

# Human Rights and the Problem of the Meaning of Humanity

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The notion of “rights” exercises an overwhelming authority over the world in which we now live. Its reign is so absolute, so comprehensive, at least in the west and among already westernized peoples, that we can hardly conceive of any other idiom in which to understand and organize our common world. Even where westernization (roughly equivalent to “modernization” and to “secularization”) is contested, the language of rights proves irresistible—we hardly know how to question rights without embracing or claiming rights: the assertion of what one might now call, in a dizzying paradox, the “traditional” rights of self-defining “individuals” is countered by claims of rights to cultural, ethnic, racial, and religious identity. And those of us who are concerned about the preservation of human goods inseparable from the institution of the family can hardly resist the inclination to frame these concerns in terms of “the rights of the family.” There seems to be no answer to the ever-growing power of the modern, secular west that does not in its first formulation accept the most fundamental premise of that power.

The power of the category of “rights” is by no means limited to what is directly at stake in a public forum, whether at the local, national or international level. A frame of thought that structures our public discourse cannot help but profoundly condition the way we understand our world and indeed ourselves, our very humanity, in every domain of our existence, even the most “personal” or “private.” In fact, the very pretension to a kind of insulation of the “private” from the “public” sphere is closely associated with the assertion of “rights” as the fundamental category of our moral and political existence. Thus, one might say that the notion of rights exercises its greatest power over us in the very moment when we think we can keep it at bay, when we attempt to circumscribe its influence by confining it to the public or political realm, while reserving some “private” sphere to ourselves.

For in “privatizing” what is arguably most important to us (family/religion, for example), we open ourselves almost irresistibly to interpreting such goods as “rights” and therefore in effect subordinating them to the idea of rights, with all that is implied in that idea: the family can only be grasped as a “lifestyle” among others, and religious truth is necessarily understood as your truth or my truth or their truth or our truth, and the only truly “true” truth, public and authoritative, emerges as the right each of us has to whatever “truth” we may freely choose to profess. The truth of rights seems to be, by common consent, our only

public, universal truth, and therefore, irresistibly, our only truth. One might almost say that, instead of truth, we are left with “rights.”

But surely this cannot be the final word. The conquest of truth by “rights,” however far advanced, can never be complete, for reasons that are at once deeply political and deeply spiritual, rooted, I would venture, in the very meaning of our humanity. At the most straightforwardly political level, it is obvious that claims of rights will always multiply far beyond the capacity of any public authority to satisfy such claims, and so we will always find it necessary to assess the justice of competing claims, and thus our attention will be drawn to some larger context in which these claims may be understood and evaluated. And what, finally, could ground such an evaluative context, if not some understanding of truth, of how things really are? And (to move from the immediately political to the fundamentally human or “spiritual”) is not such a context, a horizon of meaning at least implicitly limiting and shaping individual self-assertion, a sense of some order transcending our passing whims or inclinations—is this not what we must mean, ultimately, when we utter the word truth?

The complete emancipation of the distinctive language and consciousness of rights from the problem of a higher truth, is therefore, I submit, strictly unthinkable. But this is of course no reason for complacency—the world of rights is driven along by an attempt at such an emancipation, or, more precisely, by a succession of ever more radical attempts to emancipate rights from the authority of any truth. I do not propose to counter this ongoing radicalization of rights by setting forth some final understanding of Truth. If such an understanding were available to human beings as human beings, its manifest authority would have been firmly established long ago. Indeed, I think it is important that those of us who are suspicious of the imperialism of rights-talk recognize that the conquests of the notion of rights would not have been possible if this language did not reflect some real orientation, some profound aspiration of the human soul (as well as an effective response to a real political dilemma). There must be some truth to the idea of rights. But this truth of rights must, on the other hand, be radically partial and partisan, or it would not result in the suppression of the very question of the nature and the good of the human soul—it would not continually, compulsively cover its own tracks, so to speak, or deny its own rootedness in a higher truth.

In the remarks that follow, I propose a brief overview of the principal predecessors (ancient and medieval) of the

idea of rights in the western tradition, as well as a brief examination of the genesis of modern rights as a direct challenge to these traditions. Let me be clear at the outset that this account is not intended to prepare a simple return to classical or medieval political and ethical categories or in some other way to encourage what would be a hopeless, and at the limit strictly meaningless, attempt to repudiate altogether the ascendant language of rights. Rather, I hope to clarify both how this language reflects a certain truth of our humanity and at the same time how it now prevents us from coming to terms more fully with the question of that truth. Though no political or legal program of action can follow directly from the clarification I propose, I would hope that such a clarification of both the necessity and the limits of the idea of rights might assist us in addressing more astutely the various rights claims that we confront. In particular, I would hope that, by seeing what is at stake in the contemporary assertion of human rights, we might become more aware of the blind spots of this modern moral vocabulary, and thus, begin to create a conceptual space within which we might articulate the numerous concrete goods associated with family life.

Before there were human rights, there were natural rights; before there were natural rights, there was natural law; and before there was natural law, there was natural right. The idea of nature may be natural, but it had to be discovered or originally articulated. The discovery of the category of nature is coeval with the birth of philosophy. The early Greek philosophers seem to have been the first to have attempted to see the world in terms of a clear distinction between what is natural and therefore necessary and fixed and what is conventional, a matter of mere agreement or imposition, and therefore subject to change.

Only what is natural and eternal, they thought, can be considered strictly knowable, and thus a matter of rational investigation, and so the first philosophers turned their attention to such things as the constitutive elements of the cosmos, or the regular motions of the heavenly bodies. Political and ethical concerns were left to those who came to be called Sophists, and who were happy to deal in the effectual truths of persuasion and worldly success while leaving eternal necessities to the philosophers.

It was Socrates who first proposed to bring philosophy down from the heavens to consider the affairs of men. This turn from the lofty stillness of the stars to the business of ethics and politics is inseparable from a question that has proved inexhaustible: is there a natural justice, a natural ground of right and wrong? To answer in the negative seems to be equivalent to denying the very possibility of political and ethical philosophy, since the denial of a standard in nature would relegate all laws, regimes, and practical virtues to the realm of groundless and finally arbitrary convention. Socrates attempted to answer this challenge (if

the account of his defense or *Apology* by his student Plato is to be believed) by affirming the superior justice of his way of life, of philosophy itself. But this is, finally, not an answer but a restatement of the question: does reason support or undermine political and moral order? In Plato's *Republic*, Socrates is given what appears to be a more constructive role: here it appears that the justice of reason can only be vindicated by the rational redefinition of justice: the justice of the city must be understood in the light of the true order of the soul, that is, the order of the only true soul, the true philosopher's soul, which is held to be the only true order, the only true paradigm of justice.

Where this leaves the actual political order, or any possible city, is at best unclear; and by associating (in the notorious Book V) the rule of philosophy with a manifestly impossible scheme of communism requiring the complete abolition of the family, Plato no doubt intends to moderate the political idealism of philosophers, that is, the pretension of reason to govern and therefore to transform human affairs. It remains, however, that Plato leaves us no way to conceive of a natural right, a natural standard of justice, except in terms of the natural perfection of the philosophers own soul, a perfection that may at best be approximated in some way and not replicated by the city as a whole. For not knowledge but opinion is the insuperable medium of the city; the city can itself never philosophize. The most basic, in fact finally the only natural right is the right of the best man, the philosopher, to rule others.

This rule is exercised, to be sure, for the good of those ruled, and not for the good of the philosopher, for this good is held to be far above any interest in ruling. Or is it? By defining the very tripartite order of the philosopher's soul in terms borrowed from or at least commensurate with the structure of a city, Plato may be suggesting a more intimate connection between ruling and reasoning, between political and philosophical goods.

In any case, his student Aristotle would state the claims of the philosopher over political life somewhat more discreetly, allowing more scope to the naturalness of the virtues of non-philosophers, in particular to the most comprehensive virtues, magnanimity and justice. In Aristotle, the exercise of reason in the practical (political and ethical) realm has its own integrity, and the justice of the city is explained with reference to the virtues or perfections of the soul accessible to a non-philosophical gentleman. Still, it is disconcerting to our modern (that is, post-Christian) universalism to note that for Aristotle this natural political justice remains somehow changeable, adaptable from city to city, according to the particular bent of the regime or constitution. Aristotle affirms, to be sure, that there is only one best constitution by nature, but the harder we look at this constitution the harder it seems to distinguish the praise of such a regime from an affirmation like Plato's of the right of

philosophers to rule. As we see in the last book of the *Nicomachean Ethics*, man's true, or his truest perfection consists not in the practical virtues but in theoretical wisdom, and thus in that activity belonging to the philosopher alone, the practice of pure contemplation of eternal truths. Though Aristotle's solicitude for non-philosophic virtue as a more accessible standard of political right is real, he continues to locate the ultimate grounding of natural right in the rare and distinctive perfection of the philosopher's own soul.

This identification of natural perfection with philosophy itself of course implies a certain depreciation of family life, a depreciation already foreshadowed, I would argue, in the classical Greek elevation of spirited, male public virtue above the more immediate affective satisfactions of domestic life. For Aristotle as well as for Plato, only the philosopher can claim unmediated access, beyond the conventions of a particular city, to nature itself, to reality. The city transcends the family, and only the philosopher transcends the city.

Before examining Christian and Modern critiques of the pride of philosophers, critiques with which, I dare say, we already know we must in some way agree, we should pause a moment to appreciate the strength of the classical philosophers' position. The right governance of human communities would seem indeed to depend upon an understanding of a good human life, an understanding of the fulfillment or perfection of what it is that distinguishes human existence; and our capacity to speak and to reason is an obvious candidate, to say the very least, for defining this human difference. Indeed, as soon as we accept to enter into a reasoned discussion of the principles that should guide us individually or collectively—a discussion such as we are engaged in at this very moment—then are we not effectively admitting, at least provisionally, the authority of reason? For by reason we mean simply speech or discourse (*logos*) understood as authoritative or as giving access to what is authoritative. "At least it is as sovereign praiser that the prudent man praises his own life."<sup>1</sup>

However implausible the ruling pretensions of the ancient philosophers may appear to us, can we avoid such pretensions ourselves without avoiding rational discourse on ethics and politics? Only, perhaps, by severing or claiming to sever what nature seems to join together: the question of justice and the question of the good.

In the Roman world that became Europe and the west, the ruling pretensions of philosophy are challenged by Christianity; Christian theology in the course of its development sometimes more straightforwardly opposes and at other times more artfully subordinates and adapts these pretensions of reason to the ruling authority of revelation. The most authoritative voice of this strategy of opposition (which does not exclude moments of adaptation) is that of St. Augustine. Augustine proposes to lay low human pride by raising the standard of a new virtue, namely, humility.

The pride he opposes is, of course, in its most articulate form, the pride of the philosophers.

The essence of this pride is the claim to know and to possess by natural, human means alone what is good for human beings, that which constitutes the fulfillment of their natures and thus their happiness. Augustine ridicules this pretension, and emphasizes the elusiveness and fragility of any goods accessible to us by nature. Reason is not competent to rule us, at least not in its own name; reason cannot mediate between our wretched mortality and the divine condition of happiness. God himself must be our Mediator; He must take our mortality upon himself in order to secure our access to immortal happiness. It is thus by faith and not reason that we access our true good; we must walk by faith, and not claim to grasp by our own rational powers the nature of our own ultimate good.

It follows of course that we can give no rational account of the nature of this good; it will only become present for us, fully graspable, as we are united with God in his Eternal City. (It is notable, however, that Augustine continues to understand the highest good of salvation largely on the model of Platonic-Aristotelian contemplation.) What we can know about our ultimate good is that it is not limited to philosophers or to the faculty on which philosophers pride themselves, namely reason. Augustine finds it compellingly evident that the true way of the soul must be a way that is in principle open to all human beings as such, and not restricted to the necessarily limited category of philosophers.

Against the exclusiveness of philosophers, Augustine asserts a new kind of universality, a comprehensiveness that conditions his understanding of the individual soul as well as of the true city: the good is in principle available to all humanity because it encompasses the whole human being; it does not reside exclusively in the perfection of the faculty of reason, but extends somehow to the answering of deeper human longings. Though this encompassing good, this salvation of the whole human being is necessarily beyond our mortal grasp, if there is any word in our natural vocabulary that points toward this supernatural end, then this word is love.

Without here taking a position on the substance of Augustine's Christian claims, I would suggest that his critique of classical reason reveals something deeply true about the human condition in a way that may irreversibly limit any return to the classical understanding of natural right. The truth that Biblical revelation minimally reveals is that philosophers have no exclusive claim to a sense of the limits and inadequacy of even the most comprehensive goods available within the human city, or, as Christians will say, within the cities of this world. Without presupposing the perfection of their rational natures, humans are capable of an awareness of their mysterious otherness from the con-

ventions and implicit understandings that are the medium of our political existence, from the world organized by human power and human reason. Human beings are fallen; even, or perhaps especially, if they are not philosophers, they can somehow sense that their true home is elsewhere. Nietzsche would ridicule Christianity as “Platonism for the people.” Already Augustine advances the claim that the people . . . dare I say “have a right to” their Platonism—that is, to their sense of transcendence or otherness, of having a home beyond any earthly city or culture, and this apart from any specifically philosophical claim.

A moment’s reflection will make it clear that this universality of the awareness of a possible transcendence irreversibly complicates the task of political philosophy. Man’s perfection and fulfillment are no longer available to him as a simply natural being, and so the philosopher’s claim of natural right is profoundly problematic. And yet the political character of the human condition remains: men must somehow reason together regarding the authoritative terms of their lives in community, or else abandon themselves to sheer accident and force. But how will they reason when they cannot claim competence regarding final purposes?

Here we open up the central problem of Christian political theory, the development of which I will not here venture even to trace. Let it suffice to observe that already in Augustine we find a clear anticipation of the modern reduction of political ends to the essentially material or bodily realm: politics is understood as a necessary compromise of human wills concerning the necessities of our mortal, bodily existence. Of course, the morality that governs relations among human beings is preserved; indeed, its authority is now grounded in the commands of a personal God. But precisely for this reason the philosopher’s attempt to trace the good of morality to a naturally attainable perfection is short-circuited. Virtue as the cultivation of the soul’s natural potential tends to give way to moral laws now understood at once as social necessities and as divine commands, or as both.

Of course, Thomas Aquinas’ magnificent attempt to think the truths of Christianity through the categories of Aristototele’s philosophy involves a sustained effort to bring out continuities between natural virtue or perfection and man’s supernatural end. But since man’s natural perfection is not finally complete or intelligible on its own terms, the virtues necessarily appear as politically useful on the one hand and divinely commanded on the other. There is thus within Christian political and ethical thought a tendency for the higher goods, the goods of the soul, to become supernatural, and thus to become the concern, not of the political community but of the church. At the same time, the Christian depreciation of the political dimension of human perfection may also be understood as opening up a space for an appreciation of the natural (and supernatural?)

goodness of the family, a goodness no longer mediated by some political or philosophical idea of perfection. This is to say that an immediate, affective goodness emerges from under the shadow of classical perfectionism in some necessarily mysterious linkage with a transcendent logos.

Of course the very big question of how these two authorities are to exist side by side remains. That of course is a very long story, and not one for today. Here let it suffice to observe how this political-theological problem, provides the motive, or an eminently reasonable pretext, for the modern break with both the classical and medieval traditions. As long as the church claims final authority over man’s highest good, then any attempt to articulate political authority in terms of the natural finalities of humanity inevitably redounds to the ecclesiastical power. And when that power is, eventually, divided and then fragmented, then any such articulation can only fuel the flames of a religious conflict which reason appears to have no power to moderate, much less settle. Deliberation regarding the good is short-circuited by nonnegotiable beliefs (as always supported by vested interests) concerning God.

Modern political philosophy, and eventually the modern idea of rights arise from a response to this problem, a problem that arises directly and necessarily from the Christian articulation of a transcendence above and beyond the political, a source of meaning the interpretation of which can no longer be confided to the prudence of statesmen or philosophers. The modern response to this disruptive transcendence first takes the form of a radicalization of the Augustinian separation of the two cities: the political realm, the realm subject to human deliberation and decision, is cut off altogether from the question of the good, and only the realm of material necessity remains. But, *contra* Augustine, the sovereign authority of reason in human affairs is reclaimed, though its sphere of competency, the political sphere, is defined explicitly and rigorously, against the claims of transcendence, in terms of purely immanent interests.

This modern response to the impasse of Christian politics can thus be seen as a kind of negative synthesis of classical virtue and Christian humility. Modern secularism accepts each side’s critique of the other: the Christians are right to debunk the pretensions of reason to the good, and the pagans are right to assert the claim of reason to govern human affairs.<sup>2</sup> Reason now will rule, but without reference to the good. The pride, the self-assertion of reason is thus harnessed to a non-rational understanding of humanity. The most common name for this self-assertion, somehow at once supremely prideful and abjectly humble, and so neither really prideful nor humble, is precisely the term in which and by which humanity has lately come to recognize itself, or at least by which it increasingly refuses all other forms of self-representation: rights.

But surely it is reasonable to ask how reason can assert itself without affirming any rational content, any intelligible purpose. Here lies the great mystery of modern reason, and the key to its endless dynamism. In the first formulations of the modern doctrine of rights, in Hobbes and Locke most notably, rights are in fact understood as natural. Here human rights appear to have a permanent and limited nature, as defined within a context called the state of nature, a state in which the individual human being stands forth as prior to any moral, political, or religious authority. All authority must therefore be constructed, or created as it were *ex nihilo*, by human reason. This reason, having no positive purposes to guide it, can only frame a moral and political world by taking as a negative standard the evils it of necessity flees, that is, the death and discomfort of the body. (Hobbes emphasizes death, and Locke discomfort, or uneasiness.)

This is the reasonable and limited idea of human rights as natural rights, rights defined and circumscribed by the most obvious features of our natural condition, our susceptibility to physical pain and death. But this limited and apparently reasonable conception of rights proves hard to maintain, and in fact its vulnerability to radicalization appears in the very moment of its birth. For, however reasonable we may find the priority Hobbes gives to physical security, it is not so easy to show conclusively, by reason alone, that there are no higher ends that might justify risking one's life, or, of course, someone else's. Human beings have always understood their existence in terms of some qualitatively higher possibilities, and Hobbes cannot simply dismiss these possibilities with a wave of the hand, however convenient this may be to the worthy project of securing civil peace. Man does not live for bread alone, and this is true even if we understand that disastrous, fatal disagreements are likely to arise in our attempts to define what is other than bread.

At the same time, it is clear that Hobbes' theory of the construction of authority finally relies upon motives that his reductionist theory of human nature cannot account for. This is seen most easily in a kind of circularity the surrounds the fundamental social contract, or what Hobbes calls the authorization of the sovereign. Prior to the establishment of sovereign power, no obligation exists; nothing limits the natural right of the individual to defend his life and extend his power; in the state of nature man has a right to everything, not excepting the very bodies of other human beings. There is no natural obligation of any kind, and thus no obligation to keep promises; indeed the term promise has no meaning in the absence of a sovereign enforcer. And yet a promise, a pact among those authorizing the sovereign, is necessary to the creation of that very power. Hobbes proposes to create morality from purely non-moral natural materials, but this very creation presupposes the existence

of a certain moral motive. The obligation to authorize a sovereign power, which has been explicitly severed from any qualitatively superior motives, natural or supernatural, is not finally reducible to purely individual selfishness. The argument from self-interest presupposes and rests upon a deeper commitment to the good, or let us say rather to the interests, of an abstract humanity.

The idea of obligation advanced by modern reason is, if anything, more mysterious than the religious argument it proposes to replace. The naturalness of natural rights was problematic from the beginning; modern naturalism is a pretext for the modern conquest of nature—including, as is becoming all too clear today, the nature of the family.

This is just one indication that Hobbes' cold, calculating materialism—apparently the most sober, limited basis for defining of rights—depends from the outset on an idealism, a mysterious ground of obligation, which it cannot see and cannot name. The appeal to nature understood materialistically is finally a pretext for an unacknowledged and therefore limitless secular idealism, an idealism untainted by any positive content and therefore endlessly committed to the negation of all natural or divine frameworks of human meaning. I think we find already in Hobbes an early indication of an essential characteristic of the modern doctrine of rights: modern rights, the rights of abstract, allegedly self-defining individuals, are directed against all substantive conceptions of human purpose, religious or philosophical, and yet to have any meaning they must be supported by an unacknowledged and abstract transcendence, a kind of content-less faith that projects itself towards a future by progressively repudiating all contents inherited from the past. This future appears all the more glorious as it liberates itself ever more from all concrete experience other than the heady experience of an increasingly abstract self-assertion.

From the beginning, then, the superficially rational assertion of human rights is inseparable from the promulgation of a new faith, a religion of humanity, or rather of the future of humanity, a faith, that is, in which the very definition of humanity must always once again be deferred to the future. Today, for example, following Kant, but only as far as we find it convenient, we pursue human rights as an expression or vindication of human dignity. But to define this dignity would be to limit it, and so we are left with no experience in terms of which to understand the worth or dignity of humanity but the very activity of the negative assertion of human rights, the ongoing repudiation of all attempts, rooted in religious or philosophical traditions, to give this dignity some positive content. And so a lazy materialism and militant relativism emerge as the effectual truth of the sublime dogma of human dignity.

However destructive and frightening we may find this blind flight of humanity from the limited goods commensurate with its nature as a familial and political

being, we must recognize that the power of this negativity derives from a certain truth that this flight expresses, however partially and thus irresponsibly. This truth is that human beings will always be driven to some degree and in some way by an awareness of their mysterious transcendence of every concretely representable or publicly determinate good. Augustine was right: no classical philosophical image of human perfection as culminating in the serene autonomy of the philosopher himself can contain or govern the longings of the human soul for some other kind of home. The rule of reason cannot be direct, but must honor the problematic articulations of transcendence generated in man's practical existence, religious, familial, and political.

For reason to assume any constructive responsibility among a humanity addicted to the flattery of human rights, to the unprecedented power over nature resulting from the coupling of universal material incentives with a negative spirituality or idealism, it will have to learn to show the connections between the indefinable freedom of the human spirit and the humbler necessities of our natures as beings dependent upon family, community, and polity. But to do this, reason would first have somehow to learn to see its own goodness in the light of a transcendence it can never adequately name.

#### NOTES

1. *Republic*, 583a. Allan Bloom translation.
2. Manent, Pierre. *The City of Man*.