laws of nature). However, insofar as they place the object of moral respect somewhere outside human beings themselves, these accounts are better suited to talk of duties than to talk of inherent rights. Respect for human beings is rendered a by-product of respect for something “higher.”

Jeffrey Stout has recently argued that the idea of a natural law is best understood as an “imaginative projection,” the point of which is to underscore the need for ongoing social criticism.<sup>25</sup> The “law” is that *toward which* we are feeling, rather than that *from which* we are currently in a position to argue.<sup>26</sup> The task of articulating human rights would no doubt be easier—even otiose—if we could simply crib

from the eternal law; but unfortunately that is not an option for earthbound humans. By grounding human rights in human dignity, the view for which we are arguing need not offer any particular account of which claims express genuine human rights. That is a question that must be discussed and debated, as indeed it continues to be. And as we saw in chapter 2, the answers that are given change over time, as social conditions evolve. But religious traditions can contribute to this process insofar as they provide resources for affirming the dignity of all human beings.