HUMAN RIGHTS AND CONCEPTIONS OF THE SELF*

ALAN GEWIRTH

Throughout much of the modern era, respect for human rights has been widely acclaimed as an essential criterion of the moral legitimacy of societies. But during the same period, going back at least to Burke, Bentham, and Marx, the idea of human rights has also been subjected to vehement criticisms. A central target of these criticisms has been the conception of the self on which the idea of human rights is held to be based. This centrality is readily understandable. For human rights, by definition, are rights that belong equally to all human beings simply by virtue of their being human; hence, the idea of human rights presupposes or implies a conception of what it means to be human, i.e. a human self. To examine the criticisms that have been directed against this conception is therefore a prime way of coming to grips with one of the most historically and contemporaneously important norms for the moral evaluation of states and societies.

In this paper I shall try to do four main things. First, I shall indicate the main criticisms that have been brought against the conceptions of the self on which the idea of human rights is held to depend. Second, I shall present some of the basic epistemological questions that underlie the difficulties raised by these criticisms. Third, I shall give an answer to the epistemological questions by outlining a justification or proof of the moral principle of human rights with a view to explaining why such rights are needed and what are their contents. Fourth, I shall show how this moral principle helps to dissolve the criticisms of the conception of the self that enters into the idea of human rights.

I. CRITICISMS OF HUMAN RIGHTS CONCEPTIONS OF THE SELF

Two main interrelated kinds of criticism have been brought against the conceptions of the self that are found in doctrines of human rights. One kind is, broadly speaking, empirical; the other kind is moral.

The empirical criticisms have focused on the point that the conception
of the self in doctrines of human rights is too abstract, so that it fails to correspond to the realities of human personhood. The abstractness is held to arise because persons as holders or subjects of human rights are conceived to be so very much alike, and are characterized in such a minimal way, that the concrete differences which give them their fuller identities are overlooked. These overlooked differences generate four sorts of empirical objections, which I shall call the *individualistic*, the *ethnocentric*, the *historical*, and the *inegalitarian*.

The individualistic objection sets itself in opposition to the atomistic separateness of human selves that it finds in theories of human rights. It says that, according to these theories, the holders of human rights are bare, unrelated individuals who have in common only such general traits as rationality and autonomy. This objection has two parts. One is ontological. It contends that such an individualistic conception of the self overlooks that what exist are not rootless, traditionless, unrelated individuals but rather social or communal beings — that is, persons who exist among, and owe their specifically human traits to, various groups or communities that have diverse histories, traditions, and environing bonds of loyalty. The proper conception of the self, then, is provided by the communitarian thesis that individuals are constituted by the different communities to which they belong: they are not bare humans, but rather Frenchmen, Russians, Chinese, and so forth; Jews, Christians, Moslems and so forth; and similarly with many other groupings.¹ Hence if rights are to be invoked at all, it is groups or communities, rather than the individuals of traditional rights theories, who can be properly held to have rights; this can be seen quite graphically in the civil rights claims of blacks, women, and other submerged groups, as well as in the nationalist demands of Kurds, Basques, and many other claimants of the right to national self-determination, and so forth.²

A second part of the individualistic objection is deontological. It bears on the entities to whom moral precepts are addressed, and who hence have moral obligations or duties. These too are not bare, unencumbered individuals but rather persons who are characterized by their diverse roles in social institutions, including capitalists and laborers, rulers and ruled, husbands and wives, and so forth through myriad other groupings. The true morality is one of "my station and its duties."³ The general individualistic objection, then, is that human rights as traditionally conceived overlook or falsify the communitarian setting of the human self, the rich diversity of communal contexts in which persons live and from which they derive their most salient characteristics.