

ABSTRACT

Toward a Richer Account of Human Rights in Christian Moral Theory:
From Wolterstorff and Hauerwas to Wojtyla

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The role of human rights is disputed in Christian moral theory. When human rights are discussed, it is common to find that a problematic understanding of the human agent is assumed in those discussions, one that understands the agent motivated strictly by belief and accompanying desires. This connection is reflected in the work of Christian thinkers Nicholas Wolterstorff and Stanley Hauerwas. While they take opposing views of the value of human rights in Christian moral theory, both see a connection between this understanding of the human agent and human rights.

An alternate understanding of the human agent focuses on developing perceptions and proper valuation of the good. Karol Wojtyla, who became Pope John Paul II, expresses an understanding of human dignity and perfectionism in his personalism that results in this alternate understanding of the human agent.

When using this different understanding of the human agent, we can discover a richer account of human rights, an account that encourages us not only to do

actions that typically reflect a respect for the dignity of human persons, but to actually cultivate appreciation for that dignity. Two oft-neglect characteristics of human rights are highlighted in the final chapter: a Wojtylian principle of correlatives and a commitment to completion of the human person, which are suggested by the perfectionism in Wojtyla's personalism. Both of these characteristics of human rights reflect this alternate understanding of human agency, moving us toward both perceiving and valuing the human dignity in ourselves and one another in a meaningful way.

Toward a Richer Account of Human Rights in Christian Moral Theory:
From Wolterstorff and Hauerwas to Wojtyla

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For showing me how to better perceive and value the dignity of all human persons,
including myself

CHAPTER ONE

Human Rights and the Draw of the Good

What is the role that human rights should play in Christian moral theory?

Some Christians, like Nicholas Wolterstorff and Pope John Paul II, believe that human rights should be at the center of Christian moral theory. Other Christians, like Stanley Hauerwas, believe that the concept of human rights is detrimental to Christian community and should have no role in Christian moral theory. To answer our original question and adjudicate this debate, it is important to explain how we understand human rights.

What is the value of a theory of human rights? Why do we spend our time articulating one, carefully distinguishing it from alternatives, and improving it by raising and responding to significant objections? The answer, I suggest, is we expect a theory of human rights to not only *explain* why we are drawn to treat human individuals in distinctive ways (i.e., recognizing and honoring, protecting and defending, and certainly not ignoring the rights they bear as human beings) but also, when we fail to treat them in these distinctive ways, *motivate* us to begin or to resume doing so.

In this dissertation I focus on just the grammar of human rights (the foundational assumptions that any adequate theory of human rights must satisfy); stating and defending a complete account of human rights is beyond the scope of my project. I am especially interested in the crucial roles that Christian theological

claims may play in this grammar. That is why I decided to study and compare the fundamental assumptions about human rights in the work of three prominent Christian thinkers: Nicholas Wolterstorff, Stanley Hauerwas, and Karol Wojtyla (who became Pope John Paul II). Relying on their work, I will offer an explanation of the role that human rights play in Christian moral theory.

Each of these thinkers has made significant contributions to discussions on justice throughout their lifetimes. Wolterstorff has written extensively about justice¹ and been an active participant in speaking out against injustice around the world. During his tenure as pope, Wojtyla demonstrated a strong commitment to human rights that is often credited for raising awareness of human rights in the Catholic Church and leading it to becoming a champion for human rights today.² Hauerwas has spoken out against misuses of justice and human rights, even going so far to call justice “a bad idea for Christians.”³ While he is not against justice understood properly, he is against a particular conception of justice to which he believes human rights are unavoidably attached.

¹ Wolterstorff has written monographs committed to the theme of justice, such as: *Until Justice and Peace Embrace* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1983), *Justice: Rights and Wrongs* (Princeton, New Jersey: Princeton University Press, 2008), and *Justice in Love* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2011). Additionally, he has addressed issues of justice in other writings like (with Robert Audi) *Religion in the Public Square* (Lanham, Maryland: Rowman and Littlefield Publishers, 1997) and *Educating for Shalom* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2004).

² A sampling of books that credit Wojtyla in this way: Edward Barrett, *Persons and Liberal Democracy: The Ethical and Political Thought of Karol Wojtyla/Pope John Paul II* (Lanham, Maryland: Lexington Books, 2010); Carson Holloway, *The Way of Life: John Paul II and the Challenge of Liberal Modernity*, (Waco, Texas: Baylor University Press, 2008); Thomas D. Williams, *Who Is My Neighbor?: Personalism and the Foundation of Human Rights*, (Washington, D.C.: The Catholic University of America Press, 2005).

³ Stanley Hauerwas, “The Politics of Justice: Why Justice Is a Bad Idea for Christians,” in *After Christendom?* (Nashville, Tennessee: Abingdon Press, 1991), 45-68.

These three thinkers represent a broad range of Christian beliefs.

Wolterstorff is a philosopher of the Dutch reformed tradition, while Hauerwas is an esteemed theologian influenced by Methodist, Anabaptist, and Catholic traditions. Wojtyla is a leading theologian and philosopher of the Catholic tradition. These thinkers creatively extend their traditions' perspectives; collectively, they demonstrate the diversity of contemporary Christian thought on justice and human rights.

In my initial work on the dissertation, it seemed to me that Wolterstorff and Wojtyla shared much in common in their commitment to and usage of human rights as an important part of Christian moral theory. Hauerwas appeared to be the foil of Wolterstorff and Wojtyla, arguing against the use of human rights within Christian moral theory. However, after careful readings, it was clear that these initial understandings could not remain. I now see the relationship among these three thinkers differently.

Upon examination of Wolterstorff's construction of human rights within his conception of justice, it became clear to me that there are some significant problems with his view, particularly the deficiencies that Hauerwas identifies in a range of modern views of justice and human rights that are similar to Wolterstorff's.

To clarify both Wolterstorff's account of human rights and justice and Hauerwas's critique of such views, I constructed a debate between these thinkers, centered on the roles that problematic assumptions of liberal democratic theory play in contemporary political philosophy. These assumptions are: 1) social atomism, 2) agonistic social ontology, and 3) a lack of a common good. This debate

is presented in the second chapter. While Hauerwas clearly distances himself from the problematic ideas within liberal democratic theory, Wolterstorff's relation to them is more complex: while he acknowledges the potential difficulties of these assumptions, he offers no alternative stance and (in many ways) continues to embrace liberal democratic theory.

However, in constructing a debate to illustrate these differences between the two thinkers, an interesting similarity emerged. While they take drastically different views on the *value* of human rights in Christian moral theory, they both assume that human rights must be grounded in a certain modern understanding of the motivation and explanation of the actions of human persons. For the sake of space, I will refer to an account or understanding of the motivation and explanation of the action of human persons as a moral psychology or model of agency.⁴ Thus the structure of their views became clearer to me: Wolterstorff embraces human rights precisely as flowing from this underlying modern model of agency, while Hauerwas rejects the modern model of agency, gestures toward his own account of motivation, and from this new base sees no need for human rights. This insight left me a bit stranded. On the one hand, Hauerwas identifies key deficiencies in Wolterstorff's theory of human rights and traces them to an underlying modern moral psychology. On the other hand, Hauerwas's rudimentary efforts toward an

⁴ While a moral psychology/model of agency may entail more than these elements, these are two significant elements to any moral psychology/model of agency. In fact, for the discussions of this dissertation, the explanation of action and motivation of action are arguably the two most important elements of a moral psychology/model of agency, which is why I am using these terms to signify these elements.

alternative moral psychology are not satisfactory; he fails to offer a viable alternative to the modern view that Wolterstorff accepts.

I then turned to Wojtyla to see if he provides a different moral psychology than either Wolterstorff or Hauerwas, while continuing to find an important place for human rights in Christian moral theory. A different moral psychology could possibly assuage Hauerwas's critique of the concept of human rights as well. In exploring the work of Wojtyla, both pre-papal writings and a selection of papal encyclicals, I found two key elements in Wojtyla's work—his understanding of the motivation of human action and his approach to human rights—that are featured in the third chapter. These elements, particularly a Wojtylian principle of correlatives for rights that I construct from his writings and the role of perfectionism in Wojtyla's personalism, provide a fresh approach to human rights. They prove to be important, as I explain in chapter four, in weighing the contributions of Wolterstorff and Hauerwas with regard to human rights and, more importantly, to charting the importance that human rights can and should play in Christian moral theory.

Most of the valuable insights I have gleaned from Wolterstorff, Hauerwas, and Wojtyla—regarding both the grammar of human rights and the roles that this grammar may play in Christian moral theory—revolve around the fundamental differences in the theories of moral psychology. These differences provide space to clearly distinguish between the thought of these three thinkers, and appreciate the contribution of each thinker. Hence, I will describe the key differences in the theories of moral psychology in this chapter and show how I use these differences to

structure the rest of the dissertation. But before I do that, let me identify briefly some key issues regarding human rights that I will not be addressing in this work.

Additional Questions beyond this Dissertation

The deeper I have gone into these topics, the more that I realize must be left unsaid due to lack of space. This dissertation has proven to be fecund philosophical ground, producing many topics for future research. For instance, a more thorough justification of what I call “the Wojtylian principle of correlatives for rights” than I have been able to give here is important work that is necessary for its own sake, but also for articulating the views by secular thinkers like Iris Murdoch who are committed to a similar moral psychology. Also, Wojtyla’s perfectionism is an incredibly underdeveloped aspect of his personalism that deserves a more developed defense than is issued in this dissertation. His perfectionism and personalism will be useful in interpreting both pre-papal and papal writings that deal with issues beyond human rights. Wojtylian philosophical scholarship is very limited right now, and I look forward to the exploring the richness of his thought on these and other topics in the future.

In this dissertation, I have constructed a debate between Wolterstorff and Hauerwas concerning human rights and justice. However, I also briefly argue that it appears they are largely talking past each other on these topics. This argument would benefit from more development as well. As both men are still engaging one another on these topics, continuing to follow where their discussions lead is another potentially fruitful project, especially in the areas where a lack of explicit discussion by them led to speculative conclusions in the dissertation.

There is additional work to be done on the role of God on the understanding of human rights that I sketch in chapter four, as well as a more direct defense of the role of human rights language within Christian moral theory against other objections. Additional comparisons could be made with other accounts of human rights, both Christian and secular. A discussion of how human rights relate to Christian metaethical theories also deserves consideration.

Finally, human rights language is often neglected or rejected within secular communitarian ethical theories, but I believe the ideas discussed in this dissertation might restore the relevance of human rights within these circles of thought.

The Role of Moral Psychology

In *The Retrieval of Ethics*, his ground-breaking study of contemporary philosophers' failure to appreciate the distinctive approach of ancient and medieval moral theorists, Talbot Brewer characterizes two different moral psychologies of human agency as "ancient" and "modern."⁵ He contends that the modern conception is inadequate to explain human motivation and action. Looking ahead briefly, I will argue in chapter two that the contemporary debate on human rights between Nicholas Wolterstorff and Stanley Hauerwas is framed in terms of the modern conception of agency,⁶ and that this introduces a characteristic deficiency in their understandings of human rights. In chapter three I will show that Karol Wojtyla uses

⁵ Talbot Brewer, *The Retrieval of Ethics*, (Oxford: Oxford University Press, 2009). I cite pages in this work within parentheses in the text.

⁶ I am not claiming that both hold to the modern model of agency. Rather, both view human rights as belonging to this conception of agency. Additionally, neither thinker fully embraces the ancient model described by Brewer.

the ancient conception of agency that Brewer favors. In the final chapter, I will look at how this ancient conception of agency requires new characteristics in accounts of human rights that preserves their role in Christian moral theory.

But first I will review Brewer's description of the modern and ancient accounts of human agency and then sketch the contours of the two ways of thinking about human rights that they engender.

The World-Making Conception of Agency

Brewer characterizes the modern understanding of agency as "world-making" for on that account "action is at heart a technique for remaking the world so that it answers to the agent's intentions or desires" (12). He says it turns on three "dogmas of desire": "desires are attitudes toward propositions"; desires are directed toward future, conceivably attainable states; and an action can be explained by the agent's beliefs and desires that motivate the action (14).

On this account the intentional object of a desire is a proposition that exhaustively constitutes "the mental representation of the object of the desire that makes the desire the particular desire that it is" (16). Anything that is to count as a desire can "be expressed fully, without distortion or loss, as a desire that thus-and-such" (16).

Since a desire (unlike a mere wish) must be action-motivating, its intentional object must be a proposition that represents a future state of affairs one believes one can bring about. To have an action-motivating desire for world peace, for example, one must think world peace is a future state of affairs that one can bring about.

A belief, on the other hand, is “an attitude toward a proposition that typically is adjusted, and at any rate ought to be adjusted, in the face of evidence that the world does not correspond to the proposition” (17). When we believe, we attempt to adjust the proposition to correspond to the world. However, when we desire, we attempt to adjust the world to correspond to the proposition. When we act, we are motivated by a belief that the world is a certain way and by a desire that it should, by our action, become otherwise. In this manner an action can be explained by a belief and a desire.

Proponents of this modern conception of agency believe it offers a neutral approach to ethics in the sense that it does not privilege any particular desire. Agents engage in world-making according to their own desires, whatever they may be.

Approaching Human Rights from within a World-Making Conception of Agency

How would we think about human rights if we were to think about them within this modern, world-making view of agency? First, if we believed every action is an attempt by an agent to make the world fit the agent’s desire, we would think human rights exist to provide maximal moral space (through moral permissions and prohibitions) for human agents to freely perform these actions. Furthermore, since human agents’ beliefs (about how the world is) and desires (for how the world should be) vary so much, and since none of these desires are to be preferred, we would expect that a theory of human rights will not favor any specific conception of the good or any ideal state of affairs.

In order to provide the maximal moral space for human beings to freely perform world-making actions, a theory of human rights would establish boundary limits that morally prohibit human agents from acting in certain ways that unduly restrict others' freedom in fulfilling their world-making desires. Humans would not have the right to have their world-making desires fulfilled, but they would be entitled to protection from threats against their moral space from the actions of others.

To the extent that the theory of human rights focuses on such boundary limits, the good in view is simply keeping agents from violating these limits. Of course, many proponents of human rights will hold various theories of the good that are "thicker" than this—which is to say, are more extensive in their claims about the human good, and for that reason are more controversial. They may appeal to these further elements of their thick views of the good to defend key assumptions that human beings are valuable by virtue of their capacities that allow them to be agents, that their world-making actions should be allowed to proceed unencumbered within the boundary limits of the theory, and so on. Yet one would expect that such appeals—to motivate the belief that human beings are valuable and the desire that their rights should be respected—will be just as controversial as the theories of the good on which they are based. In order to influence an audience beyond those who already share their thicker view of the good, these proponents will try to ground their appeals to motivation on the most widely shared beliefs about the world. In other words, proponents will not employ all that they believe about the conditions of human flourishing (e.g., that the self and world are illusory such that human

desires for world-making should be curtailed, or that humans are created by the Triune God to desire loving intimacy with God and one another) in their arguments that humans beings should be valued and their rights be respected.

I have predicted that a theory of human rights formed within this world-making conception of agency would not favor any specific conception of the good or any ideal state of affairs. Does this mean that all of the rights recognized by the theory would be akin to what are typically considered negative human rights, demarcating what humans should not do to one another in order to allow each individual make the world according to the individual's desires? Or would the theory also recognize positive rights, identifying ways that the agents are duty-bound to nurture one another's agency?

Some proponents of human rights, noting that there are no universally shared beliefs about (or desires to guarantee) even the most general features of human flourishing, claim that there are no positive human rights. On their view, positive rights are always derivative, being created by the free decisions of a group of agents (a family, social organization, government, and so on) for the purpose of promoting nurturing relationships among themselves.

Other proponents of human rights claim that there are positive human rights. These rights are not derivative, but are grounded directly by the theory of human rights (that is, in a manner that is sufficiently like how negative human rights are grounded) and, thus, extend to all human agents. Typically these proponents claim there are certain very general conditions (access to food, shelter, education, and so on) that people should believe are required for human agency and should desire to

obtain for all human beings in the world. Thus, each human being has positive human rights that other agents not only will not interfere with these conditions, but also will act to nurture them (to an extent that is consistent with the package of negative human rights).

Since many people do not actually desire that the general conditions for human agency obtain for all human beings, the proponents of positive human rights face the stiff challenge of explaining why everyone *should* desire this. Within the world-making conception of agency, we might expect proponents to argue that many people have misshapen beliefs about the world, especially about the value in each human being; but once these beliefs are corrected, their desires will be reformed to treat every human being in accordance with their true value. To justify these true beliefs and proper desires, proponents may appeal to their various “thick” theories of the human good, but one would once again expect that such appeals—now to encourage people to respect positive as well as negative human rights—will be as controversial as the theories of the good on which they are based.⁷

Any theory of human rights, then, whether it proposes only negative rights or positive rights as well, will be more than a list of rights. It will include an account of the ontological ground of the rights which it proposes, an account that *explains* why human beings possess those rights and that *motivates* agents to desire a world in which every human being is properly valued and their rights are respected. This account will be a very important, if not *the* most important, focus of the theory of

⁷ In the next chapter I briefly examine how Wolterstorff and Hauerwas think about positive human rights, not to critique the substance of their views, but to illustrate how their views are framed within the perspective of the world-making conception of agency. A complete criticism of their views on positive human rights is beyond the scope of this dissertation.

human rights. Within the modern conception of agency, it is crucial that people have the correct beliefs and accompanying desires about human beings, and that these beliefs and desires can be stated in propositions. The appropriate beliefs and desires together would then produce actions that properly value human beings.

To conclude this section on a positive note, notice that on this approach to a theory of human rights from within the world-making conception of agency, the pressing need even to speak about human rights (not to mention have a theory about them) may be eliminated within a family, organization, or community in which everyone correctly assesses the value of human beings and desires that each one flourish. The belief/desire model of action within the modern conception of agency traces moral deficiency in an action to a deficiency in the motivating belief and/or desire; thus, when everyone has correct beliefs and proper desires, moral actions will follow. Human rights, positive and negative, would still exist, but the need to emphasize them would cease. I think this is what some theorists mean when they say that theorizing about human rights is necessary only under conditions of resource scarcity and the absence of sufficient love or fellow feeling.

Looking Ahead: Wolterstorff and Hauerwas

When I consider in the next chapter the account of human rights given by the contemporary Christian philosopher Nicholas Wolterstorff and the critique of human rights by the leading Christian theologian Stanley Hauerwas, I will argue that their views of human rights are deeply shaped by the modern conception of agency as world-making. While Hauerwas does not hold the modern conception of agency

as his own view, he sees a connection between human rights and the modern conception of agency that leads him to reject the use of human rights.

In *Justice: Rights and Wrongs* Wolterstorff presents an account of justice as the respect of rights, including the important subclass of rights which are human rights.⁸ Human rights are rights that are held by all and only human beings, and are grounded in the worth bestowed on all and only human beings. As one would expect on the belief/desire model of action, Wolterstorff focuses on the ontological grounding of human rights: he claims that human rights are based on all and only human beings possessing the *imago dei* such that, when they are fully formed, they have the power to exercise dominion over creation.⁹

Drawing in part on his interpretation of Aristotle and Aquinas, Hauerwas argues against all theories of human rights (including Wolterstorff's) because they lack a sufficiently rich account of the good and, therefore, must demean the individual's value. In some respects this critique echoes Brewer's criticism, but Hauerwas ultimately fails to argue for an alternative model for motivating action.

Wolterstorff assumes an adequate theory of human rights would revolve around an account of the full value of human beings that, in turn, would ground the proper beliefs, desires, and actions. Hauerwas believes that this situation is the best that a theory of human rights could produce. Brewer argues this approach, based on the modern conception of agency outlined above, is insufficient to explain human action. Instead he reconstructs an alternative model of action, which I call the

⁸ Nicholas Wolterstorff, *Justice: Rights and Wrongs*, (Princeton, New Jersey: Princeton University Press, 2008).

⁹ Wolterstorff, *Justice: Rights and Wrongs*, 350.

“motivating-good conception of agency,” that can explain human action in terms of a more cohesive picture of the good life.

The Motivating-Good Conception of Agency

Talbot Brewer notes that before the modern era Western thinkers explained human action quite differently from the world-making conception outlined above. They thought the intentional object of desire was not a proposition, but what the agent took to be the good itself (or some aspect of the good) that is luring through love the agent into action (56-62). Desires on this view, to borrow a phrase from T. M. Scanlon and Dennis Stampe, may be characterized as “*seemings* of goodness or of reasons for action” (25). When agents act they are not trying to make the world fit what they think it should be (which can be characterized as the “world-to-mind” orientation of the world-making conception), but are seeking to more closely conform themselves to and reach a kind of unity with the good that draws them into action (a “mind-to-world” orientation). I will call to this ancient view that Brewer articulates and defends “the motivating-good conception of agency.”

Why should we embrace the motivating-good conception of agency? Brewer argues that it can explain (in ways that the world-making conception of agency cannot) human motivation and action, especially as they are situated in what he calls the dialectical activity of living a good life.

Recall that on the world-making account the intentional object of a desire must be a proposition (or a set of propositions) that represents the future state of affairs that one prefers. The agent need not think that the future state of affairs is good. So how is a mere preference for something, which one need not think is good

in any way, supposed to rationally motivate one to action? Brewer claims that there is a gap in the explanation that can only be crossed by assuming that something (other than the proposition) lures the agent to response.

There is a more serious problem with the world-making account. Suppose one wants to live a good life. What proposition (or set of propositions) could possibly express the necessary states of affairs to bring about the rich, unfathomable complexity of that desired end to the agent? Suppose one wants to be a true friend to another person. What proposition (or set of propositions) could possibly represent the rich, unfathomable complexity of that end? The world-making model of agency cannot begin to explain what Brewer calls “dialectical activities”—like seeking a good life or living into a rich friendship—“all those activities whose point lies in an intrinsic goodness that is to some degree opaque to those who lack experience with the activity, but that tends to unveil itself incrementally as one gains first-hand experience with it” (39). Dialectical activities have teleological ends that cannot be understood except through engagement in the activity itself. Even though one can never adequately describe in a proposition (or set of propositions) the complex goods that one seeks—e.g., a good life, a rich friendship—one can become more articulate about these teleological ends as one pursues them through one’s committed actions. Brewer refers to this emerging ability to engage in dialectical activities and comprehend the goods internal to them as an agent’s “evaluative outlook.”

The evaluative outlook involves not only a subjective experience—a phenomenological urge wrapped in our perspective on the world—but also an

perceptual evaluative element—an attentiveness to “some sort of goodness or value in those things that they incline us to pursue or promote” (29). Because the goodness of a thing in and of itself is insufficient to motivate action, one must not only recognize that there is a good, but also care about that good. One’s evaluative outlook makes salient the valued goods that become reasons for one’s desires and for one’s actions based on those desires. The evaluative outlook is not determined by one’s will alone, but includes a passive perceptual element that sets one’s desires and the goods for which one cares.

In any dialectical activity, as one acts toward the specific good to which one pays attention, one gains a clearer understanding of, becomes conformed to, and so is able to pay even better attention to that good. This understanding cannot be reduced to a proposition (or set of propositions); rather it is a kind of tacit knowledge that one can act on. This “virtuous sensibility,” as Brewer calls it, is drawn to the *telos* not through propositions, but through activity (239). These actions cannot be reduced to principles to govern one’s lives, although they may display consistency with what are typically considered ethical principles and desires on the world-making account.

Brewer describes the process of developing a virtuous sensibility through dialectical activities as “the full actualization of the characteristic human function, which is to direct one’s doings in a way that expresses a stable and complete conception of the human good” (123). Over the course of a lifetime, the right mix of activities will constitute a life well lived. One comes to recognize the value in one’s actions, one’s agency, and one’s self.

An additional component to living the good life is found in the apprehension of the value of others and of our sharing life with them. When one apprehends this value in another person, one has an admiration for the other person, particularly the good that is the individual. This good is not reducible to a list of natural properties, but is found in participating in the good of the other person. One must “see what the value of a human being looks like when fully and vividly recognized” (176), and love is the way to best see the value of another human being.

It is important, then, to share life with others in order to develop a virtuous evaluative outlook. One must strive to understand the evaluative outlooks of other people (and not merely appreciate their evaluative outlooks insofar as they may serve oneself). Further, one must be open to being shaped by others’ evaluative outlooks, so that one’s own evaluative outlook may be affirmed “as good from all relevant social perspectives” (240). Brewer uses the term “character friendships” to cover the relationships that positively shape one’s character in this way (241). As one shares in these character friendships, individually one moves closer to the good; and as one moves toward the good, one moves closer to others who are moving toward the good.¹⁰

Brewer offers an insightful interpretation of the relationship between contemplation and the need for character friendships in realizing the good life, the two concluding themes in Aristotle’s *Nicomachean Ethics*. Most interpreters think these themes stand in considerable tension because they think of contemplation as

¹⁰ Brewer is careful to show that there is no conflict between what is truly good for an agent and what is truly good all things considered. When there appears to be conflict, it is a matter of the good being misunderstood. (Chapter 6 of *The Retrieval of Ethics*).

an activity that an individual does in social isolation. Brewer suggests that participation in character friendships and the development of one's evaluative outlook through these friendships are inseparable elements of what Aristotle intends by contemplation. Contemplation then becomes a good that is sought and achieved in relationship with others, and it depends upon an apprehension of the value of others.¹¹

Approaching Human Rights from within the Motivating-Good Model of Agency

How would we think about human rights if we were to think about them within this motivating-good view of agency? A theory of human rights would articulate how human beings come to see themselves and other humans as agents being drawn to the good that is beyond them. Human rights would mark the intrinsic goods already present that draw one into the life of other persons, helping one to be sensitive to the good of other persons.

In presenting a model of action focused on the good life and the evaluative outlook that one has, an account of human rights would not be focused on a specific set of actions or on forming a specific set of beliefs and/or desires. Instead, it would focus on the individual human beings and their particular evaluative outlooks. This account would encourage one to move both individually and in relationship toward

¹¹ Some have criticized Brewer for using the term "desire" when they claim he is actually talking about love. (See the review of *The Retrieval of Ethics* by Tamar Schapiro in the *Notre Dame Philosophical Reviews*, <http://ndpr.nd.edu/review.cfm?id=18367>, accessed February 25, 2011.) While this criticism may have some merit, I am not sure that Brewer would find it troubling. Brewer uses the phrase "loving desire" and notes that loving another person is the best way to recognize the good of that person. Brewer is not using "desire" when he means "love"; he is arguing that there is an intimate connection between love and action-motivating desire.

the good that is beyond any individual or friendship of individuals. One can find this idea in non-theistic accounts of agency from thinkers like Plato and Aristotle, but also in theistic accounts from figures like Aquinas and Wojtyla.

Human rights would then become a matter of being drawn into the life of another, gaining sensitivity to the good of another, and also being drawn toward the good and the other concurrently. The other is not the good for which one should strive, but it is as one and the other strive toward the good that they too will be drawn closer together. These relationships not only would be conformed to the good, but also would form one's understanding of one's own personhood and goodness, as well as the personhood of others.

This account of human rights would have a particularist feel to it, as one must enter into relationships with others in order to be able to better recognize the *telos* of the other and of the relationship. Human rights would be a matter of not only paying attention to the other as a human, but to come to an understanding of the *telos* of the other. In coming to this understanding, treating someone with respect to his/her human *telos* will take on a unique focus on that individual. However, as each person is moving toward the *telos* of the good life, there is a universal quality to each person's *telos*, even if that *telos* is uniquely instantiated in each individual.

Like the world-making account of human rights (in a specific group setting), this account would ideally eliminate the need for human rights language. However, the previous, world-making account would eliminate rights talk because the actions of each person would be freedom-respecting; there would be no guarantee that the individuals are treating one another with respect to the good life to which each one

is being drawn. The present account provides a much richer account of human rights, for they encourage persons to move beyond a focus on freedom-respecting action, beliefs, and desires to rightly honoring the good of the individuals. Human rights language, understood in this way, shapes the individuals and their relationships toward the good.

On this account, rights language would serve an important corrective purpose. Rights language would be used to highlight the intrinsic good of others. It does this by raising awareness of when the goods that help bring about the fulfillment of the intrinsic good are being kept from individuals. By preventing those goods, the good of the other or oneself is not understood. Rights language brings the focus back to the good and to one's seeing that good rightly.

Looking Ahead: Wojtyla

In the third chapter, I will exposit the work of the Catholic philosopher Karol Wojtyla (who became Pope John Paul II), focusing on his conception of human dignity and the good of human persons. I will argue the foundation of human agency demonstrated in his view is consistent with Brewer's motivating-good conception of agency.

I will also demonstrate that Wojtyla differs from Brewer in two meaningful ways. First, Wojtyla includes a collective good in his discussion of the good of human persons in addition to the individual good and the good in relationship that both he and Brewer affirm. The addition of the collective good can be read as a more faithful reading of Aristotle, given that the good life is one lived in the polis. Secondly, Brewer does not give any account of human rights, nor does he use rights language

in this work. On becoming pope, Wojtyla frequently used rights language in conjunction with the language of dignity, which is more prominent in his pre-papal work in this area.¹² In the final chapter I will sketch how Wojtyla's total body of work provides an account of human rights in conjunction with this conception of agency. These two differences enhance Brewer's account of agency while also demonstrating how it can be applied to the discussion of human rights.

The Value of Human Rights

This dissertation stands as an argument that human rights should play a significant role in Christian moral theory provided that the appropriate model of agency is at work in the account of human rights. An account of human rights using the modern model of agency can be destructive and counterproductive to goals of Christian moral theory. However, when a model like the one proposed by Brewer is at work, human rights play an important role in Christian moral theory.

A complete account of that role is beyond the scope of this dissertation, of course, for it would require developing both the normative and the political/legislative aspects of human rights. The normative aspect includes a defense of a specific list of human rights.¹³ The political/legislative aspect involves

¹² If the reader is concerned with the use of the pre-papal works in conjunction with the papal works, I will note in the final chapter that we should read Wojtyla's pre-papal and papal work on issues related to human dignity as a single authorship. I will not be arguing for a single authorship on all issues, but note that there is a thread of scholarship that presupposes a single authorship on this issue.

¹³ The Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948, is the most cited list of human rights. While some of the rights in the Universal Declaration are problematic, the document provides a good starting point for contemporary discussions of what should be included in a list of human rights. I suspect, however, that when considered in light of the motivating-good model of agency, the Universal Declaration both overstates and understates a normative account of human rights.

the role that a government should play in upholding the human rights of its citizens and others whose lives may be affected by its policies. However, I have come to believe that an account of human agency, especially as it concerns our motivation to recognize human rights, which I discuss in this dissertation, must be resolved before we can adequately address the normative and political aspects of human rights.

The three figures considered in this case study are especially attractive for my project because they focus their constructive accounts and critiques of human rights on this fundamental issue of the individual's motivation for recognizing human rights. While Wolterstorff hints at ways that governments may be involved with the promotion of all rights, this becomes less salient in his discussion of human rights, for their existence is independent of any government and have meaning even if there is no government to enforce them. Hauerwas criticizes human rights because of the thin conception of the good that typically accompanies human rights. While this thin conception sometimes is related to the role of government, his critique is independent any governmental role in human rights. Lastly, with his emphasis on human dignity and the collective good (understood as something different than a governmental good), Wojtyla's account has no necessary role for the government with regard to this issue.

Someone may object that I consider only Christian-influenced accounts and critiques of human rights. Wolterstorff, Hauerwas, and Wojtyla often appeal to their Christian beliefs and commitments, and these appeals play a significant role in their respective views on human rights. However, my study shows that these thinkers do not presume a single model of human agency, which allows me to demonstrate the

important contrasting implications of the world-making and motivating-good models for an account of the value of human rights. And, I submit, these results would apply to other accounts and critiques of human rights that are not so directly influenced by the Christian tradition.

Concluding Introductory Remarks

In this chapter, I have briefly set out both the world-making model of agency and Brewer's motivating-good model of agency, as well as the framework for an account of human rights corresponding to each model. In the next chapter, I will use a reconstructed debate between Wolterstorff and Hauerwas as one example of the dependency on the world-making model of agency in contemporary accounts of human rights. The third chapter will consider the work of Wojtyla concerning human agency and dignity as the grounds of human rights. In the concluding chapter, I will use the ideas of Wojtyla to briefly highlight significant characteristics of human rights that are consistent with the ideas mentioned above and demonstrate the importance that human rights can play in Christian moral theory.

CHAPTER TWO

Wolterstorff, Hauerwas, and the World-Making Model of Agency in Human Rights

Nicholas Wolterstorff and Stanley Hauerwas, prominent Christian thinkers, disagree a great deal on the roles of justice and human rights in moral theory. In order to highlight the gap between them and to critique the deficiencies in their accounts of human motivation (especially in regard to our recognition of one another's rights), I will examine their views with a foil I call "liberal democratic theory."

Very briefly, I will understand liberal democratic theory as centered on the idea of maximal equal liberty in the sense that it values freedom most highly, but values no single individual's freedom over another's.¹ The role of society is to

¹ This draft of liberal democratic theory draws on the influential account of "justice as fairness" that John Rawls articulated in *A Theory of Justice* (1971) and defended in both *Political Liberalism* (1995) and *Justice as Fairness: A Restatement* (2001). Here I am not trying to fully explain or criticize Rawls's view, but to sketch an account of humanity and society that is a commonly assumed framework for much political discussion today. Hauerwas assumes that liberal democratic theory requires Rawlsian liberal democratic theory, and Wolterstorff articulates his view of justice with Rawlsian liberal democratic theory in mind, though he attempts to distance himself from it.

It should be noted that Jeffrey Stout's *Democracy and Tradition* (Princeton, New Jersey: Princeton University Press, 2004) offers an interpretation of liberal democratic theory that is an alternative to Rawls. Stout argues that liberal democratic theory does not require a neutral, tradition-free stance with regard to virtues, but that democratic polity produces its own moral tradition leading to a virtuous society as citizens keep each other in check with regard to democratic practices. Stout also criticizes Hauerwas specifically on his refusal to embrace human rights and liberal democratic justice. Both Wolterstorff and Hauerwas have expressed sympathies with some of the general ideas of Stout's view, while both still hold concerns. Wolterstorff's response to Stout was published in "Jeffery Stout on Democracy and Its Contemporary Christian Critics," *Journal of Religious Ethics* 33.4 (2005): 633-647, while Hauerwas responds in the Postscript of his book *Performing the Faith: Bonhoeffer and the Practice of Nonviolence*, (Grand Rapids, Michigan: Brazos Press, 2004), 215-41. Stout's form of liberal democratic theory would be another way of framing the discussion between Wolterstorff and Hauerwas, and would be worth pursuing in another context. However given that Hauerwas articulates his arguments against justice and human rights from the assumption of Rawlsian liberal democratic theory and Wolterstorff also is addressing Rawlsian ideas, I have

ensure that no one's pursuits are restricted, unless those pursuits are restricting the pursuits of another individual. The human rights grounded in this notion of freedom would be negative rights: one has a right that others not interfere in one's legitimate pursuits, which is to say, those which are not restricted by society in the name of maximal liberty. In regard to distributive justice, liberal democratic theory says society is to promote equality of opportunities for all citizens to advance, but it may permit unequal outcomes provided that the least advantaged benefit from these inequalities (for example, doctors are permitted to make more money than is common if this enables the least advantaged to receive better health care than they would otherwise receive). According to liberal democratic theory, in order to promote equal opportunities, a society may grant positive rights (to basic education, medical care, and the like) to the extent that it has adequate resources and its members share assumptions about and concerns for meeting human beings' basic needs. For instance, a poor society may believe that a certain basic need must be met for all to have equal opportunities, but lack the financial resources to meet that need. Another society may view that education is not a basic need for the humans of that society and would find no reason to grant that positive right to its people.

Though liberal democratic theory is typically assumed as a framework in contemporary political discussions, three of its underlying assumptions regarding the nature of human persons and human communities are contentious. These assumptions are: 1) *social atomism*—human individuals are to be understood as

chosen to use Rawlsian liberal democratic theory in order to more clearly delineate differences between Wolterstorff and Hauerwas that would be possible using Stout's account.

ahistorical, societally independent beings, particularly with regard to justice; 2) *agonistic social ontology*—because human individuals participate in a society only inasmuch as it serves their interests (in maintaining freedom and acquiring other goods for themselves and others, and so on), they must be restrained by the society in order to ensure non-interference with other people’s permissible pursuits and desires; and 3) *absence of a common good*—there is no common good toward which all individuals are drawn or should strive, as each individual’s pursuits and desires should be respected unless they intrude on the pursuits and desires of another. Liberal democratic theory, as I am using the term in this chapter, embraces the modern model of agency that Talbot Brewer critiqued in the first chapter.

In this chapter, I will first explain the way each thinker understands justice and human rights. I will then argue that both thinkers have inadequate accounts of human agency: Wolterstorff accepts a version of what I have called the modern model of agency, while Hauerwas looks to narrative to fulfill the role typically reserved for agency. In both cases the inadequacy is rooted, in part, in their misunderstanding of ancient moral psychology. I will conclude the chapter tying their understanding of agency to their accounts of justice and human rights.

Nicholas Wolterstorff – Rights as an Ethical Focus

While Nicholas Wolterstorff has addressed various issues related to justice and human rights throughout his career,² in this section I will draw from his most

² For instance, he relates justice to the biblical concept of *shalom* in *Until Justice and Peace Embrace*, (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1983) and *Educating for Shalom*, (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2004) among other places.

systematic treatment of these concepts in *Justice: Rights and Wrongs* (hereafter, *JRW*).³ I will present Wolterstorff's basic conception of human rights, explain his rationale for the use of human rights language, examine three fundamental theses in his account of human rights, and show how he attempts to ground human rights in the worth of the individual human being.

Wolterstorff's Basic Conception of Human Rights

Because Wolterstorff believes justice is best understood as respecting the rights of others, the bulk of *JRW* is devoted to articulating and defending a conception of rights.⁴ He understands human rights to be one species of rights: human rights are the inherent natural rights that are held by someone in virtue of being a human.⁵ This entails that human rights are different from legal, economic, or civil rights. First, the latter rights require their possessors to be involved in particular institutions or live in particular countries, but human rights apply to all human beings. Additionally, these other rights typically are conferred by some person or group that has the authority to grant rights to people who would not otherwise have them, but human rights are not conferred on anyone (or even everyone) by anyone.⁶ Human rights may inform or limit these other rights that

³ Wolterstorff, *Justice: Rights and Wrongs*, (Princeton, NJ: Princeton University Press, 2008).

⁴ Wolterstorff claims that justice requires proper respect for all of the rights that humans possess. He does not believe that all of the rights that humans possess are human rights, or are grounded in human rights.

⁵ *JRW*, 313.

⁶ For example, when the *Constitution of the United States*, Article 2, Section 1, confers the right of candidacy for President only to a "natural born Citizen" of the United States who is at least thirty-five years of age, this legal right does not apply to American teenagers or Australian citizens. Even if we imagine a legal right that does apply to all human beings (e.g., a small island granting all

humans can possess, but these other rights are not human rights. Wolterstorff has more to say about what makes a human right “natural,” “inherent,” and “held by someone in virtue of being a human,” beyond these negative properties of not being limited and conferred, but this is sufficient to show why he says that human rights are a distinctive species of rights in general.

Human rights, then, apply to every human being and only human beings. I will use the word “rights” when I am referring to rights in general, which is what Wolterstorff’s theory of rights is about. In order to avoid confusion, I will use “human rights” when I am referring specifically to human rights.

Wolterstorff gives multiple descriptions of what a right is. It is a normative social bond that is “with regard to” someone. Rights have sociality built into the very concept, so rights cannot make sense without some other being involved. However, that “other” does not have to be an individual distinct from oneself: a person can look at oneself as that “other,” which allows there are disrespectful things that one can do to oneself such that one fails to properly respect one’s own rights. This bond is in “the form of the other bearing a legitimate claim on me as to how I treat her, a legitimate claim to my doing certain things to her and refraining from doing other things.”⁷

Rights set boundaries on how we interact with one another when it comes to our pursuits of life-goods. Wolterstorff claims that rights do not pertain to all goods

human beings the right of safe passage through its airspace), it would still not be a human right because it is conferred—it only accidentally applies to all human beings and is not properly grounded in their nature.

⁷ *JRW*, 4.

for all people, but only goods that are required for one being able to live life in a meaningful way. For instance, although it may be a good for me to own a Picasso masterpiece, it would be wrong to claim that for that reason I have a right to that work of art. On the other hand, my opportunity to breathe air that is free from certain levels of toxins is important for me to be able to live a meaningful life, and so that is a life-good to which I have a right.

Objections to the existence of human rights tend to be rooted in the abuse of what is claimed to be a human right. When people want something that they presently do not have, it is not uncommon for them to claim to have a right to that thing, and sometimes, in order to make their claim stronger, they go so far to claim that they have a *human* right to it. The language of human rights is abused if the claim is a clear reach for a selfish desire, rather than access to a life-good.

Wolterstorff recognizes that “the practices of honoring and claiming rights” have been distorted. There is a distinction between having a claim to a right and the act of claiming that right, and it is in the act of claiming the right (or in others honoring the right) that the abuses tend to occur.⁸ Given that rights are “trumps,”⁹

Wolterstorff is not saying it is an abuse to claim an actual right, but rather, to claim one has a right to a good to which one does not have a right. These abuses should not lead us to abandon rights language, but should create caution as we discuss the application of rights in our world.

⁸ *JRW*, 7.

⁹ *JRW*, 5.

Wolterstorff sees significant value in both the existence of human rights and the language of human rights. While he acknowledges that the language of human rights is full of abuses,¹⁰ he believes that we should work to end the abuses instead of rejecting the rights language. Despite the abuses of the language, there are positives in the usage of the language of human rights that cannot be found in using similar terms.

The clearest positive of using rights language is that it focuses on the recipient dimension of actions rather than the agent dimension, which is usually expressed in the language of duties or obligations.¹¹ The distinction between the two dimensions is most clear when looking at ethical misconduct. If people only used the language of duties when someone did something wrong, that would be a lack in expressing the condition of the victim. The language of rights helps to state the moral perspective of the victim, which is absent from the language of duties.¹² By having a means to highlight the perspective of the one who was wronged, the language of human rights provide a powerful way to bring these wrongs to the foreground of any discussion in a way that the language of duties cannot.

Wolterstorff argues that rights are not reducible to duties, and vice versa. Both concepts are essential to our moral understanding: duty-language is not sufficient for explaining the breadth of what is explained by rights-language, and

¹⁰ One famous example of abuse comes from the *United Nation's Universal Declaration of Human Rights*, which claims there is a human right to paid vacation. While the abuses often involve positive rights, one can imagine a negative right that would demonstrate an abuse of human rights, but negative rights are much less likely to be abused in this way.

¹¹ Wolterstorff states that he uses the words "duty" and "obligation" as synonyms and makes no distinction between them, and I will use these terms in the same fashion.

¹² *JRW*, 7-9.

vice versa. Given that moral philosophy tends focus on duties and obligations at the loss of rights as a separate concept, Wolterstorff focuses his discussion on rights, while admitting the importance of duties and obligations.¹³ Here, it is important to note that Wolterstorff accepts this principle of correlatives: “if Y belongs to the sort of entity that can have rights, then X has a right against Y to Y’s doing A if and only if Y has an obligation toward X to do A.”¹⁴ There is a necessary correlation between duties and rights, but Wolterstorff argues that there is not, at present, an account of obligation that can show exhaustively that rights are grounded in these obligations without presupposing the existence of these rights.¹⁵ Often, accounts of obligation ultimately rest the authority of the obligations in some kind of rights. Although this fact does not make obligations reducible to rights, it points to the intimate connection between rights and obligations for Wolterstorff.

Fundamental Theses of Wolterstorff’s Account of Rights

Wolterstorff lays out three fundamental theses to develop his account of rights. The first thesis is “that that to which one has a right is always a good of some

¹³ *JRW*, 264-5.

¹⁴ *JRW*, 8.

¹⁵ *JRW*, 264-5. Wolterstorff spends Chapter Twelve (“Rights Not Grounded in Duties”) in *JRW* (264-84) focusing on divine command theory, finding it to be the best candidate for the needed account of obligation, but ultimately arguing that this theory does not give the account of duties needed in order to say that rights reduce to duties.

In the present project, there is not space to carefully summarize and criticize Wolterstorff’s argument. In a nutshell, Wolterstorff believes that divine command theory gives a definitive account of obligations, with God being the source of those obligations. However, he also argues that you must assume that God has the right to both give the commands and the right to be obeyed in order for God to be able to create these moral obligations. If one wishes to reduce rights to duties, then one must explain the duties which serve as the source of these rights.

sort.”¹⁶ If it is not a good when all things are duly considered, then it cannot be something to which one has a right. For instance, allowing children to eat all of their Halloween candy in a single sitting is not a good when all things are duly considered, and therefore, it is not something children can have a right to do, nor can others have a correlative duty to allow them to do it.

I noted above that according to Wolterstorff one does not have a right to all goods, but only the goods that one requires to live a meaningful life. Consonant with that view, the second thesis claims that any theory of rights requires a conception of the good life.¹⁷ When Wolterstorff is speaking of life, he is not using a biological scientific conception or any other specialized meaning, but rather, the meaning in the ordinary usage of the word “life.”

In order to claim that a person has a right to a good, that good must fit within a conception of the good life. This does not mean that all goods must fit within a conception of the good life, nor that all conceptions of the good life actually produce rights. Rather, the need for the good to fit within a conception of the good life is a necessary, but not sufficient condition for something to be a right.

According to Wolterstorff, for a life to count as “good,” it must be worthy of a specific kind of approbation and also include the goods to which individuals have a right. Thus, a conception of the good life that does not include the goods to which individuals have a right is an inadequate conception of the good life. For instance,

¹⁶ *JRW*, 135. He includes a caveat that there are certain conferred rights that do not meet this qualification, but given the present focus on inherent human rights, conferred rights are not of our concern. However, it is worth noting that our previous example of the possible conferred American right to three cans of Coke each day may fail to meet that qualification.

¹⁷ *JRW*, 136.

Wolterstorff claims classical eudaimonism is an inadequate conception of the good life for an account of rights for its supposed lack of focus on the worth of persons and human beings, emphasizing only “the worth of life-goods and of conditions and means for those.”¹⁸ An account of the good-life must include all goods to which one has a right, including the good of not being treated in a certain way. Therefore, Wolterstorff is looking for an account of the good life that is focuses on the *flourishing person*, rather than living well. Flourishing is dependent on goods that are outside of one’s control. Those goods are the goods that classical eudaimonism does not concern itself with, yet individuals still have rights to those goods.

When looking for an account of what he calls the *flourishing* good life, Wolterstorff admits that there are multiple accounts that are adequate for grounding rights. For this reason, he does not argue for a specific conception of the good life. Yet, given his Christian commitments, he would say the account must include knowledge of and joyful obedience to the commands of Christ to love God and love your neighbor.¹⁹

The third thesis is that one has rights to states of affairs, rather than specific objects. These states of affairs are a good of some sort, specifically, a good that promotes one’s ability to live the good life. This thesis is important as ordinary

¹⁸ *JRW*, 179. Wolterstorff admits that Aquinas gives the groundwork for an inherent right while being an eudaimonist (*JRW*, 178), leading him to qualify the target of the objectio as *classic* eudaimonism. I will argue below that Wolterstorff’s argument against classical eudaimonism demonstrates the world-making model of agency, leading him to overlook the possibility of an account like Brewer’s that includes all that he’s looking for in an account of the good-life.

¹⁹ In addition to the concerns listed above, he believes all accounts of eudaimonism fail because of the perceived failure to meet the requirement of altruistically loving your neighbor as a good.

language often misstates that to which we have a right. For instance, I do not have a right to a car. Instead, I have a right to my owning a car. Additionally, these states of affairs must be directly related to me in order to possibly have a right to them.²⁰ For instance, I do not have a right to the Chicago Cubs' winning the World Series this year. Although this state of affairs may be a good that would give me joy and improve my life (by eliminating the perpetual disappointment felt every October), it is not something I could have a right to, due to my lack of direct connection to the Cubs. By noting that rights are about states of affairs directly related to me, Wolterstorff opens the possibility of rights extending past the time of one's death.²¹ Given that rights are about respecting the worth of another and that one's life continues to have value even after one's death, one is entitled to be respected even after death.

These theses, coupled with his Christian theological commitment, serve as the foundation of Wolterstorff's theory of rights, which serves as the ground for his account of justice. Wolterstorff distinguishes between his theory of rights and that which actually grounds rights on his account. In the next section I will review his account of grounding the subset of rights called human rights, that is, rights that are inherent in people simply because of their status as human beings.

²⁰ *JRW*, 136-8.

²¹ *JRW*, 140.

Grounding Human Rights

Wolterstorff argues that rights are grounded in the worth of the individual. This is exemplified in the fact that people usually get upset when others are wronged because they are being treated in a way that is less than what they should be. In the case of human rights, it is because they are being treated in a way that is less than fitting given their worth as human beings; with regard to other sorts of rights, the worth is found in something beyond one's humanity. In both cases the worth is not a perceived worth, but is an actual worth held by the individual. If others do not recognize the worth of the individual, it does not excuse them from showing respect for the worth that the individual actually does have.²²

What does it mean for an individual to *actually* have worth? Wolterstorff rejects an instrumental account of worth for grounding rights, for there is no single characteristic of instrumental worth that would include all and only humans. It would be impossible to present an account of human rights that claims each human being has human rights and that it is based on an instrumental worth without excluding some beings that all would agree are human.²³ Suppose, for example, one tried to ground human worth in the ability to exercise rationality.²⁴ This ability seems to have instrumental worth to help people in life, but requiring the ability to exercise rationality would exclude human babies from having human worth. To extend this sort of account to include babies, one could base human worth in the

²² *JRW*, 297-8.

²³ *JRW*, 301-2.

²⁴ I am choosing the ability to exercise rationality as it is considered by many to be the source of human worth or something that plays a role in bringing about human worth.

potential to develop the ability to exercise rationality. Even then, one can imagine a child born with a severe brain impairment such that the child does not have the potential for developing the ability to exercise rationality. Humans would not have to exclude that child from having human worth, even if the account does not explain that worth. Similar objections would seem to apply to attempts to ground human rights in any other instrumentally-valuable ability. Such accounts are insufficient, pointing to the need for an account that is non-instrumental.

Wolterstorff argues that the non-instrumental, rights-grounding worth of human beings is found, in part, in human dignity. Showing that human dignity serves as the grounding for human rights is “the attempt to pinpoint some property or relationship whose possession by all human beings gives them all a certain worth—some property or relationship on which worth supervenes.”²⁵ The kind of property that would meet this requirement is one that all human beings have and that no non-human creature has, while giving sufficient non-instrumental worth or dignity to ground human rights. In order to preserve equality in a simple, non-problematic way, ideally this property would also be a non-degreed property.²⁶

The search for this property leads Wolterstorff to reject various non-theistic groundings of human rights due to their reliance on capacities-based explanations of human beings or human dignity; they return us to an instrumental account that excludes from having human rights some beings that we would all agree are

²⁵ *JRW*, 320.

²⁶ *JRW*, 322. If the property is degreed, then it would seem that some people are more human than others, which would be difficult to say that those with that property to a higher degree do not have more worth in which the rights are grounded than those with a lower degree of the property.

human.²⁷ Wolterstorff turns to a theistic grounding of human rights, specifically to the *imago dei* as the property that is present in all and only humans.

Wolterstorff explains “the mature and properly formed possessors of that nature [which is the *imago dei*] resemble God with respect to their capacities for exercising dominion” over creation,²⁸ yet this nature by itself is incapable of grounding human rights, for it cannot be the source of human worth. If one defines the *imago dei* in a capacities-based way, one falls into same error as other instrumental-worth accounts of excluding certain human beings from having the worth necessary for human rights. However, if one defines it in a nature-based approach, as Wolterstorff advocates, it includes all humans but does not necessarily produce anything of the worth required to have human rights.²⁹ Wolterstorff believes that one needs something in addition to the *imago dei* in order to give an adequate grounding of human rights.

It can be agreed that being loved by God gives great worth to that which is loved by God. By understanding the *imago dei* as a matter of nature resemblance, if God loves each and every being who has the *imago dei* in an equal and permanent way, then all and only human beings have this great worth. This relational quality can be the property needed to ground human rights so that those rights are

²⁷ *JRW*, 341. He gives his detailed critique of possible secular accounts in Chapter Fifteen of *JRW* (323-41).

²⁸ *JRW*, 350.

²⁹ *JRW*, 352. One might argue that in making this claim, Wolterstorff is falling into a kind of instrumental worth mindset. It seems that merely being a possessor of the *imago dei* would not be of any instrumental worth, for it does not guarantee that the possessor has any particular capacities. However, it may be of great non-instrumental worth, giving the possessor the worth Wolterstorff is looking for without needing an additional move. Wolterstorff does not make clear why being a possessor of the *imago dei* would fail to create sufficient non-instrumental worth.

inherent, equal, and cannot be removed by any human action. God loving a human being bestows upon that individual a great worth, and it is in that worth that the individual's human rights are grounded.

For Wolterstorff, God's love is an attachment love, which means the worth is bestowed on individuals because they are attached to God in a particular way (in this case, by being loved by God),³⁰ much like a close friend of a queen gains worth by being attached to that queen as her friend, distinct from her other subjects. In the case of God's attachment love, each human is distinct from every non-human creature because all humans bear the *imago dei* and God loves them in that particular way because they have the *imago dei*. Given that the love of each person who bears the *imago dei* is equal and permanent, human rights are equal and inherent in all and only human beings.

Wolterstorff and Liberal Democratic Theory

How does Wolterstorff's conception of justice and human rights differ from what would typically emerge from liberal democratic theory? Wolterstorff does not believe we should reject liberal democracies,³¹ but argues that the three problematic assumptions of liberal democratic theory are not essential to liberal democracies. As we will see in a following section, though Wolterstorff recognizes

³⁰ *JRW*, 358-60. It is tempting to extend Wolterstorff's account of the attachment love that gives worth and thereby grounds human rights in a way that would illuminate issues of creation care. If God loves all creatures with some type of attachment love, then we must respect the worth of each creature as it is grounded in that love. We would have to assume God's attachment love is tailored to the divinely created nature of each sort of creature; otherwise, the distribution of rights would be arbitrary, for God could love dogs in a way that gives them human rights. It is outside the scope of the dissertation to pursue this extension of Wolterstorff's theory further.

³¹ In the chapter "Just and Unjust Paternalism" in *Justice in Love*, Wolterstorff argues that a liberal democracy is the best society for the flourishing of his care agapism he lays out in the book.

the problems that come with those three assumptions, he does not offer an alternative, leading one to reasonably believe that some of his ideas about justice and rights are closely attached to the assumptions of liberal democratic theory. This will be discussed in the third section of this chapter.

Stanley Hauerwas – The Narrative of Justice

While Wolterstorff advocates for richer, theistically-grounded concepts of justice and human rights, Stanley Hauerwas speaks out against the dominant conception of justice and human rights that flows from liberal democratic theory. In this section, I will present Hauerwas's conception of justice, including the some of the objections that Hauerwas has with regard to the language of human rights.

Hauerwasian Justice

Hauerwas finds liberal democratic conceptions of justice and human rights to be problematic and presents a view of justice that he centers on the reconciliation of humans and God, together with the reconciliation in God of communities.

Hauerwas depends on Daniel Bell for the articulation of his views of justice, claiming Bell has better articulated his thoughts on justice than he has.³² Hauerwas starts with the understanding that God does justice and so should we. This idea is largely uncontroversial, held by all Christians. How we understand what it means to say "God does justice" is dependent on the way that Scripture is interpreted. Instead of adopting "a modernist, historical-critical interpretation of Scripture" with a

³² Hauerwas, "Jesus: The Justice of God," in *Bible and Justice: Ancient Texts, Modern Challenges*, (Oakville, CT: Equinox Publishing, 2011), 70-1. I will assume that the work of Bell in the two articles cited by Hauerwas can be understood as expressing Hauerwas's own ideas on justice.

concept of justice that is independent of the idea of God, Hauerwas argues for a Christocentric rendering of justice that is “robustly ecclesial and in the service to discipleship.”³³ In this conception of justice, Jesus is “the very embodiment of God’s justice through his faithfulness and obedience manifesting God’s unrelenting desire for reconciliation.”³⁴ Justice cannot be separated from the divine order of charity, demonstrated in the atonement, as a “matter of ontological union, of the taking up of humanity into the communion of love that is the life of the blessed Trinity (*theosis*, deification).”³⁵ Understanding the justice of God as being exemplified and fulfilled in Jesus, Hauerwas shifts the primary focus of discussion away from fairness and the goods due to an individual, and toward the goal of reconciliation between God and humanity.

This does not mean justice reduces to individuals being reconciled to God. Rather, for Hauerwas, justice is a divine gift given in Christ that induces a twofold response in human beings: being grafted into the body of Christ, the one who is justice, and doing justice in the world. As Jesus is the justice of God, doing justice is about inviting others to be reconciled to the one who is justice. “Doing justice does not entail leaving the liturgy behind and taking up a secular theory, but is a matter

³³ Daniel Bell, “Jesus, The Jews, and the Politics of God’s Justice,” *Ex Auditu* 22 (2006): 94, as cited by Hauerwas, “Jesus: The Justice of God,” 73.

³⁴ Hauerwas, “Jesus: The Justice of God,” 73.

³⁵ Bell, “Deliberation: Justice and Liberation,” *The Blackwell Companion to Christian Ethics*, ed. Stanley Hauerwas and Samuel Wells, (Oxford: Blackwell, 2004), 188.

of extending the liturgy so that all might be gathered in the communion of charity that is possible in Christ.”³⁶

Doing justice in the community is demonstrated in works of mercy, which shows that the reconciliation is not only between humans and God, but also (as they are reconciled to God) between human persons to each other. These works are the natural expression of being grafted into the one who is Justice. It is only in Jesus that true justice can be found according to Hauerwas. For this reason, he prefers the construction “the actions are doing justice” to “the actions are just,” for the works of mercy are expressions of the reconciliation the human agent has experienced. Communities as well as individuals can do justice; indeed, outside a community that is rightly ordered to doing justice, individuals will lack the ability to do justice.

This last point is a radical departure from the view of justice in liberal democratic theory, which deems an action to be just if the intent of the agent and the results of the action meet the standards of promoting freedom. Hauerwas is claiming that proper intent and outcome may be insufficient for justice; the agent’s placement within a community and its narrative also play a role in the justice of the action. Since agents can only actively intend justice as it is understood in their community, one outside the Church cannot intend to bring about this community grounded in the justice found in Jesus. Of course, though agents outside the Church cannot have the intent necessary for justice, their actions may indirectly bring about the primary end of justice, which is reconciling God and human beings. These

³⁶ Bell, “Deliberation: Justice and Liberation,” 192.

actions may teach the Church something about justice, even if they do not have the intent of justice; God can use those actions to reconcile us to God and to each other.

Hauerwas rejects the notion that justice according to liberal democratic theory typically leads to personal reconciliation. The works of mercy promoting justice “are distinctly personalist, seeking change by means of individual, one-on-one acts of kindness to the exclusion of systemic concerns.”³⁷ These characteristics count as being supererogatory from the perspective of liberal democratic theory, but when Jesus is the justice of God, these characteristics often accompany the works of mercy displayed in that justice, helping to bring about reconciliation between man and God, and among men.

While supererogatory actions are considered as being essential to this justice, actions that are typically considered just are not precluded by this account of justice. Working for the poor, orphans, and widows are incredibly important to Hauerwas and he would agree that these actions are a matter of justice. However, the reason these actions are just is not merely because these actions are a matter of equality or a payment of what is owed them. What makes those actions just is that the actions help bring about reconciliation, not only between God and man, but also among the members that constitute the community that serves as the body of Christ in the world. Taking care of the poor, orphans, and widows can be precisely the kind of action that works toward that reconciliation, and would therefore be just. On the other hand, it is possible to do that action with no intention of bringing about the necessary reconciliation with God or the community of the Church, which would

³⁷ Bell, “Jesus, the Jews, and the Politics of God’s Justice,” 107.

mean that those actions are not just actions on Hauerwas's account. In fact, if those taking care of the poor, orphans, and widows are working against this particular reconciliation and community,³⁸ then those actions would be unjust according to Hauerwas's account, while the justice of liberal democratic theory would count those actions as just.

Hauerwas and Human Rights

As was briefly demonstrated in the previous chapter, Hauerwas is a serious critic of the role that the language of human rights can play in Christian moral theory. Hauerwas explains his critique in many places, but for the sake of this project, I will only highlight some key passages.

The first of Hauerwas's objections against rights can be summarized with one example. Hauerwas takes issue with the fact that modern rights-language is "associated with 'an unwillingness to beg,'" while arguing that "we (as Christians) are creatures that beg."³⁹ This language is best understood by looking at Hauerwas's critique against the autonomous individual as a creature that would ideally not be in need of the services of anyone else. Autonomous individuals only come together with other autonomous individuals for their individual betterment, but must often be convinced that it is for the individual's benefit to do so, as the

³⁸ The possibility of those taking care of the poor, orphans and widows intentionally working against reconciliation may be hard to imagine. However, there is a strong possibility that this result happens far more often than we realize, albeit unintentionally, both in domestic and foreign work. For more on this topic, see Brian Fikkert and Steven Corbett's *When Helping Hurts: Alleviating Poverty Without Hurting the Poor... or Ourselves* (Chicago, Illinois: Moody Publishers, 2009).

³⁹ Stanley Hauerwas, *Performing the Faith: Bonhoeffer and the Practice of Non-violence*, (Grand Rapids, Michigan: Brazos Press, 2004), 241.

autonomous individual must sacrifice a part of his/her autonomy for the society to come together and function. Hauerwas argues that modern rights-language exemplifies this mentality in avoiding any recognition of dependency on God and on one another to meet our needs. By claiming that having rights means that you are not a creature that begs leads you to have a sense of entitlement to the object and you should not have to lower yourself by begging in order to get that thing. However, by taking the stance of a beggar, Hauerwas argues, we recognize our need for each other in a meaningful way, and without each other, we would struggle mightily for just our survival, let alone our flourishing.⁴⁰

The language of rights points to the existence of a “society where individuals can no longer sustain their civic order on the basis of shared ends and purposes”⁴¹ and rights serve as “the product of individuals who no longer trust their lives to the hands of those they live with, and who, thus, seek to protect themselves through having trumps against the actions of their neighbors.” While Hauerwas admits that not all understandings of rights are so individualistic, this prevalent understanding of rights pervades much discussion concerning rights.

A final critique relates to the universality of rights language. Because rights are universal and inalienable, they are incapable of engaging the rich understanding of the individual, especially the particular history and social context of that individual. While there is appeal in rights applying to all people in the same way,

⁴⁰ Hauerwas makes a similar point in *After Christendom?* (45-68), noting that our dependence has shifted from God onto the nation-state, and that we are due the things to which we have rights, rather than recipients of charity.

⁴¹ Hauerwas and John Berkman, “The Chief End of All Flesh”, *Theology Today*, Vol 49 (1992): 200.

given the rich complexities of individuals, rights will do little in helping bring about the goods that will help develop individuals in a meaningful way, as explained by the Christian tradition.⁴² Instead, the use of rights language tends to exemplify the modern, liberal democratic conception of justice, a conception Hauerwas finds to be of little use in promoting the true justice found in Jesus.

When he explains his own view of justice, it should come as no surprise that Hauerwas gives no explanation for the role of human rights. I assume that he finds the concept of human rights is best left with the modern, liberal democratic conception of justice; redeeming the human rights language would require a new understanding of human rights that is contrary to the usage of it today. A new understanding of human rights may be compatible with this account of justice, but constructing such an account is outside of Hauerwas's project.

While Hauerwas excludes human rights from the discussion, by placing his understanding of justice within a particular community (that is, the Church), he paints a picture that looks like an attempt to have certain beliefs and desires from which one's view of the world will come.⁴³ However, this characterization is inaccurate. Hauerwas is not arguing for Jesus as the justice of God as an alternative, or even superior understanding of a set of various understandings of justice, each with a certain level of respectability. Rather, he argues that *this* is the proper

⁴² Hauerwas and Berkman, 200.

⁴³ This is the second perspective on human rights of the world-making model of agency, which was presented in the previous chapter.

understanding of justice, and that other understandings of justice are credible inasmuch as they correspond with understanding Jesus as the justice of God.⁴⁴

Wolterstorff and Hauerwas in Conversation on Liberal Democratic Theory

In this section, I will consider the thought of Wolterstorff and Hauerwas in reference to the three underlying assumptions of liberal democratic theory: 1) social atomism, 2) agonistic social ontology, and 3) lack of common good. I will take each assumption in turn, first discussing briefly how the assumption connects to liberal democratic theory. Then I will discuss why the assumption is of concern for Christian thinkers. Finally, I will consider the way Wolterstorff and Hauerwas respond to the assumption. When the response is inadequate or undeveloped, I will show if the rejection of the assumption is consistent with the thinker's views of justice and human rights.

The Assumption of Social Atomism

The first assumption of liberal democratic theory—that human individuals are to be understood as ahistorical, societally independent beings, particularly with regard to justice—makes justice unchanging with regard to time or place. We can then consider a generic person and derive a standard of justice that works when applied to all people, as desired by liberal democratic theory.

⁴⁴ Bell addresses this concern in “Jesus, the Jews, and the Politics of God’s Justice” in light of the concern that this view of justice might be sectarian. Bell shows that Jesus as the justice of God can only be understood as sectarian if it is understood in the framework of a liberal democracy. Instead, this seemingly particularized idea of justice is made universal in that it reaches to all people, and exists beyond any borders or boundaries established by men (101-103).

The assumption has been critiqued for understanding individuals in isolation from the particularities of their relationships both to one another and to God. The former concern is shared by communitarian theorists,⁴⁵ but the latter concern is especially central among Christian thinkers because it eliminates the defining role for the human being's relationship with God.⁴⁶

I will argue that Wolterstorff's view contains resources to critique the assumption of social atomism (even though he avoids actually addressing the issue), and that Hauerwas explicitly and successfully critiques this assumption.

Wolterstorff's response to social atomism. In his explanation of what it means to be human, Wolterstorff does not discuss a role for sociality as an essential characteristic of a human individual. Even though he wants to distance himself from social atomism and, I will argue, he has resources to be successful in doing so, he fails to articulate a clear distinction between his view and social atomism when given the opportunity.

Wolterstorff gives two explanations of what it means to be human: possessing the *imago dei* and being in the classification *homo sapiens*. Neither explanation immediately demonstrates a need for other humans. He never clearly defines the classification *homo sapiens*, but treats it as delineating humans from

⁴⁵ For example, Michael Sandel shares similar concerns as evidenced in *Justice* (New York, New York: Farrar, Straus and Giroux, 2009) and *Liberalism and the Limits of Justice* (Cambridge, United Kingdom: Cambridge University Press, 1998).

⁴⁶ One could say that there is only social atomism between human individuals. When applied to non-human persons like God, there is a meaningful relationship that does morally define us. Given that the topic at hand is concerned with justice and human rights, and both are concerned with interaction between humans, this alternate proposal will still count as atomism.

non-humans. In everyday usage, it is used as a meaningful designator, but it lacks the precision necessary to clearly make the distinction between humans and non-humans.⁴⁷

Wolterstorff claims a better explanation of what it means to be a human individual is found in the *imago dei*. As mentioned previously, creatures who possess the *imago dei* are of the nature such that “the mature and properly formed possessors of that nature resemble God with respect to their capacities for exercising dominion” over creation.⁴⁸ We may not be able to use this explanation to distinguish phenomenologically between humans and non-humans, but it provides clear ontological grounding for human rights. While this definition of the *imago dei* probably implies the existence of other human beings in order to explain how one becomes “mature and properly formed,” it does not suggest any further meaningful interaction or social dimension in order to be human. Perhaps the phrase “exercising dominion” is meant to imply a social dimension, but Wolterstorff does not define this term, leaving readers to make their own assumptions as to what it means. He provides no obvious reason to assume that social context, or being in relationship, is essential to being human (although human right is a social concept).

This neglect has led Oliver O’Donovan and others to read Wolterstorff as advocating a view similar to the Rawlsian picture of the autonomous individual who

⁴⁷ Any strictly physical definition of what it means to be human is almost certain to exclude certain people that we would all consider human, or would include members that we would not consider human. The one possible exception would be a definition using DNA. However, given the chimeras created in science today, even that definition could prove inconclusive.

⁴⁸ *JRW*, 350.

can be understood without a social context.⁴⁹ In response, Wolterstorff concedes that rights language “does often express the mentality of social atomism,” but he argues there is merely a contingent connection between social atomism and rights language. He points to the deep rootedness of social atomism within modernity to account for why this connection mistakenly feels necessary rather than contingent. But he claims certain pre-modern figures—in *JRW* he highlights the canon lawyers of the twelfth century, the church fathers, and the writers of Hebrew and Christian scriptures—either used rights language or arguably presupposed rights, yet had a different view of the human individual than social atomism.⁵⁰

Even if we agree with Wolterstorff that some historical thinkers who used rights language did not endorse social atomism, the question remains whether his view is an actual rejection of social atomism. Instead of proving the relationship between rights language and social atomism is merely contingent, his appeal to these historical thinkers may show they were inconsistent with their use of language or spoke from a different social context than we speak today. Given that Wolterstorff recognizes that the use of rights language typically devolves into social

⁴⁹ Oliver O’Donovan, “The Language of Rights and Conceptual History,” *Journal of Religious Ethics*, 37:2 (2009): 193-207. Bernd Wannewetsch makes a similar claim in “But to Do Right... Why the Language of ‘Rights’ Does Not Do Justice to Justice,” *Studies of Christian Ethics*, 23 (2010): 138-146. Additionally, John Perry acknowledges that there is tendency by critics of rights talk to take rights talk and connect it with Rawls in “Two Questions for Wolterstorff: On the Roles Play by Rights-Talk in History and the Measuring of Worth,” *Studies in Christian Ethics*, 23 (2010): 149-150. Perry accuses Hauerwas of this mistake which leads proponents and critics of rights to talk past each other.

⁵⁰ Nicholas Wolterstorff, “Response to My Commentators,” *Studies in Christian Ethics*, 23 (2010): 197-204; the quotation is from 200. In this article, he couples his response to the charge of social atomism with his response to the charge of holding an agonistic social ontology. I will return to this response in the next section that deals with the charge of an agonistic social ontology. He considers social atomism and an agonistic social ontology as being equal parts of the possessive individualism he addresses in *JRW*.

atomism (especially in secular contexts), it should be important for him to explain how that his view avoids this fate. By failing to do so, he leaves himself open to charges of embracing social atomism. For instance, Hauerwas claims Wolterstorff has a view of justice that is more Rawlsian than not due, in part, to this focus on the individual.⁵¹

Wolterstorff's view of the human individual does not exclude a focus on the social aspect of the individual, but he is not concerned with this focus when articulating his view. Although he admits that it does not make sense to talk about rights outside of society, nor has there ever been someone born outside of some sense of society (or born without inherent rights),⁵² he doesn't explain the connection between being human and being in society. At one point he claims that he cannot "imagine a human being not formed by membership in some social group,"⁵³ but fails to give any explanation of human formation and whether it is essential to understanding the human individual.

Wolterstorff usually treats the human individual and society as contingently connected rather than essentially tied together. However, he makes an interesting claim that "not all human rights are universal rights—that is, not all are rights that

⁵¹ In "Jesus: The Justice of God"(81-2), Hauerwas accuses Wolterstorff's view of justice to be more Rawlsian than not because of the way he focuses on the individual. The fairness of this accusation is unclear given the work of John Perry cited previously. Whether it is a matter of Wolterstorff actually being Rawlsian on this issue or Hauerwas and Wolterstorff talking past each other on this issue is a discussion for another time.

⁵² Nicholas Wolterstorff, "Justice as Inherent Rights: A Response to My Commentators", *Journal of Religious Ethics*, 37.2 (2009): 267-268.

⁵³ Wolterstorff, "Justice as Inherent Rights": 268.

every human being has in every circumstance.”⁵⁴ He is thinking of circumstances in which because a life-good cannot possibly be met (due to lack of resources or personnel), human beings cannot have the right to possess that good. In this sense, Wolterstorff nods toward one important role that social context plays in determining what human rights an individual possesses. Yet, given that he wants to separate the status of being a human being from the circumstances of that human being,⁵⁵ it is unclear whether he is using this limiting case to help distinguish between individuals and their social context or to help explain the essential connection between the two. If it is the former, then Wolterstorff sees the connection as being essential for human rights, but contingent for the human individual. If it is the latter, the case could be made that Wolterstorff sees an essential connection between the social context of the individual and the individual, such that one cannot be separated from the other and still have a human individual. Given the previous comments made by Wolterstorff, it is probably the case that he makes the distinction for the purpose of separating the two from each other, although it is clear he sees a much stronger and necessary connection between the two than a stereotypical Rawlsian would.

One caveat that must be afforded to Wolterstorff is that he is writing about justice and human rights, treating them as indispensable concepts for understanding a human being. These concepts require human beings to be involved in social relationships with one another. Thus, although he may think that the social aspect of

⁵⁴ Wolterstorff, “Response to My Commentators,” *Studies in Christian Ethics* 23 (2010): 203.

⁵⁵ Wolterstorff, “Response to My Commentators”: 203.

human individuals is contingent for the individual, this social aspect is necessary for justice and rights, and one cannot remove justice and rights from a human individual. While this caveat moves Wolterstorff away from social atomism, it appears that the individuals are not necessarily social beings, although this contingency is true in every actual situation in our world.

Wolterstorff acknowledges that being a social atomist is at odds with a Christian approach to justice and rights, and attempts to put at least some distance between his view and that of social atomism. However, his response pales in comparison to Hauerwas's response, which makes clear that social atomism is to be avoided.

Hauerwas's response to social atomism. In liberal democratic theory, the human individual is essentially free and equal to others in regard to issues of justice.⁵⁶ Any distinguishing features of individuals are unimportant; the self is ideally indistinguishable from other selves. When it comes to understanding what a just society would look like, there is nothing about one self that sets it apart from any other, for we would remove all of our social and historical particularities in order to establish justice.⁵⁷

⁵⁶ Liberal democratic theory can acknowledge that individuals have meaningful distinctions, but those distinctions do not relate to justice, which is primarily concerned with freedom and equality.

⁵⁷ Hauerwas, *After Christendom*, 48-9.

Hauerwas objects that each human self is defined by a narrative⁵⁸ which necessarily includes one's social context, personal histories, and other particularities that have shaped who one is and how one understands the world, including how one understands justice. Many supporters of liberal democratic theory describe the individual as an "unencumbered reasoner," but Hauerwas thinks such an individual is an impossibility. If human persons are a part of a narrative, they must be understood from within that narrative, and cannot be removed from that narrative and continue to make sense of themselves. It is only through the narrative that our lives as individuals can make sense.⁵⁹ Because these defining narratives include social contexts and personal relationships, social atomism must be rejected if human individuals are to be properly understood. They are not only free and equal individuals, but also socially entrenched individuals with histories and relationships that are essential to the formation of persons. To understand human individuals as less than that does a great disservice to them.

Hauerwas sees an inescapable connection between social atomism (and social agonism, as will be discussed in the next section) and appeals to human rights. The language of human rights tends to separate individuals from the influence of one another, rejecting the social nature as essential to individuals. The language of human rights establishes boundaries and limits on individuals,

⁵⁸ While there are many examples of this use of narrative in Hauerwas's work, in the essay "Going Forward by Looking Back: Agency Reconsidered" in *Sanctify Them in the Truth: Holiness Explained* (Nashville, Tennessee: Abingdon Press, 1998), 93-103, Hauerwas clearly articulates what he means by placing narrative as the defining focus of the human self.

⁵⁹ Even our understanding of justice is influenced by our social context. When we are asked to act as an unencumbered reasoner, we bring our notions of justice into those reasonings in establishing fairness and equality.

protecting humans from one another. The development and reconciliation of individuals can only happen with respect to those boundaries and limits. However, these boundaries and limits may prohibit full reconciliation from happening. This connection leads Hauerwas to reject the use of human rights in his account of justice.

Both Wolterstorff and Hauerwas are concerned about the connection between social atomism and justice. Hauerwas acknowledges this connection, rejecting human rights because of it. He offers an alternative understanding of the nature of human individuals, focusing on the essential aspect of sociality within humans. Wolterstorff acknowledges the need to reject social atomism, but fails to offer an explanation that eliminates the possibility of his view being consistent with social atomism. He has the elements to offer a sufficient explanation, though he fails to do so.

Responding to the Assumption of an Agonistic Nature for Human Society

The second assumption working in liberal democratic theory is that the human individual exists within a society only inasmuch as it serves the individual's interest. The individual must be restrained by the society in order to ensure the promotion of each individual's pursuits and desires. I will refer to this assumption that the relationship we share in society is, at its core, one of conflict and competition, rather than one of community, as "agonistic social ontology."⁶⁰

⁶⁰ Again, concern about this assumption is not unique to Christians, as demonstrated by thinkers like Michael Sandel, but it is a concern of which Christians should be acutely aware given the theological commitments of Christianity with regard to human nature.

Christians object to social agonism for making conflict inescapable for society, a view which is at odds with much of the ideal of Christian community in the New Testament.⁶¹

I will argue that both Wolterstorff and Hauerwas recognize the problems associated with an agonistic social ontology. Hauerwas clearly rejects it, and Wolterstorff provides the elements for a response, eventually offering a response that distinguishes him from social agonism.

Wolterstorff's response to agonistic social ontology. Wolterstorff makes no direct reference in *JRW* to how he understands society to be constructed, but through his usage of the concepts of society and rights we can construct his social ontology.

Wolterstorff uses language throughout *JRW* that would lead one to believe that he has an agonistic social ontology. James K. A. Smith notes that he often talks about having rights against other individuals,⁶² with the “againstness” painting a picture of fundamental conflict rather than cooperation or unity.⁶³ Wolterstorff responds that he does not hold a conflictual or agonistic social ontology like Hobbes

⁶¹ It is possible that given our fallenness, an agonistic social ontology accurately describes the way we interact with one another in that fallen state. Even if this fallenness explains the present state of affairs, it is not necessary to assume that this is the ideal or even the fullest expression of what is possible. Instead, the case can be made that there is a need for community and cooperation in order for humanity to reach the fullness of its *telos*, both as individuals and as a whole. The fallenness expresses the difficulty in reaching that *telos*, but assuming an agonistic social ontology accepts the fallenness as inevitable rather than trying to move beyond it. This discussion is closely tied to the idea of the common good, which will be discussed in the response to the next assumption.

⁶² See *JRW*, pp. 7, 54, 94, 108, et al.

⁶³ James K. A. Smith, “Whig Calvinism?” *The Immanent Frame* (2009), <http://blogs.ssrc.org/tif/2009/03/06/whig-calvinism>, (accessed February 14, 2012).

and that his purpose in writing was not to address a social ontology, but rather to talk about rights and how they function in society.⁶⁴ Smith remains unconvinced; Wolterstorff's claim to avoid an extreme Hobbesian view is a straw man fallacy, for it does not show how his social ontology is not agonistic.⁶⁵

In a recent symposium on *JRW*, Bernd Wannewetsch makes a similar critique of Wolterstorff's social ontology.⁶⁶ Wolterstorff responds that any connection between rights language and an agonistic social ontology is merely contingent.⁶⁷ (This argument is reminiscent of the one he offers in response to the charge of social atomism.) However, he does little to show how his particular account does not presuppose some kind of agonistic social ontology. He agrees that rights language will be freed from its typical abuses only when we "undermine the mentality of social atomism and agonism."⁶⁸ He does not want his account to be associated with an agonistic social ontology, but he does not explain how his account differs.

Wolterstorff is being irresponsible in his responses to the charges of social atomism and agonism, for he recognizes that the typical usage of rights language has both of these ideas embedded within them. He simply says those assumptions are

⁶⁴ Nicholas Wolterstorff, "The fine texture: A response to Smith," *The Immanent Frame* (2009), <http://blogs.ssrc.org/tif/2009/03/09/the-fine-texture-a-response-to-smith>, (accessed February 14, 2012).

⁶⁵ James K.A. Smith, "'Bob and weave': A response to Wolterstorff," *The Immanent Frame* (2009), <http://blogs.ssrc.org/tif/2009/03/16/bob-and-weave-a-response-to-wolterstorff>, (accessed February 14, 2012).

⁶⁶ Wannewetsch: 146.

⁶⁷ Wolterstorff, "Response to My Commentators": 200.

⁶⁸ Wolterstorff, "Response to My Commentators": 201.

not embedded within his account, but does not tell us what ideas are embedded within his account. Additionally, he demonstrates a tendency to revert to language that proves more consistent with those ideas than not. His most recent definition of rights—“a right is a legitimate claim to the good of *being treated* a certain way by one’s fellows”⁶⁹—is an improvement on his previous definitions. When used in this way, Wolterstorff demonstrates that rights do not necessarily lead to conflict and competition. Instead, this definition of rights fits nicely within a non-agonistic social ontology, if people are working in cooperation with one another toward the good of society and each other. A society having this understanding of rights does not guarantee that the society is not agonistic, but it is likely working against that agonism if it is.

One should carefully weigh Wolterstorff’s argument that rights language should not draw one to focus on one’s own rights, but rather on the rights of others,⁷⁰ for this is the closest Wolterstorff comes to showing what social ontology he is using in his account. Does he mean humans should focus on the rights of others because it makes society better in some way that is of direct benefit to each person, or because it is part of what it means to flourish in society? If it is the latter, then Wolterstorff does distinguish himself in a meaningful way from those who hold an agonistic social ontology. However, he tends to treat this idea as though it is something humans must be convinced of, and not something that they could have an inclination to do without prodding, showing that a non-agonistic society should be

⁶⁹ Wolterstorff, “Response to My Commentators”: 199.

⁷⁰ *JRW*, 7.

the goal, but it is not the society we live in, nor does he explain what the non-agonistic society would look like. It appears that Wolterstorff recognizes the problems with an agonistic social ontology and wants to reject them, but fails to distinguish his ideas on these issues from those who hold, at the very least, a mild form of atomism or agonism.

Hauerwas's response to an agonistic social ontology. Hauerwas critiques an agonistic social ontology in *After Christendom?* when he argues the liberal democratic conception of justice is not a reconciling force of society, but rather a divisive concept. Since it too often tells individuals what they receive is what they are due, it prevents a positive experience of gratitude for charity received; individuals become dependent on society while not being in relationship with those in the society. Society becomes fragile, for people's working together is based on all individuals working for themselves; when any individual finds that working in this society is no longer beneficial to his or her interests, the individual's incentive to remain a functioning part of that society is eliminated, likely leading to the individual no longer participating in the society.⁷¹

Hauerwas argues social context is necessary to understanding the human individual in that freedom depends not on being removed from others' demands, but "by having our self-absorption challenged by the needs of others."⁷² Society is about people interacting with one another, shaping the way they live, and helping

⁷¹ Hauerwas, *After Christendom?*, 58-68.

⁷² Hauerwas, *After Christendom?*, 54.

them understand that the world is bigger than their isolated selves. Individuals are defined, in part, by the goals formed and goods pursued through their interactions with one another; they are not social atoms just bumping into one another as they pursue separate lives.

Hauerwas holds a communitarian social ontology. Society is about people coming together in a cooperative fashion in which they challenge one another to grow and leave their self-absorbed ways. They desire society not for the sake of their personal benefit, but for the sake of the common good of the society and for the good of those with whom they live. Thus, their growing understanding of the common good plays an important role in defining the people they become.

From Hauerwas's perspective, this society can only be fully instantiated among Christians. He believes Christians are called to live together in this way, but does not hold the same expectations for others, for only the practices of Christian discipleship foster the truest fulfillment of what it means to be human. The lives of suffering and service that exemplify this kind of society are engendered in the kingdom of God established by Christ.⁷³ While one could make a case for service in a society apart from Christianity, the ideal of suffering as an attempt to follow the example set by Christ would be unique to a Christian society. Given that Hauerwas believes that the Church is the true *polis*, instead of asking how the ideals of a Christian society would be demonstrated in a secular society, Hauerwas asks how the true *polis* is to be demonstrated in the cities we live. Many questions remain about how this ideal would be lived out, but there is no question that Hauerwas

⁷³ Hauerwas, *After Christendom?*, 53.

believes that a society of humans reaching the fulfillment of their human *telos* would be cooperative rather than agonistic.

Both Wolterstorff and Hauerwas recognize the need to reject the assumption that society is fundamentally agonistic. Wolterstorff fails to clearly articulate how his view avoids agonism, although he claims to reject it.⁷⁴

Responding to the Assumption of an Absence of a Common Good

The third assumption grounding liberal democratic theory is that since there is no common good toward which all individuals are drawn or should strive, each individual's pursuits and desires should be respected unless they intrude on the pursuits and desires of another. The absence of a substantive common good in liberal democratic theory is closely related to the two previous assumptions. A rich conception of the common good allows a community to construct positive actions and goals, as this good is something which the members of the community are drawn toward and collectively strive to bring about. A weaker conception of the common good involves fewer goods. Without a rich conception of the common good, a society is more likely to be focused on minimizing conflicts as individuals overstep onto others' goods. Without a rich conception of the common good, a

⁷⁴ One could argue that Wolterstorff has something like a weaker agonism, which is a social ontology that understands that society is not in a Hobbesian state of nature, full of perpetual conflict. On the other hand, it does not accept that society is a community of beings cooperating with one another for the good of the individual selves and others as well as the good of the community. Instead, humanity comes together in order to accomplish things and that coming together is what we call society. There is neither a fundamental sense of conflict or community, but a focus on individuals engaging in a necessary amount of interaction when coming together and the society occurs in these interactions with one another. On this account, society is something that exists, but is ultimately neutral on which direction it tends to go. However, arguing that this is Wolterstorff's position is beyond the scope of this dissertation.

society will demonstrate social agonism arising from the social atomism of its members.

Is it enough to have a rich common good or would more be expected from Christianity? Even with a rich *common* good, it does not guarantee that the community will be of the cooperative social ontology in a way that Christians should embrace. A community could convince itself of the “good” of isolating themselves from the rest of the world and having meaningful and instrumental relationships only with those that are a part of the community. Instead of *a* common good, Christians should appeal to *the* Good, which applies to individuals, relationships, and community in ways that the true good of one is not compromised for any of the others.

I will demonstrate that Wolterstorff does not think that a liberal democracy must preclude a common good, but admits that the common good of a society cannot be rich, in the sense discussed above. I will also explain Hauerwas’s serious critique of not only a lack of common good, but of a common good that is weak as it relates to individuals.

Wolterstorff’s response to the absence of a common good. In *JRW*, Wolterstorff has little to say about the common good. When discussing goods to which humans have rights, he typically has in mind individuals and the goods to which individuals have rights. The common good is not excluded from his account, but there is little discussion of it in this work.

In other works Wolterstorff endorses the necessity of the common good.⁷⁵ In a recent interview he admits that liberal democracies operate without a substantive common good.⁷⁶ How can he hold these claims together? While allowing that some conception of the common good is necessary for a society, he discourages a society from developing too thick of a conception of the common good, in order to allow for the plurality of individuals and communities to flourish within liberal democracies. Instead of looking to the common good to ground the political actions of the liberal democracy, Wolterstorff notes that liberal democracies are unique in that the governmental officials are accountable to the people and that every adult is politically equal to every other adult. These features provide what Wolterstorff calls a “very thick moral basis” for liberal democracies.

Wolterstorff appears to place the pursuits chosen by individuals (or small communities) over a common good that draws people together across society. When he speaks of the common good at all, he emphasizes its thinness in order to protect the richness of the good of individual persons and communities. Thus he claims that liberal democracies are unable to positively promote the good of individuals, but can only strive to prevent the good of individuals from being abused. While this function of society is important, it does little in the way of forming individuals. Wolterstorff, I think, would not be bothered by this, for he

⁷⁵ These places include, but are not limited to *Until Justice and Peace Embrace and Religion in the Public Square*.

⁷⁶ Nicholas Wolterstorff, “Rights and Wrongs, an Interview with Nicholas Wolterstorff”, *The Christian Century*, March 25, 2008, 25-30.

thinks the moral formation of individuals should not be a project of society, but should be left to particular communities.

Perhaps Wolterstorff's position can be clarified in the following way. He thinks individuals, guided perhaps by small communities of discernment, need to regulate their desires and behaviors by an appeal to the Good, but not to any substantive common good that guides the entire society. Of course, such individuals would make sure their society's thin common good does not contradict the Good. If one can make this distinction, Wolterstorff's account may provide an adequate clarification and nuanced critique of the liberal democratic assumption that we require no substantive common good. However, without making a clear appeal to the Good in his critique of societal substantive common goods, he leaves one to assume he is not making this distinction.

Hauerwas's response to the absence of a common good. For Hauerwas, the common good plays an influential role in the shaping of individuals. While he admits that there are multiple conceptions of the common good, only the common good as understood by the Church can fully shape human individuals and communities toward their *telos* as human beings.

Hauerwas criticizes the good a liberal democracy promotes, for it must involve a certain level of removal of individuals from their social context. The communities that make up a liberal democracy are diverse and the individuals within those communities are diverse as well. However, liberal democratic theory

can only promote a thin conception of the good, as it can only promote the limited goods shared across these diverse communities.⁷⁷

One cannot deeply understand the good of individuals or their communities apart from the social context of those individuals. Although there are general things that are good for individuals, regardless the social context in which they live, these things do not address the specific situation in which the individual resides, and therefore cannot address a concept of the good of significant depth. For instance, one can say that having access to clean drinking water is a good for all humans, regardless of their social context. However, one cannot articulate a conception of the good for a specific individual with just those kinds of goods. For instance, the good for an elderly rural farmer in China is different than the good for a young urban businessman in New York City. Certain things (like having access to clean drinking water) promote the good of both individuals, but these things do not give an adequate picture of what it means for either individual to be a flourishing human being. Hauerwas believes that a need a deeper conception of a common good for humans than can be given by a liberal democratic theory is necessary; what is needed is a common good that strives toward the good, rather than valuing opposing communities' goods equally.

Liberal democratic theory assumes that the good of the individual and the good of the community will often be in conflict with one another. According to Hauerwas's communitarian social ontology, individuals find their fulfillment in community with one another. The good of the community is directly connected with

⁷⁷ Hauerwas, *After Christendom?*, 61.

the good of the individuals who are its members. When one recognizes the connection between one's own good as individuals and the good of the community to which that individual belongs, one becomes willing to work toward a good outside oneself, being willing to sacrifice one's own desires for the community *and* being willing to ask those in one's community for help.⁷⁸

Hauerwas believes fulfillment in community can only happen in the community of the Church. There are two reasons: it is only in the Church that we come to see not just a common good, but *the* Good; and second, we recognize more acutely that the Good applies to all persons as individuals and in community, and these applications cannot be separated from one another. Hauerwas writes that "we (as Christians) are creatures that beg."⁷⁹ To take the stance of a beggar is to recognize humans need each other even for their survival, let alone their flourishing.

For Hauerwas, the Church is the *polis* that demonstrates the fullness of the human *telos* as it applies both to individuals and communities. This *telos* may be uniquely instantiated in each individual and community, but is a common *telos* that each individual and community is drawn toward and strives for.⁸⁰

To summarize, in this section I highlighted a significant difference between the two thinkers in regard to their understanding of the common good. Wolterstorff claims a liberal democracy is best served by weakening the conception of the

⁷⁸ Implied in this statement is that we do not always desire our own actual good. The following section addresses questions related to this statement.

⁷⁹ Hauerwas, *Performing the Faith*, 241.

⁸⁰ This language of being drawn toward a *telos* is expressed by the emphasis on narrative by Hauerwas and will be clarified in the next section.

common good in order to protect the distinctions among its component communities. Hauerwas argues that the common good does not need to be weakened or denied, but can be understood as the *telos* toward which all persons and communities strive and are being drawn. This common good may have different instantiations, but can be sufficiently rich for each individual and community as they live according to that *telos*, recognizing the mutual dependency between the good of individuals and their communities.

However, when we look carefully at these issues, we find that Wolterstorff and Hauerwas are largely discussing different situations, such that they end up talking past each other, rather than discussing the same thing. This difference is most clearly displayed in the discussion of the role of the common good in society. Hauerwas is speaking about the ideal of society, that is, the *polis* of the Church. The common good of the Church is going to look different than other common goods, for the Church is looking to form people in a particular way, such that it is a formation of the whole person, and all areas of that person's life. Other societies are either unconcerned with forming people in a particular way, or in only forming part of them in a particular way as opposed to the whole person. It is one of these other societies that is the focus for Wolterstorff, namely, the society of a liberal democracy. Wolterstorff attempts to establish a conception of liberal democracy that allows for communities like the Church to flourish and form the whole person, although the Church is not the only community that should be allowed the space and resources to flourish. Hauerwas is concerned with discussing what it means for the community of the Church to flourish and form the whole person, and as that is the

ideal community, any other community is lacking in the work of forming the person. Discussing these other communities would serve no purpose as they are concerned with something less than the ultimate Good. These communities may point toward the Good, but they are valuable only inasmuch as they reflect the actual Good for which the community of the Church is concerned.

Hauerwas and Wolterstorff have different goals, which explain the different ways they understand and use justice and human rights. While it is possible that one could find a way to merge these two goals together, doing so is beyond the limits of this project. However, there is a significant lack in both of these thinkers with regard to their accounts of agency. In the next section, I will discuss these similar lacks in both thinkers.

Agency, Formation, and Experience

In the previous chapter, I sketched how one's view of agency influences one's approach to human rights. In this chapter, the focus has been on how Wolterstorff and Hauerwas understand justice and human rights. Now I will consider how they understand agency, specifically considering the role of experience in the formation of the agent. Once again I will draw on Brewer's conception of agency to emphasize the importance of this role for experience. Then I will argue that both Wolterstorff and Hauerwas lack significant conditions of agency that lead to an incomplete understanding of justice and human rights on their respective accounts.

The Need for Experiential Account

Both Wolterstorff and Hauerwas have inadequate accounts of agency with regard to the formation of desires. The deficiency in their accounts can be traced, in part, to a neglect of the role of evaluative outlooks in understanding agency. In this section, I will demonstrate the connection between evaluative outlooks and experience in an account of agency.

The idea of an evaluative outlook—that is, a set of values through which an agent understands and orders the world, and acts accordingly—is central to an account of agency. Agents cannot be understood apart from their evaluative outlooks. As Talbot Brewer has shown in *The Retrieval of Ethics*, any account of agency must explicate the role of the evaluative outlook and the accompanying experience of this outlook in order to adequately address the fullness of human agency.

As mentioned in the previous chapter, an evaluative outlook involves not only a subjective experience—a phenomenological urge wrapped in our perspective on the world—but also a perceptual,⁸¹ evaluative element—an attentiveness to “some sort of goodness or value in those things that they incline us to pursue or promote.”⁸² When we see goodness, we are drawn to it, which is to say, we desire to value it properly—to strive for it, honor it, respect it, embrace it, or so on, as is appropriate to the aspect of goodness and our relation toward it. When we act to

⁸¹ When referring to the perceptual element, I will sometimes use the notion of “seeing,” but this seeing is to be understood as *seemings* of goodness rather than a judgment or claim about goodness itself. In order to help make this distinction, I will also use “attentiveness” to show that it is something experienced, somewhat passively, as opposed to an active judgment.

⁸² Brewer, *The Retrieval of Ethics*, 29.

bring about a state of affairs, it is because we see something good or valuable to which our proper response involves attaining or aiming at that state of affairs. It is the fact that we can bring about a state of affairs, when the bringing of it seems to us to be good in some way, that most clearly demonstrates our agency.

If we try to account for agency apart from this evaluative outlook, many things that are typically considered to be without agency could be included. Even a mechanical thing like an air conditioning system might count as an agent “simply in virtue of consistently behaving in ways that effectively bring about certain describable states of affairs.”⁸³ Thus, agency cannot be identified simply by the result. Instead, agency requires an explanation of *why* the action was chosen and *how* the action was intended. Agency requires one to “set oneself in motion...on the strength of one’s sense that something counts in favor of doing so.”⁸⁴

Additionally, we must be clear on what kind of things are desired and what the fulfillment of those desires includes. For instance, when I speak of desiring my wife, this is not a desire that has a clear fulfillment. It does not appear that there is a specific event I desire when I speak of desiring my wife. There does not come a time when I fully possess my wife, for doing so would be detrimental to our relationship. Nor does a time come when I fully know my wife, as she is a person who is always growing and developing. So what do I mean when I say I desire my wife? Brewer argues that this sort of desire does not reach a conclusion, but is a dialectical activity, that is, an activity for which the good cannot be fully understood without

⁸³ Brewer, *The Retrieval of Ethics*, 28.

⁸⁴ Brewer, *The Retrieval of Ethics*, 28.

participation in the activity. It is through being in relationship with my wife that I come to understand the good of that relationship. The perceived values of particular dialectical activities are intimately attached to one's evaluative outlook.

In order to understand why an agent acts in a certain way requires understanding the agent's desires and valuations. Fully understanding even our own desires and valuations of good is incredibly difficult, meaning it is equally difficult to explain why we do what we do. However, understanding other persons' desires and valuations of good is virtually impossible as we cannot get inside of their evaluative outlook to conclusively know what seems to be good to them.⁸⁵

To understand the motivation behind an action, our own or another's, we must understand the agent's evaluative outlook. We must understand why the agent sees value in the action in order for it to count as an action at all. And only then can we intelligently discuss whether the agent is valuing the things properly. This is why an account of agency must include a discussion of the role that experience plays in understanding our own and other's valuations, and how those valuations can be shaped through the course of life.

We cannot understand others' experiences of valuing the world without our having analogous experiences. The more closely analogous those experiences are, the better we can understand others' experience and evaluative outlook. However, even loosely analogous experiences can help us understand others' experiences through the use of imagination.

⁸⁵ Brewer, *The Retrieval of Ethics*, 28.

When we have experiences of the world, they can reinforce or challenge our evaluative outlook. When our evaluative outlook is challenged by an experience, we must look for a way to explain the experience without adjusting our valuations, or we must modify our valuations. The more frequently or significantly parts of our evaluative outlooks are challenged, the more likely we are to adjust our valuations. If we are not willing to adjust our evaluative outlooks, we are reflecting something like the modern, world-making model of agency rather than the good-seeking view. We must strive to see the world and our experiences as they are in order to help shape our evaluative outlooks, for our evaluative outlooks are the lens through which we see the world.

By becoming aware of others' valuations, we can come to understand our own evaluative outlooks in comparison with others. Experience itself does not modify our valuations, but it is what we do with the experiences that can help us improve our evaluative outlooks. Through interaction with others, we can challenge our valuations. Seeing the valuation of others will often lead us to reconsider our valuations, leading us to move closer to reality, and with it, to the good.

Wolterstorff and Agency

In this section I argue that Wolterstorff is clearly using the world-making model of agency, as demonstrated by his discussion of the good life in *JRW* and *Justice in Love*. Wolterstorff does not directly address the question of agency in his account of justice. However, I will argue both his articulation of the goods to which we have rights and his critique of eudaimonia rely on the world-making model of agency criticized by Brewer.

Wolterstorff understands eudaimonism as the view that living well must be self-concerned, focused on the way that one's actions affect oneself, as one works toward a goal of proper functioning; anything that does not affect one's proper functioning should not affect one's well-being. The difference between eudaimonism's goal of a proper functioning self and Wolterstorff's professed goal of achieving a flourishing life is found in the goods for which each life can account. For Wolterstorff, eudaimonism is only concerned about goods related to the proper functioning of the individual, and these do not capture the whole of goods to which individuals have rights.

In discussing a set of goods to which persons have rights, but which (he believes) eudaimonism is incapable of accounting for, Wolterstorff focuses on the example of the good of not being pruriently spied upon.⁸⁶ He does not believe that eudaimonism can include goods like this one in the proper functioning of the person. The functioning of the quarry may be unaffected by the spying, especially if it goes unnoticed, but the quarry is still being deprived of a good. Thus, Wolterstorff concludes, the eudaimonist's account of the life-goods to which persons have rights is seriously incomplete.

What are we to make of this line of objection to eudaimonism? Notice how Wolterstorff reconstructs and evaluates the eudaimonists' thinking within the modern, world-making model of agency. On that model, the agent who is concerned with living well will have a set of beliefs about the way the world is and desires to create future states of affairs that represent a life lived better; however, Wolterstorff

⁸⁶ *JRW*, 176-9, 232-4.

argues, such agents will not give proper due to the additional goods that do not immediately affect their well-functioning. These are states of affairs that are beyond the eudaimonists' purview. Because eudaimonists are only concerned about the goods of proper functioning, they cannot desire these states of affairs with an eye toward their own wellbeing.

Note too that Wolterstorff assumes the world-making model of agency when he constructs the alternative he endorses, the account of the good life as flourishing. On this account, in a flourishing life a person would believe that individuals have a particular worth and therefore have the right to live out their lives with a range of goods (like freedom from being spied upon) that are not absolutely required for wellbeing. Given this belief, the person has accompanying desires to act with respect to those rights. (Though Wolterstorff sometimes admits this additional belief might be held by someone adhering to the eudaimonistic account, he says it is unnecessary for the eudaimonistic account.⁸⁷)

Thus Wolterstorff claims his account is superior to the eudaimonistic account of the good life because it includes this belief which is necessary to properly form desires: "In order for persons to flourish, they are entitled to worth-recognizing goods that are outside of their control and are dependent on other individuals." Given that this is the only significant distinction that Wolterstorff makes between the flourishing humanity account he favors and the eudaimonistic account he finds

⁸⁷ Wolterstorff makes a similar admission in *Justice in Love*. However, he finds this problematic, because he thinks this belief can only be part of eudaimonism if the belief is modified to relate the other's good to one's own good. Since there are situations where it is against one's good to permit this belief, it cannot be modified to be a part of eudaimonism without giving up some of the force behind the belief. Thus, he still rejects eudaimonism for the reason explained in the text, showing his commitment to the modern, world-making view of agency in the process.

wanting, it can be assumed that he thinks this additional belief will properly reform the desires of eudaimonists who lack this belief.⁸⁸ For Wolterstorff, the addition of the missing belief to eudaimonism is necessary and sufficient in order for a person to have the correct desires that promote the goods to which people have rights. That the addition of this belief could transform the person's desires so thoroughly only makes sense on the world-making model of agency.

To fully appreciate this odd feature of Wolterstorff's understanding of eudaimonism, contrast it to Brewer's account of eudaimonism using the motivating-good model of agency: Brewer builds in concern for the other person (along with the sort of goods that Wolterstorff believes eudaimonism excludes) because of the value of another's evaluative outlook. A significant part of the good life for oneself is found through the affirmation of the value of others through friendship and politics, not because these adorn one's good life conceived in a self-focused way, but because they are a part of being drawn by the Good, and the good life is about one's life being brought into congruence with the Good. This model of agency offers an alternative view of eudaimonism that answers Wolterstorff's concern. However, within the world-making model of agency, his critique remains, and may be accurate. The way that Wolterstorff finds eudaimonism to be unable to ground the goods to which we have rights demonstrates his commitment to a world-making model of agency, by

⁸⁸ When considering what is included in the flourishing account, it is concerned with living well, but outside circumstances can prevent us from living a good life. These outside circumstances include the way others treat us, implying that we have rights to be treated in a way that allows our flourishing. Additionally, being just appears to be part of what it means to be flourishing. While it appears to me the eudaimonist might say that part of living well is treating others correctly, Wolterstorff argues that eudaimonism does not, and possibly cannot, require it.

demonstrating his understanding of the necessity and sufficiency of adding beliefs in order to form desires.

Hauerwas and Agency

With regard to human agency, I find Hauerwas's critique of the modern view to be more helpful than his articulation of his own view. His language differs from Wolterstorff's and is close to Brewer's in many instances. Despite his critique of the modern model of agency, Hauerwas rejects agency, due to trying to understand agency within the framework of character without removing the baggage of the modern model of agency.

Like Brewer, Hauerwas finds the modern model of agency to be deficient in its "attempt to suggest an understanding of the self that secures our ability to act freely or responsibly given the decisions facing us." This model produces "a view of the moral life that assumes such a life is constituted by prospective decisions" such that "the crucial task of ethics is to provide an account of reason that helps the agent make the right decision in a manner that will not leave them determined by their past."⁸⁹ Hauerwas criticizes the modern model of agency for being concerned only with making the "right decision," and providing no account of forming individuals in a particular way or toward a particular good. The modern model of agency attempts to free individuals from their pasts, to divorce individuals from the effect of their respective social contexts and histories. Given the emphasis Hauerwas places on understanding individuals within their social contexts, it is unsurprising that he

⁸⁹ Hauerwas, "Going Forward by Looking Back: Agency Reconsidered," 93.

strongly rejects a model that undoes that link between individuals and their social contexts.

Hauerwas reviews his own early attempt to form an account of agency using “the language of character, ‘vision and virtue,’” primarily in *Character and the Christian Life*,⁹⁰ where he “maintained...that character is the qualification of our agency befitting our nature as creatures capable of self-determination.”⁹¹ Later, in *The Peaceable Kingdom*,⁹² he admitted his lack of clarity on the topic of agency as presented in *Character and the Christian Life* and *A Community of Character*.⁹³ Now Hauerwas realizes that in his early thinking on agency he “was trying to have his cake and eat it too[,]...trying to find a way to sustain an account of moral continuity while not having our lives ‘determined’ by our character. After all, it seemed that character had to qualify something and I took that something to be our irreducible agency.”⁹⁴ Hauerwas has come to understand character not as a qualifier, but as the source of one’s agency; that is, one’s character is the source of one’s action.

The “irreducible agency” that he once attempted to qualify with character seems to be very similar to the modern model of agency. Prior to being qualified by character, this agency does not value things in a particular way; only as it is defined

⁹⁰ Hauerwas, *Character and the Christian Life*, (San Antonio, Texas: Trinity University Press, 1975).

⁹¹ Hauerwas, “Going Forward by Looking Back: Agency Reconsidered,” 94.

⁹² Hauerwas, *The Peaceable Kingdom*, (Notre Dame, Indiana: University of Notre Dame Press, 1983).

⁹³ Hauerwas, *A Community of Character*, (Notre Dame, Indiana: University of Notre Dame Press, 1981).

⁹⁴ Hauerwas, “Going Forward by Looking Back: Agency Reconsidered,” 94.

by character does it come to value certain things. However, agency that is independent of value in itself is like the modern model of agency. Hauerwas has come to recognize that the modern model of agency retains its problems, even when constrained in the framework of character and virtues.

How does Hauerwas understand agency today? Due to the shift in understanding the relationship between character and agency, Hauerwas now focuses on the significance of habituation in developing character and on persons' lives as unfolding narratives. Persons' lives are enacted narratives, with no one's narrative being completely independent of others'. Indeed, human narratives are so interconnected that individuals cannot claim sole authorship of their lives; at most, they are co-authors of their lives.⁹⁵ When understood in this way, "[a]t most, 'agency' names the skills correlative of a truthful narrative that enable us to make what happens to us our own, which includes 'decisions' we made when we thought we knew what we were doing but in retrospect seem more like something that happened to us."⁹⁶

Since humans are shaped more than they shape, it is important to see how one's own life-narrative has brought one to where one is. Who one is now comes from one's past, both the things that happened to one and one's 'decisions.' By using scare quotes, Hauerwas is signifying that our intent in making a 'decision' has larger ramifications than we actually intended, or maybe larger than we could have intended, for there are greater forces, like narrative, at work in the events of our

⁹⁵ Hauerwas, "Going Forward by Looking Back: Agency Reconsidered," 100-1.

⁹⁶ Hauerwas, "Going Forward by Looking Back: Agency Reconsidered," 102.

lives. Narratives govern our lives in ways that make our decisions feel like “something that happened to us” rather than something that we did for ourselves. This gives a highly passive feel to Hauerwas’s understanding of the present shaping of our lives, emphasizing how we fit into the narrative as the people we are today.

While I do not deny that the narrative plays a significant role in shaping who individuals are, if they are to understand themselves merely as part of a narrative, there is little need for them to actively shape their desires toward the Good. While narrative shapes individuals’ understanding of how they got to where they are, it offers little help in explaining how they are to work to shape themselves and their desires toward the Good. In claiming that the decisions humans have made were not truly decisions, Hauerwas is trying to emphasize the role that situations and other persons play in their becoming who they are today. However, he virtually eliminates the role that individuals play in forming the persons they will become. Replacing agency with narrative removes the need for persons to play an active role in the formation of their desires, which serve as motivation for their actions. While persons may think that they are making important decisions and being formed in a way that will allow them to make better decisions, they are actually playing out their roles in the narrative of their lives; their formation happens to them rather than being something they play an active role in bringing about.⁹⁷

The modern, world-making model of agency places all responsibility in the hands of the agent, even the responsibility of determining and establishing the good

⁹⁷ There is an element of truth in the idea that formation is something that happens to us, but it cannot happen without us, at the very least, allowing the transformation to happen.

the agent attempts to instantiate in the world. Hauerwas's conception of narrative emphasizes that agents make few, if any, decisions that play a role in their formation, while their history and the people around them play the only significant roles in their formation. This emphasis views the agent as overly passive, rather than as active and synergistically responding to the Good, as in Brewer's account. Ignoring the role that the agents' desires play in forming them toward the *telos* of human beings removes responsibility for their lives. While Hauerwas critiques the modern model of agency, focusing on character development rather than specific decisions, he fails to offer an adequate replacement that articulates the responsible activity of human persons in pursuing the Good.

To sum up this section, I have argued that Wolterstorff misrepresents growth in agency as reshaping belief structures in order to reform desires, as though an agent's project is to make things fit the agent's beliefs about goods. Rather than allowing the agent's valuation to be structured by experience of the world, Wolterstorff suggests that through activity, the agent structures the world to fit the agent's own valuation.⁹⁸ Hauerwas, on the other hand, allows for experiences to shape one's valuation, but does not offer sufficient place for one to help structure things well or toward the good. He sees evaluative outlooks as something that happens to a person rather than something that one can actively influence.

I will develop a more thorough account of the role that experience and perception plays in evaluative outlooks in the next chapter. At this point, I have

⁹⁸ It is ironic that Wolterstorff's experiences in South Africa which sparked his interest in justice (as he notes in *JRW*) seemingly fit within a good-seeking view of agency than a modern, world making view of agency.

shown neither Wolterstorff nor Hauerwas articulate an account of agency that adequately incorporates the passive and active components of human development in knowing and acting for the Good.

Concluding Remarks

In this chapter I laid out the accounts of justice and human rights from Wolterstorff and Hauerwas, using assumptions within liberal democratic theory to help draw clear distinctions between the two. Before moving on to the next chapter, it will be helpful to place Wolterstorff and Hauerwas into the framework established in the first chapter.

I argued that Wolterstorff uses an account of agency that reflects the modern, world-making model of agency. He additionally argues for a broad conception of the final good, lacking depth, while still adhering to positive rights. He reflects what was predicted in the previous chapter, that structuring correct beliefs about persons and their good will create desires that reflect the human rights for which he argues.

Hauerwas rejects human rights language, choosing to understand justice as reconciliation between God and humans that in turn leads to reconciliation among human beings. I argued that his view of agency is lacking, due to a lack in a forward-looking explanation of how persons are formed. Given Hauerwas's understanding of agency, if he had an account of human rights, I assume that he would argue that human rights should be about establishing social contexts and helping put people in better positions in order for their narratives to reach fulfillment. The best social context would be that of the Church, working to bring about reconciliation.

It is difficult to imagine how this would work though, given Hauerwas's overly passive approach to agency. Hauerwas wants to eliminate social structures that inhibit social interaction and relationships between individuals. He also views agency as being a matter of responding passively to one's life-narrative. Unless human rights can be a moral concept that promotes the desired reconciliation, Hauerwas will have no place for them. Yet, because of his passive understanding of agency, it is unclear how an active concept would fit into this understanding.

In the next chapter, I will consider a view of agency that puts a significant emphasis on the role of experience and understanding one another. Karol Wojtyla presents a view of personalism that puts emphasis on both the phenomenological moral experience and the objective moral values. Based on the thorough discussion of his personalism and understanding of moral experience, in the final chapter, I will highlight characteristics of an account of human rights that is consonant with Brewer's account of agency.

CHAPTER THREE

Wojtyla and Formation toward the Good

In the previous chapter, I considered the differences between Wolterstorff and Hauerwas with regard to justice and human rights, using a set of foundations for liberal democratic theory to help draw out the differences. Wolterstorff embraces many of the foundations of liberal democratic theory, often with slight modifications. On the other hand, Hauerwas presents a response to liberal democratic theory that stands in opposition to the results liberal democratic theory typically produces. Wolterstorff and Hauerwas disagree in many areas concerning justice and human rights, but both lack adequate explanations of perception of the other and of how individuals are shaped and formed by the Good with regard to their agency.

The work of Karol Wojtyla/Pope John Paul II¹ gives insight into the nature of the ethical experiences that are the core of how we perceive the other and how we are formed by the Good with regard to our moral agency. For Wojtyla, we must understand our ethical experiences in a way that gives significance to the personal appreciation of value from acting, while not abandoning the idea of objective value. As we perceive the world and in particular other human persons more accurately,

¹ In the first chapter, I mentioned that I am treating the work of Karol Wojtyla/Pope John Paul II as a single authorship. However, when citing specific works I use the name under which the work was published. In this chapter the work comes exclusively from Wojtyla. In the next chapter when I engage the focus on human rights found in Pope John Paul II, I will follow the work of a selection of contemporary authors who treat the pre-papal and papal works as a single authorship on the issue of human rights.

our ethical experiences are developed accordingly. In turn, our ethical experiences develop us as a human person, forming us toward our individual *telos*.

Wojtyla's account of ethical experiences corrects the two deficiencies in Wolterstorff and Hauerwas's views discussed in the previous chapter. While the deficiencies are intimately connected to one another, for the sake of exposition, I will first focus first on the connection between ethical experiences and the development of perception of human persons (both oneself and others), followed by the connection between ethical experiences and the formation of individuals.

Wojtyla's personalistic account of accurately perceiving someone as a human person incorporates three interconnected understandings of the human person: person as self, person in an interpersonal relationship, and person in community. Additionally, these ethical experiences help develop each of us toward an individual *telos*. For the present project, one does not have to fulfill their *telos* in order to be able to perceive the other as a human person in a way appropriate for human rights. However, the fulfillment of their *telos* will enable one to more consistently perceive others and oneself as human persons, which may, in turn, minimize or eliminate the role for human rights in their interactions with others.

In this chapter, I borrow themes from Talbot Brewer's work discussed in previous chapters to explicate what an adequate theory of perception and experience of persons should entail. I then present Wojtyla's account of how our perceptions of human persons influence our ethical experiences, which is grounded in his personalism—his ontology of the human individual who ideally experiences

human individuals, including oneself, in interpersonal relationships and social community, though these experiences may be distorted by alienation. I then turn to Wojtyła's understanding of moral perfectionism in order to explore his view of moral formation. These discussions lay the groundwork for the account of human rights that emerge from this account of perception and experience, to be explained in the following chapter.

An Account of Experience

In the previous chapter I discussed the necessary role that evaluative outlooks play in an account of agency. Because the evaluative outlook is concerned with the valuations we have in our perception of the world, accounts of perception and experience must accompany that evaluative outlook. Appropriate accounts of perception and experience must focus on richer perceptions that are not easily reducible to language, if reducible at all. These perceptions are not uncontroversial, for any discussion of these perceptions must rely on language, but these perceptions are, at the least, very difficult to reduce to language.

When considering accounts of experience and perception, we must not only explain those "simple" perceptions (i.e., "The wall in front of me is beige colored"),² but also more complex perceptions concerning the character, actions, and

² While there are multiple concepts in play in this perception, it is still a simpler perception than one involving concepts related to the character and motivation of human persons. This "simple" perception is something that most everyone would be able to agree upon, as opposed to some of the more complex perceptions discussed below.

motivations of ourselves and others. These complex perceptions³ are not experiences themselves, but are construals of our experiences of the world around us. The language of perceptions is closely related to the language of evaluative outlooks. An evaluative outlook concerns the way one sees and values the entirety of the world and motivates one's actions accordingly. A perception concerns more particular things and does not motivate action in itself. The distinction between the two that I am making is evaluative outlooks are stances toward the world that are based upon, but not limited to, the collection of all of one's perceptions about the world. The perceptions with which we are concerned in this project are the perceptions that we have of human persons, both ourselves and other individuals. These perceptions shape our experiences of persons, that is, if our perceptions of a person see them in a particular way, then our experience of that person will be tinted in that particular way, either good or bad. Since our understandings of human persons are at the core of a discussion of human rights, the perceptions of human persons must be carefully understood.⁴

What do we mean when we talk about correctly perceiving human persons?

We do not mean just correctly identifying that an organism has the human DNA structure. Since perceptions are informed by evaluative outlooks, we mean (at least) correctly perceiving the value of the other as a human person. It is the value

³ From this point on, when I speak of "perceptions", it should be assumed that I am referring to perceptions that include, but are not necessarily limited to these complex perceptions. When speaking of perceptions that are solely simple, I will explicitly refer to them as such.

⁴ It is likely that the perception of human persons is one of the most important perceptions in an individual's evaluative outlook. However, I will not argue for this statement, as the weaker statement concerning the importance of the perceptions of human persons with concern to human rights will suffice for this project.

of human persons that we must learn to correctly perceive. When I speak of perceiving human persons, it should be understood that the correct valuation of human persons is included in the perception of human persons.

Perceptions are not inferences.⁵ When we say that one perceives a trait in an individual, oneself or another, we are not saying that one is drawing an inference from certain actions or gestures of the individual. Instead, we are claiming that one sees that trait in the individual.

Peter Goldie notes three concerns that could lead one to think that perceptions of traits are actually inferences drawn from certain actions or gestures. A discussion of these concerns helps to clarify and demonstrate the importance of accounts of perception and experience. The first concern is that sometimes we mistakenly claim to perceive a trait that actually is not present in the person. The person was just acting in a way that made it seem to us that he had the trait. So we did not necessarily make an incorrect inference, because the intent was not observable for us to use in making our inference. It cannot be a matter of inference, for the correctness of our inference is dependent on the unobservable intent. It is possible that two identical sets of observations could result in different inferences that are each consistent with the set of observations, with one inference being correct and the other being incorrect, because of the unobservable content. In these situations, it is more accurate to say, not that our inference was incorrect, but that it seemed to us that we saw the trait, even though we were wrong.

⁵ This discussion on the difference between inference and perception is based on ideas from *On Personality* by Peter Goldie (Routledge: New York, New York, 2004), 22-26.

Goldie also addresses how including evidence when discussing a perception does not reduce that perception to an inference based on that evidence. One might say that citing evidence in explaining how she arrived at a perception is admitting that she infers from evidence what she claims to perceive. However, it is also possible that it is not without reason that you hold the belief created by the perception. Beliefs can be formed because it looks like someone has a character trait, and that belief need not be inferred. The belief is not without reason, but is not merely inferred from the evidence. Instead, citing the evidence can be a way of trying to put others in the position where they can make the same observations and perceive the same things we do.

Lastly, Goldie demonstrates how and why people can have different perceptions in the same situation. Take the example of one person perceiving a character trait in person *P*, while another person does not perceive that character trait in *P*. In this situation, it seems that one person is making an inference about *P* that the other one is not. However, here it is important to make a distinction between physical seeing and perceptual seeing. The former is expressed by a list of physical observations made (like facial expressions, bodily movements, etc.), and when inferential beliefs are shaped, they are often based on these observations. Yet, one can perceive something, which does not neglect physical observations, but is, at the same time, beyond physical observations. When I look at someone, I may perceive a character trait about that person non-inferentially that someone looking at the same person may not. The different perceptions can be explained due to a different way of understanding and valuing reality. While Goldie does not use the

language of evaluative outlooks,⁶ it is clear that he has something like evaluative outlooks in mind in his discussion of how perceptions are shaped and explain how two people can look at the same thing and not have the same perceptions.

In this project, I am not discussing the whole of an evaluative outlook. The primary focus is on the perception of human persons and a proper valuation of said persons. With that in mind, I will briefly discuss how these perceptions are developed and changed over time.

The perception of a human person involves the way in which one sees a specific human person, whether oneself or another. One can have a disposition through which one normally perceives others or one can attempt to perceive through a construal of the perception of the person. If one has a disposition, then this disposition becomes the lens through which one sees persons, for good or bad. For instance, if someone has a disposition to perceive all children as walking, germ-spreading, destruction-causing creatures and that person perceives according to that disposition, whenever that person encounters a child, their experience will be consistent with that disposition, even if the child did nothing in that time to justify that perception.

The disposition is a largely passive evaluative outlook, for one is disposed to certain things and ideas, and it is through those that one sees persons. If one has a disposition that sees the good in the person, one will view the person in a positive fashion. However, if one has a disposition that is critical of the person, then he one

⁶ Later in the book, Goldie discusses “perceptual capacities” (45) and “attunement” (47-49) in ways that bear significant similarities to Brewer’s evaluative outlook.

view the person in that critical fashion. One's view of persons (including oneself) is based on the disposition.

On the other hand, one can construe their perceptions of persons such that one attempts to see persons and their respective value in a particular way, whether or not one has a disposition to perceive persons in that way. Construing perceptions requires one to commit to view persons in a way that may go against a disposition one has. For instance, an adult may have a disposition to see the neighbor child next door as being mischievous, causing problems for no obvious reason. However, in an attempt to help motivate oneself to treat the child well, the adult can choose to construe the neighbor child as being a child who is misunderstood, not intending to cause problems, but trying to get positive attention from an adult because of a lack felt in the child's life. A construal does not have to be true, for it could be that the child is actually malicious and has a high level of disdain for the adult neighbor.

When construing perceptions, one is actively working to see the world and persons (and their respective values) in a particular way. It does not mean that one is perceiving reality, but only that one is being active in the way one is perceiving. One may use construals to try to shape one's dispositions, whether by forming new dispositions, modifying existing dispositions, or even eliminating the dispositions that one has.

An account of experience does not necessitate choosing a dispositional approach to perceptions over a construal approach to perceptions or vice versa. Instead, an account of experience must acknowledge that there are different approaches to perceptions and explain the appropriate roles for the different types

of perception. If we follow Brewer, we should work to perceive the world correctly, using both approaches to help become better perceivers of the world as it is instead of how one might want it to be.

There are times that our experience of the world is contrary to our perception of the world; we experience events or other people in ways that cannot be adequately explained by our perceptions. When experiences go against the perceptions, if one is paying attention, then one can adjust the way that one is construing the other person or event in perceptions when appropriate. This ability to adjust is part of a feedback loop that speaks to the complexity of both our perceptions and experiences. We can imagine a situation where a student enters a class for the first time, being told that the professor is an incredibly tough, unforgiving instructor. This information influences the way that the student sees the professor.⁷ However, the student is told of the professor showing grace to another student who is in the midst of a family emergency and has fallen behind on assignments for the class. This casts doubt on the perception of the professor as being tough and unforgiving, although it is possible for the student to construe that situation in an uncharitable fashion in order to continue perceiving the professor uncharitably. However, with enough experiences that are contrary to the held perception of the professor, the student's perception of the professor can be developed from seeing the professor as tough and unforgiving to seeing the professor as tough but fair. This revised perception may still not be in accordance

⁷ The influence can be in playing to a disposition or causing the student to construe the professor in a certain way. In this situation, it is not important to choose one over the other.

with reality, but is a demonstration of the rich complexity of interplay between experience and perception.

Perceptions and experiences are intimately connected to one another: they both influence the other and help shape each other. While we have limited control over how we experience the world, we do have more control over how we perceive the world. As mentioned previously, the perceptions of human persons play a significant role in the development of human rights. Since this project is primarily concerned with the moral status of human rights, it is important that an account of human rights be accompanied by accounts of ethical experiences and corresponding perceptions of human persons.⁸

Ethical Experiences

Wojtyla argues that we must include both objective values and subjective experience in an adequate account of ethical experiences.⁹ He contrasts Kant and Scheler in regard to ethical experience, carving out middle ground between the two

⁸ There is a rich tradition in Christian moral thought concerning the development of moral perception, which assist in the development of virtues in individuals. A discussion of this tradition and the connection to the personalism of Wojtyla discussed later in this chapter deserves further treatment in another forum. However, it is worth noting that this tradition is recognized and embraced by Hauerwas particularly in his book *Vision and Virtue: Essays in Christian Ethical Reflection* (Notre Dame, Indiana: Fides Publishers, 1974).

⁹ Wojtyla discusses these experiences in a number of articles including: "The Problem of the Will in the Analysis of the Ethical Act" (in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 3-22), "The Problem of the Separation of Experience from the Act in Ethics" (in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 23-44), and "In Search of the Basis of Perfectionism in Ethics" (in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 45-56).

by siding with Scheler's emphasis on experience while agreeing with Kant's idea of an objective good.¹⁰

Wojtyla and Kantian Ethics

Wojtyla argues that Kant places both free will and the good in the *noumenal* realm of reality. He places free will in the *noumenal* because he finds no evidence of it in our phenomenological experience, yet Kant needs free will in order for there to be an ethical act, that is, an expression of the objective ethical order. He places the good in the *noumenal* because the good includes, but is more than any particular, concrete good. In the *phenomenal* realm, a proper experience of ethical acts is always of a particular, concrete good, so the ultimate good must be outside of our experience.

Reason directs the will to do what is needed to attain the good toward which reason aims. Without the guidance of reason, the will tends to submit to feelings of pleasure and pain. Given that feelings can play no role in an ethical act, the will must be submitted to reason, which gives the moral law. Law is an *a priori* product of reason, not dependent on knowledge from nature. Instead, law presents the order through which human beings should be governed in their pursuits for good. However, just as we cannot aim for the good, but only particular goods, actual instances of law deal with particulars within the empirical sphere, but the form of

¹⁰ It is important to note that in this section I am more concerned with summarizing Wojtyla's interpretation of Kant and Scheler rather than discussing the accuracy of his interpretation. Since he is using Kant and Scheler to help set parameters for his own view, even if his interpretation of these figures is inaccurate, the alternate views help clarify his own view. The purpose of this section is to set up Wojtyla's view, and the need for his personalism with regard to ethical experiences.

the law is concerned with the good. Therefore, genuinely ethical acts must realize the form of the law.

Since the form of the law is not something that can be experienced in the *phenomenal* realm, genuinely ethical acts are removed “from the realm of personal experience and transferred...to the noumenal, trans-empirical sphere.”¹¹ Because for Kant, all true ethical content is constituted by the law, the only way we experience that ethical content is through respect for the law. This is not an ethical experience, for ethics are a part of the *noumenal* realm, but this respect drives our feeling of duty, which is a subordination of the will to the law. It is our experience of duty that is the closest thing that we have to an ethical experience according to Kant.

By placing the experience of duty at the center of our ethical discussions, Kant has removed the ability to declare something ethical or unethical based on the act, but only on the feeling of duty, that is, the feeling of respect for the law. This feeling “is an infallible sign of what is happening in the noumenal sphere of the will.”¹² Yet, the feeling of duty is not ethical experience in the phenomenal realm, but only a sign of the noumenal sphere. The feeling accompanies the act, but does not come from the act, but only as a sign of the will in the noumenal realm, beyond the boundaries of experience.

So Wojtyla understands Kant as saying that experience has no role in genuine ethical acts, but in order to explain the feeling that seems to accompany the act, he discusses the experience of duty, the feeling of respect for the law, as the whole of

¹¹ Wojtyla, “The Problem of the Separation of Experience from the Act in Ethics,” 31.

¹² Wojtyla, “The Problem of the Separation of Experience from the Act in Ethics,” 31.

our experience in the phenomenal realm of what is going on with the will in the noumenal realm where genuine ethical acts may occur.

It is in the noumenal realm where the will exists and functions, and so it is only as a noumenal reality that an individual is an ethical being in Kant's account. The ethical (noumenal) individual is something that is beyond our phenomenal experience, so there is little we can say about the individual. However, there must be something that sets each individual apart from other individuals while maintaining the humanity of each individual. Additionally, this noumenal self must include the will, although the will is not experienced either. Despite being unexperienced phenomenally, these noumenal realities are at the core of what the good truly is, as well as what the ethical individual is, according to Kant.

Wojtyla and Scheler's Ethics

Wojtyla interprets Scheler's work in phenomenology as having the opposite problem as Kant. Where Kant argues that emotion must be absent from any accurate understanding of the good, Scheler argues not just that emotion is a necessary component of any understanding of the good, but that our understanding of the good is an emotional experience itself; the good has no meaning for Scheler apart from that emotional experience.

Scheler's phenomenology "accepts the essence of a thing just as it appears to us in immediate experience."¹³ This intuitionistic thinking bases knowledge on experience, understood as having both cognitive and, even more importantly for

¹³ Wojtyla, "The Problem of the Separation of Experience from the Act in Ethics," 32.

Scheler, emotional factors. Scheler is not so much concerned with the metaphysical reality of another thing, but how that thing is manifested to us in immediate experience.

In contrast to Kant, Scheler gives duty no place at all in his account of ethics. Both Kant and Scheler agree that duty is something devoid of emotion. While Kant finds this lack to be a positive focal point of his ethics, Scheler rejects duty because of the same lack. Emotional experiences are essential to Scheler because from these experiences come knowledge. For Scheler, our very ideas of “good” and “evil” are rooted in these emotional experiences. When we intentionally act, we bring about the “realization of value.”¹⁴ Acts of willing turn toward values, and the individual is in some felt relation to the feeling of those values. According to Scheler, these felt values form a hierarchy within us, such that we feel some of these values are higher or lower than others. When we will certain acts, we have an awareness of the values we are realizing, and those values draw the person toward themselves as a matter of emotional motivation. Wojtyla explains:

When the values felt to be higher draw the person toward themselves insofar as the person’s willing is directed toward them, then in such a realization of values the person feels “good.” “Good” is a positive ethical value that, like every other value, manifests itself in emotional intuition. The person, in realizing higher objective values, feels “good” directly within, and as a result of this feeling an experience takes place. This experience culminates in ethical value and, strictly speaking, consists once again in feeling, and not in realization, not in willing. In relation to the feeling of “good,” the willing of value plays the role of something material.¹⁵

¹⁴ Wojtyla, “The Problem of the Separation of Experience from the Act in Ethics,” 35. Wojtyla admits here that Scheler does not fully explain what “realization of value” means, except to insist that it is more than mere feeling.

¹⁵ Wojtyla, “The Problem of the Separation of Experience from the Act in Ethics,” 36.

For Scheler, the values may be objective, but the “good” or “evil” are wrapped up in the experience and emotions of the individual doing the acts. It is not that the emotions *are* the “good,” but that the emotions are a sign of the good: there is no “good” that conflicts with the positive emotions or is absent them. To make clear the importance of emotion, Scheler encourages the removal of any experience of duty from our ethical actions and emotions. Wojtyla explains that “[v]alue is only experienced emotionally, and so ethical experience is an emotional experience from beginning to end.”¹⁶ Any intrusion on the emotional experience ceases to be an ethical experience, for it is only through emotional experience, which is the ground of the personal life for Scheler, that we come in contact with value.

Scheler, as a phenomenologist, is not concerned with the essence of things in themselves, but the way that things are experienced. As this relates to human persons, Scheler is singularly focused on the individual as a subject that experiences the world and can be experienced as an object by others. Any discussion beyond the individual as a subject/object of experience is unexperienceable, and is of no concern for Scheler.

The Intersection of Ethical Experience

Wojtyla criticizes both Kant and Scheler for having phenomenologies of ethical experience that overemphasize one part of the experience at a cost to the other. Kant argues that any phenomenal ethical experience must be devoid of any emotion, and must be related to the good through reason in the noumenal realm, for

¹⁶ Wojtyla, “The Problem of the Separation of Experience from the Act in Ethics,” 37.

it is only in the noumenal realm that we can have the possibility of free will, which is necessary for ethical acts. Scheler argues that ethical experience is enmeshed within emotional experience, such that there is no such thing as ethical experience apart from the accompanying emotions. Wojtyla offers what he finds to be the proper intersection of these two.¹⁷

Wojtyla faults Kant for dividing the unified content of ethics, reducing it to logic and psychology. While Kant offers explanations for both sides of the split, his commitment to reason, law, and duty shows the primary content of ethics is on the logic side of the split. In our phenomenal experience, we can only experience respect for duty and the law, but only as a display of what is going on in the noumenal realm. Scheler buys into this artificial disjunction also. However, he rejects Kant's emphasis on the logic side, placing his only emphasis on the psychological side. By reducing the autonomy of the will due to the emphasis on the emotional experience, Scheler lacks the ability to account for intentional acts.

Wojtyla attempts to reunite these artificially split parts of ethical experience, acknowledging that both Kant and Scheler are correct to a certain extent. He writes:

The structural whole of ethical experience contains not only values as its objective content, but also a normative element in which these values are organized and presented as a task to be fulfilled. This task, which arises from the normal character of ethical experience, entails duty. We can be certain, then, that values alone do not exhaust the content of ethical life—if we take experience as our guide for knowledge of this life.¹⁸

In taking the phenomenology of Scheler and combining it with the objective value of

¹⁷ It is worth noting that Wojtyla sees his response coming from the work of Aquinas and Aristotle, although it may be more accurate to say that it is his original contribution that is influenced by these two thinkers.

¹⁸ Wojtyla, "The Problem of the Separation of Experience from the Act in Ethics," 41.

the will found in Kant, Wojtyla believes we can restore the intersection where values and duty meet and shape our ethical experiences.

Wojtyla claims that ethical value is found in the interplay between the efficacy of the person and the experience of responsibility connected with the ethical experience that comes from the efficacy. Wojtyla explains: "Ethical value originates in the lived experience of efficacy, that is, in the act of will apprehended phenomenologically—and this is what gives us the experiential basis for connecting ethical value with the person as its proper subject."¹⁹ While there is a significant emphasis on the experience, Wojtyla differs from Scheler by arguing that the experience is of something objectively real, rather than only being concerned with the emotional experience had by the individual. Rather than claiming we only have emotional experience in our actions, we have experience of responsibility that goes beyond our emotions to the values that exist. The experience of responsibility throughout an action confirms the relationship between the action's moral value and the person's efficacy, and this experience points to the will as the "psychological factor that constitutes the very core of ethical experience."²⁰

For Wojtyla, these ethical experiences are what it means to experience the world as a human person. It is not that these experiences are merely associated with each other but that they "mutually and bilaterally imply one another."²¹ He

¹⁹ Wojtyla, "The Will in the Analysis of the Ethical Act," 9.

²⁰ Wojtyla, "The Problem of the Will in the Analysis of the Ethical Act," 9.

²¹ Wojtyla, "The Problem of Experience in Ethics," in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 120.

finds that a primary way we experience ourselves as humans is through morality, and morality cannot be understood apart from human beings. Therefore, in order to understand ethical experiences and the role that perception plays in ethical experiences, we must understand what it means to be a human being. The understanding of what it means to be a human being will play an important role in perceiving human persons who have human rights.²²

In the next sections I first explain the concept of a human being according to Wojtyla, both as an ontological entity independent of experience and as something subjectively experiencing and experienced or perceived. What does it mean to perceive another (or oneself) as a human person? The human person can be experienced as a self, as an *other* individual human person, or as a member of a community. As each of these roles are understood correctly through ethical experience, our perceptions of others as human persons will improve as well.

The Ontology of the Human Person

Wojtyla follows Thomas Aquinas in holding that, ontologically,²³ the human person as an embodied instantiation of a rational nature. After I explain this ontological account, I highlight why it is insufficient for understanding how the individual is shaped toward the good, but must be supplemented with a

²² I will take up this particular discussion in the next chapter, relating an account of human rights to the experience of oneself or another as a human person.

²³ When I use the term “ontology” or some variation of it in this section, the reader should understand that this term is referring to an understanding of what the thing is, independent any experience. In this section, I am considering what a human person is independent of any accompanying phenomenology, whether a phenomenology experienced by the human person or that is experiencing the human person.

phenomenological element of our appreciation of the human person.

In a seminal essay entitled “Thomistic Personalism,” Wojtyla adapts within the framework of his personalist philosophy Thomas Aquinas’s ontology of the human person.²⁴ He accepts Aquinas’s distinction between a human being and a person, which is something that has the potential for being “a subsistent subject of existence and action.”²⁵ Every human being is a person by nature,²⁶ but not all persons are human; God and angels, for example, are non-human persons.

All persons have a rational nature. In human beings this rational nature is instantiated in the spiritual soul, which is the substantial form of the body.²⁷ The human soul, which is “the principle of the life and activity of the human being,”²⁸ is called “spiritual” because it mediates the faculties²⁹ that express and actualize the

²⁴ Karol Wojtyla, “Thomistic Personalism,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 165–175. Following Wojtyla, I will refer to his personalist account of the ontology of the human person as Thomistic, because he clearly believes it is consistent with, and perhaps implicated by, Thomas Aquinas’s views. However, some scholars think Wojtyla’s personalist commitments somewhat blur his interpretation of Aquinas. Among these are Richard H. Bulzacchelli and Francisco J. Romero Carrasquillo. Bulzacchelli does not find this to be problematic, while Romero questions the reliability of Wojtyla’s philosophy due to this blurring.

²⁵ Wojtyla, “Thomistic Personalism,” 167.

²⁶ Wojtyla, “Human Nature as the Basis of Ethical Formation,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 97. While he does not address this concern in these writings, by making personhood a matter of nature, Wojtyla seemingly allows for the inclusion of humans in vegetative states and fetuses into the group of persons. These persons may not fully exemplify all of the characteristics of the possession of a rational nature, but they are not precluded from the status of human person. Given the fierce defense of the value of fetuses as human beings demonstrated by Pope John Paul II, it seems this is a fair interpretation of what he means in this passage.

²⁷ Wojtyla, “Thomistic Personalism,” 168.

²⁸ Wojtyla, “Thomistic Personalism,” 168.

²⁹ Aquinas (in translation) usually uses “powers” to refer to what is translated in these articles as “faculties” in Wojtyla. When I speak of faculties with regard to Wojtyla, it should be understood as referring to the same thing that is typically understood as “powers” in Aquinas.

human being's spirituality. However, as the substantial form of the body, the human soul also has faculties that are completely dependent on matter. A soul might exist in a spiritual person without a material body, but that spiritual person would not be fully human.³⁰ In human beings this union of spiritual and corporeal faculties sculpts human personality; humanity is founded by that union.

While praising Aquinas for showing how the rational nature is the source of consciousness and self-consciousness (two faculties which are commonly held up as the essence of humanity), Wojtyla criticizes him for talking about these faculties in an objectivist way, rather than relating them to a person's subjectivity.³¹ That is, he faults Aquinas for saying what it objectively means to be a person, but failing to articulate the subjective experience of being a person.

Aquinas claims that a spiritual love draws persons to one another: we are united with other persons when we find an "object commensurate with ourselves."³² Wojtyla characterizes this "[t]rue love, the kind of love of others worthy of a human person," as love "in which our sensory energies and desires are subordinated to a basic understanding of the true worth of the object of our love."³³ Humans can love

³⁰ Following Aquinas, this person would be incomplete, lacking the ability to come to complete happiness, being unable to fulfill their human *telos*. This possibility relates to a pre-resurrected state in the afterlife. While one would not be inhuman, one would lack the ability to be fully human in that state.

³¹ Wojtyla, "Thomistic Personalism," 170-171.

³² Wojtyla, "Thomistic Personalism," 173. The role that love plays between humans will become clear in the next section. For now, we are concerned with persons rather than just human persons.

³³ Wojtyla, "Thomistic Personalism," 173.

one another and God with spiritual love, and in an analogous way, God loves human beings with spiritual love.

Human individuals are social by nature; they naturally form interpersonal relationships, communities, and societies. Yet in these social groups their ontological individuality cannot be lost, according to Wojtyla.³⁴

Wojtyla's Thomistic account of a human person may explain the ontological status of the human person, but does it speak to our perception of ourselves or others as human persons? Of course, we may note in ourselves and others the presence of behaviors that characteristically result from the powers of will, reason, consciousness, and self-consciousness that are grounded in the rational nature, but we cannot directly perceive these faculties or nature in an individual. Thus, the theory that a human person essentially is a person that has a human soul that is the substantial form of the human body is not sufficient to explain how we explain the experience of a human person, as both a subject and an object.

Wolterstorff's theory that all and only human beings have the *imago dei* (which is a matter of nature resemblance) has similar deficiencies. Since the ontological description of human persons does not enable us to infallibly determine whether a creature is human, it is insufficient for explaining the way we perceive a human person. Wojtyla's ontological view has the same problem: it affirms an objective distinction between human persons and non-humans, but the terms of this distinction do not map onto our human experience of ourselves or of others.

³⁴ It is interesting that in this crucial discussion of the social nature of human individuals, Wojtyla does not cite Aquinas.

Wojtyla additionally affirms the necessity of the subjective experience of the human, both the perception of the self and the perception of the other in order to construct a complete picture of the human person, particularly with regard to ethics.

The Personalistic Self

What does it mean to perceive someone as a human person for Wojtyla? He tells us that the way one comes to know the *other*:

does not come principally from categorical knowledge, from humanity as the conceptualized essence 'human being,' but from an even richer lived experience, one in which I as though transfer what is given to me as my own *I* beyond myself to *one of the others*, who, as a result, appears primarily as a different *I*, another *I*, my *neighbor*.³⁵

This quotation explains that it is necessary to understand oneself as an *I* before one can come to know the other, but before understanding what Wojtyla means, some of the concepts used in the quote must be discussed in further detail. In the present and following sections, I will explore how Wojtyla understands the *I* (as a self) and the *other* (both particular individuals and groups of individuals), and how these form our perceptions of human persons. In this section, I will explain the personalism that Wojtyla uses in order to perceive human dignity, which is central to understanding what it means to perceive human persons.³⁶ I will first define

³⁵ Wojtyla, "Participation or Alienation?," in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 200-1.

³⁶ Wojtyla is using phenomenological language in his discussion of personalism with regard to human persons. The language of phenomenology tends to conflate metaphysical and epistemic issues, for major strands of phenomenology (like the one demonstrated by Max Scheler) believe that our experience of the world is metaphysically the world. Because Wojtyla is using this phenomenological language to emphasize the arguably neglected role of our inescapable subjective experience in coming to know the world, he too often conflates metaphysical and epistemic concerns. In this chapter, I have attempted to hold a distinction between metaphysical and epistemic concerns, especially as related to human dignity, as I believe that Wojtyla holds himself. Given the distinction

what Wojtyla means by dignity and how it is perceivable. I will then discuss the distinction Wojtyla makes between the objective and subjective self, followed by a discussion on the role of self-determination in the perception of oneself as a self.

Dignity

For Wojtyla, human dignity is the source of our human rights. While the rational nature of others may not be accessible as a means to perceive them as a human person, one can acknowledge their human dignity. The natural greatness of human beings (both oneself and others) is clearly evident, because they have a “position superior to the whole of nature.”³⁷ Even when one feels oneself to be inferior to other humans, that person is still superior to the rest of nature, and this fact is confirmed by both the experience as individuals and the whole of human history. Humans are continually working in nature, transforming it to be more than it would be on its own. Wojtyla explains that “a being that continually transforms nature, raising it in some sense to that being’s own level, must feel higher than nature—and must *be* higher than it.”³⁸

While the greatness of humans is clear in comparison to nature, there is something within the human that gives a person his/her dignity, found “above all

he makes between himself and Scheler, I think Wojtyla would resist a reading that finds him conflating the two ideas. However, due to the language used by Wojtyla, there still are instances where he conflates the two in a way that remains when discussing the ideas, while trying to be true to the language he uses.

³⁷ Wojtyla, “The Dignity of the Human Person,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 178.

³⁸ Wojtyla, “The Dignity of the Human Person,” 178. Italics in original.

[in] what—or rather *who*—the human being essentially is.”³⁹ The effects of who the human being is are observed in the superiority, creativity, and works of humans. These effects are not who the human being is, but they point beyond themselves to the cause. According to Wojtyla, the cause is that the human is a free and rational being; the “essential and irrevocable properties” of a human person are intellect and freedom. These properties, and not the effects, serve as the foundation of the dignity of the person, although they cannot be experienced in and of themselves in others and only the effects are observable.⁴⁰

While we cannot directly observe the sources of dignity, we perceive that dignity when we “place people higher than anything derived from them in the visible world.”⁴¹ In doing so, we allow human persons to pursue their own ends, that is, the end that their unique instantiations of the rational nature entails. Human persons are not free in the sense that their dignity allows them to choose whatever they please. Instead, Wojtyla describes that dignity is “more of a call and demand than an already accomplished fact, or rather, that it is a fact worked out by human beings, both in the collective and in the individual sense.”⁴² Human dignity is a part of each person, but that dignity is something that is not a capacity or even a potential for a capacity. The dignity is a part of each human which does not remain

³⁹ Wojtyla, “The Dignity of the Human Person,” 178. Italics in original.

⁴⁰ Wojtyla, “The Dignity of the Human Person,” 178.

⁴¹ Wojtyla, “The Dignity of the Human Person,” 178.

⁴² Wojtyla, “The Dignity of the Human Person,” 179.

static, but acts as a calling to become the fulfillment of that dignity in the entirety of their life both in oneself and through their life with other human persons.⁴³

The Self of Personalism

While the importance of perceiving human dignity is clear from these sentiments, how do we actually perceive this dignity? Wojtyla answers this concern at length in his discussion of personalism. Personalism focuses on the role of human experience as an unremovable lens through which we understand the world. In this subsection I will explain Wojtyla's personalist account of the experience of the self and in the following section I will discuss his personalist account of perception of the other.⁴⁴ I begin by presenting Wojtyla's distinction between the objective self and subjective self. Next I explain the significance of self-determination in understanding oneself as a self. Self-determination is composed of three elements—self-possession, self-governance, and autoteleology.

⁴³ Some might interpret Wojtyla as saying here that one can become more human than another or even lose their humanity by failing to work toward their dignity. In the second chapter, I mentioned that Wolterstorff alludes to this situation, allowing for the possibility of a conception of the human individual that allows for gradation, but that he does not embrace this possibility. Later this chapter and in the next chapter, I will consider this concern more carefully, arguing that Wojtyla does allow for a kind of gradation in our recognition of humanity, but that this gradation does not imply more rights for individuals with more easily recognized humanity. Instead, this gradation may explain why it is easier to recognize the rights of certain human persons over other human persons. However, since Wojtyla does not discuss how this part of his account of human dignity relates to human rights, we will postpone this discussion for now.

⁴⁴ When speaking about the self, I refer to the experience of the self, as each person experiences the world as a self. When speaking about others in relation to myself, I will speak about the perception of others, as one has perceptions of others. When the language "perception of the self" is used, it is speaking of the attempt to reflect on oneself such that one is trying to perceive oneself as an other from an imagined perspective outside of their own experience. Wojtyla uses the language of "experiencing the other" in his writings, but this is to be understood in the same way as "perceiving the other."

Objective self vs. Subjective self. Wojtyla distinguishes between an objective view of the human person (that is, the ontological theory of the human person discussed in a previous section) and a subjective understanding. He writes that:

Objectivity in this sense was connected with the general assumption of the reducibility of the human being. Subjectivity, on the other hand, is, as it were, a term proclaiming that the human being's proper essence cannot be totally reduced to and explained by the proximate genus and specific difference. *Subjectivity is, then, a kind of synonym for the irreducible in the human being.*⁴⁵

A human person is both object and subject. These are two sides of the same thing. The human person as subject is something that is uniquely experienced only by that individual. No other human person can have the exact subjective experience of the world as another individual. However, to call this subjective experience "relative" is a misnomer.

While the experience of oneself in subjectivity is uniquely had by each individual, there is an objective truth of this human subjectivity. There is objectively a subjective experience for each human person: the subjective experience of the self cannot mean whatever the person wants it to mean. For instance, there are objective facts as to whether and how I subjectively experienced Christmas this past year. There are objective facts as to whether I experienced helping my niece opening her gift, whether I felt this or that emotion at the time, and so on. However, even though my family was present for the opening of the gift, they do not share my subjective experience of that event, nor do I share their subjective experiences of

⁴⁵ Wojtyla, "Subjectivity and the Irreducible in the Human Being," in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 211, italics in original.

the event. I am the only one that can have those experiences, but there is objectivity when it comes to the subjective experience.

In distinguishing between the objective self and the subjective self, Wojtyla argues that objectively we are embodied, unique instantiations of a rational nature. Part of the experience of being a human person is to have a subjective experience of the world that is inescapable. This subjective experience is at the root of the subjective self. There is a self there, but the experience comes through the subjectivity of the objective individual.

The Experience of the self. Wojtyla centers his conception of personalism on the phenomenology of human experience. According to him, human experience is a fully embodied experience and cannot be referenced apart from that full embodiment. Experience is the most basic stage of human cognition and contains both a sensory element and an intellectual element. To break the experience into the function of the senses and the intellect and to isolate the contents of each function loses the organic whole that is human cognition. Wojtyla describes human experience as a kind of understanding. He claims that human experience is “also the origin of the whole process of understanding, which develops in ways proper to itself, but always in relation to this first stage, namely, experience.”⁴⁶ He allows for experience as a kind of understanding that must be non-propositional, at least in the first instantiation of that understanding in that base experience. The experience

⁴⁶ Wojtyla, “The Personal Structure of Self-Determination,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 188.

cannot be completely stated propositionally, but our natural tendency is to develop the experience in images and propositions.

That experience initially is non-propositional is of the utmost importance for Wojtyla. The realism of science and philosophy depends on this. If experience is already developed in images and propositions when we have the experience, then we only need be concerned with images and propositions when it comes to understanding the world. However, this would mean that there is nothing that distinguishes our experiences from the set of images and propositions we have come to use in understanding the world. With no ability to distinguish between experiences and the images and propositions of the experience, there is the possibility that someone (either another or ourselves) could insert non-real images and propositions into our understanding of the world, with no means of verifying them over and against the experienced ones. In Wojtyla's terminology, without this non-propositional experience, we can create "grounding images" or "grounding propositions" of the world that are different from what the experience really is. Given that the world is beyond our propositions and images, in order for our experiences to best line up with that world, they cannot simply be completely reduced to a set of propositions and images. Only when experiences are more than what can be stated by propositions or images can the experiences have objectivity about them, for we have something by which we can judge our propositions and images. It is in non-propositional initial experience that we must ground our philosophic and scientific propositions and images; otherwise, these can become false images in the world. It is in the non-propositional initial experience of the

world that we can find the objectivity of our subjective experience, which permits the realism of science and philosophy.

Self-determination. What explains the experience one has of oneself in the Wojtylian sense? He explains the experience of the self as a matter of self-determination. Self-determination involves both self-governance and self-possession. I will explain these concepts in their relation to self-determination and the connection between self-determination and autoteleology.

First, what does Wojtyla mean by “self-determination”? The experience of human action refers to the lived experience of the reality that I, as a subject, act and when I act, my lived experience is a unique instantiation that is unrepeatable. There is something different when I act than when something merely happens to me. Wojtyla calls self-determination the difference that “allows us...to identify an element in the comprehensive experience of the human being that decisively distinguishes the activity of a person from all that merely happens in the person.”⁴⁷

By “self-governing” Wojtyla refers to that aspect of self-determination which is a sense of efficacy that I have as the acting subject, providing me a sense of responsibility for the actions. As my maturity increases, so does my experience of self-determination, as I recognize and embrace the active role I play in making these decisions and understand how more of my life is related to these decisions. These acts influenced by self-determination range from the simple act of the will to the actual implementation of that act of the will. Self-determination is demonstrated in

⁴⁷ Wojtyla, “The Personal Structure of Self-Determination,” 189.

the complete experience of the human being in willing and performing these intentional actions. The power of self-determination is displayed in the will, although it is not identical with the will.

In addition to the self-governing aspect just described, there is another aspect of self-determination that is often overlooked. Wojtyla calls this second aspect “self-possession.” The efficacy that is self-governing is insufficient to explain the fact that “when I am directed by an act of will toward a particular value, I myself not only determine this directing, but through it I simultaneously determine myself as well.”⁴⁸ In directing my actions, I am, in turn directing who I become, as action is intimately connected with becoming. While a human being is “someone” in an ontological sense, my decisions make me “someone” in an ethical sense. The distinction of being “someone” (both ontologically and ethically) rather than “something” is the key to the personal nature of the human being. This determining of the self toward the good is a kind of transcendence that is essential to an individual being oneself. Wojtyla claims that without this transcendence, “without going out beyond myself and somehow rising above myself in the direction of truth and in the direction of a good willed and chosen in the light of truth...I as a person, I as a personal subject, in a sense am not myself.”⁴⁹ In this aspect of self-

⁴⁸ Wojtyla, “The Personal Structure of Self-Determination,” 191.

⁴⁹ Wojtyla, “The Person: Subject and Community,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 234. This quote again raises the previously mentioned concern about Wojtyla’s understanding of the human person possibly having some kind of gradation. If the individual must move in the direction of the good and truth to be oneself, then it appears that one can fail to be oneself or can become more or less oneself as a human person. This issue will be taken up fully in the following chapter.

determination which is self-possession—that is, the ability to direct the self toward a good—I am able to perceive the self as an object that needs to be acted upon, while recognizing that I, the subject, am that object upon which I must act.

As I recognize that my self-determination is not simply a matter of determining the will, but also determining who I am as a person, I recognize that while I am the acting subject of my actions, I am also an object of my actions. Therefore, it is insufficient to consider self-determination as simply a matter of self-governance, but I must also possess myself in order to truly determine myself. Both my self-possession and self-governance are revealed from a proper understanding of self-determination, but these two parts fully display the personal nature of self-determination. Self-determination allows me to experience myself as a person, for I freely play a role in the actions I do and the person I become.

Wojtyla calls this ability to exist and act for oneself, the ability to have a certain autoteleology, such that a human being is “capable not only of determining its own ends but also of becoming an end for itself.”⁵⁰ Because each person is unique, the end, or self that one seeks to be, is unique for each individual. No one else can be my end, nor can I be the end for another. Others do play significant roles in my becoming the end for myself,⁵¹ but the present focus is how I strive to be an end for myself, bringing about my personhood.

⁵⁰ Wojtyla, “The Family as a Community of Persons,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 317.

⁵¹ The role of others in the development of one’s perceptions (and self) will be discussed more thoroughly in the following section on participation.

In addition to self-determination, there are things that happen to me, but those are not experiences that I determine for myself in that initial sense of experience to which Wojtyla is referring. Instead, they become experiences as I process the results of the things that happen to me and how I choose to respond to those events. The events only start to determine me as human persons based on my actions in response to the events.

The subjectivity of individuals with relation to themselves is demonstrated by the exercising of the self-determination of the person. Wojtyla tells us, “in every action, choice and decision, it somehow brings this subjectivity out of the dark and makes it a distinct ‘phenomenon’ of human experience.”⁵²

Participation

While the subjectivity of the individual human is an important part of understanding what makes the human person a human person, there is an additional aspect to the human person and that is the understanding and interaction with other human persons, which Wojtyla calls “participation.” In this section, I explain the role that participation plays in our ability to perceive the other as a human person through experience, as well as perceiving oneself as a human person through experience. A central feature of participation is acting “together with others,” such that the human person is not isolated from other people, but is an active participant with others. I explain how Wojtyla uses the idea of the *other*

⁵² Wojtyla, “The Person: Subject and Community,” 230.

[italicized] in his discussion of participation,⁵³ and how the understanding of the self (explained in the previous section) enables our relationship to the *other* and our participation in the *other's* personhood. While this section addresses the interpersonal aspect of participation, the following section addresses the idea of communal participation that happens between groups of people.

Wojtyla defines the *other* as “someone who lives alongside me, and who is both *another* and *one of the others* who exists and acts in common with me.”⁵⁴ While the idea of “*others*” can include all human beings, when Wojtyla speaks of the *other*, he emphasizes that the *other* is “always someone in an actual—i.e., some sort of experiential—relationship to me.”⁵⁵ When I perceive the *other*, I recognize that the *other* is different from me, which creates a relation between the *I* and the *other*. This relationship is another relationship defining the self that is coupled with the relationship the *I* has with itself in self-determination.

⁵³ The word “other” is italicized in Wojtyla’s text when speaking of another human being, in part, I believe, to help make it clear when the discussion is about another human being rather than something that is simply other than one’s self. When “other” is not italicized, it is referring to something other than one’s self that is not another human being. Similarly, a non-italicized “I” is in the first person voice of the author, while an italicized “*I*” is referring to the entity that has the subjective experience as an acting subject. I will follow his usage in the discussion on participation.

⁵⁴ Wojtyla, “Participation or Alienation?,” in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 198.

⁵⁵ Wojtyla, “Participation or Alienation?,” 198.

When we discuss the *I-other*⁵⁶ relationship, we are not just examining the lived experience of an individual acting subject as we do with self-determination. We are examining the lived experience of two acting subjects who each have their own lived experience. The *other* has an experience of self-determination, but that experience belongs solely to that specific person and cannot be transferred to me. While only I can understand the self-determination that is occurring from the specific experiences of my life, this does not mean that I cannot understand that the *other* is having a similar experience, as the *other* also is an *I*. That particular experience is unique to that *other* and cannot be transferred to me, just as my particular experience is unique to me and cannot be transferred to any other *I*.

This awareness that the *other* is another *I*, another acting subject, and the perception of the *other* as such, is at the center of the concept of participation for Wojtyla. Participation “serves to express the property by virtue of which we as persons exist and act together with others, while not ceasing to be ourselves or to fulfill ourselves in action, in our own acts.”⁵⁷ Wojtyla consistently uses the phrase “exist and act together with others” in his attempts to define participation. In participation, “we remain ourselves and actualize ourselves, which means our own *I*’s.”⁵⁸ When a person is involved in participation, one participates in the humanity

⁵⁶ Wojtyla uses both “*I-other*” and “*I-thou*” as interchangeable terms to designate this relationship. I will follow his example and use them interchangeably. The shift in use is that “*I-other*” is used in describing the relationship initially when the other participant has only been developed as “other”, while “*I-thou*” is used to show the participatory relationship in action, where it the *other* cannot be described simply as other, but must be called “*thou*” to designate the interpersonal relationship. While Wojtyla does not cite Martin Buber in these writings, there is evidence that shows that Wojtyla was influenced by Buber in these matters.

⁵⁷ Wojtyla, “Participation or Alienation?,” 200.

⁵⁸ Wojtyla, “Participation or Alienation?,” 200.

of other people. The essential requirement for participation is that the other person is a human. When one finds an *other* with whom one participates, that *other* is no longer seen as something strictly different from oneself, but becomes one's neighbor. It is in this way that all humans can be one's neighbor, for this movement can happen for one with any human. Thus, returning to the quote cited previously, the way that one comes to know the *other*, Wojtyla insists,

does not come principally from categorical knowledge, from humanity as the conceptualized essence 'human being,' but from an even richer lived experience, one in which I as though transfer what is given to me as my own *I* beyond myself to *one of the others*, who, as a result, appears primarily as a different *I*, another *I*, my *neighbor*.⁵⁹

Knowing the *other* is not the sole condition for being in a participatory relationship with the other. Participation comes from making an intentional effort to understand the *other* as an *I*, but this process comes from one's own experience. If one does not understand oneself as an *I* and the role of self-determination in being that *I*, it is difficult for one to understand the *other* as an *I* like oneself. Additionally, the participatory relationship "does not emerge from having a universal concept of the human being, a concept that embraces all people without exception." Instead, this relationship "is not universal, but always interhuman, unique, and unrepeatable in each and every instance—both when viewed as a one-way relationship proceeding from the *I* and when viewed as a reciprocal relationship."⁶⁰

This relationship does not happen automatically. That one sees a group of people and thinks "These are human beings" does not mean that one is participating

⁵⁹ Wojtyla, "Participation or Alienation?," 200-1.

⁶⁰ Wojtyla, "Alienation or Participation?," 201.

in their humanity. Participation requires that one recognize another individual as an *other*, for one cannot participate in a group's humanity, for the humanity is uniquely instantiated by each individual in that group. The humanity of the group is found in the unique instantiation of each member of the group. Here the concept "human being" merely serves as the starting point, acknowledging that this person is of the same type of entity that one is, that is, this person is an acting subject, is his/her own *I*. From this starting point, one is able to have a certain level of participation with the other, which in turn, produces a fuller understanding of the humanity and personhood of the particular other. When one is aware that both persons are human beings, the possibility of participation is there, but in order for participation to occur, the participants cannot remain seeing each other merely through the concept "human being." Instead, each one must develop what it means for that particular human being to exemplify one's own personhood. This move is not a circular one, but is more like a spiral, where the concept "human being" moves one to participation, which in turn leads one to a fuller understanding of that particular human being, leading one to a fuller participation, and so on.

Meeting another human being provides the potential for participation, but in order to actualize participation between oneself and another human person, one must "become aware and experience, among the over all properties of that other 'human being,' the same kind of property that determines my own *I*, for this will determine my relationship to the other as an *I*."⁶¹ In other words, the relationship of participation is grounded in "becoming aware of the fact of the humanity of a

⁶¹ Wojtyla, "Alienation or Participation?," 202.

specific human being apart from my self, one of the others, but it takes place by my experiencing that other *I* as a person.”⁶² This starting point does not mean that one has the experience that the *other* has, but that one can envision how the self-determination of the *other* brings about the person that stands before that person.

Wojtyla characterizes the actualization of participation as a task that goes beyond simply recognizing the other is a human, or having a basic awareness that the other is a person. The task of actualizing participation is found in the command to love, which is “simply the call to experience another human being as another *I*, the call to participate in another’s humanity, which is concretized in the person of the other just as mine is in my person.”⁶³ This task requires an action by the agent—namely one must choose the particular human being with whom one participates in his/her humanity—which leads Wojtyla to argue that participation is best understood as being a matter of the will. To this it might be objected that individuals are often drawn into a relationship with another person by their emotions (what Wojtyla calls “emotional spontaneity”) rather than actively selecting that person (by “spontaneity of the will”). Wojtyla responds to this objection by admitting that sometimes the other seems to be “assigned to me” by circumstances (including emotional attraction), such that through the spontaneity of the will, one immediately identifies the *other* as an *I* without deliberation about their properties or their motives. Yet participation does not cease to be a task because of this spontaneity, because the spontaneity itself is only possible because of the constant

⁶² Wojtyla, “Alienation or Participation?,” 202.

⁶³ Wojtyla, “Alienation or Participation?,” 203.

action of participation. Participation prepares one's ability to perceive others as *I*'s because of the choices one has made and the actions one has performed.

Wojtyla acknowledges that participating in the humanity of others can have both positive and negative verifications. The positive verifications are ever-deepening personal relationships like healthy friendships and marriages. However, the negative verifications come when one experiences "hatred, animosity, aggression and jealousy" toward another human being.⁶⁴ These attitudes point to that human being as another *I*, because these feelings can only arise with respect to other *I*'s, other individuals that one believes are like oneself. If one did not perceive them, on some level, as other *I*'s, then one would have different reactions to them. For instance, one cannot feel jealousy toward a tree or a bird apart from an anthropomorphic imagining of them. Those feelings are things that only demonstrate themselves in relation to other *I*'s. Similarly, if one believed another individual was not actually an *I* capable of self-actualization, then that person would be inclined to look at the actions of the other with pity or some similar emotion, but would not think this other was able to self-govern and would be improper to feel those emotions that should be reserved for other *I*'s. The negative verifications do not mean that one is properly participating in the humanity or properly perceiving the humanity of these others, but there is a baseline participation that cannot be denied and by acknowledging that level of participation as a starting point, it may eventually lead to a correct participation.

⁶⁴ Wojtyla, "Alienation or Participation?," 205.

The Community and the Common Good for the Individual

The interpersonal relationship described in the previous section is only the first dimension of participation, according to Wojtyla. A second dimension is the social participation that takes place on a communal level with individuals. In this section, I explain this social dimension of participation that can only be realized in a community that is gathered around a common good. Since both types of participation are necessary for the development of human persons, the role the right sort of community plays is crucial in helping us perceive one another as persons.

Wojtyla defines community as “that which unites.”⁶⁵ Every “*I-thou*” relationship is a kind of community in which both participants “abide in a mutual affirmation of the transcendent value of the person (a value that may also be called *dignity*) and confirm this by their acts.”⁶⁶ It is not just an affirmation of the transcendent idea and value of “the person” (which can be understood as a concept rather than a specific person), but additionally, an affirmation and acceptance of one another’s “personal reality,”⁶⁷ that is, each one’s subjective experience of the world.

While this *I-thou* relationship is an important community, it is not what people typically think of when referring to a community. Instead, the idea of community usually is expressed as a “we.”⁶⁸ Wojtyla calls this the social dimension

⁶⁵ Wojtyla, “The Person: Subject and Community,” 246.

⁶⁶ Wojtyla, “The Person: Subject and Community,” 246.

⁶⁷ Wojtyla, “The Person: Subject and Community,” 245.

⁶⁸ From this point on, I will be italicizing this pronoun to designate when I am talking about this expression of the idea of community.

of community. By using the pronoun *we* (italicized), Wojtyla refers to the “multiplicity and indirectly to the persons belong to this multiplicity...[signifying] a set...made up of people, of persons.”⁶⁹ Wojtyla is careful to make clear that the *we* is not something separate from the individuals who compose the *we*, yet it is more than merely the collection of the *I-thou* relationships among the people who compose it.

This *we* is not necessarily society itself, but is the experience of a group of individuals bound together for a common good.⁷⁰ This common good is a value or set of values to which the *I*'s relate. As the collection of *I*'s relate to this good and are aware of the other *I*'s relating to this particular good, they become aware of the *we* that is relating to this common good, and this *we* is a new dimension to the experience of the self. The *I*'s still are *I*'s, but they have another way in which they experience themselves, that is, as a *we*. Wojtyla gives marriage as an example of how to understand the *we*.⁷¹ A husband and wife are still two individual *I*'s and they relate to one another in an *I-thou* relationship. However, each individual is now working toward a good that no other individuals beyond them are working toward, that is, the good of their marriage or their family.⁷² This uniqueness of purpose creates an experience of a *we* that is not simply two individuals, but two individuals

⁶⁹ Wojtyla, “The Person: Subject and Community,” 246.

⁷⁰ If the observer was not a part of the *we*, then it would be more accurate to say that it is perceived instead of experienced.

⁷¹ Wojtyla, “The Person: Subject and Community,” 247.

⁷² While others may want to see this good succeed, as they are not members of the *we*, they cannot work to move themselves toward this good in the same way the members of the *we* can and must.

united by a unique, single purpose. The same goes for larger groups united by broader conceptions of the common good.

In *The Acting Person*, Wojtyla defines the common good as something more than “the goal of the common acting performed by a community or group; indeed, it also, or even primarily, consists in that which conditions and somehow initiates in the persons acting together their participation, and thereby develops and shapes them in a subjective community of acting.”⁷³ The common good for Wojtyla is dependent on the good of the community as a group *and* the good of the individuals that make up that community. These two cannot be separated from each other, for the good of the individuals in the community is the ground for the community to achieve its good. Similarly, because the community is so intimately connected with the individual, the good of the community is necessary for the individual to become good, as it is a good for the individual. When we talk about our experience of the common good, there is both an *I*-experience and a *we*-experience of the common good, such that we are formed both as *I*'s and as *we*'s by the common good. If we discount either experience, it leads to an absence of understanding. Wojtyla puts it this way:

In such communities of being—they have earned the name of natural societies because they inherently correspond to the social nature of man—each of its members expects to be allowed to choose what others choose and because they choose, and that his choice will be *his own good* that serves the fulfillment of *his own* person. At the same time, owing to the same ability of

⁷³ Wojtyla, *The Acting Person*, (Dordrecht, the Netherlands: D. Reidel Publishing Company, 1979), 281. In this book Wojtyla talks about the common good more abstractly than in “The Person: Subject and Community,” but this shift does not require a different understanding of the common good. He distinguishes between associative relationships and the *we* (*The Acting Person*, 279). While this distinction is helpful, a focus on the role of the common good in composing the *we* reduces the need to use this distinction in this project.

participation, man expects that in communities founded on the common good, his own actions will serve the community and help to maintain and enrich it.⁷⁴

While it is clear who constitutes the *we* in a marriage and realistic to conceive what the common good is for that couple, given that there are only two *I*'s in the *we*, Wojtyla's definitions become more difficult to apply as we expand the *we* to include larger groups and societies. For example, the *we* composed of members of a town is dependent on the definition of membership in the town or even the definition of a town and defining a common good to which all members of the town relate, whether consciously or tacitly. Expanding the *we* to a nation-state requires more definitions, while making it more difficult to identify the common good of that group. The society of concern for the present project is the society of all humans.

Wojtyla extends his personalism to provide grounds not only for identifying other individuals as human persons, but also identifying the society of all humans. He recognizes the *we* of humanity is more than the multi-subjective experiences of the members of the society; rather, it is grounded in an additional subjective experience of this multiplicity of interrelated persons. This subjective experience of the *we* does not eliminate or even reduce the subjective experiences of the *I*'s, but rather enhances and maximizes the personal subjects.⁷⁵ Instead of identifying the society through individualistic means, one rather identifies the society through the common good of the society. Since the common good is a good to which all members of the society relate, for there to be a society of humanity, there must be a

⁷⁴ Wojtyla, *The Acting Person*, 283.

⁷⁵ Wojtyla, "The Person: Subject and Community," 251.

good to which all human persons relate. This human common good is also a collection and integration of the realization of the other *we*'s of which we are a part.

Wojtyla says that "an analysis of social community points in this regard to a basic homogeneity of the personal subject and human community,"⁷⁶ that is, both the individual and the community aim at the same good. The different *we*'s are a reflection of the human *I*, that is, of personal human subjectivity. If the *we*'s reflect something in opposition to that subjectivity, then Wojtyla makes it clear that the *we* is in need of reform. Still, the *we* of humanity is to be understood as something toward which we are to work, as we cannot remain isolated from the social dimension of what it means for individuals to be human persons. "All of this, in turn, confirms that the subject as a person has a distinctive priority in relation to the community. Otherwise it would be impossible to defend not just the autoteleology of the human self, but even the teleology of the human being."⁷⁷ We need to have the proper understanding of the *we*, such that the individual personhood is conceptually prior to the *we*, to help us not only become an end ourselves, but for us to determine our own ends as human persons.⁷⁸ If the *we* is morally prior to the *I*, that is, we understand the *I* through the *we* such that the *we* can have different goals

⁷⁶ Wojtyla, "The Person: Subject and Community," 252.

⁷⁷ Wojtyla, "The Person: Subject and Community," 252.

⁷⁸ Experientially, Wojtyla would say the individual's personhood is often prior to the *we*, but not necessarily so. We can imagine a self in an unhealthy community in which the individual identifies with the *we* before the *I*, and experiences oneself as a *we* before an *I*. In this situation, the *I* is sacrificed for the *we*, something Wojtyla would not allow in a community truly concerned about the good (eliminating from the discussion of good communities fictitious entities like the Borg, but also supposed utopias like the Ray Kurzweil). In this situation, the individual may, over time come to experience one's own *I*, but it would be in conflict with this *we*.

than the *I* to which the *I* should be subjected, then the *I* cannot be self-determining of the ends of the self, let alone seeing the *I* as an end itself.

Wojtyla argues that participation is best understood as “a property of the person, by virtue of which each person is and remains himself or herself in a social community.”⁷⁹ Participation is being active in that community in a way that forms the way one experiences the *I*, and perceives the *other* and the *we*.

Alienation and the Limits of Participation

In order to further explain Wojtyla’s account of participation and the way our perceptions are formed through participation, in this section I introduce his concept of alienation as the antithesis of participation. This concept helps to establish the problem that the account of human rights given in the next chapter will correct.

For Wojtyla, alienation “creates an occasion for depriving people in some respect of the possibility of fulfilling themselves in community, either in the social community of a *we* or in the interpersonal community of an *I-thou*.”⁸⁰ Alienation is not just a matter of the larger society as Marx proposes, but is evident in *I-thou* relationships as well. In the matter of the social community, alienation occurs when the collection of particular *I*’s are unable to properly develop towards being a *we*. While these people may be acting “together with others,” they do not develop into the *we* that such action should bring about. This impairment is sometimes self-imposed by the individuals, such that, individuals have estranged themselves from

⁷⁹ Wojtyla, “The Person: Subject and Community,” 255.

⁸⁰ Wojtyla, “The Person: Subject and Community,” 256.

the possible *we*, but also, society may deny the rights and basis that may help bring about this fulfillment.⁸¹

The alienation of the *I-thou* relationships is far more personal than the alienation of the *we*, for in these relationships, persons are more directly connected and life is lived out in this dimension more than the *we* dimension. When alienation occurs in the *I-thou* relationship, “the antithesis of participation signifies a constriction or annihilation of everything through which one human being is a self for another human being.”⁸² You may recognize the *other*, but the sharing in the humanity of the other person is gone. Alienation occurs when there is an objectification of another person, that is, the rejection of the other person as a subject.

In both the *I-thou* dimension and the larger social context, alienation threatens the understanding of the person as a subject. While the persons are not dehumanized ontologically,⁸³ the personalistic understanding of the person is rejected, and they are dehumanized in the understanding of humans as subjects. Those guilty of alienation would not deny that the alienated persons are human—that is, they are *homo sapiens*—but their actions deny the persons are subjects, at least in the same sense that those doing the alienating see themselves as persons.

Alienation is seen in two limits of participation that Wojtyla explains in *The Acting Person*, individualism and totalism:

⁸¹ Wojtyla, “The Person: Subject and Community,” 256.

⁸² Wojtyla, “The Person: Subject and Community,” 256.

⁸³ That is, their DNA is not distorted to be less than human, nor is their relationship with God distorted, or any other ontological grounding outside of human interactions.

Individualism sees in the individual the supreme and fundamental good, to which all interests of the community or the society must be subordinated, while objective totalism relies on the opposite principle and unconditionally subordinates the individual to the community or society.⁸⁴

By setting these limits of participation, Wojtyla answers possible objections to his personalism from those who understand it as elevating the individual at the cost of the community or the community at the cost of the individual. Wojtyla rejects both notions, as participation values both the individual and the community, recognizing the necessity of each for the other.

Individualism is a clear example of social agonism, placing the individual above the community, such that the individual must be persuaded to reluctantly be a part. Totalism, as explained by Wojtyla, places the common good above all other goods, considering the individual to be the chief enemy of that good. Both of these limits work from the same assumption, namely, that the individual is only striving for the good of that individual. The common good is something for which the individual would not strive if left to the individual's own devices. Personalism rejects both routes by making participation an important aspect of being a person. If being a person includes more than the individual, then there does not have to be discord between the individual and the common good and societies are not forced to choose one over the other. Wojtyla explains:

It is not only human nature that forces man to exist and to act together with others, but his existing and acting together with other human beings enables him to achieve his own development, that is, the intrinsic development of the person. That is why every human being must have the right to act, which

⁸⁴ Wojtyla, *The Acting Person*, 273.

means “freedom in action,” so that the person can fulfill himself in performing the action.⁸⁵

Here is one of the few places that Wojtyla uses rights language in his work, emphasizing how important it is that people be given the opportunities to act for themselves.⁸⁶ These limits are examples of alienation. Individualism encourages the individual to exist without participatory relationships in both the *I-thou* and the *we* senses, while totalism does not allow the individual to cultivate those relationships, but forces individuals into something that shares some of the appearances of those relationships.

The Formative Experience of Perceiving the Other as Person

How do ethical experiences form the human person? In this section I explain Wojtyla’s account of that process more explicitly. In preparation for my discussion of human rights in the following chapter, I here relate the perception of the other as a human person more explicitly to ethics, tying the three distinct roles back into a fluid understanding.

As mentioned above, understanding the experience of the self is at the root of personalism. By experiencing oneself as a self-determined being, one takes responsibility for action and for the way one develops in the world. Understanding the self is of the utmost importance in a discussion of ethical experience, for properly understanding oneself as a self, as an *I*, is the key to understanding other

⁸⁵ Wojtyla, *The Acting Person*, 275.

⁸⁶ The significance of this rights language will be explained in the next chapter. However, the use of rights language in this situation serves as a marker for something important to Wojtyla’s understanding of participation and alienation.

persons as an *I*. If one does not understand oneself as an *I* that is self-determining, when one tries to identify others as *I*, it is likely that there will be inaccurate or incomplete identifications. When a self-darkened person tries to understand another as a self, one of two things will happen: one will not experience the other as a self, for the other does not fit within the deficient understanding of the self, or one will experience the other according to the deficient definition of oneself, leading to an equally deficient experience of the other as a self. In the former case, the failure to see the other as a self stems from including incorrect attributes in their definition of a self. These attributes are likely held by the perceiver allowing one to consider oneself a self, but because they are not held by the other, one fails to perceive the other as a self. In the latter case, the failure comes from missing essential attributes in their definition of a self, leading the perceiver to treat others (and possibly oneself) as something other than a self in certain situations. It is possible that both of these outcomes occur, combining the problems of both outcomes into a single situation.

In a previous section I noted that for Wojtyla the formation of the human self and of self-understanding as a person involves growing awareness of one's individuality, yet not in isolation from other people, but through relationships with them as individuals and social groups. Here I will explore in more detail the roles played in this formation by individuality, other individuals, and social groups, laying out the clear connection between these roles now that they have been explained separately in detail.

The individual plays a significant role in the formation of the self, but is limited in the ability to form the self. Forming the self requires both perceiving oneself as a subject and an object. One naturally sees oneself as a subject, for one is inescapably experiencing the world as a subject. However, seeing oneself as an object is more difficult, for it is necessarily through one's subjectivity that one views oneself as an object.

The perception of the self as subject requires that one understand oneself as a self-determining subject, which includes the governing of one's own actions⁸⁷ based on the understanding one has of their own *telos*, that is, the full particular instantiation of their rational nature. This *telos* is connected to the good of the individual, and as one is able to perceive this good, one is able to work toward forming himself toward that good.

If one is unable to perceive this good properly, then one will not be formed toward the good, but toward one's own perceived good. While this perceived good may not be an "evil" thing, it is less than one's *telos*. It is difficult for a subject to accurately see the difference between the good and the good that is being perceived, and one must often rely on the good that is perceived as the *telos* toward which one must strive when left to oneself.

Here is the place where the perception of the self as object can serve as a corrective for the self as subject. While one cannot always see one's self as an object, interaction with others who do see one's self as an object can help one come

⁸⁷ Action here is understood in the specific way that Wojtyla talks about action, requiring some intentional movement as opposed to merely reacting to whatever happens to an individual.

to understand how one's self is perceived as an object. It is here that we find the significance of participatory relationships. Participatory relationships serve multiple purposes in the understanding of one's own self as well as the self of others. Participatory relationships give one insight into one's own self as object from understanding how one is perceived by the other. With concern for the other, participatory relationships help expose our humanity to one another. As experiences are shared, it becomes easier to imagine the subjective experience of the world that the other person has, and observing the other as a self that is a subject.

Participatory relationships allow individuals to perceive each other in new ways. While one typically sees the other as an object, through a participatory relationship, one can come to see the other as a subject. Similarly, it is natural for one to see oneself as a subject, but through a participatory relationship, sharing insights and experience, one can come to see oneself as an object as well. In both situations, through this new understanding, individuals also come to perceive the world in the way that the other does. This is significant with regard to formation. By being able to being to perceive the world in the way that the other does, one can begin to perceive the good in the way that the other perceives it. While one can only perceive the good through one's subjective self, by being able to see it as the other does, one gains another perspective on the actuality of the good rather than only one's own perceptions of the good. Through the help of the perception of the other, one will hopefully gain a clearer perception of the good than one would without the other.

It is not only through the interpersonal relationships that one can gain greater insight into the good, allowing one to be formed in accordance with one's *telos*. Through the social dimension of life, people join in communities that also help form them in ways that they cannot be formed in interpersonal relationships, nor alone. Instead, when individuals enter into a community, a *we*, they gain another perspective on the good, through the sharing of a common good. According to Wojtyła, this good cannot stand in conflict with the good of the individuals that make up the *we*. In having a shared good toward which the *we* strives, people gain another perspective on the good. What is truly good for the *we* will also be good for the individual, and through working toward this good with others, they are shaped in how they perceive this good. The way that a community works toward the common good will shape the members of the *we* in how they understand the universal good.

The *we*'s in which one is a member can play a significant role in shaping an individual.⁸⁸ The way one presently perceives the good can be understood, in part, by considering previous communities of which one has been a member.⁸⁹ However, it is not sufficient to consider who one is now, but one must also be concerned with a continual striving toward one's *telos*. Membership in a *we* gives a broader

⁸⁸ This harkens back to Hauerwas's understanding of narrative in the previous chapter. In emphasizing the role that your history and communities play in shaping who you are now, we can see how Hauerwas shares a similar understanding with Wojtyła of how we are shaped and formed. However, he lacks discussion on how our actions and decisions of membership in future *we*'s (and the role of the self and participatory relationships) shape who we are becoming, focusing on how we've become who we are.

⁸⁹ The participatory relationships in which one is a part will have played at least an equally significant role in shaping an individual in her present state.

perspective of goods through the striving toward common goods while continuing to influence one's conception of one's *telos*. Choosing the *we's* in which one participates and being willing to work toward the necessary reforms of *we's* that are united toward a common good that works against the individuals of those *we's* are ways that one is formed by their choices concerning participation in a *we*.

In the next chapter, more of the practical concerns will be addressed as the recognition of another as a human person is closely connected to the account of human rights that will be developed. For now, it is clear that participation gives an explanation as to how one is able to recognize the other as a human person.

Moral Perfectionism and Other Concerns

As has been shown, Wojtyla seems to allow for a gradation of humanity: he believes that through their choices and actions, humans can move toward or withdraw from the perfection of their humanity. In this section I develop this strain of moral perfectionism in Wojtyla's personalism and address the concern that it may allow for the devaluing of their humanity.

Moral Perfectionism

Though moral perfectionism is an important aspect of Wojtyla's own approach to human rights,⁹⁰ he admits that for many people it seems like an addendum to normative ethics. What does he mean by this? Wojtyla believes normative ethics typically is limited to definitions of good and evil, but he claims a

⁹⁰ It is worth noting that the book *Who Is My Neighbor?: Personalism and the foundations of human rights* (Washington, D.C.: The Catholic University of America Press, 2005) has no discussion of the role of moral perfectionism, nor does it even include these essays in the bibliography of the book.

comprehensive view of moral life requires the further idea “that a person is perfected morally by good actions and devalued by bad ones.”⁹¹ Moral norms are understood most clearly when they are lived out by a human being. When the norms are lived out, the human is perfected as human being by living according to them, or in the opposite situation, deteriorates as a human being and accordingly loses value.

This perfectionist dimension is not required in an ethical system based on the world-making model of agency; for it, the definitions of right and wrong are sufficient. However, any ethical system based on the agent being drawn to and, in turn, formed by an objective good, such as the system Wojtyla presents, must bring the perfectionistic aspect of ethics to the fore.

Wojtyla describes the agents who live out the norms of the good as exemplifying and fulfilling their humanity, while those who act against the norms are devaluing and deteriorating their humanity. He believes this serves as evidence of the connection between humanity and morality.

In each case in which we perceive a person to be lacking in certain moral facts and experiences, we also perceive that person to be lacking in either certain abilities proper to humanity, or—which is already a derivative matter—activities that flow from those abilities.... In these cases, we are dealing with a normal humanity, one in which we find abilities proper to the human being, but at the same time a certain diminution of moral sensibility.⁹²

In this passage Wojtyla locates the deterioration in the moral sensibility of the person, which does not necessarily bring about the diminution of the person’s

⁹¹ Wojtyla, “In Search of the Basis of Perfectionism in Ethics,” 46.

⁹² Wojtyla, “The Problem of Experience in Ethics,” 121.

humanity. However, the connection between humanity and morality emphasized by Wojtyla blurs the interpretation of this passage. Elsewhere he notes, "To say that moral value—good or evil—is that which makes the human being good or evil as a human being, that through which the human being as a human being becomes good or evil, is, in a sense, to reduce moral value to humanity."⁹³ Moral value becomes the indicator as to how well one is a human being. To say a human being is good or bad is not simply to evaluate their moral standing, but also to judge how one is instantiating oneself as a human being. If one is morally good, then one is a good human being; if one is evil, one is a poor human being.

To use an analogy, suppose a person is such a poor athlete that we would hesitate to call him an athlete, or even reject the idea that he is an athlete. Is Wojtyla committed to a similar understanding of the relation between moral value and humanity? Can one become so evil, so diminished in humanity, that we would not count the person as a human being?

It is important to clarify that Wojtyla is not questioning whether the individual possesses human DNA or physiology, but personhood, that "through which the human being—on the basis of this integral humanity—is a human being."⁹⁴ Wojtyla appears to be working with a distinction between an individual being a biological member of the human species and being a human being, or an agent who acts in a human way. This second group is a subset of the former group:

⁹³ Wojtyla, "The Problem of the Theory of Morality," in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 145.

⁹⁴ Wojtyla, "The Problem of the Theory of Morality," 145.

all human beings are members of the human species, but at least *prima facie* not vice versa. However, this distinction seems to confirm the concern, which I raised above, about the possibility of someone no longer being human because one ceases to act in a human way.

If, as mentioned previously, Wojtyla believes human rights are grounded in human dignity, which in turn is grounded in human nature, then only individuals with human nature have human rights. While this allows human dignity in fetuses and people in a vegetative state, would it also include those who have willfully chosen to stop acting in ways that are fitting of humans? Given the language that Wojtyla uses about devaluing and deteriorating their humanity, one must wonder if agents can, in a sense, forfeit their human nature.

Recall that Wojtyla claims there is an ontological grounding of one's humanity, but also admits that the ontological grounding is not something that one can accurately assess in oneself or others. Because of the inaccessibility, even if these humans are losing their nature as humans, it would be something that is unknowable to another. Additionally, the ontological relationship is a reflection of the "vertical relationship" between man and God, something that is inaccessible to other humans.

It is most instructive to return to Wojtyla's personalism and the idea of participation, specifically about how to approach other individuals in order to see them as the *other*. While the ideal instance of participation is a reciprocal relationship, Wojtyla allows the possibility of a one-way relationship of participation, such that one can participate in the humanity of another, even if the

other is not participating in one's own humanity. One can imagine what it would be like to be that person, and by so doing participate in their humanity. As one learns more about the individual, one can better perceive their humanity through imagination and participation in that humanity.

I think the best way to interpret this scenario is that there is a value permanently attached to one's nature, and as one acts contrary to that value, one makes that difficult value to perceive. One loses sight of that value and acts as though one doesn't have it, disfiguring that value, while clouding the experience of oneself and the perceptions of others. As one disfigures their dignity, it is devalued, but it is still present. However, this disfigured dignity makes it difficult for others to perceive the human dignity in that person, and also leads that person to incorrectly perceive the dignity in others. I discussed previously the role the experience of the self's humanity plays in perceiving the humanity of others. If one's experience is of a disfigured self, one's expectation will be to perceive a disfigured humanity in others.

If the person continues to act in a way contrary to their *telos*, the disfiguring can become so great that people may hesitate to call that person a human, because the humanity has become nearly imperceivable. This disfigurement is not permanent, nor is it irreversible. However, while that person is living in disfigurement, Wojtyla's call to participation requires one to use their imagination to perceive the person's humanity. Still, even though a human being acting contrary to their *telos* may have value as a human, this is not a position one should strive to be in. At the very least, one can begin to perceive the humanity in the person, even in its unrecognizable, disfigured form. Given the power that Wojtyla attributes to

love, by loving the person and correctly perceiving the value there, disfigured as it may be, one may be able to help recover the humanity of the individual, reversing the disfigurement, and making the humanity more easily perceivable to everyone.

Questions still remain regarding this situation that must be addressed. While the person with the disfigured humanity does not eliminate all value as a human, is it possible that the devaluing that occurs from the disfigurement results in the removal of some of the human rights of that individual? Or in the opposite situation, as someone moves toward the moral perfectionism described by Wojtyla, does that person gain additional human rights that need to be respected?

These questions are addressing the same concern from opposite directions, a concern first acknowledged by Wolterstorff in the previous chapter. If one can add or remove value to their humanity, are their human rights extended or decreased with respect to the increase or decrease of value? I will address this concern in more length in the next chapter. However, I will briefly say that by understanding human rights as playing a role in helping individuals perceive the humanity of one another, human rights will not increase or decrease based on the value of one's humanity. I will make a case for understanding human rights in this way in the next chapter.

Other Concerns

In this section I will argue that Wojtyla's personalism does not require perfection of perception in order to recognize rights and does not require the perception of the full depth of one's humanity. I will briefly trace significant differences between the views of Wojtyla and Karl Marx.

Perception of extension vs. perception of depth. Wojtyla's personalism does place a high importance on the refining and developing of one's perceptions through one's experience of the self, participatory relationships, and participation in a *we* of a community. This, however, does not make perfection of our perceptual capacities a requirement for recognizing the human rights of others. The better that one can perceive the humanity of another human, the more likely one is to acknowledge the other's human rights, because one recognizes the unique human dignity of the other. However, perfection of this capacity is not necessary for recognizing the human rights, and in fact, human rights serve a function in helping the development of our perception toward that perfection. When one fails in their perception of another human, human rights serve as a way of helping that person perceive humanity that the person is failing to perceive.

Similarly, when one perceives another, it is not necessary for one to perceive the full depth of another's humanity in order to recognize that individual's human rights. Of course, if one perceives an individual's humanity with greater depth, one will almost certainly recognize the person's human rights with greater ease. For Wojtyla, our perception of the depth of an individual's humanity is something that must be developed over time and in relationship with the individual, even if it is a one-way relationship where one must use imagination to recognize that depth. The better one's perception of the humanity of another, the easier it will be to recognize the human rights of that other.

The depth is not necessary to recognize the human rights of another human, as the perception of another's humanity at some level is sufficient for that purpose.

It is one's understanding of the extension of humanity that plays a role in perceiving another in a way that leads to the recognition of the other's human rights. The way one understands the extension of humanity directly relates to the way that one understands oneself as a human. As mentioned above, this understanding is related to self-determination and participatory relationships. The better one understands oneself as a human, the better one will perceive the extension of humanity in others, without having to perceive the depth of that humanity, although it is likely that one will be able to perceive the depth of the other's humanity better as well.

While perceiving the depth of an individual's humanity is helpful in better recognizing the human rights of another individual, the extension of one's understanding of humanity is the key to perceiving the humanity in the humans that one encounters. If one perceives the depth of an individual's humanity but only the individuals that are very similar to oneself, then one will do a good job of recognizing the rights of those individuals, but do a poor job of recognizing the human rights of those humans who are different from one. The ideal is that one develops both the extension and the depth of their conception of humanity so that one can perceive the depth of the humanity in each human with whom one comes in contact. However, as far as it concerns recognizing the human rights of others, it is sufficient to focus on the development of our extension of humanity. Our perception does not have to be perfect, but we must have a minimal level of correctness in our perception, and we should always strive to improve the perceptions we do have.

Marxism and Wojtyla. In both his pre-papal writings and papal pronouncements, Wojtyla critiques Western capitalism in language that is

reminiscent of Marx's criticism of capitalism. His use of the concept of alienation is a noticeable example of this. However, there are important differences between Wojtyla and Marx's critiques of capitalism.

Wojtyla cites Marx's concept of alienation as an example of the faultiness of views that prioritize the *we* at the cost of the *I*. Marx attacks the social structures as the root of the problem while ignoring the importance of the individuals within the structures relating to each other. By considering the social structures as the root of the problem, Marx is giving priority to the *we* over the *I*'s. Wojtyla notes that people were able to relate to one another as other *I*'s even in the concentration camps, a paradigm of a misaligned social structure. While Wojtyla is not against reforming social structures, these reforms are meaningless without a recognition of the dignity of the human persons within those social structures, making up the *we*.⁹⁵

This key difference is reflected in the responsibility for alienation. Marx believes that a person cannot be responsible for his alienation. If the person is not responsible, there is no guilt either. Wojtyla, on the other hand, allows that one may bring about one's own alienation. For Wojtyla, alienation is a defect in participation, and one can be responsible for one's own failure in participation. While it is not always one's fault, the fact that an individual can be responsible for alienation also means that this same individual can be responsible for moving from alienation to participation. The moving from alienation to participation may require an improvement in the individual's perceptions of others as human persons. The moral perfectionism of Wojtyla sets a goal of removing the alienation for which we are

⁹⁵ Wojtyla, "Participation or Alienation?," 205-6.

responsible and replacing it with participation. While the perfectionism is not necessary for perceiving humans in a way that corresponds with their human rights, it presents an interesting question to be taken up in the following chapter: if one arrives at the moral perfection described by Wojtyla, what need, if any, does one have for human rights to encourage greater participation?

Conclusion

In this chapter I argued that an adequate account of human rights requires an account of moral experience and the formation moral agency. I demonstrated that Wojtyla's account of ethical experience, coupled with his personalism, present a model of agency that fulfills this requirement. On that account, understanding one as a self, an *other* and as part of a *we*, play essential roles in shaping our perceptions of ourselves and others as human persons.

I then discussed Wojtyla's moral perfectionism, which pushes us to strive toward a life of full participation in the humanity of those around us, by becoming good persons. However, if human rights are a reflection of the dignity of a person, this raises concerns about the possibility of losing human rights as one devalues herself or gaining additional human rights as she reaches the fulfillment of her humanity. Additionally, when considering alienation in relation to moral perfectionism, it appears that the need for human rights to combat alienation may dissolve as we reach that moral perfectionism. These concerns and others will be explored further in the following chapter. There I will lay out an account of human rights that is consistent with this model of agency and the papal discussions of human rights by Pope John Paul II.

CHAPTER FOUR

The Role of Human Rights in Christian Moral Theory

In the second chapter I reviewed the competing accounts of human rights from Nicholas Wolterstorff and Stanley Hauerwas. Because their underlying models of agency proved to be deficient, specifically in their application to moral experience and moral formation, I had concerns about the accompanying accounts of human rights. In the third chapter, I sketched Karol Wojtyla's personalism, which serves as his account of agency, focusing specifically on the role of moral perceptions in experience, and how the individual is formed along with the formation of one's perceptions. For Wojtyla, each individual person must strive to perceive human persons, including oneself, correctly, while recognizing how one's humanity is composed through relationships. Wojtyla's personalism addresses the concerns raised by Talbot Brewer recently with regard to modern models of agency.

In Wojtyla's pre-papal writings, there is very limited use of rights language in general, but especially human rights language. This is surprising because human rights are prominent in his papal work.¹ Indeed, many claim that Pope John Paul II was one of most significant champions of human rights in the latter half of the twentieth century and was instrumental in bringing the Catholic Church to the

¹ In private communication to me, Professor Alexander Pruss offered the following suggestion of a possible explanation of this lack in the pre-papal writings. Due to the political nature of rights language, the use of rights language would be more threatening to the communist regime in Poland at the time of his writings. Hence, it was prudent for Wojtyla to refrain from using rights language until he had the freedom of speech found in Rome as pope.

forefront of these discussions.² How can we resolve the tension between the lack of discussion of rights in Wojtyla's writings with the way that human rights were a centerpiece of his thought and public work as Pope John Paul II?

In this final chapter I will highlight unique characteristics of an account of human rights that emerges from the personalism of Wojtyla. Wojtyla believes the foundation of human rights is in the human dignity which we possess as free and rational beings, but more deeply fulfill³ through self-recognition and relationship with other selves. Since the foundation of human rights is both already and not yet, it should be expected that human rights should have this dual aspect in Wojtyla's work.

With this in mind, I first focus on how Wojtyla uses the language of human rights (though rarely) in his pre-papal writings. One significant distinction between the pre-papal and papal discussions of human rights is that the pre-papal writings talk about rights in a moral sense while the papal writings include a legal sense of rights as well. I will explain how these two senses of human rights are consistent

² A sampling of books that credit Wojtyla in this way: *Persons and Liberal Democracy: The Ethical and Political Thought of Karol Wojtyla/Pope John Paul II*, (Edward Barrett, Lanham, Maryland: Lexington Books, 2010), *The Way of Life: John Paul II and the Challenge of Liberal Modernity*, (Carson Holloway, Waco, Texas: Baylor University Press, 2008), *Who Is My Neighbor?: Personalism and the Foundation of Human Rights*, (Thomas D. Williams, Washington, D.C.: The Catholic University of America Press, 2005).

³ I am using the word "fulfill" to cover the range of stances that one can take toward the good. A sampling of these stances include: nourishing the good, honoring the good, protecting the good, preserving the good, producing the good, encouraging the good, moving toward the good, committing to the good, accomplishing the good, and promoting the good. The proper stance in this range of stances is determined by the nature of the good with regard to the situation. When the word "fulfill" is used, it should be read as referring to the proper stance as called for by the nature of the good in that situation.

with the role of perceiving human persons and their dignity correctly in his account of agency.

To conclude the chapter I will show how this account of human rights helps to create a more fruitful dialog between Wolterstorff and Hauerwas. Where they were talking past each other, the Wojtyla-inspired account of human rights engages both conversations, sharing similarities with Wolterstorff's account of human rights while also reflecting the concerns raised by Hauerwas.

Wojtyla and Rights

Throughout Wojtyla's writings it is rare to find rights language.⁴ By my count, there are less than twenty-five uses of rights language in his works that have been translated into English, and about a third of those are in reference to the rights that God has as Creator.⁵ However, in each of several encyclicals of Pope John Paul II, we find that many or more uses of rights language.⁶ One could argue that this disparity should result in treating the pre-papal and papal works as two distinct authorships: one authorship of his writings expressing his own ideas before becoming Pope, and a second authorship of the papal writings, positioning his work within the lineage and for the purpose of the papal office, rather than his own ideas.

⁴ The authors of *Beyond Self-Interest* (Gregory R. Beabout et al., Lanham, Maryland: Lexington Books, 2002) note that the least developed aspect of Wojtyla's account of freedom is related to his use of rights language, while admitting that it is there in his work (64).

⁵ Given that the discussion is on human rights, I will only briefly reference these passages to show how Wojtyla uses rights language.

⁶ *Centesimus Annus*, *Veritatis Splendor*, and *Evangelium Vitae* are all examples of encyclicals that individuals use more rights language than the entire translated corpus of the pre-papal writings.

While I believe that one can argue for a single authorship,⁷ I will focus here on the use of rights language (and the correlated language of dignity) in the pre-papal work of Wojtyla.

In what follows I will take several phrases like “the rights that should be afforded to all humans” in Wojtyla’s translated works as referring to human rights. I will include other instances of rights language (that do not specifically mention humanity or human dignity) as well, insofar as they provide insight into the construction of an account of human rights. A significant feature of Wojtyla’s use of rights language is a distinctive principle of correlatives that correlates a right and an accompanying obligation for the rightholder.

Rights for Persons

In this section, I will explore the two most extensive examples of how Wojtyla uses rights language with regard to persons generally.

In the essay “Thomistic Personalism,” Wojtyla discusses some basic rights that must be afforded to all persons. He tells us, “Personalism is not primarily a theory of the person or a theoretical science of the person. Its meaning is largely practical and ethical: it is concerned with the person as a subject and an object of activity, as a subject of rights, etc.”⁸ This suggests that part of the meaning of personalism is found in what it means for a person to have rights. Since personalism involves understanding both the self and the other, we can assume that

⁷ I will make a brief argument to this extent later in the chapter after considering how rights language is used in both cases.

⁸ Wojtyla, “Thomistic Personalism,” 165.

it involves both what it means both for oneself to have rights and what it means for the other to have rights. In the pre-papal writings Wojtyla focuses on the former, while the papal writings more often mention the latter.

Later in the same essay Wojtyla speaks at greater length about human rights:

There are certain rights that every society must guarantee to persons, for without these rights the life and development proper to persons is impossible. One of these basic rights is the right to freedom of conscience. This right is always violated by so-called objective totalitarianism, which holds that the human person should be completely subordinate to society in all things. In contrast, Thomistic personalism maintains that the person should be subordinate to society in all that is indispensable for the realization of the common good, but that the true common good never threatens the good of the person, even though it may demand considerable sacrifice of a person.⁹

Three significant details in this passage give us insight into Wojtyla's understanding of human rights. First, he tells us that human rights are not just about the life of persons, but also about the development proper to persons. As mentioned previously, human dignity is both something that the human person has, but also a calling on the person to fulfill that dignity. Rights are not merely to protect individuals, but also to help them reach fulfillment.

Second, Wojtyla explicitly mentions a human right—specifically, the right to freedom of conscience. For Wojtyla, conscience is “the lived experience of the principles of moral good and evil.”¹⁰ The right to conscience would then be the right to act according to the experienced principles of moral good and evil. Given the emphasis he places on ethical experiences that was discussed in the previous

⁹ Wojtyla, “Thomistic Personalism,” 174.

¹⁰ Wojtyla, “The Problem of the Theory of Morality,” 138.

chapter, Wojtyla finds that it is important that people be given the opportunity to have these ethical experiences themselves in order to develop one's perceptions of the moral good. Later in the discussion of conscience, he explains that we can abstract the relevant principles from our experience through conscience. However, we can never divorce the principles from our experience, because it is through our experiences that we gain understanding of what the principles mean.¹¹ It is not enough to tell a person what is right and wrong, but a person must have an experience through which to understand the moral good in order for that person to be able to make moral decisions.

The third detail is tied closely with the second. These rights are not "individualistic" in the sense that they do not privilege the individual in all respects to the society. Instead, these rights are to be understood in conjunction with the common good to which the individual is subordinate. However, the common good is never against the good of the person, for if a claimed common good is against the good of any person, it is not truly a common good. Understanding the common good and the good of the person properly, human rights promote both goods. A proper understanding of the common good and personal good can only come through conscience. Society cannot provide individuals with a list of things that they should do and a list of things they should not do and expect the individuals to fulfill their human dignity. In order for persons to develop properly, Wojtyla argues, they must not just do the right actions, but also have the correct understanding when doing the right actions. In fact, the actions themselves lack the possibility of being right (at

¹¹ Wojtyla, "The Problem of the Theory of Morality," 138-9.

least with regard to an actual promotion of the common good) apart from their agents exercising conscience in this way.

Note that on Wojtyla's view an individual having human rights is not only consistent with, but may require the individual to make a considerable sacrifice, though this sacrifice will not be contrary to the good of the person. This displays a significant difference between Wojtyla's view of rights and a popular understanding of rights today. It is common for one to see rights as a protection of oneself and one's things. However, when understanding the person as a social being that is tightly integrated with the society and the common good of that society, Wojtyla allows for the possibility, or even likelihood, that in the proper development of the person, sacrifices will be necessary, and when these situations arise, one's human rights are not being violated, but may actually be fulfilled.

Another significant mention of human rights is in *The Acting Person*, the seventh chapter on participation,¹² within the section addressing "The Conception of the Human Being Underlying [Individualism and Totalism]." Wojtyla is speaking about the freedom to act and the accompanying right found in that freedom.

It is not only human nature that forces man to exist and to act together with others, but his existing and acting together with other human beings enables him to achieve his own development, that is, the intrinsic development of the person. This is why every human being must have the right to act, which means "freedom in action," so that the person can fulfill himself in performing the action. The significance of this right and this freedom is

¹² The English translation of the seventh chapter of *The Acting Person* has significant revisions from the Polish text that were not approved by Wojtyla before publication. While this happened with the other six chapters as well, Wojtyla was able to review the revisions before publication. Because of the revisions, it is common for *The Acting Person* to include a literal translation of the seventh chapter as an addendum. (*Beyond Self-Interest*, 47-8) However, in the substantial passage where Wojtyla uses rights language extensively, there is no significant difference between the two translations.

inherent in the belief in the personalistic value of human action. It is on account of this value and because of it that the human being must have the right to the total freedom of acting.¹³

In this passage, we see many of the same ideas that were expressed in the first passage from “Thomistic Personalism.” Wojtyla again mentions that rights play a role in the person’s fulfillment; that this development is only possible as the individual performs the acts in community with other human beings; and that rights are thereby connected to the value of human action which, as discussed in the previous chapter, is an expression of one’s self-determination.

The most significant addition from this passage is the explicit connection between rights and freedom, specifically, the right to act meaning “freedom in action.” Freedom in action does not give an individual the unlimited ability to do whatever one wants to do. To avoid misunderstanding, Wojtyla makes it clear that the freedom in action “conditions the ethical order and simultaneously determines it,”¹⁴ such that there are limitations on acting. For Wojtyla, “evil” actions are a means of nonfulfillment for the one acting. It may be better to say that one has the right to act toward his fulfillment, through the moral good, for one “has not the right to do wrong.”¹⁵

In the explanation of what it means to have the right to act, we see that Wojtyla requires that individuals be given the opportunity to fulfill their human dignity and that they be able to do that in community, for it is impossible for a

¹³ Wojtyla, *The Acting Person*, 275.

¹⁴ Wojtyla, *The Acting Person*, 275.

¹⁵ Wojtyla, *The Acting Person*, 276.

society or another individual to fulfill the dignity of a person without the participation of that individual in the process of fulfillment. However, Wojtyla does not intend that these rights are the ultimate goods themselves, but that they help direct us toward the good. In order to move toward that good, we must have correct perception of the value of our dignity and what it means to fulfill that dignity.

There is another mention of human rights earlier in the seventh chapter on participation, briefly attributing participation as “a special source of the rights and obligations of the person.”¹⁶ Here Wojtyla makes a connection between “the right to act and the obligation to fulfill oneself in action.”¹⁷ While most of the discussion is focused on the rights of others, this coupling of right and obligation speaks to the responsibility carried by one who has rights. If one is to claim a human right, one must also accept the accompanying responsibility in order to live out that claim. However, without an understanding of the good that is fulfilled in one’s dignity, one cannot intentionally act in a way to carry out that claim. It seems that if one is to meaningfully claim a right, then one must also understand how the action related to that right works toward the fulfillment of one’s dignity. It is unclear how one could properly claim a human right in a way that is a reflection of one’s dignity without that direction. So in claiming a right, one must understand both how it works toward fulfilling the good of that person *and* recognize that one has an accompanying obligation to fulfill that good.¹⁸

¹⁶ Wojtyla, *The Acting Person*, 273.

¹⁷ Wojtyla, *The Acting Person*, 273.

¹⁸ These ideas will be referenced again in proposing a Wojtylian principle of correlatives for human rights.

Wojtyla's focus on human rights expresses the intimate connection between these rights and the fulfillment of dignity. In claiming these rights for oneself, one must keep in mind the accompanying obligation. Additionally, when one encounters others and their rights, one must allow them to act and experience in a way that will lead to their own fulfillment. One must not assume that others' fulfillment will look precisely like one's own fulfillment, and so one must be careful not force others to act in a way that will lead to what one takes to be their fulfillment. Instead, one must act personalistically, that is, one must strive to see their good, understanding what it means for them to be persons. Only then can one help others toward their good.

Rights in Application

The three selections discussed above are an incredibly small sample from which to construct an account of human rights. For a broader foundation, I will look at several passages in the book *Love and Responsibility*¹⁹ where Wojtyla uses rights language generally, but does not refer to human rights. Typically he is addressing a misunderstanding of rights, particularly within sexual relationships, or the rights of God as Creator.

Correcting some misunderstandings concerning physical intimacy or tenderness, Wojtyla declares that it is mistaken to think that the emotion of love

¹⁹ Wojtyla also briefly uses rights language in "Parenthood as a Community of Persons" in *Person and Community: Selected Essays*. Vol. 4 of *Catholic Thought from Lublin*, edited by Andrew N. Woznicki, (New York, New York: Peter Lang, 1993), 337-8, but does not offer anything unique that is not gained in the writings in *Love and Responsibility*.

gives individuals “the right to sexual intimacy and to sexual intercourse.”²⁰ He appeals again to the idea that ethical experiences involve both objective and subjective parts. Love as merely an emotional experience lacks the objective purpose that is found in the commitment of marriage. Love in this sense “often has a purely subjective character, and is from the ethical point of view immature.”²¹ Merely having the subjective feelings of love does not produce the rights afforded by the objective purpose of love. Instead, “love completed by commitment of the will...requires that each of the two persons chooses the other, on the basis of an unqualified affirmation of the value of the other person, with a view to a lasting union in matrimony.”²² It is this love, by its perceiving and affirming the value of the other person, which grants the right to sexual intimacy and intercourse.

Ideally, the commitment with the objective purpose will be accompanied by the positive emotions of emotional love. However, the experience of the emotions does not conclusively serve as evidence of the proper commitment and purpose. In the same way that one should work to bring the experience of good emotions into congruence with one’s experience of the objective good, one should work to bring the emotions of love into congruence with one’s commitment in marriage. With regard to the aforementioned rights, they come with the responsibility of a lasting union grounded on the perception and affirmation of the value of one another. Here

²⁰ Wojtyła, *Love and Responsibility*, 185.

²¹ Wojtyła, *Love and Responsibility*, 185.

²² Wojtyła, *Love and Responsibility*, 185.

again, Wojtyla connects the claiming of rights with an obligation for the one with the right.

Wojtyla addresses a similar right, the “right to tenderness,” in a similar fashion in the same work. The right to tenderness between a man and a woman has a dual meaning; it is both the right to receive tenderness and the right to show it.²³ Again, he separates the feelings of love from the love itself, because of the complexities of romantic love. This love “is powered to a very great extent by sentimentality and sentiment, which themselves demand full and over-abundant satisfaction” and can “easily diverge from love of the person, and stray in the direction of sensual, or at any rate emotional, egoism.”²⁴ These emotions can create illusions of love, leading one to claim a right to tenderness to which one does not have the objective grounding and obligation that would grant that right. Indeed, Wojtyla claims that granting the right to tenderness requires a great sense of responsibility, for the rights may not be correctly enjoyed without the full obligation. “There undoubtedly exists a tendency... to enlarge those rights, to seek to enjoy them prematurely when both are only at the stage of the arousal of sentiment, and with it of sensuality, while the objective aspect of love, and the union of persons, are still missing.”²⁵

Tenderness must serve love on Wojtyla’s account. An incorrect enjoyment of that right may actually destroy love. It does this by cultivating a subjective sense of

²³ Wojtyla, *Love and Responsibility*, 204-6.

²⁴ Wojtyla, *Love and Responsibility*, 205.

²⁵ Wojtyla, *Love and Responsibility*, 205.

love without perfecting that objective love, which is the true good of love toward which one should be drawn through a correct enjoyment of the right to tenderness. Tenderness, when expressed correctly, helps to cultivate objective love, for it always has “in mind the true good of that person.”²⁶ So while one can claim a right to tenderness, both given and received, Wojtyla is clear that claiming this right cannot be done flippantly, but must be done in a context of love, looking to perfect the objective love shared between a man and a woman, working toward the common good of the persons involved.

The last examples of rights language that I will examine speak to the rights that God has as Creator. Because all of creation depends on the Creator for their existence, the Creator has “proprietary rights in all creatures.”²⁷ Individuals possess those rights for themselves inasmuch as they are fulfilling the good of themselves. If an individual does not work toward one’s own good, then one is not exercising one’s proprietary rights, for one can only have oneself as property if one is moving toward the fulfillment of one’s dignity. This is consistent with the personalistic understanding of self-determination explained in the previous chapter. Merely to act in freedom is insufficient for fully understanding oneself as a self. One must also possess oneself in a way that one is directing oneself toward the good. One can only have the rights that come with self-possession if one is possessing oneself toward one’s autoteleology.

²⁶ Wojtyla, *Love and Responsibility*, 207. I am quoting Wojtyla here, in part, to demonstrate that he uses the language of the true good of the person with regard to rights.

²⁷ Wojtyla, *Love and Responsibility*, 222-3.

In another place, Wojtyla talks about the rights of God and duties of human beings that derive from the divine-human relationship.²⁸ This highlights a shift in his pattern of thinking. Previously, Wojtyla places an obligation on the one who has the rights, such that if one claims a right, one must also admit an accompanying obligation toward the good in claiming that right. In discussions of God's rights, Wojtyla talks about the rights of God but the duties of human beings. I think this shift can be attributed to the fact that the human good is something that is not perfected, but is something toward which human persons are moving. Given the connection that Wojtyla makes between the claiming of rights and the obligation for fulfillment of oneself, God, being a perfectly fulfilled being, has no duties for himself on that matter. However, humans were created with an 'already, but not yet' dignity that acts as a calling on each one. Wojtyla does not assume that each person truly possesses one's self; rather he describes the possession of one's self it as a requirement of self-determination. God as Creator is the one who possesses each human person. As humans come into self-possession and exercise the rights that God has as creator, they also accept the duties that come with the fulfillment of that self. When one enters into relationship with God, one comes to recognize that one is fully dependent on God for one's existence and, as such, does not possess oneself, but can only possess oneself inasmuch as one is working toward one's autoteleology. As one begins to possess oneself in this way, one is taking on the proprietary rights of God, thereby accepting the obligation of fulfillment of oneself that comes with that possession. While this connection between rights and

²⁸ Wojtyla, *Love and Responsibility*, 245.

obligations is not as direct as some of the aforementioned instances, it continues the pattern seen in Wojtyła's use of rights language.

The Wojtylian Principle of Correlatives

To clarify a distinctive aspect of Wojtyła's use of rights language, I want to propose a *Wojtylian* principle of correlatives. This Wojtyła-inspired principle of correlatives differs from Wolterstorff's principle of correlatives (discussed in the second chapter) that expresses the idea that someone having a right produces a correlative obligation for another person. The Wojtylian principle is reflexive: it produces an obligation in the one who claims a right for oneself.

Before explaining this principle in more detail, I will note that while this principle is consistent with his usage of rights language, Wojtyła himself does not articulate this principle. This principle of correlatives neither implies nor contradicts Wolterstorff's principle of correlatives, because I am addressing a different relation than Wolterstorff. It is possible that one could affirm both Wolterstorff's principle of correlatives and the Wojtyła-inspired principle of correlatives.

The Wojtyła-inspired principle of correlatives is stated as follows:

If x claims a right R for oneself, then x has a correlative duty to use that right R to bring about x's own true good.

This formulation puts a different emphasis on rights from the perspective of the right-holder. Today it is not uncommon to see people claim rights for themselves, believing that their claiming of rights only creates duties for others, as Wolterstorff's principle of correlatives claims. However, under the *Wojtylian* formulation, to claim

a right for oneself is something that requires responsibility for the right-holder. This additional responsibility should not be taken lightly, for it requires that one have an understanding of one's own true good in order to fulfill the duty that comes with that right. A failure to recognize the corresponding duty by the right-holder does not remove the obligation from the right-holder, nor does it remove the right from the right-holder.

Recall that in the examples above, when Wojtyla speaks of the accompanying duty, he is speaking about the person who has the right. For instance, the right to act comes with the obligation to fulfill oneself. The right to tenderness comes with the obligation to share that tenderness only in the fullness of love found in marriage. When one claims a right, one also accepts an obligation. This obligation is focused on the bringing about one's own true good.²⁹ However, one must have a perception of one's own good in order for one to understand the obligation to bring about one's own good. This is similar to Wojtyla's discussion of the self in the previous chapter. One has to see oneself properly as a self who is directed toward a good in order to exercise one's self-determination. A failure to see one's good and to direct oneself toward that good does not mean that one does not have rights, but that one's claiming of rights and corresponding obligations are not being fulfilled.

When claiming a human right, one is asserting that, as a human person, one has a right to something through which one will better fulfill one's dignity, one's own true good as a human person. Claiming a right without acknowledging the

²⁹ In the right to tenderness example, any adequate notion of "one's own true good" must incorporate the true good of another person, one's spouse.

obligation that one has to fulfill one's own good is a misuse of rights claims. It is a failure to understand what it means to have that right. This misuse of the language does not negate the possession of the right, but the right loses its intimate connection with the good of the individual. The right still potentially provides something necessary to one's fulfillment of one's dignity, but without the connection of an obligation to fulfillment of that dignity, the right cannot be exercised correctly.

This Wojtylian principle of correlatives draws attention to two salient characteristics of Wojtyla's use of rights language: 1) rights are concerned with the development of the person and that person's perceptions, and 2) there is an important component of the common good in discussions about rights.

Pope John Paul II and Human Rights

The phenomenological experience of claiming a right closely parallels the experience of oneself as a person. Even if one does not experience oneself as a person (in the fullness of that term) or is not recognized by others as a person, it does not change the ontological status of one's personhood. In the same way, a failure to recognize what is entailed with having a right for oneself or a failure of others to recognize the right does not change the fact that one has that right. In the previous section, I discussed the phenomenological experience of having a right for oneself, the part of an account of human rights that is almost universally underdeveloped if not completely ignored. In this section I will briefly consider the way that we use of rights with regard to other individuals, looking at the papal writings of Pope John Paul II.

I am assuming a single authorship between the pre-papal writings as Karol Wojtyla and the papal writings of Pope John Paul II. For the sake of space, I will not be arguing for this single authorship, but will be following other authors in their discussion of human rights as a single authorship, drawing from both the pre-papal and papal writings without distinction.³⁰

Pope John Paul II uses human rights language frequently. As mentioned previously, he is credited with the heightened focus that the Catholic Church has on human rights. For the purposes of this project, these discussions will be very limited in scope. I will consider how his use of human rights language is consistent with personalism, and how a full account of personalism enhances our understanding of the human rights language in the works of Pope John Paul II.

Liberal Democracy and the Rights Language of Pope John Paul II

When one discusses the use of human rights language in Pope John Paul II, the emphasis tends to be on the grounding of those rights in human dignity. John Paul II stands up for the oppressed and clearly endorses human rights as a protection against their mistreatment. Some read these ideas as an endorsement of liberal democratic theory. In this section I will briefly outline ways that he is read as

³⁰ The most notable of these examples are *Who Is My Neighbor?: Personalism and the Foundations of Human Rights* (Thomas D Williams, Washington, D.C.: The Catholic University of America Press, 2005.) and *Persons and Liberal Democracy: The Ethical and Political Thought of Karol Wojtyla/Pope John Paul II* (Edward Barrett, Lanham, Maryland: Lexington Books, 2010). A third recent work that discusses human rights from the perspective of John Paul II is *The Way of Life: John Paul II and the Challenge of Liberal Modernity* (Carson Holloway, Waco, Texas: Baylor University Press, 2008).

arguing for liberal democratic theory in *Centesimus Annus*, *Veritatis Splendor*, and *Evangelium Vitae*.³¹

The case for reading John Paul II as a supporter of liberal democratic theory hinges on the way we interpret his use of rights. In these three encyclicals we see an emphasis on human rights being grounded in and an expression of the dignity of a person. The dignity that produces these rights is expressed in the freedoms that accompany the autonomy of individuals. These rights are about providing the things necessary for individuals to reach toward what is the good for themselves.

In *Centesimus Annus*, John Paul II affirms the teachings given in *Rerum Novarum* by Pope Leo XIII concerning economic and political justice, and the accompanying human rights to a fair wage, private ownership, freedom, and expression. The discussion of human rights sounds similar to Wolterstorff's discussion, focusing on the rights of others as a protection of their value as human persons and offering something similar to Wolterstorff's principle of correlatives. John Paul II affirms much of The Universal Declaration of Human Rights by the United Nations in this encyclical, showing his commitment to a broad expression of human rights to protect the dignity of human persons. In *Veritatis Splendor*, John Paul II discusses the role of human rights within the moral life. He affirms that human rights are universal to all human persons in all situations and these rights can never be revoked. In *Evangelium Vitae*, John Paul II speaks at length about the

³¹ I am referencing these three encyclicals, as they are what tend to be referenced when making this case. Additionally, these are the three encyclicals I will consider for my alternate understanding.

right to life, especially as it pertains to the unborn, the terminally ill, and those on death row.

Those who approach these encyclicals from the perspective of liberal democratic theory read them as resonating with that theory.³² For instance, a strong emphasis on the autonomy and dignity of the individual is found in both John Paul II's work and in liberal democratic theory. Some passages within the encyclicals that deal with negative rights seem to echo the liberal assumption that society is agonistic: they emphasize such rights must be protected, for if one does not recognize and respect others' rights, one would naturally look to only advance one's own interests, with no concern for the interests of others; and they suggest these rights are necessary to keep order since people are competitors for various personal goods. This line of interpretation of the work of John Paul II appeals not only to the use of negative rights, but also to the introduction of positive rights. The encyclicals say it is not enough to simply protect citizens from one another, but the rights of the worker must be protected against the employer.³³ By not giving due attention to the personalism of Wojtyla, these interpreters read the encyclicals in a way that results in significant agreement with Wolterstorff and as unwitting endorsements of the problematic assumptions of liberal democratic theory in the usage of rights language. If one were to hold this view, one would have to explain away the passages that stand at odds with key assumptions of liberal democratic

³² Holloway's book (*The Way of Life: John Paul II and the Challenge of Liberal Modernity*) at times makes a similar connection.

³³ In this sense, the rights of the worker are both negative rights (e.g., right not to have contracts violated) and positive rights (e.g., right to be paid a fair wage).

theory as failures in logic, or failures to recognize the connection between the use of human rights language and these problematic assumptions.

Additional Insights from Moral Psychology of Personalism

If we approach the human rights language of these encyclicals from the perspective of Wojtyła's personalism, we can read them in a way that does not result in falling into the problematic assumptions of liberal democratic theory. In all three encyclicals, the human rights language is a way of protecting human persons from harm and mistreatment, a point agreed upon by the liberal democratic theorists. However, the difference is that rights language is deployed not primarily (or not only) to protect persons from mistreatment, but to correct misperceptions of the dignity of the humanity of oneself and others. In this section I will explain how the appeals to human rights in the encyclicals push us not only to refrain from actions that would violate the dignity of other persons, but also to correctly perceive their value and treat them with the respect that is proper to that perceived value.

In *Veritatis Splendor*, John Paul II discusses the foundation of human rights and the purpose of these rights, embracing the autonomy of the individual, but in a way that differs from the understanding of liberal democratic theory. John Paul II looks to natural law, as it speaks to the good of human persons, to provide these rights.

Liberal democratic theorists celebrate the autonomy of the individual because they hold to a social atomism, celebrating the individual over, and sometimes against, society. While John Paul II uses the language of autonomy, he

does not use it as liberal democratic theorists typically do. For instance, he says, “The rightful autonomy of the practical reason means that man possesses in himself his own law, *received from the Creator*. Nevertheless, the autonomy of reason cannot mean that reason itself creates values and moral norms” [italics added].³⁴

Autonomy is not a protection of self over and against all others. Instead, autonomy is an internalization of the natural law (i.e., the law grounded in God’s creative activity) so that the law does not force one to adhere to values and norms that one would not want to hold. The law is then something that the autonomous person lives out, making the values and norms of the natural law one’s own. Protecting one’s autonomy takes on a different look when understood in this way: the autonomous person is concerned about internalizing the natural law in one’s life, and recognizing the rights that allow persons to fulfill themselves toward the good of this embraced law. Therefore, when speaking about promoting the human rights of another, it is promoting that person’s journey toward the fulfillment of human dignity and autonomy.

This promotion does involve the protection of those goods necessary to the fulfillment of one’s dignity, but it is not simply about protecting those goods. Additionally, one must be concerned with understanding what it means for that individual to fulfill the call of one’s dignity, or to put it in terms of the previous chapter, one must perceive the humanity of the other. I do not want to minimize the importance of the protection of the necessary goods. This protection is all that can

³⁴ John Paul II, *Veritatis Splendor*, §40.

be enforced by an outside body like the government and is the focus of legal conceptions of human rights. However, a moral conception of human rights is not content with merely protecting the necessary goods, but also looks to the fulfillment of the good in oneself and others.

The other two encyclicals paint a picture of human rights focusing on the fulfillment rather than the protection of the goods. This is clearest in *Evangelium Vitae* when John Paul II discusses the right to life by considering three examples of human persons whose human dignity is often overlooked or ignored: the unborn child, the terminally ill person, and prisoners on death row. In each case the right to life is invoked because the humanity of the other is often misperceived or not perceived at all.

Consider first the case of the unborn child. If one perceives that the unborn child is a human person with human dignity to fulfill (in the personalistic way discussed in the previous chapter), then one would not consider taking the child's life at will. Given this perception of and resulting stance toward the unborn child, discussion of the child's right to life is unnecessary. Only if one fails to correctly perceive the unborn child as a human person with dignity would one consider taking the child's life at will.³⁵ Given this misperception, a discussion of the right to

³⁵ A powerful reminder that we are considering the life of a human person with dignity and value can also play into the discussion of abortion in difficult cases where the life of the child and mother are at stake. While I am not advocating for an absolute answer on how to handle these cases, the difficulty arises because we are dealing with the lives of human persons. We do not want to diminish the value of either person, and any decision made in the situation must acknowledge that human lives with dignity and value may be lost. I am open to the possibility of taking the life of a person in a way that maintains a correct perception of the value and dignity of that person, and believe that John Paul II expresses a similar view in this encyclical. I am uncertain what this would look like in actual application, but I am open to the possibility that such a procedure could exist.

life raises awareness that the unborn child is a human person and reminds those involved to adjust their perceptions of the subject accordingly. In the case of the terminally ill person, the recognition of the right to life is intended to play a similar role.

Admittedly, there may be an important practical difference between these two cases: in contrast to the once flourishing adult whose capacities are being steadily degraded by terminal illness, it may be more difficult to perceive the dignity of the unborn child, in part, because the moral value of the child has not been developed. However, there is no moral difference between the two cases. This can be explained by the role that perfectionism plays in Wojtyla's personalism. Recall from the discussion in the previous chapter that the moral development toward perfectionism does not change the ontological status of an individual, but it does make it easier for others to perceive the humanity of that person. It does not change that the unborn child has value as a human person, but as the child is undeveloped with regard to moral value, it can be difficult to see the dignity and humanity of that child.

The distorting effect that the degradation of a subject's capacities has on the perception of their humanity and dignity is most clearly seen in the case of prisoners on death row. When persons are actually guilty of the horrendous crimes that warrant the death penalty, it can be especially difficult, if not virtually impossible, due to their moral degradation for them and others to perceive their

humanity and dignity. John Paul II argues that their human value and dignity should, at the very least, give us pause about denying these prisoners right to life, despite how distorted that value may be.³⁶

In *Centesimus Annus* the language of human rights is similarly deployed to correct misperceptions of human value and dignity. He tells us that “the main thread...of all of the Church’s social doctrine is a correct view of the human person and of the person’s unique value.”³⁷ For sake of illustration, I will highlight one of the human rights discussed in this work: the human right to a “just wage.” John Paul II rejects the notion that a just wage is whatever payment is freely agreed upon by the parties; rather, a just wage must allow the full-time employee “to support himself, his wife and his children.”³⁸ Why should someone have a right to a greater wage than the one that this person agreed to accept? I suggest it is because a person

³⁶ Some may argue that the value and dignity does not preclude capital punishment, but that capital punishment is an acknowledgment of that dignity, bringing consequences for the action that the person brought about through one’s self-determination. In this situation, I will refrain from making a judgment, but at the very least, the perception that we are dealing with a human person in capital punishment and that capital punishment takes the life of a human person with dignity and value as a human person is something we must carefully consider when discussing the permissibility of capital punishment.

³⁷ John Paul II, *Centesimus Annus*, §11. It is worth noting that he echoes ideas stated above from other encyclicals later in that encyclical he tells us that “the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups, beginning with the family and including economic, social, political, and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good” (§13). The State must acknowledge human dignity in its members, but cannot bring about the fulfillment of human persons. He permits that the State may have a meaningful role to play in the fulfillment of human persons, but that it is by no means exhaustive, needing these communities (the *we’s* of the previous chapter) to fulfill human persons. How the State acknowledges dignity both in its own actions and in its support of the flourishing of the communities is something that should be fleshed out in more detail. Given the focus on moral rights and the role of the communities in this dissertation, this discussion is beyond the scope of the present project.

³⁸ John Paul II, *Centesimus Annus*, §8. Neither an exhaustive list of all the goods that should be afforded by a just wage nor a monetary amount for their acquisition (which would vary from place to place and age to age) are necessary for the discussion at hand.

would agree to an unjust wage only if there were a misperception of the dignity of the person. When employers correctly perceive their employees value and dignity, they will not offer wages that are unjust (or will be prepared, upon reflection, to adjust their initial offers to make them just). Likewise, when employees correctly perceive their own value and dignity, they will not pliantly accept unjust wages, for this would be unfitting of their dignity.³⁹

A Fresh Perspective on Human Rights

In the single authorship of Karol Wojtyla/John Paul II, three characteristics that are unique to an account of human rights are salient: 1) Human rights are moral rights that direct human persons toward the good and human rights language is most appropriate in situations where the humanity of an individual is being misperceived; 2) A claim of human rights for oneself includes obligations that one must fulfill; and 3) Human persons can play a role in how easily their humanity is perceived by others and how well they perceive the humanity of others.

Human Rights as Moral Rights

I have not explicitly made a case for the claim that human rights are moral rights that direct us toward the good, but this claim has been at work throughout the discussion of this dissertation. When one speaks of human rights, one typically

³⁹ It is worth noting that while these discussions of human rights often have a grounding in natural law, a fuller, Trinitarian account of human dignity would not only be compatible with the previous discussion, but would enrich the account. When one considers the role that perfectionism plays in Wojtyla's personalism, on a cursory reading, one may have a vague idea of what is meant by perfectionism, allowing a wider audience an entry point into the discussion of personalism. However, on further reflection, one cannot make sense of perfectionism in Wojtyla's thought apart from a rich, Trinitarian understanding of perfectionism. Similarly, while Wojtyla may not use Trinitarian language in his discussions about human dignity, appealing primarily to natural law, a full reading of what Wojtyla means by human dignity includes Trinitarian thought.

understands them in an external and quasi-legal fashion: that is, human rights put limits on one's actions, preventing one from acting in a certain way or requiring one to act in a certain way; failure to do so will count as wrongdoing, and when appropriate, be criminally prosecuted. Even when consider human rights are understood as moral rights, they might be taken to be legal rights that are enforced by God, with failure to respect these rights resulting in divine punishment. On either understanding of human rights, it would be possible for one person to perceive another as less than human, while doing all of the external actions that human rights require. In this situation, the latter's human rights would be respected without the acknowledgment of the humanity of the latter by the former.⁴⁰ If we are to understand rights as a moral concept, they should do more than produce the right external action, but also play some role in the moral development of a person.

In the alternate perspective suggested by Karol Wojtyla/John Paul II, rights are moral concepts that play an important role in our moral development. Beyond simply directing actions, rights serve as an alert to our misperceptions of the humanity of other persons. If everyone always had proper perceptions of the dignity and humanity of other persons, there would be no need for rights language, for everyone would be treating all other human persons with respect to their dignity and value. It is not the case that there would not be rights, but merely that the need to claim rights would be absent. When human rights are being claimed properly,

⁴⁰ One may respond that there is an implicit acknowledgment of the humanity of the latter by the former in respecting the human rights of the latter. However, we can imagine a situation where the former is acting purely out of fear or some other means that does not require the internalization of the latter's humanity. Because the former believes that God would count the latter as human, the former feels a need to satisfy God, even though the former does not agree with God's perception.

there is a corrective function going on: a misperception of the humanity of an individual is being identified, admonished, and reformed.

This misperception may have one of two sources. The first possible source of the misperception is that one simply fails to perceive oneself or another as a human person in a fitting fashion. The personalism of Wojtyla explains how this could happen. Each person has an inescapable subjective experience of the world through which one understands all perceptions. When one understands oneself as a human person, one's self becomes the paradigm for understanding what it means to be a human person. If one fails to engage in participatory relationships or in *we's*, then it is possible that one's understanding of what it means to be a human person is confined to one's own experience as a human person. This person then looks at other persons and realizes that the others are not entirely like oneself. Because one understands oneself as the paradigm of humanity, one may consider that no one is quite as human as oneself, for no one else is as much like one as oneself. If no one is quite as human, then no one has quite as much human value as oneself does, making one's own human rights more urgent than any one else's human rights. Additionally one could mistakenly think that a non-essential trait of one's humanity was actually essential, leading that person to discount incorrectly the full humanity of another who might lack that non-essential trait.

The second possible source of misperception acknowledges the person's humanity, but misrepresents its value. In these situations, a person correctly perceives the other as a human person, but misperceives how one should treat someone that one perceives as a human person. This is a misperception of the value

of human persons, which would result from a misperception of the value of oneself as a human person, assuming that one properly perceives that one is a human and the other is a human person as well. This reflects that is insufficient to have the proper perception of things, but that one must also value those things correctly.

In both cases, when human rights language is used, it is to draw attention to a misperception, whether of the humanity of the person or of the value of the person's humanity. If one is truly striving toward the good, then one will take these alerts seriously and try to adjust one's perceptions and valuations correctly. Not all uses of human rights language are proper uses of that language. Misuses of human rights language occur in two ways that parallel its proper use discussed above: one attributes human rights to objects that lack human dignity, or one mistakes the value of the dignity (as when one believes that it entitles one to additional goods that are actually unnecessary for the fulfillment of one's own humanity). However, if one were to perceive the value of human persons correctly, both of oneself and of others, then one would not misuse human rights language.

Human Rights and Accompanying Obligations

The idea that a claim of a human right for oneself includes obligations that one must fulfill has been discussed at some length earlier this chapter when considering Wojtyła's use of rights language. To summarize briefly, human rights come with obligations to fulfill oneself as a human person. These rights are to things that are necessary to the fulfillment of oneself as a human person, and upon acquisition of these things, one must use them for that fulfillment.

This characteristic in an account of human rights is not entirely unique to Wojtyla,⁴¹ but is often overlooked in many discussions of human rights. Often rights are claimed with little thought of any responsibility or obligation of the rights holder. Wolterstorff notes that the problem with rights tends to be in the claiming of rights, rather than the nature of rights themselves.⁴² The characteristic offered by Wojtyla helps to address that particular problem. If those who claim human rights for themselves claim those rights with an awareness that they then have an obligation to perceive what is good properly and work toward its fulfillment, the claiming of rights should become a much more tempered act than it is in our world today.

One question that can be raised concerns claiming rights for other individuals: If one must acknowledge an obligation for oneself when one claims a right, what happens when one claims a right on behalf of another individual? People should strive to see the good properly and their actions will accompany those perceptions. When one claims a right for another, one is saying that the other needs this good in order to perceive the good properly or to act toward the fulfillment of that good in their life. Because one sees the good of the other, one speaks in a way to help the other see that good or move toward that good by claiming a right for that other. If the other sees the need for the thing for which a right is claimed, the other is also acknowledging the accompanying responsibility to fulfill the good.

⁴¹ Among the authors who make claims about the connection between responsibilities and rights are: Andrew Clapham, (*Human Rights: A Very Short Introduction* (Oxford: Oxford University Press, 2007)) and Richard Hooker, (as explicated by Esther D. Reed in *The Ethics of Human Rights* (Waco, Texas: Baylor University Press, 2007), 43-65).

⁴² Wolterstorff, *Justice: Rights and Wrongs*, 7.

What happens when the other does not recognize the good or the need of the thing for which a right is claimed in order to move toward the good? Does the other have an obligation because one has claimed a right for the other? A hypothetical example can help make the point. Imagine a group of individuals that have joined together in an attempt to help address in another nation the conditions of poverty that keep its citizens from the opportunity to fulfill their respective goods. After doing some research, the group realizes that the lack of access to clean water is playing a significant role in preventing these individuals from fulfilling their respective goods. In the process, the group claims that the human rights of these individuals are being wronged, and take upon themselves the obligation to right the wrong. The group raises money and goes to the country to help dig wells with the people, provide them with water filtration systems, and show them how to use and maintain these technologies. Because of the work of this group, the people of this area gain access to plentiful amounts of clean water and their lives improve. However, after six months they stop taking care of the water filtration system which falls into a state of disrepair, and eventually they fill the wells back in with dirt, despite the group's best efforts to help them address this serious problem. Eventually they return to the situation they were in before the group came to help. These people never claimed the human right to clean water for themselves. That right was claimed for them. Yet, the group who claimed the right for the people cannot help but feel wronged on some level by the people's failure to use the water in a proper way.

To many, it seems like the people did have some kind of obligation, not necessarily because the right was claimed for them, but because they were given the good. It is helpful to be reminded of Wojtyla's understanding of human dignity acting as a call on the life of person. In this way, all human persons have a calling, such that, when given what is needed to help one fulfill one's dignity, this dignity serves to guide one to act responsibly with that resource. However, a failure on behalf of the individuals to recognize their dignity or the connection between that resource and the fulfillment of the dignity does not remove the calling.

Does the calling to fulfill one's dignity create an obligation in all human persons? To equate the calling with an obligation is too strong. The calling first requires one to perceive one's own dignity in a meaningful way before one can understand the obligation to fulfill one's dignity. This calling is a first step toward the fulfillment of one's own dignity. As one comes to perceive one's own dignity, one can recognize what is needed to help fulfill that dignity, and then as one gets the things needed to fulfill that dignity, one also has an obligation to work toward the fulfillment of that dignity.

Returning to the example above, it seems that the failure on the part of the people lacking water stems from a failure to perceive themselves as human persons or to understand the connection between clean water and the fulfillment of one's human dignity. I believe the latter would more likely be the case. A brief modification of the example is more clearly a case of the latter. Imagine now that the benefactor group sees the need for Internet access as something necessary to

the fulfillment of one's dignity as a human person.⁴³ They work to provide wireless Internet and iPads for all the people of that region, only to find six months later that the iPads have all been trashed. Assuming that Internet access is a human right (an admittedly tenuous assumption), it is clear that these people do not understand how the resource given them can help fulfill their dignity as human persons.⁴⁴ When one recognizes the need for something in another to fulfill the other's dignity as a human person, claiming a violation of the other's human rights, it is insufficient to simply give the thing that is needed to fulfill one's dignity and good as a human person. Instead the other must both receive that to which he has a right *and* understand how this to which the other has a right helps to fulfill one's dignity as a human person.⁴⁵

To Perceive and Be Perceived as a Human Person

The third characteristic notes the role that one plays in how easily one's humanity is perceived by others as well as how well one perceives the humanity of others. This characteristic is a result of the perfectionism within Wojtyla's

⁴³ A UN Report on Human Rights declared in June 2011 that they hold internet access to be a human right for all persons. (<http://www.wired.com/threatlevel/2011/06/internet-a-human-right>, (accessed February 14, 2012)) This has not been amended to any official document and I think it is unlikely to actually qualify as a human right, but serves as an additional example of the extent to which people will use the language of human rights.

⁴⁴ An equally strong case could be made that this example serves as judgment on the claim that Internet access is a human right, showing it to be a highly unlikely claim.

⁴⁵ One book that discusses a similar understanding with relation to poverty is *When Helping Hurts: How to Alleviate Poverty without Hurting the Power... or Ourselves* (Chicago, Illinois: Moody Publishers, 2009). While they do not frame their discussion in terms of human rights, they do talk about the necessity of reaching out to people in a way that only gives them what they need, but also helping them understand how these resources are helpful and invest them in their own fulfillment.

personalism.⁴⁶ In the previous chapter, I cited the epistemic role of perfectionism in making human dignity more easily noticed in a human person. When he uses the language of moral perfectionism, he is not saying that one can become more or less human, but that the dignity of the person can become more or less perceptible to others.

When this perfectionism is applied to an account of human rights, how likely one's human dignity is to be perceived by others is related to how well one has fulfilled one's own dignity. If someone has fulfilled one's own dignity more fully than not, then when others see that person, they are more likely to perceive that individual as a human person. An example of a person in this situation would be someone like Mother Teresa. Nearly everyone looks at Mother Teresa and thinks of her not just as a human person, but as a good human person. While it is difficult to conclusively state that she was a person who fulfilled her own dignity more fully than not,⁴⁷ from the outside perspective available to others, her actions demonstrated someone who was acting in her self-determination to fully actualize her self and dignity as a human person.

In addition to having her human dignity more easily recognized because of her moral fulfillment, Mother Teresa was also able to recognize the human dignity in

⁴⁶ I believe that the perfectionism is the most overlooked part of Wojtyla's personalism with regard to accounts of human rights. Of the three recent works discussing Wojtyla/John Paul II's personalism with human rights (*Who Is My Neighbor?: Personalism and the Foundations of Human Rights, Persons and Liberal Democracy: The Ethical and Political Thought of Karol Wojtyla/Pope John Paul II*, and *The Way of Life: John Paul II and the Challenge of Liberal Modernity*), none of them cite the perfectionistic essays of Wojtyla, or even list them in their bibliographies.

⁴⁷ Given that we cannot directly access the dignity of another person due to having an inescapable subjective experience of the world, we cannot conclusively make judgments with certainty on the dignity of another person. However, we can see the fruits that typically accompany the development of that dignity, and make reliable, but not certain judgments based on that.

others because of this fulfillment. When one looks at her work on the streets of Kolkata, there is little question that she recognized the human dignity in those who are typically overlooked, in those who are often considered to be without dignity. The perfection of her self not only made her dignity easier to recognize but allowed her to more easily perceive the dignity in those who are often treated without dignity.

This result is not unexpected on Wojtyla's account of personalism. The actualization of one's own dignity and self will result in a better understanding of what it means to be a human person. As one gains this understanding, one will also be able to use that understanding when perceiving the human dignity of other persons. This perfectionism reduces the need for the claiming of human rights, on one's own behalf or on behalf of another, for the perception of human persons is the goal of human rights language.

Wojtyla and Wolterstorff

While many comments could be made concerning Wolterstorff's account of human rights with regard to the Wojtyla-inspired account of human rights, I will limit the discussion to two areas: 1) both accounts connect human rights with the flourishing of human beings, and 2) both accounts contain a principle of correlatives, although these principles differ in an important respect.

In the second chapter, I explained Wolterstorff's account of human rights, demonstrating that he sees an important connection between the respecting of rights and promoting the good of human beings. However, by using the modern model of agency in constructing his account of human rights, he ends up with a

flawed distinction between eudaimonia and the flourishing life. If we remove the modern model of agency from his account, replacing it with something like Wojtyla's personalistic model, does this flaw evaporate?⁴⁸

For Wolterstorff, the failure of eudaimonism to account for all of the life-goods that human rights protect leads him to introduce a flourishing account of the good life. Wolterstorff thinks individuals have rights to some life-goods that are not required for their proper functioning. Because people have rights to things that are not required for their proper functioning, he draws a significant distinction between eudaimonia (that is, the well-functioning life, which Wolterstorff finds lacking) and the flourishing life. Wolterstorff mentions the right not to be pruriently spied upon as an example of a right essential for flourishing, but not required for eudaimonia. He imagines life could appear both flourishing and well-functioning to a quarry who is unaware of the spying, yet the quarry's life be actually well-functioning but not flourishing due to being spied upon. This is true because, from the quarry's perspective, there is no phenomenological difference between enjoying one's privacy and being blissfully ignorant of having lost one's privacy, and therefore, Wolterstorff assumes, there is no impact on the quarry's functioning.

Wojtyla's personalism helps us see what is wrong with this critique of eudaimonism by calling attention to the proper seeing of the other and the contributions that this seeing makes toward the development of oneself. He can accept the parameters of Wolterstorff's example, but insist that there is a serious

⁴⁸ Because the modern model of agency is so deeply embedded in Wolterstorff's account of human rights, it is difficult to argue definitively that this modified account would escape all of the problems I ascribed to his view in Chapter Two.

failure of well-functioning. For instance, there is no question that the spy is failing to perceive the human dignity of the quarry, even if the spy and the quarry do not recognize this failure. The quarry's dignity is clearly being misperceived, through no fault on the part of the victim. On Wojtyla's view, human rights language helps to recognize when one is being misperceived as a human person, working with the assumption that human rights are about both the individual who has the right and the individual who should respect that right. Additionally, this is a clear violation of the community's work toward a common good. A community with these spies cannot be a *we* working toward a common good; and while the spying may not appear to affect the functioning of the spy or the quarry, it affects their functioning by undermining the community of which they are members. In Wojtyla's personalism, the *we* plays an important role in the self functioning properly, such that the self's good cannot be understood separately from that *we*.

Even more, this spying is a clear violation of the right to tenderness discussed by Wojtyla. The spy is not committing to the other person, yet, is receiving benefits of a sort that are granted only by that right. The violation of this right, even when unknown by the quarry, is a violation of their fully functioning as a human person. The quarry may still function well, but they are prohibited from fully experiencing the good.⁴⁹

So Wolterstorff is incorrect in saying that eudaimonism fails to account for these life goods, for when correctly understood with the proper model of agency

⁴⁹ At some point, Wojtyla may say that the spy is wronging himself even more than the quarry by the devaluing of himself. While there is a difference between spying and entertaining immoral thoughts about others, the similarities between the two can be understood as a matter of wronging oneself in these actions.

demonstrated by Wojtyla and Brewer, these life goods are necessary to function as a human person on the eudaimonistic account.

The second point of discussion is that both Wolterstorff and Wojtyla have a principle of correlatives at work in their writings. Wolterstorff's principle says that if someone has a right, then another person has an obligation to that person concerning that right. Wolterstorff is focused on how rights are used in interactions between individuals. Wojtyla does not disagree with Wolterstorff but adds an important phenomenological component to the use of human rights. For Wojtyla, if one is to claim a human right, one must also recognize a responsibility or obligation to use that for which one claims a right toward the fulfillment of one's dignity as a human person.

Wolterstorff's focus is on the rights of others and bringing about their flourishing. While pointing at the claiming of rights as the place where most abuse of rights happens, Wolterstorff fails to give an account of what it means to claim a right. When considering the rights of others, there is a sense that giving them that to which they have a right will help promote their flourishing, while failing to recognize that they must play a role in bringing about their flourishing.

When an individual fails to recognize the accompanying obligation that comes with the provision of a right, there is a moral failure. While it is clear that this individual (likely including the individual's environment or upbringing) is at fault for this failure, the benefactor also bears some level of responsibility for this failure. The benefactor may have performed an incomplete action, failing to inform the

recipient of the obligation that accompanies the right. In this case, the recipient is not the only blameworthy participant.⁵⁰

Wolterstorff's failure to include something like what I have called the "Wojtylian principle of correlatives" is a significant lacuna in his account. This additional characteristic of an account of human rights offered by Wojtyla enriches an account of human rights by not just focusing on the rights of others, but also in the responsibility that each individual plays in one's own flourishing and not just the role and responsibility others have in that flourishing.

Wojtyla and Hauerwas

Hauerwas criticizes the modern model of agency, highlighting its inability to promote a social, communitarian understanding of the lives of human persons. While his critique is helpful, in the second chapter I argued for its inadequacy due to the overemphasis on the role of narrative. The more significant problem with Hauerwas's position is that he incorrectly interprets human rights and the accompanying language as necessarily reflective of the modern model of agency.

Hauerwas does not allow for the possibility that rights may play some role in directing us toward the moral good. He sees all rights as legal or (what I called) quasi-legal rights. While Wojtyla's account does not preclude a role for legal rights,

⁵⁰ One can imagine that the benefactor may have explained the accompanying responsibility and obligation, but the recipients rejected that responsibility or were incapable of seeing the obligation through. If the recipients reject the responsibility, it is unclear that the benefactor acts wrongly, for the recipients are working against their own good and the benefactor cannot be held responsible for the recipients' decision. If the recipients are incapable of seeing the obligation through, then this may increase the responsibility of the benefactor not to simply provide the good, but also help provide the means to use the good to help the recipients bring about their own flourishing. This is a topic worth developing in greater detail in another project.

Wojtyla's understanding of human rights as primarily moral rights allow for human rights to serve a constructive, unifying role as opposed to the divisive role that Hauerwas understands them to play.

By reframing the understanding of human rights as moral rights that are not quasi-legal (that is, very similar to legal right with God as the enforcer of those rights instead of a government), Wojtyla blunts the criticism that Hauerwas levels against accounts of human rights. In fact, Wojtyla's view looks like it would complement Hauerwas's type of virtue ethics. By making the enforcement of rights secondary to adjusting perceptions, a Wojtylian account does not divide people, focusing on the autonomous individual; instead, human rights are something that help people to see the human dignity in one another and themselves. When one perceives the value of another human person correctly, then that one will work toward the fulfillment of that dignity in that person. Considering the role that the common good plays in the personalism of Wojtyla, human rights are not just about interpersonal relationships, but also about the communities of individuals working together for a common good.

Wojtyla uses language that resonates with Hauerwas's critique of the autonomous individual, embracing the role that the community plays in shaping the individual. Wojtyla argues that we cannot understand the human person without considering the role that membership in the different *we's* plays in shaping the individual. Wojtyla does not go so far as to claim narrative as a replacement for agency as Hauerwas seems to, but he does admit that community and history are significant factors in who the human person is and that one cannot understand the

human person apart from those factors. When narrative is the source of agency, there is no need for rights language, for narrative shapes one's perceptions of human persons and the good of those persons. However, who one is and how one sees the world is largely made up of narrative. If one has a narrative of being abused, it has shaped who that person is today; likewise a narrative of abusing others reshapes the abuser. Without a discussion for how an individual takes responsibility for one's movement toward the good, there is no need for rights language. However, when it is clear that individuals must take responsibility for the development of each one's respective self and the perceptions of oneself and made by oneself, human rights can help bring that development about in an important way that is not available to an account like Hauerwas's.

Conclusion

In this chapter, I have not attempted to explicate a complete account of human rights. Instead, I have highlighted a handful of characteristics of human rights found in the writings of Wojtyla/John Paul II and argued that these characteristics point us toward a more meaningful account of human rights. The model of human agency presented by Wojtyla shifts one's understanding of human rights in significant ways. By focusing on the role that proper perception plays in one's development as a human person, human rights become important ways of shaping one's perceptions of human persons and the good of those persons.

CHAPTER FIVE

Concluding Remarks

In this dissertation I have explored the connection between one's account of human agency and the understanding one has of human rights. Before discussing the connection between the two, I put forth two understandings of human agency: the modern, world-making model of agency and the ancient, motivating-good model of agency. The world-making model of agency believes that every action is an attempt by an agent to make the world fit the agent's desires. When coupled with correct beliefs, desires follow, leading to actions that attempt to make the world as the agent desires. The motivating-good model of agency involves the agent seeking to more closely conform oneself to and reach a kind of unity with the good that draws one into action.

After explaining the two conceptions of agency, I discussed how human rights might be understood using each of these conceptions of agency. I discussed how the world-making model of agency would understand human rights as boundary limits, and the goal of human rights is to keep agents from violating these limits. The motivating-good model of agency understands human rights as markers of the intrinsic goods that draw one into the life of other persons, helping one to be sensitive to the good of other persons.

In Christian moral theory both connections between the understanding of human agency and accounts of human rights are represented by important figures.

In the second chapter of the dissertation I explained the accounts of justice and human rights from Nicholas Wolterstorff and Stanley Hauerwas, using assumptions within liberal democratic theory to help draw clear distinctions between the two. While I showed that both find the assumptions within liberal democratic theory to be problematic, the differences on these issues can be seen as differing foci between the two thinkers. Wolterstorff is concerned with explaining what a liberal democratic society would look like that would allow the Church to flourish, while Hauerwas is primarily concerned with society of the Church and that flourishing.

I also demonstrated that Wolterstorff and Hauerwas share a belief concerning the connection of the understanding of human agency and human rights; they both hold that the modern, world-making view of agency is closely connected to accounts of human rights. I explained how Wolterstorff wrongly embraces both the model of agency and the accompanying account of human rights that follows from that model. I also explained how Hauerwas correctly rejects the world-making view of agency, leading him to also reject the use of human rights in Christian moral theory. At the end of the second chapter, I demonstrated that Hauerwas lacks an adequate account of agency to account for the role that we can play in forming ourselves toward the good, and thereby does not have a place for human rights in his ethics.

In the third chapter, I argued that an adequate account of human rights requires an account of moral experience and the formation moral agency. I demonstrated that Wojtyla's account of ethical experience, coupled with his personalism, present a model of agency that fulfills this requirement. On that

account, understanding one as a self, an *other* and as part of a *we*, play essential roles in shaping our perceptions of ourselves and others as human persons. These perceptions are connected to the human dignity of an individual. While Wojtyla understands this dignity as something within every human person, he believes it also serves as a calling on each person, as something we must work to fulfill within ourselves. We must work to fulfill that dignity in the fullness of one's experience as a human being, incorporating the richness of Wojtyla's personalism in that experience.

I then discussed Wojtyla's moral perfectionism, which pushes us to strive toward a life of full participation in the humanity of those around us, by becoming good persons. I also considered some possible misinterpretations that one could have of Wojtyla's personalism, especially with regard to the moral perfectionism. These ideas laid the groundwork for the final chapter where I highlighted a number of characteristics of human rights found in the writings of Wojtyla/John Paul II.

In the final chapter, I did not give a complete account of human rights, focusing on a handful of characteristics from Wojtyla/John Paul II that point us toward a richer account of human rights in Christian moral theory. After giving an overview of the use of human rights in both pre-papal and papal writings, I constructed a Wojtylian principle of correlatives, observing that when one claims a human right for oneself, that one also takes on the responsibility of using the good of that right for the fulfillment of one's dignity as a human person. I then showed how Wojtyla's perfectionism within his personalism shifts one's understanding of human rights in significant way. As one moves toward the fulfillment of one's dignity, that

dignity becomes easier for others to perceive. However, as one moves away from the fulfillment of one's dignity, one does not lose one's humanity, but it becomes much more difficult for others to perceive. Yet, we find that those who are moving toward the fulfillment of their own dignity are able to perceive more easily the dignity of others, even in those who make it most difficult for their dignity to be perceived. With this in mind, I argued that human rights language serves as a corrective on our perceptions. When we are misperceiving the human dignity of another person and/or misvaluing that dignity, human rights help us to redirect our perceptions and to perceive something we had previously overlooked and/or previously valued incorrectly. By focusing on the role that proper perception plays in one's development as a human person, human rights become important ways of shaping one's perceptions of human persons and the good of those persons. When understood in this way, this becomes a rich account of human rights that plays an important role within Christian moral theory.

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