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A RELATIONAL UNDERSTANDING OF HUMAN RIGHTS:
HUMAN DIGNITY IN SOCIAL SOLIDARITY

David Hollenbach*

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INTRODUCTION

This celebration of the work of Michael Perry is a strong reminder of the
importance of human rights in our world today. Perry’s most recent book calls
human rights the central norms of “political morality.”¹ For Perry, a political
morality is a set of norms governing how governments should and should not
act toward those over whom they exercise power.² Human rights, therefore, set
a wide political agenda. This agenda is further expanded when Perry states that
human rights are the norms of the first truly global political morality in human
history.³ The need for such a global moral vision is increasingly evident in the
pressures shaping global politics today: interstate war between powers armed
with nuclear weapons, rising ethnic and religious conflicts both within and
across national borders, record levels of forced migration, growing nationalism,
and global economic inequality. To address issues like these in a normative way,

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¹ MICHAEL J. PERRY, A GLOBAL POLITICAL MORALITY: HUMAN RIGHTS, DEMOCRACY, AND
CONSTITUTIONALISM 7 (2017).
² Id.
³ Id.
we need the kind of transnational and transcultural moral vision that Perry maintains human rights provide.

This Essay will argue that human rights can in fact help shape the global order in a morally desirable way. It will respond to several recent criticisms that have suggested that human rights are no longer useful as normative standards for global interaction. Some of these critiques charge that human rights are built on an excessively individualistic understanding of the human person. If this charge is valid, human rights will be unsuitable guides for action in those cultures outside the West that are shaped by more communitarian values, such as the cultures of many societies in Asia and Africa. Other critics hold that this alleged individualism means that work for human rights will undermine the solidarity needed to respond to the economic inequality and poverty that mar the world today. This Essay, however, will argue that the human rights ethic is not individualistic. When understood in a way that adequately reflects the full range of rights affirmed in the United Nations’ Universal Declaration of Human Rights (UDHR), human rights norms support a social or relational understanding of the human person. The UDHR implies that the dignity of the human person can only be protected and enhanced through interaction with others and through active participation in social life. Human dignity and social solidarity are reciprocally related to each other. Human rights, therefore, are appropriate normative standards for politics not only in the West but also in more communitarian cultures outside the West. Human rights also require and support the solidarity needed to address inequality and poverty.

This Essay will support Perry’s claim that human rights provide the global political morality we need. Part I addresses recent criticisms of human rights as excessively individualistic. Part II argues that the UDHR sees human rights as rooted in human solidarity, not as individualistically based. Part III makes a substantive argument for what can be called a relational understanding of human rights. The Essay concludes that such an understanding of human rights can be genuinely universal and address key issues that arise in today’s world where the West and the global South are increasingly interdependent.

I. Recent Critiques of Human Rights as Individualistic

Criticisms of human rights as an inappropriate moral standard for global interaction have been numerous in recent years. Some critics reject the claim

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5 See id. arts. 27–28.
that the United Nations’ 1948 UDHR is a genuinely universal declaration. These critics often insist that human rights arose from the eighteenth-century Western Enlightenment, which stressed individual freedom and autonomy. If the human rights ethic grants priority to an individualistic understanding of autonomy as the freedom to be left alone, a human rights-based ethic will not be compatible with the communitarian values stressed by Confucian, African, or Islamic traditions. Thus, human rights will be unsuitable normative guides for public action in much of Asia, Africa, and Muslim-majority countries.

In the Confucian context, for example, the former Prime Minister of Singapore, Lee Kuan Yew, proposed this kind of critique. For Lee Kuan Yew, the Declaration’s view of the person implies that “everybody would be better off if they were allowed to do their own thing.” This is in strong conflict with the mutual support in community called for by the Confucian tradition. Lee argued that human rights will not be suitable normative guides for public action in societies shaped by Confucianism, such as China, Japan, Korea, and Vietnam. These nations recognize the need for limits on a person’s individual freedom if community well-being is to be achieved. Their people cannot fully endorse the human rights proclaimed in the UDHR. The UDHR, therefore, is not universally normative, despite its title.

In an analogous way, some African thinkers have voiced suspicion of “rights talk” as individualistic and un-African. For example, the Nigerian Chris Mojekwu declared that “African concepts of human rights are very different from those of western Europe. Communalism and communal right concepts are fundamental to understanding African culture, politics, and society.” Mojekwu warned against thinking that the period of Western colonial control has eliminated the importance of communal support in African societies today. Indeed, the human rights ethic could lead to a new form of colonialism.

Stress on communal values is also prominent in the African Charter on Human and Peoples’ Rights, adopted in 1981 by the Organization of African

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6 Id.
7 See infra Part III.A (discussing Kant’s influence on Western philosophy and thought).
9 See Zakaria & Yew, supra note 8, at 113–14.
11 Id. at 92–93.
Unity in Banjul, Gambia.\(^{12}\) The African or Banjul Charter explicitly calls itself a charter of “human and peoples’ rights.”\(^{13}\) It proclaims not only that all human beings are equal but also that all peoples are equal.\(^{14}\) The peoples who form cultural and national communities, as well as individual persons, have rights to self-determination and economic, social, and cultural development.\(^{15}\) This communal stress led the Banjul Charter to add a set of duties to the rights it proclaims. These duties include the obligation of individuals to support their national community by placing their physical and intellectual abilities at its service and the obligation not to compromise the security of the state of which one is a national or a resident.\(^{16}\) More recently, the suspicion of human rights as allegedly Western has been evident in some objections to the International Criminal Court’s efforts to enforce the most basic rights to be protected from atrocities. For example, Mahmood Mamdani, a Ugandan of Indian ancestry, sees the human rights agenda of the International Criminal Court as an effort to reestablish Western colonial domination in Africa.\(^{17}\) Some post-modern, post-colonial thinkers in the West also see efforts to enforce human rights as a form of neocolonialism.\(^{18}\)

In addition to these cultural critiques of human rights, there has been a longstanding economic objection that human rights legitimate economic exploitation because of their allegedly individualistic orientation. Karl Marx objected to human rights for this reason, insisting that “none of the so-called rights of men goes beyond the egoistic man, the man withdrawn into himself, his private interest and his private choice, and separated from the community.”\(^{19}\) For Marx, human rights give primacy to private or individualistic interests and thus readily support the results of free-market capitalism. He saw human rights as ignoring patterns of social relationship that are structured by economic institutions and the harmful effects of many of these institutions.\(^{20}\) Marx therefore insisted that

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\(^{13}\) Id. pmbl. (emphasis added).

\(^{14}\) Id. arts. 3, 19.

\(^{15}\) Id. arts. 19–22.

\(^{16}\) Id. art. 29.

\(^{17}\) See Mahmood Mamdani, Responsibility to Protect or Right to Punish?, 4 J. INTERVENTION & STATEBUILDING 53, 55–57 (2010).


\(^{20}\) Id. at 237–38.
human emancipation go beyond political emancipation to economic emancipation.\textsuperscript{21} He wrote that “right can never be higher than the economic structure of society and its cultural development thereby determined.”\textsuperscript{22} A human rights ethic that gives primacy to civil and political freedom will not challenge the economic inequalities that divide society into classes. Such an approach will leave social divisions in place and end up supporting both oppression and poverty.

Samuel Moyn’s more recent argument that human rights are “not enough” to address the inequalities that lead to massive human suffering today echoes this Marxist critique.\textsuperscript{23} Moyn does not endorse a Marxist approach explicitly. He does, however, make his commitment to socialism quite clear. For a generation, Moyn says, we have thought that “human rights are the essential bulwark against atrocity and misrule.”\textsuperscript{24} But the economic inequalities of today’s world show us that the challenge is to make “the older and grander choice between socialism or barbarism.”\textsuperscript{25} If this choice is made rightly, then it will make socialism “the global project it has rarely been but must become.”\textsuperscript{26}

Moyn argues that the human rights movement has gone in the opposite direction from the socialist approach he favors. It has become far too closely associated with “neo-liberal” strategies for economic development. Such strategies stress economic liberty and insist on minimal state control of markets.\textsuperscript{27} Neo-liberals see free markets as engines of economic growth and maintain that when growth takes place it will trickle down to those at the bottom of society and alleviate their poverty.\textsuperscript{28} Moyn insists, however, that such growth rarely benefits the poor.\textsuperscript{29} It usually ends up in the wallets of those at the top of the economic ladder, contributing to economic inequality.\textsuperscript{30} Failure to recognize the harmful effects of this inequality is due to a sort of market fundamentalism.\textsuperscript{31}

Moyn relies on a reading of recent history to back up his claim that the human rights movement has become destructively allied with a harmful neo-liberal development strategy. In his view, the contemporary human rights

\begin{footnotesize}
\begin{enumerate}
\item \textit{Id.} at 238–39.
\item \textit{Karl Marx, Critique of the Gotha Program} 26 (Wildside Press 2008) (1891).
\item \textit{Id.}
\item \textit{Id.}
\item \textit{Id.}
\item \textit{Id.}
\item \textit{Id.}
\item \textit{Id.}
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\item \textit{Id.}
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movement took shape in the mid-1970s, when the Helsinki Accords led to significant Western pressure on the Soviet Union and Warsaw Pact countries to support human rights by reducing state control on both political and economic life. Moyn is correct when he argues that the Helsinki Accords led to a significant growth in the human rights movement. This is evident, for example, from the fact that one of today’s most important human rights organizations, Human Rights Watch, began in 1978 under the name Helsinki Watch. Its goal was to monitor rights abuses in countries behind the Iron Curtain that had signed the Helsinki Accords, for the Accords included explicit commitment to respect human rights within the Soviet bloc. The human rights efforts of the mid-1970s, therefore, had significant anti-totalitarian and anti-authoritarian emphases, especially in Europe. Moyn draws on this history to support his claim that the human rights movement is primarily concerned with political repression by authoritarian regimes but uninterested in the harmful effects of economic equality. Thus, he thinks that the human rights movement has developed in a way that leads it to “abet” the inequality brought by capitalism. Efforts to advance human well-being should therefore turn away from the human rights approach to one based on the promise of social justice that has long been part of a socialist commitment. Such commitment will provide an effective alternative to the individualistic neo-liberalism that supports unjust economic inequality.

There have been notable replies to the claims that human rights are too individualistic to be relevant to communitarian cultures outside the West and too supportive of market freedom to resist today’s inequalities. For example, on the cultural level, Kim Dae Jung—the South Korean human rights activist who became President of his country—vigorously rejects the claim that the human rights ethos is incompatible with Asian cultures. Kim cites the duty of Confucian scholars to resist erring monarchs as an Asian precedent for democratic procedure that antedates modern democracy in the West. Amartya Sen, who is originally from India, makes similar claims that support for human

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33 See id.
34 See About Us, HUM. RTS. WATCH, https://www.hrw.org/about/about-us# (last visited May 1, 2022).
35 Id.
36 MOYN, supra note 32, at 222.
37 See id. at 225.
38 MOYN, supra note 23, at 216.
40 Id.
In the African context, the Beninois philosopher Paulin Hountondji has defended the importance of human rights in resistance to oppression by African governments that have become authoritarian or corrupt. The Nigerian Nobel laureate novelist Wole Soyinka called human rights the most important idea of the millennium that ended in the year 2000, especially in the face of the kind of oppression that exiled him from his homeland. On the economic level, a distinguished historian of the drafting of the UDHR, Johannes Morsink, has shown that the rights to economic necessities in the UDHR have a status that is just as demanding as the rights to political freedom. He holds that human rights are not individualistic norms but that they are suitable both in communitarian cultures and to address today’s economic inequalities.

What follows in this Essay will offer further response to the objection that human rights are excessively individualistic. Part II will show that the UDHR sees support for human rights as an expression of solidarity among persons. Part III will build on the text of the UDHR and argue in a more substantive way that rights are best understood as grounded in a deeply social or relational understanding of the human person.

II. RIGHTS AND SOLIDARITY IN THE UNIVERSAL DECLARATION

The UDHR supports interpreting human rights and social solidarity as closely interconnected. The text of the UDHR itself emphasizes the importance of human interdependence and solidarity for the protection of human dignity. The UDHR sees human personhood as embedded in social life and as requiring social solidarity. Thus, we will argue, the understanding of human rights in the UDHR is not individualistic.

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45 MORSINK, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, supra note 44, at 139.
46 UDHR, supra note 4.
To be sure, the UDHR includes the right not to be subjected to acts that “outrage the conscience of mankind,” such as the Nazi genocide against the Jews,\textsuperscript{47} and the freedoms that were central to the anti-totalitarian, anti-Communist impulses of the human rights advocates who supported the Helsinki Accords in the mid-1970s.\textsuperscript{48} If the UDHR were limited to these rights, a case might plausibly be made that it sees rights principally as immunities from interference by other persons with one’s personal security and freedom—in other words, as rights of individual persons to be left alone. But the UDHR clearly goes beyond these immunities when it affirms social, economic, and cultural rights in Articles 22 through 27. These social and economic rights include the rights to employment, an adequate standard of living for oneself and one’s family (food, clothing, housing, medical care, etc.), education, and security in the event of unemployment, sickness, or old age.\textsuperscript{49} Securing these rights will often require positive action by others, including the government. The need for such action is the reason social and economic rights are often called positive rights. Protecting them requires one to be actively committed to one’s fellow citizens in a way that positively supports their economic and social well-being. How much commitment to the well-being of others can reasonably be expected is surely debatable. However, the UDHR insists that everyone has a right at least to the “food, clothing, housing[,] . . . medical care,” and education needed for her well-being and that of her family.\textsuperscript{50} Thus, the Declaration’s affirmation of social and economic rights requires active support for at least a basic level of well-being for one’s fellow citizens. Such support will itself require positive and reciprocal relationships among citizens and depend on the presence of a kind of social solidarity that is far from the individualistic spirit some critics argue the UDHR presupposes.

It is precisely the fact that social and economic rights require a minimal level of solidarity that leads some to declare that they are not genuine human rights at all.\textsuperscript{51} Such critics argue that rights require not interfering with other people’s activities by just leaving them alone. Civil and political rights are often seen this

\textsuperscript{47} Id. pmbl. Moyn maintains that the historical account that the atrocities of the Holocaust stimulated the movement of human rights to the forefront of recent moral awareness “might be the most universally repeated myth about their origins.” \textit{See Moyn, supra} note 32, at 6. This is far from a myth, as has been shown by the careful historical studies of Johannes Morsink. \textit{See Johannes Morsink, The Universal Declaration of Human Rights and the Holocaust} 9 (2019).

\textsuperscript{48} \textit{See supra} notes 34–36 and accompanying text.

\textsuperscript{49} UDHR, supra note 4, arts. 22–27.

\textsuperscript{50} Id. art. 25.

way. The right to free speech means no one may legitimately prevent another from communicating what they think by destroying their printing press or shutting down their radio station. For this reason, civil and political rights are often called negative rights. They are like fences or walls that protect one against harm or interference that others might inflict. Social and economic rights are called positive rights because their implementation requires positive action. These civil and political rights are often thought to be easier to protect than rights to food and health care. Thus, some see civil political rights as genuine rights, while they regard social and economic rights as ideals. 52

This sharp distinction, however, overlooks the need for the larger society to take significant, positive steps to protect the civil and political rights of its citizens in an effective way. A verbal guarantee of freedom of speech in a country’s constitution will not have real meaning unless the country has created legal and political institutions to prevent others, including the state, from interfering with people’s ability to communicate with others as they wish. The effective protection of freedom of speech, religion, and assembly requires creating an effective judicial system and other social means to enforce the constitutional guarantee of these rights. As Henry Shue put it, “the protection of ‘negative rights’ requires positive measures.” 53 Civil and political rights, therefore, depend on positive social action, institution-building, and expenditures that go well beyond just leaving one’s fellow citizens alone. 54 It requires both respect for one’s fellow citizens and a commitment to their well-being. Both civil and political rights and social and economic rights require a form of commitment to others in positive relationships.

The text of the UDHR, therefore, shows that the drafters were aware that the protection of both forms of rights will require a measure of social solidarity. Article 1 recognizes this, proclaiming that “[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.” 55 Here, the UDHR implies that “a spirit of brotherhood” will be essential to securing human rights for all human beings. Today, our awareness of the importance of gender-inclusive language suggests that the intent of Article 1 would be better expressed by stating that persons should act toward one another with a “spirit of solidarity.” Indeed, the Oxford English Dictionary tells us that the meanings of “brotherhood” include “care,”

52 Cranston, Human Rights, supra note 51, at 1.
54 See id.
55 UDHR, supra note 4, art. 1.
“comradeship,” and “solidarity.”56 Solidarity, of course, is the antithesis of the individualistic spirit that leads some to see the human rights ethic as unsuited to the communitarian cultures of Asia and Africa and as unable to challenge the economic inequalities of today’s world. The text of the UDHR does not support this kind of individualistic interpretation of human rights. It implies that fraternity, sorority, solidarity, and support for others through mutual relationship will be required by the ethic it proposes.

Though the text of the UDHR clearly implies that effective protection of rights will require a degree of social solidarity, the drafters went out of their way to avoid endorsing any specific philosophical theory of human rights. They did not endorse a theoretical rationale, either individualist or communitarian, for what they produced. For example, René Cassin, who played a key role in creating the UDHR, wrote that the drafting committee sought “to take no position on the nature of man and of society and to avoid metaphysical controversies.”57 The drafters were deeply aware that diverse ideological, cultural, and religious traditions would be unable to reach agreement if they sought to deduce human rights from a philosophical understanding of human nature or from ultimate religious beliefs about God and the world. The philosopher Jacques Maritain advised the drafting committee to avoid endorsing any comprehensive vision of the good life since this would prevent agreement on human rights.58 He recognized that if human rights were grounded in Western enlightenment liberalism, then representatives of the Soviet Union could not support them, and if they were grounded in Marxist social thought, then Western democrats would not support them, dooming the human rights project from the start.59 Nevertheless, Maritain believed that there was a route to consensus. Some basic agreement across differences could be found by relying on practical reflection on human experience. In this vein, Maritain quipped that the drafters could reach agreement “but on condition that no one asks us why.”60 By drawing on shared common experiences, Western liberals, Soviet socialists, Confucians, Muslims, and nonbelievers could reach agreement that some forms of human behavior whose harmful effects they have all witnessed, such as genocide,

59 Id. at viii.
60 Id.
should never be permitted to happen again. Shared experience could also show those from very different traditions that some goods, such as freedom of belief and thought, adequate nutrition, health care, and work, should be provided to all persons when possible.

Thus, the determination of what rights to include in the Declaration was an inductive process, drawing on experiences of mistreatments of others and failures to assist them. Morsink calls this a process of determining “rights from wrongs.” The rights were identified inductively from concrete experiences of human atrocities that all would morally reject and also from shared experience of human needs that all saw should be met. Induction from experience of harms to be avoided and needs to be met, rather than deduction from the philosophic or ideological principles, led to the Universal Declaration of Human Rights.

The consensus across traditions and ideologies on the rights proclaimed in the UDHR was certainly a major achievement. We should continue to recognize its importance today, especially when conflict-generating differences often seem to have the upper hand. Indeed, the World Conference on Human Rights, held in Vienna in June 1993, recognized the continuing importance of agreement across diverse cultures when it reaffirmed “the solemn commitment of all States to fulfil [sic] their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all.” The Conference stressed the continuing importance of agreement across traditions when it proclaimed that “[t]he universal nature of these rights and freedoms is beyond question.”

III. TOWARD A RELATIONAL UNDERSTANDING OF RIGHTS

Despite this remarkable agreement across the major traditions of the world, it is certainly possible that the distinctive normative visions contained within these traditions continue to influence people’s approaches to human rights.

61 MORSINK, INHERENT HUMAN RIGHTS, supra note 44, at 58. Morsink attributes this phrase to the “snappy title” of Alan Dershowitz’s book, Rights from Wrongs: A Secular Theory of the Origins of Rights, in which Dershowitz argues that we can learn what rights are from the wrongs we encounter. Id. (discussing ALAN DERSHOWITZ, RIGHTS FROM WRONGS: A SECULAR THEORY OF THE ORIGINS OF RIGHTS (2005)). The phrase “rights from wrongs” is also the title of a chapter in Cass R. Sunstein’s study of a “second bill of rights,” proposed by U.S. President Franklin Roosevelt in 1944, which proclaimed what are now known as social and economic rights. See Cass R. Sunstein, The Second Bill of Rights 35–60 (2004).
62 See MORSINK, INHERENT HUMAN RIGHTS, supra note 44, at 32, 58.
64 Id.
Richard McKeon, who served as rapporteur for the Committee of Experts, convened by UNESCO to advise the drafting committee on more philosophical issues, expected diverse traditions to continue to have influence in three ways: the traditions could (1) shape the interpretation of human rights in the Declaration in the face of pluralism; (2) lead to different readings of the context within which human rights are pursued and the degree to which persons are seen as social and interdependent; and (3) influence recommendations about how to implement rights.65

A. Western Pluralism and Social Solidarity

Due to the continuing influence of differing cultures, religions, and philosophies, it is not surprising that the interpretations of human rights prevailing in the West today are often more individualistic than those seen as desirable in non-Western communities. Nevertheless, there are diverse Western understandings of the appropriate relationship between the individual person and society. The Western tradition is, in fact, internally pluralistic on this issue. There is not a single Western answer to the question of whether human rights should be grounded in a more individualistic understanding of the person or on one that sees human beings as embedded in social relationships. On the one hand, if the interpretation of human rights is influenced by an individualistic understanding of the person, then Asian, African, and other more communal traditions are unlikely to conclude that human rights fit with their values, despite the cross-cultural consensus reached by the UDHR drafting committee in 1948. On the other hand, if an understanding of human rights is shaped by a view of the human person that sees social solidarity as essential to the realization of human dignity, then non-Western societies will be able to support human rights without abandoning key aspects of their traditions. This will also increase the possibility of genuinely universal support for human rights today. To address these matters, we will have to consider some of the theoretical and philosophical matters that the drafting committee sought to avoid. Despite the individualism that sometimes prevails in the West, there are important strands in the Western tradition that contain strongly social understandings of the human person. Drawing on these strands will enable us to give a more theoretical or philosophical grounding for the consensus on human rights reached by the drafting committee.

Many disputes about human rights today, of course, are disputes about who should exercise political power over whom and in what manner this power should be used. Such disputes about power are often driven by the pursuit of the self-interest of ruling persons or groups. Not all disagreements about human rights, however, are driven by pursuit of power and self-interest. Some are rooted in divergent theories of the relation between person and society. When the disputes take this more theoretical form, the possibility of convergence between the West and the communal traditions of the Confucian, Islamic, and African worlds will contribute to the movement for human rights in an important way. Thus, we will seek to show that the cross-cultural consensus on human rights can be strengthened if those in the West draw upon strands of their own tradition that see social solidarity and interhuman relationship as key dimensions of human well-being. Human dignity can only be realized in community with other persons. The advancement of human dignity and the protection of human rights require inter-human solidarity and supportive social relationships. Human rights, therefore, presume a relational understanding of the person.

The strand of the Western tradition most often associated with the emergence of human rights in their contemporary form was developed by the eighteenth-century Enlightenment thinkers. The political philosophy of the eighteenth century in the West was, of course, immensely rich. Nevertheless, it is not misleading to see the work of Immanuel Kant as a crucial influence on the way human dignity and human rights have been philosophically understood in the West in recent centuries. For Kant, the fundamental standard of morality is that all human beings ought to be treated with respect for their inherent dignity, as ends in themselves and not only as means to be used for some other purpose.66 The dignity or worth of human persons is not like the price of things. The value of a human being—the person’s dignity—is beyond price. Things with price can be exchanged for each other in the marketplace. But humans, because of their dignity, are valuable in themselves and thus cannot be simply traded one for another.67 All human beings, therefore, should be treated with unconditional respect. The response due to human dignity is respect for the inherent worth of the person, not the kind of fairness that is involved in setting a just price for a commodity being exchanged in the marketplace. In support of this stance, Kant argued that the individual person’s capacity for autonomous free choice is the source and prime characteristic of human dignity.68

67 Id. at 40–41.
68 Id.
of the dignity of human nature and of every rational nature.” Kant’s stress on autonomy as the principal characteristic of dignity can easily lead to seeing dignity as a characteristic of the person apart from the interconnections of social life. If taken this way, Kant’s linkage of dignity with autonomy would easily validate the claims of those who see human rights as individualistic and inappropriate for more communal cultures, such as those that prevail in Asia and Africa.

Kant’s ethic, however, can also support positive commitment to social interaction as essential to the protection of human dignity. For example, Kant formulated his moral philosophy by setting forth the categorical imperative as its fundamental principle. The categorical imperative not only calls for the protection of the autonomy of persons as ends in themselves but it also requires that the norms which guide one’s choices should be universally applicable to all in similar situations across society. Also, Kant stressed that the persons who are to be treated as ends in themselves should be seen not as isolated individuals but as members of what he called a “kingdom of ends,” providing a notably social dimension. But my purpose here is not to outline the relation between Kantian moral philosophy and human rights in a systematic way. Rather, it is simply to highlight that if human dignity is seen as grounded in capacity for autonomous free choice and understood outside the social framework that Kant supports, then this will reduce and possibly destroy the relevance of human rights for more communal cultures.

Indeed, there is empirical evidence that contemporary Western societies, especially the United States, have adopted a strong commitment to individual autonomy as their overriding moral concern and that they see autonomy as unencumbered by the social support that Kant saw as essential. This is suggested by Alan Wolfe’s study of the moral values that shape U.S. culture today. Wolfe draws on both quantitative survey research and qualitative interviews of individuals from very diverse sectors of U.S. social life. His data suggest that most Americans today believe that “individuals should determine for themselves what it means to lead a good and virtuous life.” Autonomy as freedom to make specific choices and, more importantly, to decide on one’s own what values should shape the

69 Id. at 41.
70 See id. at 30.
71 Id.
72 Id. at 39, 43.
73 See id. at 42–43.
74 Michael J. Sandel, Liberalism and the Limits of Justice 87, 94 (2d ed. 1998) (arguing that recent Western thinking has adopted an understanding of the free autonomous person as “unencumbered” by social relationships).
76 Id. at 195.
overall direction of one’s life has become central to the moral orientation by which most Americans shape their lives today. The autonomous freedom shaping the moral culture of the United States does not give much attention to the social commitments present in Kant’s ethic when it emphasizes autonomy as its central value. Wolfe recognizes that this carries considerable dangers, but he thinks it is not a bad thing overall and that it is likely irreversible.\footnote{Wolfe, supra note 22, at 202, 222, 229.}

I share Wolfe’s concern that autonomous freedom can bring dangers. However, I think he is too sanguine about our capacity to deal with these dangers effectively within an individualistic ethic. We need to recognize the important ways that freedom is rooted in social and communal relationships. If these relationships are not present and adequately sustained, then autonomy is likely to wither. Since freedom is a key dimension of human dignity, the commitment to the dignity of persons must include a commitment to building and sustaining the social relationships needed to support autonomy. Support for both the autonomy of individuals and for the social and communal relationships needed to sustain autonomy must go together.\footnote{See Margaret A. Farley, A Feminist Version of Respect for Persons, 9 J. FEMINIST STUD. RELIGION 183, 186–98 (1993) (discussing the need for both autonomy and relationality in respect for persons).} Both autonomy and relationship are required to sustain the human rights ethos laid out in the UDHR. Indeed, an understanding of human rights that both reflects the text of the UDHR and leads to policies that protect people in an effective way must recognize how important social relationships are for human dignity. In other words, human dignity and human rights must be understood as embedded in the social interactions needed to sustain dignity and protect rights. We need a relational understanding of human rights.

B. The Social Person—Not Absent from Western Thought

The fact that humans can flourish only in relationships and social interaction has long had an important place in the Western tradition. Aristotle, whose thought was one of the central sources at the origin of Western ethical reflection, recognized that human relationships are crucial aspects of human flourishing. In his \textit{Politics}, Aristotle described the human person as an essentially social or political animal.\footnote{ARISTOTELES, POLITICS bk. I, at 1253a7 (Richard McKeon ed., Benjamin Jowett trans., 1941).} In Aristotle’s Greek, the person is \textit{zoon politikon}, an animal of the \textit{polis} or city-state.\footnote{\textit{Id.}} Life in the civic community is essential to “the good life.” Active sharing in the relationships of society is necessary for one to live well, not an accidental add-on. Indeed, Aristotle saw speech and the ability to
communicate with others in public debate as key human characteristics.\textsuperscript{81} Through speech, humans can interact with each other actively and reciprocally. Speech enables humans to dialogue with each other about how they should live together and about what is just and unjust in their interactions.\textsuperscript{82} Thus, the human relationships that speech makes possible bring the civic community into existence. In the absence of such interactive relationships, the \textit{polis} and political life would not exist. Aristotle’s vision thus implies that exclusion from the social interaction that creates the \textit{polis} leads to a less than fully human life.

Of course, Aristotle’s willingness to accept that some human beings are naturally destined to be slaves also indicates that he did not see all humans as entitled to the full freedom that comes with citizenship. Today, we rightly reject this aspect of his thought. But just as we can draw on Aristotle to provide a corrective to the individualistic tendencies of Kant, we can draw on Kant to overcome Aristotle’s inadequate approach to human equality. Kant insisted that \textit{all} human persons possess equal dignity as ends and deserve to be treated in a way that takes account of their common humanity.\textsuperscript{83} Drawing on Aristotle, we can add to Kant that respect for a person’s dignity requires that we recognize and support her active participation in the social relationships of the \textit{polis}. This blending of Aristotle’s stress on the importance of social participation with Kant’s commitment to equal dignity will lead us to see human dignity and human rights in relational terms.

The relational aspects of human dignity are further clarified by Aristotle’s observation that a person who is self-sufficient and has no need of social life “must be either a beast or a god.”\textsuperscript{84} Being a beast or a sort of brute animal means one lacks those capacities that mark beings with consciousness or spirit, such as those that enable humans to know and to exercise freedom. Because they possess these abilities, persons are not passive and inarticulate. Rather, they are capable of the kind of self-transcendence that makes them valuable for their own sake. Not being a beast or a thing is thus a marker of the distinctive worth of human personhood. It indicates that persons live in a genuinely human way when they are able to engage in activities of the spirit, such as growing in knowledge and

\textsuperscript{81} Id. at 1253a10.

\textsuperscript{82} Id. at 1253a10–19.

\textsuperscript{83} Kraft, supra note 66, at 36.

exercising freedom. That humans are not beasts is also indicated by their capacity to move beyond themselves by knowing other persons, appreciating the dignity of others, and forming relationships of friendship and solidarity. The self-transcendence by which one person respects the worth of another can also be a reciprocal recognition of the value they share with each other together. Human dignity is not realized inside a person alone or simply within the self-consciousness of individuals. Rather, dignity is actualized and expressed when persons encounter each other in active relationships and when they affirm and support one another as fellow human beings. The capacity for self-transcendence that is the source of human dignity, therefore, is a capacity for human relationships built on mutual respect. Because humans are neither beasts nor things, each person’s capacity for self-transcendence makes a claim on this capacity in other persons. Persons actualize their human dignity, therefore, in the relationships of a community bound together in mutual respect and moral solidarity.

Aristotle also insisted that human beings are not gods. Unlike a god, who might be imagined as unconstrained by the conditions of the concrete material world, the human spirit is embodied. The human good is that of a bodily being with material preconditions. Human dignity can only be realized if the material conditions needed for bodily flourishing are present. In a perspective derived from Aristotle, therefore, protecting humanity requires both securing a person’s capacities for knowledge, freedom, and relationship and guaranteeing access to food, shelter, medical care in sickness, as well as other needed material supports. Not being a god also reinforces Aristotle’s insistence that humans are social beings. Attaining necessary material goods requires interaction both with the material world and with other persons. The material support needed for human dignity will not be attainable if a person is cut off from social life. The bodily requirements of human well-being, therefore, reinforce the claim that persons are morally interdependent on one another. This moral relatedness means that persons have legitimate claims on one another to collaborate in ways that make it possible for them to share in the material goods and bodily activities required for living with dignity. Human dignity thus implies the right (1) to have one’s material needs met on at least a basic level, and (2) to have the social supports that will make this possible.

We can briefly summarize this effort to synthesize some elements drawn from Kant and Aristotle. One person’s ability to know and understand ought to

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85 See William A. Luipen, Phemonology of Natural Law 180 (1967).
be recognized and supported by other persons. One person’s freedom places requirements on the freedom of others. One person’s material needs for food, shelter, and medical care places requirements on how others share in these resources. The requirement of human dignity in each of these areas of human activity is made explicit as a human right. There are human rights in each of these areas of human life: the capacity for knowledge, the achievement of freedom, and the attainment of material conditions of well-being. Further, since attaining dignity in each of these domains will require the support that comes from active participation in the larger community, we can conclude that human rights should guarantee the social relationships needed for this participation. Human rights, therefore, are relational realities. They are rights to those relationships with others in society that are needed to protect one’s dignity in the diverse forms of interaction that constitute social life.

C. Jewish and Christian Traditions on the Person as Relational

The argument from secular philosophical sources that social relationships are essential to the protection of human dignity and rights can be reinforced by perspectives proposed in the Jewish and Christian traditions. Both Jews and Christians see the covenantal bond they have with God and with other humans as the source of communal solidarity to which they are summoned. Both Jews and Christians are called to love their neighbors as they love themselves.\(^87\) Such love will lead to the building up of the community and the solidarity needed to sustain it. Catholicism synthesizes such biblical perspectives with Aristotle’s more secular understanding of the social nature of the person, leading to a relational understanding of dignity and rights that can be proposed as normative in a pluralistic society.

This relational approach to the protection of human dignity is made quite explicit in several normative affirmations of Catholic social thought. For example, the U.S. Catholic bishops have insisted that the most basic form of justice requires avoiding patterns of social interaction marked by inequality, domination, and oppression.\(^88\) These patterns should be replaced by social relations based on equality, reciprocity, and solidarity. Social relations marked by these qualities will enable persons to participate actively in social life. Thus, the U.S. bishops conclude that society and its members have an obligation to ensure the possibility for participation by all members and that each member has

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87 See Leviticus 19:17; Mark 12:31.
In the words of the U.S. bishops, basic justice “demands the establishment of minimum levels of participation in the life of the human community for all persons.”

In this framework, injustice occurs and rights are denied when persons are arbitrarily excluded from the participation in the social relationships they need to live with dignity. The Catholic bishops go on to define human rights as “the minimum conditions for life in community.” Human rights set the basic level of social participation necessary to live in dignity. For the bishops, these minima are required for the community life that the Bible sees arising from God’s covenant with the people of Israel and the resulting covenant of the people with each other. The bishops also see this participation as required by Aristotle’s conviction that persons are essentially social animals. These basic levels of social participation are due to people by right. Because human dignity can only be realized and protected in solidarity with others, both dignity and human rights are achieved in interactive relationships with others. Respect for human rights and a strong sense of both personal and community responsibility are linked, not opposed.

D. An Example: The Right to Participate and the End of Apartheid

This relational understanding of human rights sees both (1) civil and political rights, and (2) social and economic rights as protections of different forms of participation in the social interaction needed to live with dignity. We can illustrate this through an example: the systematic violations of human rights in South Africa during the apartheid regime. Under apartheid, black people and those called colored (Asians and people seen as of “mixed race”) were denied nearly all civil and political forms of participation in South African public life. They could not vote, which denied their participation in the shaping of the regime and the laws that governed them. They were prevented from assembling as they wished and from communicating with each other through the press in ways that would inform public opinion and shape public life. They were denied the capacity to live out their religious and moral convictions when the regime saw their participation in public life in accord with these convictions as a threat to white supremacy.

Being denied even minimal levels of participation in the political dimensions of public life subjected non-white people to truly harmful violations of their

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89 Id. at 18 (para. 77).
90 Id. at 19–20 (paras. 79–84).
human dignity. These limits on the participation of people of color in South African life were serious violations of their civil and political rights. Their dignity was denied through their exclusion from social relationships based on equality. Similarly, in the economic sphere, the exclusion of non-whites from different spheres of South African economic life violated their dignity in harmful ways. Under apartheid, whites in South Africa lived on an economic level similar to that of well-off citizens in Europe and the United States. The severe economic inequality of the country resulted in the deliberate exclusion of black people and others of color from participation in the highly developed sectors of the country’s economic life. White South Africans could participate in globally linked finance, and thus grow in wealth. But those who were not white were excluded from almost all education, including distinguished universities open to whites.

Under apartheid, white South Africans were able to participate in a health care system that was so advanced that it was able to carry out the first successful heart transplant surgery, while people of color lacked the most basic forms of primary care and frequently lacked basic public health resources like clean drinking water and basic sanitation. These harms resulted from the denial of their rights to participate in the social and economic life. This exclusion from essential social relationships and forms of social participation denied sections of the population the most basic requirements of their dignity as persons.

CONCLUSION: HUMAN RIGHTS AS GUARANTEES OF SOCIAL PARTICIPATION

There is high value in conceiving human rights as guarantees that people will be able to participate in community life at the level required by their dignity as persons. Viewing human rights from this relational, participatory perspective shows why civil, political, social, and economic rights are essential. The inclusion of all these rights in the UDHR was a significant achievement in 1948. A relational, participation-based understanding of human rights sees rights as norms that are neither individualist nor collectivist. Such an understanding can make important contributions to the divisions that threaten the globe today. It can challenge North Atlantic countries to recognize the importance of the communal solidarity stressed in Asian and African cultures. It could also help North Atlantic countries, especially the United States, recognize that economic and cultural rights must be given more attention, both ethically and politically, than these rights have often received. The countries of the Asian, African, and Islamic world can also benefit from the relational interpretation of human rights suggested here. Such an interpretation could help these countries recognize that active political participation by all, if carried out appropriately, will contribute
to the communal solidarity they value in an inclusive way. It can help these societies recognize that active participation by all can strengthen, rather than threaten, social union. A relational, participation-based understanding of human rights will help advance the human rights agenda in these countries in a way that builds upon their traditional values rather than undermines them.

Much more can and should be said about the foundations and practical implications of the relational understanding of rights sketched here. It is hoped that the present sketch shows that we are not facing the twilight or endtimes of human rights.91 Rather, the need for what Michael Perry calls a “global political morality” means that the effort to carry forward the human rights project is deeply important in today’s divided world.92 Strengthening human rights will also strengthen the relationships needed to overcome the divisions of our societies and our world.

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91 For works using the terms “twilight” and “endtimes” to suggest that human rights are no longer relevant or adequate, see generally ERIC A. POSNER, THE TWILIGHT OF HUMAN RIGHTS LAW (2014), and STEPHEN HOPGOOD, THE ENDTIMES OF HUMAN RIGHTS (2013).

92 PERRY, supra note 1, at 7.