

Reforming Dignity

Undergraduate Thesis

Rachel Tams

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Primary Supervisor: Dr. John von Heyking, Political Science Department

Secondary Supervisor: Dr. Harold Jansen, Political Science Department

Chapter One: Human Dignity's Vacillating Definition and the Problems in the Human Rights Movement

Human dignity as a concept has existed throughout the centuries of world history, but its use has increased enormously in the last half century, particularly in the judicial sphere of the western world. Following the tragic loss of life in the Second World War and the horrific experience of the Holocaust, leaders in the international community recognized that safeguards must be established to prevent such dehumanizing tragedies in the future. Multilateral institutions were created and with those came rights rhetoric and an abundance of rules and norms, many of which draw attention to human dignity and note its connection with human rights. For example, the first article of the Universal Declaration of Human Rights states: “All human beings are born free and equal in dignity and rights.”¹ The German Basic Law also recognizes human dignity to be “inviolable” and declares that it is the state’s duty “to respect and protect it.”² Although most people agree this concept is noble, it is somewhat vague and lacks a clear definition, and as a result dignity has been used to justify any number of social causes, some of which contradict others. John Witte, Jr., notes that between 1970 and 2000, about 2,000 books and 11,000 scholarly articles on dignity were published, demonstrating both the importance and the diverging opinion on the concept.³ In the modern world, most of the uses of dignity have followed from Immanuel Kant’s philosophy which focuses on humans as autonomous and rational creatures capable of legislating universal moral law, and deserving of respect. Grounding dignity in rational thought has led to a reduction of human dignity which only focuses on one aspect of the human reality, leaving out the physical, teleological, and relational nature of human beings in which justification for their dignity resides. Because it is difficult to enforce Kant’s categorical imperative to respect dignity due to reason’s authority,

¹ The United Nations, *Universal Declaration of Human Rights*, article 1 (1948)

² The Federal Republic of Germany, *Basic Law for the Federal Republic of Germany*, article 1.1 (1949)

³ John Witte, Jr., “Between Sanctity and Depravity,” in *In Defense of Human Dignity: Essays for Our Times*, ed. Robert P. Kraynak and Glenn Tinder (Notre Dame, IN: University of Notre Dame, 2003), 121

Kant required rights to be upheld by the state on the basis of human dignity as autonomy. Because of the emphasis on autonomy, reason has come to be used as a tool to justify one's own preferences as long as the state does not restrict one's actions. Understanding dignity as individual autonomy cannot provide a clear explanation for why certain dehumanizing crimes such as slavery and human trafficking are inherently wrong, especially in convoluted situations where the victims appear to consent to the crimes they suffer. For example, in his study of human trafficking in Canada, Benjamin Perrin argues one of the problems in the Criminal Code is that the definition of exploitation requires the victim to provide services out of "fear for safety."⁴ He argues that few convictions have occurred because often victims are manipulated by their "boyfriends," who in reality are pimps and traffickers, to perform services out of "love" and therefore are considered to be acting autonomously and by personal choice.⁵ The issue of prostitution also provides a contradiction regarding dignity as autonomy. Prostitution disproportionately victimizes women and children, and so for the sake of women's rights those committed to supporting a woman's choice of work are pitted against those who recognize the gendered exploitation involved in prostitution. Can an industry truly be dignified work simply because a woman autonomously chooses it even when it is recognized that prostitution "reinforces gender inequalities in society at large by normalizing the treatment of primarily women's bodies as commodities to be bought and sold"?⁶

An additional problem with the modern understanding of human dignity is how it has resulted in the pragmatic approach to human rights in the international system. In the wake of the

⁴ Canada, *Criminal Code*, s. 279.04

⁵ Benjamin Perrin, *Invisible Chains: Canada's Underground World of Human Trafficking* (Toronto, ON: Penguin Group, 2010), 124

⁶ *Protection of Communities and Exploited Persons Act, Statutes of Canada 2014*, c.25, http://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html

Holocaust, the drafters of the Universal Declaration of Human Rights (UDHR) felt an urgent need to find an enforceable way to protect human rights and affirm human dignity. They determined the best method to ensure human rights protection on a practical level would be to prepare a document with universal rights functioning as positive law. Focusing on what the rights could accomplish rather than on their controversial foundations would allow the pluralistic global community to effectively enforce human rights even without a universal agreement on their basis. Although the document clearly has a western bias and was influenced by the Christian and natural rights tradition, these influences are not explicitly expressed so that a more pluralistic understanding of rights could be applied to the international system. This secular view is essentially the modern Kantian Enlightenment view, which “severed God from nature and reason.”⁷ Proponents who favour the lack of clear metaphysical groundings for the UDHR argue that it is best to focus on what rights can do for people as political instruments, rather than on the reasons which justify why certain rights should be upheld. However, Abdulaziz Sachedina points out that many Muslim societies view the UDHR as “morally imperialistic and culturally ethnocentric” because of its secular dismissal of religious traditions as contrary to human rights development, and as a result individual rights outlined in the UDHR are often ignored through claims of “cultural relativism” when they conflict with community and family values.⁸ Sachedina insists that even the most traditional Muslims see the value in human rights, but carrying out these rights practically is undermined by the same secularist and groundless human rights doctrine which aimed to ensure practical rights.⁹ Although it is believed these rights will be

⁷ Abdulaziz Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” *The Hedgehog Review* 9.3 (Fall 2007): 53

⁸ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 50

⁹ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 50

more easily enforced because of their lack of controversial foundations, the seemingly hostile relationship with religion has caused Muslims to ignore certain rights rather than enforce them.

Given the reductionism of humanity that has resulted from the Kantian understanding of dignity, the contradictions between autonomy and exploitation, and the rejection of this secular understanding by various cultures, perhaps a foundation for human rights could be discussed which would resolve these issues. The drafters of the Declaration were greatly influenced by the Christian tradition of human dignity, which affirms dignity not only because of rationality, but also involves humanity's physical, teleological, and relational nature. This tradition does not reduce the understanding of persons to individuals who possess rationality and autonomy, but instead actively affirms the dignity of all humans because they were made in God's image and are therefore worthy of respect and love even if they suffer physical and mental disabilities. It also places the burden of respecting human rights on society as a collective rather than on the government. However, applying this tradition as the foundation for universal human rights would inevitably lead to claims of the imposition of "imperialistic values," damaging the pragmatic protection of human rights. Is it possible to find a median between purely practical but baseless human rights and an overtly Christian understanding of dignity for the pluralistic world?

Timothy Clinton Curle believes a more substantive understanding of human dignity can be found by examining the ideology which guided the original drafter of the UDHR, Dr. John P. Humphrey. Humphrey discovered this median in the writings of Henri Bergson and intended the UDHR to be read not as positive law but as a declaration of particular truths which point at universals known through intuition and experience. For Bergson, the relationship with the Divine is the ground for human dignity, but this relationship is known intuitively to all people, which allows various cultural and spiritual discourses into the understanding of human rights.

Humphrey acknowledged the importance of the relational nature of humanity to God and to others and thus meant the Declaration to be a witness to the unity of mankind. This fellowship should not simply be upheld through the prudential promotion of rights enshrined in law protecting individuals. Rather, human rights should be understood as the particular translation of the universal truth of charity.

Examining the theory behind the rights, therefore, is crucial to understanding the Declaration not simply as a system of rights enshrined in law, but as a motivation to act with charity towards all humans and uphold their dignity. In other words, understanding the theoretical foundation of human dignity may enable us to regard the Declaration as an instrument which encourages people to act charitably to others, rather than as an individual safeguard against the state's oppressive actions. By upholding particular human rights, individuals should understand their universal duty to love others and respect their dignity, even though charity cannot be enforced through the law. Rather, justice points at charity. To understand how charity is the intention of human rights, Chapter Two will explain the shifting use of dignity in the western world, beginning with ancient Greek civilization and leading up to the focus on autonomy in the late modern and post-modern age. Examining the Judeo-Christian understanding of dignity will then provide solutions to the reductionist and secular Kantian view of dignity which excludes some humans from the protection of rights and also marginalizes cultures which lack a secularization of the political sphere. Humphrey's Bergsonian ideology could then be considered the mediatory framework behind the Universal Declaration of Human Rights because it allows a richer understanding of dignity based on spirituality which encourages people to act charitably by looking beyond pragmatic rights in the pluralistic global environment. Chapter Three will examine Abraham Lincoln's political faith as a case study because Lincoln was able

to interpret charity as a founding principle in the Declaration of Independence despite its secularity. Lincoln recognized that reason was not a strong enough foundation to ensure recognition of the equality of man, so he used religion to reinforce reason in the secular Declaration by elevating charity as the highest political ethic. The conclusion offers some implications for applying Lincoln's example to the Universal Declaration of Human Rights so that charity may be viewed as the goal of human rights through the use of Humphrey's mediating framework. Specifically, Lincoln understood that charity was required as a political ethic because it was the only means to combat autonomy and self-interest in order to defend the equality of mankind as the foundation for American republicanism. He demonstrates that one must look beyond the letter of the law, which is the state's negative constraints on individuals, to the goal of civic charity and unity underlying the law and consider that one can only achieve these goals by loving others.

Chapter 2: Shifting Understandings of Human Dignity, the Firm Foundation of the Judeo-Christian Account, and Humphrey's Account of the UDHR

Like many important ideas which shaped and continue to shape western society, human dignity also has a place in the writings of Ancient Greek philosophers. These thinkers, particularly Socrates, Plato, and Aristotle, elevated the mind over the body as the true source of human greatness. In the *Republic*, Socrates introduces a “noble myth” as part of the education of a just society which involves categorizing people into different classes and occupations based on the material of their soul. Those given a gold soul are the guardians of the city, and are associated with the divine because they philosophize and use their rational capacities to rule the silver, bronze, and iron people. Only the gold people, the philosopher-kings, would receive human dignity because they would be completely rational and use their intellect to its greatest potential, whereas the silver, bronze, and iron people are characterized by passion and other qualities that do not elevate the human creature above other animals.¹⁰ Socrates’ correlation between humanity and rationality is further exemplified in his cave parable, where the philosophers are depicted as those with the courage and intelligence to rise out of the cave and truly comprehend reality. They also have the virtue to go back into the cave and explain reality to the “prisoners,” the general population, who only perceive reality as shadowy figures and are unable to contemplate the higher things.¹¹ In these writings it is clear that reason is the quality

¹⁰ Plato, *Republic*, trans. Joe Sachs (Newburyport MA: Focus Publishing, 2007), book III, 414C-417B

¹¹ Plato, *Republic*, book VII, 514Aff

most highly valued in an ideal society, and only those with intellectual capabilities are granted dignity. Dignity, therefore, was not for everyone on the basis of their common humanity.¹²

It is important to understand that “reason” in the classical writings was much different from the way reason is understood today. For the Greeks, the ability to reason was only possible for some people, and it involved searching for objective truth and reality. It was the means for comprehending universal laws. Eric Voegelin suggests that for the Greeks, participation in reason was a spiritual experience which is actually similar to the rational and relational aspects of the Judeo-Christian account of dignity. The Platonic concept of *metaxy*, or “in-between,” meant that the spiritual realm was in between god and man, attainable through philosophy. Voegelin used *metaxy* to suggest that because humans were made in God’s image, they had a direct relationship with God through their consciousness and intellect, and could grow closer to him by philosophizing.¹³ All people are capable of this relationship according to Voegelin, but for the Greeks reason was only attainable for the few. As a result, human dignity and the comprehension of reality was only for the few. The modern emphasis on human dignity as autonomy considers reason to be merely a tool to justify and reinforce one’s own subjective preferences and individual values, discarding reason’s spiritual aspect and the search for objective truth and reality.¹⁴

Dignity for the few can also be seen in ancient Roman society, where *dignitas* was attributed to those with a high social ranking. *Dignitas* is a concept originating in ancient Rome and extending into medieval society, and it can be argued the modern conception of human

¹² Mark Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” (master’s thesis, University of Lethbridge, 2008), 69

¹³ Eric Voegelin, “Reason: The Classic Experience,” from Ellis Sandoz, ed. *The Collected Works of Eric Voegelin: Volume 12, Published Essays 1966-1985* (Baton Rouge: Louisiana State University Press, 1990), 279.

¹⁴ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 73-4

dignity owes its roots to *dignitas*.¹⁵ In Rome, *dignitas* was possessed by the high ranking few and was based on rank, merit, reputation, and authoritative positions and occupations worthy of respect. For example, the nobility possessed *dignitas* on the basis of their family history, and this could be reinforced by high ranking occupations and social positions. As a result, *dignitas* was inherently inegalitarian, which conflicts with the modern conception of equality as the basis for human dignity. It is important to note that *dignitas* was based on the position or office that a person occupied or possessed, and not grounded in their person. Sometimes the bearer of the office could be penalized for acting in a way which demeaned his or her source of *dignitas*.¹⁶ Additionally, those with a low social ranking were not understood to possess human dignity on the basis of his or her humanity. For example, slaves had very few rights and their treatment depended entirely on their master's will. Some slaves were elevated to a high rank as advisors to their masters, whereas others had their tongues cut out or were burned alive.¹⁷ The fact that *dignitas* was not based on the inherent value of humanity but instead on rank, as well as its inherently inegalitarian nature, separate it from the post-World War II understanding and use of human dignity.

As Christianity gradually spread throughout the Roman Empire, the religious and socio-political interpretations of dignity were amalgamated. Prominent medieval scholars justified human dignity based on the special position of all humans within the created order, and they used the classic philosophers' reason to interpret the Bible.¹⁸ Humans were recognized to possess

¹⁵ Susan M. Shell, "Kant on Human Dignity," in *In Defense of Human Dignity: Essays for Our Times*, ed. Robert P. Kraynak and Glenn Tinder (Notre Dame, IN: University of Notre Dame, 2003), 53

¹⁶ Stéphanie Henneville-Vauchez, "A human *dignitas*? Remnants of the ancient legal concept in contemporary dignity jurisprudence," *International Journal of Constitutional Law* 9.1 (2011): 46

¹⁷ David Brion Davis, "The Ancient Foundations of Modern Slavery," in *Inhuman Bondage* (New York: Oxford University Press, 2006), 45

¹⁸ Robert P. Kraynak, "Made in the Image of God," in *In Defense of Human Dignity: Essays for Our Times*, ed. Robert Kraynak and Glenn Tinder (Notre Dame, IN: University of Notre Dame, 2003), 96

intrinsic worth based on *Imago Dei*, the Latin term used to describe the key verse in the Bible which states: “Let us make man in our image, in our likeness, and let them rule over the fish of the sea and the birds of the air, over the livestock, over all the earth, and over all the creatures that move along the ground.”¹⁹ *Imago Dei* elevates humanity by claiming man is made in God’s own image, and also sets mankind apart from the rest of creation by appointing humanity as ruler. Medieval scholars, influenced by classic philosophy, believed that the image and likeness of God referred to human rationality, since creation in the Bible follows an ordered and logical sequence of events. Church father Augustine, for example, wrote that “it is especially by reason of the mind that we understand that man was made to the image and likeness of God.”²⁰

The merging of Christian thought and ancient philosophy is seen even more in the writings of thirteenth-century scholar Thomas Aquinas. Like Augustine, he understood the parallel existence of a spiritual and political order, and the rational hierarchy of each as created by God. He discerned that human dignity was bestowed on all humans because of *Imago Dei*, but recognized that each man receives God’s likeness in different measures, resulting in spiritual hierarchies that allowed everyone the freedom to pursue their proper end.²¹ In the political sphere, all are eligible to govern but they do not have individual rights. Rather, some are more naturally able to govern with prudence according to the natural law.²² As a result, although humanity was understood to possess a unique and elevated place in the universe, this was not used as a justification for individual autonomy. Individual freedom meant that man could use

¹⁹ *Zondervan NIV Study Bible*, ed. Kenneth L. Barker (Grand Rapids: Zondervan, 2002), Genesis 1:26

²⁰ Augustine, “Two Books on Genesis against the Manichees,” in *St. Augustine on Genesis, The Fathers of the Church*, vol. 84, trans. Roland J. Teske, S.J. (Washington, D.C.: Catholic University of America Press, 1991), 76

²¹ Kraynak, “Made in the Image of God,” 102

²² Kraynak, “Made in the Image of God,” 103

reason to seek its proper end, which is knowledge of the Good, or God. Like the Greeks, for Aquinas reason was grounded in objective truth.²³

The Renaissance and the Enlightenment eras represent the break from the medieval conception of human dignity and the introduction of the modern understanding based on the individuality, autonomy, and rationality of persons. Immanuel Kant is recognized to be the most influential scholar in regards to the modern conception of human dignity, and it is his writings which have led to the secular uses of human dignity in contemporary rights rhetoric. Kant wrote in his *Metaphysics of Morals*: “But man regarded as a person, that is, as the subject of a morally practical reason, is exalted/lifted up above any price; for as a person he is not to be esteemed as a mere means to the ends of others or even to his own ends, but rather as an end in himself, that is, possessing a dignity, through which all other rational beings in the world are required to have respect for him, so that he can measure himself with all others of this kind and esteem himself on a footing of equality with them.”²⁴ Susan Shell explains that for Kant, human dignity is an intrinsic value and without price, and it is accorded to those who possess reason to set ends.²⁵ Since man is an end in himself, and has the rationality to set ends for himself, he should have autonomy to ground objective law. As autonomous rational individuals with absolute worth, all humans are co-legislators of a universal law grounded in objective truth which is in keeping with our reason.²⁶

In his thesis, Mark Penninga argues that Kant did not completely reject the previous conceptions of dignity based on *Imago Dei* but simply blended the classical emphasis on human

²³ Kraynak, “Made in the Image of God,” 108

²⁴ Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1991), 230

²⁵ Shell, “Kant on Human Dignity,” 61

²⁶ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 80

rationality with the Christian notion of universal human dignity, ignoring the basis of dignity as *Imago Dei*.²⁷ Rationality was already understood to be the basis for human dignity, but for Kant rationality is not recognized to be from God and used to serve him; rather, it is inherent in man and used to serve mankind.²⁸ Kant redefined rationality and departed from the previous classical and medieval understandings of rationality as an intellectual apprehension of the Good. Because Kant recognized reason's inherent limitations, he instead prioritized the use of reason for moral and practical concerns rather than knowledge of God.²⁹ Robert Kraynak suggests that perhaps the reason Kant's philosophy has been embraced by both religious and secular communities is because it espouses a continuity of the Christian notion of universal human dignity while grounding it in modern justifications.³⁰ He essentially turned spiritual duties into political rights. Kant extended the notion of universal human dignity based on rationality and applied it to a liberal democratic political order as a justification for individual rights. In doing so he also changed the understanding of "person" from a metaphysical to a moral term. That is, whereas person used to refer to the substance of a rational individual to explain the Trinity, it came to define free and autonomous individuals with inherent dignity and inalienable rights.³¹ Kant's categorical imperative depended on people choosing their actions based on the will that everyone would act the same. In other words, he hoped people would act in a way they would want everyone else to act.³² The resulting requirement to respect each individual's rights correlates well with the Biblical command to love one's neighbour. Jacques Maritain, a philosopher who contributed to the Universal Declaration of Human Rights, also recognized the similarities

²⁷ Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 79

²⁸ Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 76

²⁹ Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 108-9

³⁰ Kraynak, "Made in the Image of God," 109-110

³¹ Kraynak, "Made in the Image of God," 109

³² Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 78

between traditional Christian notions of human dignity and the Kantian justification for universal human rights, and therefore the UDHR has implicit Judeo-Christian and Enlightenment foundations without explicit reference to the origin of such rights.³³

The crucial difference between Kant's notion of human dignity and the Judeo-Christian account is that Kant denies any foundation for human dignity except autonomy according to reason because only that can be *known*, whereas the Judeo-Christian account brings dignity back to *Imago Dei* as the foundation. The problem with the modern understanding of human dignity is that Kant takes it for granted that other humans will recognize and respect that humans are ends in themselves. It is only because humans have reason by nature that Kant insists they are ends in themselves and possess dignity. His main difficulty is his lack of ability to also make people act according to reason's categorical imperative.³⁴ As a result, it was important for rights to become political and reinforced by the state.

The problem with relying on the state to enforce human rights is that they become enshrined in law and enforced as justice. Rights become wholly individualistic as a protection against others and the state. Because Kant equates dignity with the rights of autonomous beings, he ignores the soul that is both sinful but also capable of a relationship with the Divine and others. Dignity for Kant glorifies individualistic autonomy, and although he wished people to use that freedom to act in a way that would become a maxim that would benefit others in society, he required the state to uphold rights because people do not always act according to the categorical imperative. By requiring the state to uphold rights, dignity became the reason that individuals deserved protection against others and the state, rather than a reason for people to act charitably

³³ Kraynak, "Made in the Image of God," 109

³⁴ Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 88

towards one another. His understanding of dignity as justification for individualistic self-interest corresponds with the changing notion of natural rights elucidated by Thomas Hobbes. Penninga explains that Hobbes changed the understanding of natural justice to refer to one's political right to act according to one's self-interest as long as the positive law of one's country did not restrict that self-interest.³⁵ When Hobbes' explanation of natural rights as the right to defend one's self-interest and the freedom to do what one wishes to achieve one's preferences is coupled with Kant's foundation of dignity as autonomy, there is little requirement to treat others as ends in themselves unless the state limits one's harmful self-interest.

When one examines late modern and post-modern philosophy, one can see how the flaws in Kant's philosophy have developed into a notion of reason and autonomy which with Kant himself would not have agreed. Although Kant understood reason has limits and intended autonomy to conform to nature, he did not explicitly place God in the position which sets limits because he assumed man's reason would function just as well. He argued that reason conforms to nature, which meant that one cannot use his or her own reason to mutilate oneself or stop the "natural" use of one's powers.³⁶ With the absence of God, today reason is understood to be a tool which justifies individual choices. Quoting George Kateb in her article, Roberta Green Ahmanson explains that dignity today is defined by challenges to nature: "Since nature has no *telos*, the human species is at its greatest when it breaks out of nature."³⁷ She goes on to provide examples of what this understanding of dignity looks like:

The New Dignity demands new positive freedoms, freedoms *to*—to remake our gender, to marry someone without regard to sex or the procreative potential of the union, to

³⁵ Penninga, "A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy," 85

³⁶ Shell, "Kant on Human Dignity," 63

³⁷ George Kateb, *Human Dignity* (Massachusetts: Belknap Press, 2011), 140, in Roberta Green Ahmanson, "The New Dignity: Gnostic, Elitist, Self-Destructive Will-to-Power," *The Witherspoon Institute: Public Discourse*, 24 November 2015

choose our time to die and enlist the medical profession in ending our lives, to not only abort a child developing in the womb but also to harvest his or her body parts for commercial gain. It also calls for new negative freedom, freedoms *from*—from all unwanted pain or discomfort, from limitations on what I can do to or with my body, from language or ideas that offend me or that challenge decisions I have made.³⁸

When Kant ignored God as the source of human dignity and emphasized rationality,, one human quality bestowed by God that contributes to our humanity, it granted human dignity only to those capable of rationality. Kant’s theory has now led to a modern society glorifying autonomy which considers nature to be an interfering barrier and understands dignity to be “no longer so much about *who* or *what* we are; it is about what our unfettered will can do, and what it can forbid others to do.”³⁹This modern understanding provides no protection or human dignity to the extremely young, the mentally disabled, and the old who have lost their mental capacities. Additionally, Dr. Paul Marshall suggests that modern rights result from a pragmatic view of a just society, but are not grounded in anything other than “if...then arguments.” He explains: “if we believe in rights, in freedom and equality, and in the value of the person, then we must believe that our rights are thus and so... But the “if”s” of the “if...then” are not justified. In them we are faced only with a call to restrict our actions in ways that we feel it is in our interest to restrict them.”⁴⁰

Paul Marshall reveals the danger when rights lack a firm foundation and act wholly as state-enforced protection for individuals, because human rights can easily be ignored or revoked when it is not in the interest of a society to respect all humans. Nazi Germany is a typical example, but even in the decades since the creation of the UDHR there are numerous examples of horrific crimes against humanity when societies chose to ignore the rights of certain

³⁸ Ahmanson, “The New Dignity: Gnostic, Elitist, Self-Destructive Will-to-Power,” 2

³⁹ Ahmanson, “The New Dignity: Gnostic, Elitist, Self-Destructive Will-to-Power,” 3

⁴⁰ Paul Marshall, *Human Rights Theories in Christian Perspective* (Toronto: Institute for Christian Studies, 1983), 8, in Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 87

“undesirable” groups. There was little recognizable difference that rationally separated the Tutsis from the Hutus in Rwanda, and yet the Hutus found reasons to deny their rights and slaughter them by the hundreds of thousands. Similar to how the Nazis referred to Jews as “rats” or “swine,” the Hutus attempted to deny the humanity of the Tutsis by calling them “cockroaches” to justify rescinding their human rights. Perhaps equally indictable, in large part the international community failed to take notice or action in the face of such dehumanization. Furthermore, western society today makes use of the same tactics to deny the humanity or dignity of certain groups. Preborn babies are referred to as “clumps of cells” and “parasites,” depending on whether they are desired by their parents, and many of the most foul names for women, which cannot be repeated in an academic paper, have originated from porn culture to justify treating women as objects to be degraded.⁴¹

However, there are various legal examples from courts around the world which demonstrate that human dignity is understood to mean more than individual autonomy. These examples show that despite society’s glorification of autonomy, the courts recognize that individual autonomy can pose a danger to human dignity. Stéphanie Henneville-Vauchez argues that sometimes the courts use dignity to defend humanity as a collective unit, as though humanity were an elevated rank. She suggests in these cases, *dignitas*, or the understanding of dignity as rank, is a more appropriate term than autonomy for describing dignity. For example, in 1995 the French Supreme Administrative Court ruled the laws prohibiting the activity of dwarf-tossing were valid due to the dignity principle despite the fact that all parties involved were consenting adults. Earlier in South Africa, the same understanding of dignity was used to uphold the laws against prostitution. In Belgium, this understanding of dignity as rank was used to press criminal

⁴¹ Jonathan van Maren, “The surprising ways porn is seriously hurting the pro-life cause,” Life Site, 3 August 2015 <https://www.lifesitenews.com/blogs/the-surprising-ways-porn-is-seriously-hurting-the-pro-life-cause>

charges against consenting and autonomous adults engaged in sadomasochistic sexual relations.⁴² In all of these cases, the dignity principle was used to limit previously existing rights and liberties of autonomous individuals for the benefit of humanity as a whole.

The understanding of dignity used by legal institutions in these examples is more clearly associated with the ancient Roman *dignitas* or with Kant's understanding of humanity as rank with natural limitations. According to this view of dignity as rank, each individual occupies an "office" in humanity, and people have obligations towards that office because humanity is a collective institution. Henette-Vauchez explains: "every human being is a repository (but not a proprietor) of a parcel of humanity, in the name of which she may be subjected to a number of obligations that have to do with this parcel's preservation at all times and in all places. "Human dignity" is thus believed to synthesize all the obligations that stem merely from belonging to humankind."⁴³ Even when individuals are consenting and rational, the courts recognize their autonomy must be restricted because there is something sacred and unifying about human nature which can be affected by private actions, and therefore one's obligations towards humanity trumps one's rights. Because of the secularization of the public sphere and human dignity, the courts have no way to argue that humanity as an office is sacred because God made it in his image and conferred dignity on persons. With only a Kantian understanding of dignity, which lacks a firm foundation for why humans are ends, the courts have little means for replacing the modern justification of dignity as autonomy which has developed from Kant's theory.

⁴² Henette-Vauchez, "A human dignitas? Remnants of the ancient legal concept in contemporary dignity jurisprudence," 36-7

⁴³ Henette-Vauchez, "A human dignitas? Remnants of the ancient legal concept in contemporary dignity jurisprudence," 43

Given the lack of a coherent foundation and the greatly perceived need for human rights in the international system, many postmodernists have focused instead on what rights can accomplish rather than why they must exist. Michael Ignatieff, for example, has described the human rights movement as a “moral fiction” and suggests the notion that mankind is equal is a noble fallacy which we must uphold to ensure the protection of human rights.⁴⁴ He treats morality and rights as separate spheres and insists that rights are purely negative constraints that protect individuals to ensure a minimal standard of life. He also believes that human rights are not founded on notions of human nature, such as Kant has argued, but rather on human history and how history demonstrates the practical need for rights.⁴⁵ He argues that human rights are “pragmatic political instruments” which function outside of ideology and must ensure the protection of individuals from coercive state power.⁴⁶ One can see such a weak justification for human rights can only exist as long as all the members in the international community agree to “play along” with the fiction. Abdulaziz Sachedina argues that many Muslim societies distrust any rights discourse which lacks a moral and metaphysical foundation. These societies emphasize community responsibilities and relational aspects of humanity rather than individual rights, and the secularization of the public sphere is foreign to them. As a result, Sachedina warns that Muslim communities will continue to reject secular universal rights as “imperialistic.”⁴⁷ He states, “The ultimate support for the Declaration cannot simply come from

⁴⁴ Michael Ignatieff, *The Rights Revolution* (Toronto: House of Anansi, 2000), 139

⁴⁵ Leonard D.G. Ferry, “Floors Without Foundations: Ignatieff and Rorty on Human Rights,” *Logos: A Journal of Catholic Thought and Culture* 10.1 (2007): 96-100

⁴⁶ Michael Ignatieff, “Human Rights as Politics and Idolatry,” in Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 54

⁴⁷ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 50-51

its pragmatic purpose of protecting human agency; rather, it must come from the reasons as to why that personhood deserves to be protected from the unjust conduct of those in power.”⁴⁸

Such as justification for personhood cannot be found in the modern secular account of dignity because it leads to the glorification in autonomy, but may be discovered in the Judeo-Christian understanding of dignity. Although applying the Christian religious tradition in diverse communities that practice Islam or other beliefs would be just as imperialistic as the secular ideology is perceived to be, Clinton Timothy Curle suggests understanding the UDHR correctly may allow a mediating framework to produce a mutual understanding of dignity and human rights without compromising cultural values. Curle summarizes the human rights movement as “technically successful but spiritual struggling.”⁴⁹ That is, the movement is very successful at institution building and standardizing laws according to the values laid out in the UDHR, but there has been a limited expression of actual justice because of the lack of a coherent relationship between western secular human rights and traditional religions and cultures.⁵⁰ Curle’s solution to these problems encapsulates the perspective of John Humphrey, a McGill law professor who was given the task of drafting the original copy of the Universal Declaration of Human Rights.

The Judeo-Christian Understanding of Dignity

In order to understand the ideology that guided Humphrey and shaped the UDHR, one must first understand the Judeo-Christian model of dignity which has shaped western society and even contributed to the Kantian secular understanding of dignity. This account of dignity is richer than Kant’s because it provides the missing foundation that explains why people are ends

⁴⁸ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 52

⁴⁹ Clinton Timothy Curle, “Re-Thinking the Enlightenment: New Directions for International Human Rights,” (The Chester Ronning Centre for the Study of Religion and Public Life, 2008), 2

⁵⁰ Curle, “Re-Thinking the Enlightenment,” 3

and worthy of respect. It does not focus only on rationality as the basis for dignity, but instead includes a number of qualities of human nature explained by the salvation history of the Bible. The Judeo-Christian account begins with justification for dignity grounded in *Imago Dei*, focusing on both physical and rational attributes of humanity. It then uses the Fall into sin to provide an explanation for the depravity and degradation present in the world, while reaffirming the sanctity of human life which still remains due to our origins. This account of dignity also involves the possibility of restoring our perfect dignity through the incarnation, death, and resurrection of Christ. The incarnation also provides us with a definition of persons as unique and unrepeatable individuals with a physical place in history. Because of the saving work of Christ, humans are given the ability to fulfill their teleological purpose of having a relationship with God and with other persons, explaining the relational aspects of human dignity. This account of dignity is not just for Christians but attempts to explain all of human life. As a spiritual history it is much larger than politics, but it has social and political implications. When understanding human dignity as intrinsic to physical, rational, relational, and teleological persons, the ideology provides justification for the rights of those that have lost their autonomy and rationality because it focuses on the value of persons based on who they are rather than what they can do. This understanding actually goes further than promoting rights, it charges humans with a duty to uphold the dignity and care for such people who are suffering, oppressed, or exploited because of our relational and teleological natures which command us to love.

Beginning with mankind's elevated position in creation's hierarchy as the image of God and ruler of creation, the Bible presents a strong justification for human dignity. The first humans, Adam and Eve, lived in an intimate relationship with God and one another, displaying the perfect dignity of humans fulfilling their teleological purpose of loving God and others. As

images of God, they had both rational and physical conditions which allowed them to fulfill their purpose of living in a relationship with Him. Genesis 2:7 states that God formed man “from the dust of the ground and breathed into his nostrils the breath of life, and the man became a living being.”⁵¹ Penninga uses this verse to show how man was both physical (from the earth) and spiritual (from God), and how neither of these aspects exemplify the image of God but simply are conditions of humanity allowing persons to live in a relationship according to his purpose.⁵² In contrast to the modern understanding of dignity, imaging God is understood to mean more than being rational. It actual captures our whole human nature. J.H. Wright explains: “The image of God is not so much something we possess, as what we are. To be human is to be the image of God.”⁵³ Our physical nature is the means by which humans occupy a place in history and are able to form relationships with God and others.⁵⁴ Understanding dignity in this way provides justification for the intrinsic dignity of those who suffer the loss of autonomous choice in contrast to Kant’s reduction of dignity to rationality.

However, Adam and Eve lost their perfect nature when they acted in disobedience to God according to their own autonomous wills. Penninga points out it is important to realize that it was not reason which caused the Fall into sin, but it was reason directed inwardly away from God which led to humanity’s broken relationship with God and one another.⁵⁵ In contrast to the modern notion of dignity as triumph of the autonomous will over nature, the Bible shows that such self-serving autonomy resulted in death, for God had said that “when you eat of [this fruit],

⁵¹ *Zondervan NIV Study Bible*, Genesis 2:7

⁵² Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 123

⁵³ Christopher J.H. Wright, *Old Testament Ethics for the People of God* (Downers Grove Illinois: Intervarsity Press, 2004), 119, in Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 105.

⁵⁴ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 124

⁵⁵ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 108

you will surely die.”⁵⁶ Although God was true to his word, he offered undeserved grace to his people. He allowed Adam and Eve to live many more years until their punishment of mortality was due, and he gave them the hope of restoration when he promised them a Redeemer.⁵⁷

Following man’s selfish pursuit of autonomy, Penninga explains that mankind no longer imaged God but followed after the image of Adam.⁵⁸ However, human dignity still remained because of mankind’s origins in *Imago Dei* and the promise of restoration, and as a result God created prohibitions against taking the life of another person.⁵⁹ After the Flood in the Noahide code, he commanded that if anyone sheds the blood of another person, retribution in the form of the murderer’s life would have to be made. The justification He provided for such a law is that man was made in the image of God and possessed sanctity of life.⁶⁰ In his examination of Genesis, philosopher Leon Kass makes the argument that because of the image of the divine within humans, their animalistic and physical attributes (bodies) had to be respected.⁶¹ Furthermore, this command provided a legal responsibility to execute justice if human life was not respected. However, at this time mankind was also given animals as food, although they could not have the “lifeblood” still in them when eaten. This again emphasizes the elevation of mankind above other creatures while affirming that life itself is sacred, and humans have a responsibility to respect it in a way that animals cannot. Kass shows the interdependence of these commands as they affect human dignity: permission to kill animals while prohibiting the killing

⁵⁶ *Zondervan NIV Study Bible*, Genesis 2:17

⁵⁷ *Zondervan NIV Study Bible*, Genesis 3:15

⁵⁸ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 110

⁵⁹ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 112

⁶⁰ Genesis 9:6, in Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 112

⁶¹ Leon R. Kass, *The Beginning of Wisdom: Reading Genesis* (New York: Free Press, 2003), 186

of humans affirms the dignity of humanity over other creatures, while respecting the dignity of animals puts a responsibility on humans to respect their own physical natures as sacred.⁶²

The incarnation reveals the concept of “person” in the Judeo-Christian understanding of dignity which is different from the Kantian concept. The concept of person arose in the middle ages to help make sense of Christ’s dual natures of God and man, and to describe the three Persons of the Trinity. Christ was not described as two persons; he was explained as having two natures within one person, *someone* who existed in history. The difference is that certain properties such as our rationality and autonomy make up our human nature, which is what we possess as persons. Penninga explains that humans *have* a human nature but *are* persons, and each person occupies a unique role and place in a community in history. Therefore each person is distinct, unrepeatable, and a bearer of intrinsic dignity because he or she is made in God’s image. In contrast, Kant defines a person as a “subject whose actions can be imputed to him.”⁶³ His definition emphasizes the rational nature of a human who is able to autonomously act. Her actions are her own, a result of her individual choice. Penninga provides an example which shows the error in Kant’s understanding of persons: suppose someone experiences a severe accident and loses his mental capacities. That person does not cease to exist or lose his dignity just because his actions can no longer be “imputed to him.” Rather, it is that person who is brain-dead but still retains his invaluable worth as a person and has inherent dignity, despite the loss of his rationality and autonomy.⁶⁴

As persons originally made in God’s image who lost their special relationship with him but are given the hope to gain this relationship again, persons also have a *telos*, or end, which is

⁶² Kass, *The Beginning of Wisdom: Reading Genesis*, 177

⁶³ Immanuel Kant in Susan Shell, “Kant on Human Dignity,” 55

⁶⁴ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 119

to love God and others. Thomas Aquinas understood the meaning of person to be bound up in one's capacity to have a relationship with God and others. Specifically, human friendship is only meaningful if it is also participation in Divine friendship.⁶⁵ Such a relationship describes Christian charity, which is based on Jesus' summary of God's law to love God and love one's neighbour.⁶⁶ Charity denotes a spiritual act because friendship with God is not possible without loving one's neighbour and is practiced both horizontal and vertical between God and other humans. Stephen Jones explains "friendship with God forms the basis of personhood, and human friendships are a participation in Divine friendship."⁶⁷ He argues this relational nature of humanity results in the true meaning of human freedom because this is the purpose for which humans have been created.⁶⁸ The Kantian understanding of dignity narrows the understanding of person to an individual with autonomy. By doing so, his theory removes the spiritual, relational, and teleological aspects of the Judeo-Christian person and simply focuses on persons as animals with rationality and autonomy. This modern version equates dignity with the rights of autonomous beings rather than recognizing the dignity and depravity in a soul seeking a relationship with God and others.⁶⁹ The modern focus on individualism replaces duties towards one another with rights against one another and the state, changing mankind's *telos* from serving God and others to serving oneself.

The New Testament also focuses on the incarnation of Christ in order to redeem his people from their sins, and it is this aspect of Christianity which shows both the sanctity and depravity of mankind. It reinforces justification for elevated human dignity because Christ, the

⁶⁵ Stephen A. Jones, "The Truth is Freedom," *Convivium* 22.4 (Oct./Nov. 2015): 27

⁶⁶ *Zondervan NIV Study Bible*, Matthew 22:37-40

⁶⁷ Jones, "The Truth is Freedom," 27

⁶⁸ Jones, "The Truth is Freedom," 27

⁶⁹ Kraynak, "Made in the Image of God," 113

Son of God, took on the nature of mankind but remained blameless. He was “true man and true God” simultaneously.⁷⁰ This belief also requires humility because it shows humanity’s need for salvation and the unworthiness of man to receive such a gift of redemption from God.⁷¹ It also provides an explanation for the horrendous depravity found in the world at times while offering comfort to those who believe that God has provided a solution. The Christian tradition makes a claim to the elevation of man through *Imago Dei* as well as a confession of depravity through the Fall and a hope of unworthy restoration through the Incarnation. Witte summarizes: “Human dignity is something of a divine fulcrum that keeps sanctity and depravity in balance.”⁷² He goes on to explain that even those who believe in Christ and are spiritually saved remain sinners, and their lives contain paradoxical natures of being lost in sin and set free by faith.⁷³

Understanding the brokenness of the world combined with the intrinsic human dignity that belongs to each person can provide a great deal of comfort and hope to those who have suffered grave indignities and degradation. Although dignity can be damaged, the dignity belonging to each person simply on the basis of their existence in history can never be removed. Some sexual slaves are forced to perform sex acts at least twenty times per day, treated as objects and the means to someone else’s pleasure. Loly Rico, the co-director of FCJ Refugee Centre, reports that some victims of human trafficking “begin to believe that this is their role as women.”⁷⁴ One victim reported “I feel like I’m only good for one thing: sex. I don’t see why someone, a man, would be interested in me and try to get to know me because I feel unworthy,

⁷⁰ Heidelberg Catechism, Lord’s Day 18, Question and Answer 47

⁷¹ Penninga, “A Judeo-Christian Account of Human Dignity in Canadian Law and Public Policy,” 115

⁷² Witte, “Between Sanctity and Depravity,” 123

⁷³ Witte, “Between Sanctity and Depravity,” 125

⁷⁴ Loly Rico, quoted by Perrin, *Invisible Chains: Canada’s Underground World of Human Trafficking*, 42

dirty, tainted, nothing.”⁷⁵ The Judeo-Christian account of dignity can provide comfort to such victims by reassuring them of their intrinsic dignity and value despite their experience while condemning those who failed to respect such dignity, and presenting hope that Christ has suffered the ultimate indignity to restore humans to their original dignity. Although Kant’s theory intended to prevent the use of people as means such as in this case, it fails to explain why people should be treated as ends and also does not provide comfort to those who have experienced such objectification. Because his theory has led to the glorification of autonomy, victims who find themselves in such horrible exploitative situations often blame themselves because of their choices.

This example also shows how the Judeo-Christian account of dignity is different from *dignitas*, the idea of dignity as rank used by the various courts mentioned previously. *Dignitas* is closely related to Kantian dignity because humanity is understood to be a dignified office which requires people to respect their own dignity and that of others. The court used this understanding to prosecute those who used autonomy to violate the valued rank of humanity. In a sense, *dignitas* is similar to the Judeo-Christian concept of dignity because it recognizes that unrestricted autonomous wills can threaten human dignity. However, *dignitas* does not direct autonomous wills towards humanity’s teleological purpose of serving God and others. Instead, *dignitas* suggests humans should use their wills to glorify “humanity,” failing to recognize that humans cannot possess dignity simply because they decide to. Rather, dignity must be imputed to humans from elsewhere, from a divine source. Otherwise there is no justification for why dignity cannot be translated as individual human autonomy. Furthermore, the Judeo-Christian account recognizes that dignity is bestowed by God to persons independent of their human

⁷⁵ Eve, quoted by Perrin, *Invisible Chains: Canada’s Underground World of Human Trafficking*, 160

characteristics since they image Him. Because they recognize the depravity inherent in human nature due to the Fall, dignity is not revoked when people degrade themselves or are subject to degradation by others. The intrinsic human value still belongs to victims who suffer horrible abuse, often providing them with hope, and to those who have lost their autonomy due to age, disease, or developmental disabilities.

The Pluralism of Christian Charity

The emphasis on the spiritual relational nature of the human person is the Judeo-Christian influence which had the most impact on Humphrey when he drafted the UDHR. The main problem with the international human rights movement today, according to Curle, is that it is grounded in the Enlightenment and Kantian version of human dignity. Just as has been explained above, Curle argues this view of rights is insufficient in explaining the theoretical foundation for human rights. Due to the pluralistic international environment, agreement on the theoretical basis for human dignity, justice, and mercy could not be easily found and the solution was to promote the Kantian version of human dignity. Rights from this perspective offer a practical and pragmatic solution with a purpose of securing “the largest degree of individual human autonomy possible.”⁷⁶ The problem therein, Curle argues, is that it reduces human existence to the purely biological functions and the need for rights becomes nothing more than a means to avoid suffering.⁷⁷ And although it functions in a pluralistic environment, it allows no room for traditional religious interpretations which by and large shape day to day life in cultures much more than human rights rhetoric. It is believed the human rights movement’s “very promise of

⁷⁶ Curle, “Re-Thinking the Enlightenment,” 5

⁷⁷ Curle, “Re-Thinking the Enlightenment,” 6

success as a universal ideology depends on its secularity and rationality.”⁷⁸ Yet Sachedina has demonstrated that Muslim societies that prioritize community responsibilities rather than individual rights have argued that the “cultural relativism” of the UDHR allows them to ignore certain individual rights as they apply to both their Muslim and non-Muslim citizens.⁷⁹ As a result, the purpose of the pragmatic and secular document to effectively protect human rights is hindered due to its rejection of a religious theoretical foundation.

Dissatisfied with the reductionism of the secular perspective on rights, Curle suggests the ideology which guided John Humphrey may be the best perspective on human rights because it was designed for a pluralistic environment while allowing space for cultural and religious interpretations of human rights. When the Human Rights Commission had its first meeting in 1947, John Humphrey was assigned the task of drafting what was to become the Universal Declaration of Human Rights. The theory which guided his draft was that of Henri Bergson, and in essence it was something of a compromise between the rigid neo-Thomism of Charles Malik and the pragmatism of Peng-Chun Chang, the two other official members in the drafting sub-committee.⁸⁰ Humphrey’s goal was to examine rights from the perspective of positive rights, understanding that there was a gap between the written law and the values to which it pointed. In his analysis of the Noahide code in Genesis, Kass indicates the ability of law to not only dissuade people from committing certain actions, but also indicate how people *should* act as opposites to the negations.⁸¹ Jesus demonstrated that God’s law was also meant to be viewed this way when he summarized the law as love of God and love of neighbour, suggesting that the Ten

⁷⁸ Louis Henkin, in Curle, “Re-Thinking the Enlightenment,” 4

⁷⁹ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 53

⁸⁰ Curle, “*“One of the most important books that I have ever read”*: John Humphrey, Henri Bergson and International Human Rights,” The Chester Ronning Centre for the Study of Religion and Public Life, 2008), 18

⁸¹ Kass, *The Beginning of Wisdom: Reading Genesis*, 176-7

Commandments were actually pointing to the freedom that is found in charity.⁸² Likewise, as we shall see, Lincoln also interpreted the Declaration of Independence as an exhortation to act with charity to achieve equality of mankind. Similarly, Humphrey also intended political rights to be interpreted as moral and spiritual aspirations to act with charity.

Humphrey rejected the standard Enlightenment view of human dignity and recognized the need for a universal language of justice and morality. Although he located this in the form of Christian morality, he recognized that the entire Judeo-Christian view of dignity grounded in objective truth would not function well in a pluralistic society. What he was searching for essentially was “Christian morality without the tommyrot,” according to his journal entry on September 8th, 1948, and he seemed to find his solution in the writings of Henri Bergson.⁸³ Bergson’s book *The Two Sources of Morality and Religion* explains that there are two forms of justice that correspond to two different realms of human experience: the static realm of matter and space, which is measurable and controllable, and the dynamic realm of time and spirit. What he means is that our lives are dynamic and in order to make sense of them we typically translate the flow of time into spatial segments, just as we translate thoughts into concepts and words. We also recognize that something is lost in translation. We do not age in static segments, and we often cannot fully articulate our thoughts, feelings, and experiences properly. Closed justice corresponds to the material realm and is concerned with the biological survival of the group. Bergson classifies such societies as closed societies and suggests they are best represented by abstract negative decrees such as “do not steal,” because such forms of justice preserve the community. The pragmatic way the UDHR is understood today can be understood as closed justice because the rights are particular, used as defensive tools to materially protect the

⁸² *Zondervan NIV Study Bible*, Matthew 22: 37-40

⁸³ Dr. John Humphrey, in Curle, “One of the most important books that I have ever read,” 24

oppressed. The second form of justice, open morality, is not grounded in the material world but is suspended and dynamic, corresponding to the spirit. Such justice is best represented by the lives of great men and women throughout history who lead by example. Rather than acting according to the letter of the law out of obligation, some people inspire others through their great virtue.⁸⁴ The morality in an open society is an aspiration and attraction rather than an obligation or pressure, and after reading Bergson, Humphrey believed human rights were an example of open morality.⁸⁵ That is, they should not be understood as an obligation or coercion by the state, but instead as an aspiration to act with charity. The morality which encourages these actions is knowable to each person through intuition or experience. Recall how Voegelin believed each person could have a relationship with the divine through his or her consciousness. Humphrey believed the same, and he meant human rights to “represent the affirmation of human dignity based on the uniquely human capacity for a relationship with the divine.”⁸⁶

The problem is, these rights were translated into the closed morality of the static material realm when they were written down in the UDHR. Such texts are then seen as limited and used pragmatically to ensure the survival of the community. Humphrey intended for it to be understood that there was a gap between the written text of the UDHR and the reality from which it emerged. He wished the rights to be expressed as a declaration and not as positive law, and this declaration would be a witness to the unity of mankind because it encouraged civic charity.⁸⁷ Debates regarding these rights would certainly result, but discussions should be

⁸⁴ Curle, “Re-Thinking the Enlightenment,” 10-11

⁸⁵ Curle, “One of the most important books that I have ever read,” 25

⁸⁶ Curle, *Humanité*, (Toronto, ON: University of Toronto Press, 2007), 151

⁸⁷ Curle, *Humanité*, 153

regarded as healthy because each culture and religious tradition translates the universal truths into different particulars.⁸⁸

Although a proponent of the pragmatic use of the UDHR may protest that such discussion would limit the practical application of rights, Humphrey's understanding of rights means that theological and spiritual discourses may be used to provide a foundation for dignity and an explanation for rights. Rather than paralyzing the international rights movement in stalemate over different viewpoints, allowing spiritual dialogue about human rights may solve the distrust which Muslim communities have for secular and ideologically groundless rights. Sachedina insists that both the UDHR and the Islamic faith share the common goal of protecting individuals from oppression.⁸⁹ One might call this commonality a universal truth within the spiritual realm that must be translated into a particular set of laws in the material realm. Because of the different cultures interpreting the universal, achieving consensus on particular laws may be difficult, but certain cultures may be more willing to engage in discussion and reach an agreement if their spiritual worldview is not dismissed as an "impediment to the development" of human rights.⁹⁰ Furthermore, this understanding of human rights could even satisfy those who do not believe in a spiritual realm. Rights would still function pragmatically because Muslim communities would be more willing to protect and ensure them if their theological foundation was accepted as the means for upholding human dignity. Sachedina writes: "In Muslim societies enforcement of human rights will be taken even more seriously if, using the foundational model, one can derive the inherent worth of the individual and argue for freedom of religion."⁹¹

⁸⁸ Curle, *Humanité*, 146

⁸⁹ Sachedina, "The Clash of Universalisms: Religious and Secular in Human Rights," 51

⁹⁰ Sachedina, "The Clash of Universalisms: Religious and Secular in Human Rights," 50

⁹¹ Sachedina, "The Clash of Universalisms: Religious and Secular in Human Rights," 60

The Bergsonian ideology can also be used as a framework that allows the contribution of the Judeo-Christian understanding of dignity back into the pluralistic global environment as well. Curle writes that it was Humphrey's intention to understand human rights "in terms of this dialectic between open and closed morality, between static and dynamic elements of our existence, between the survival of the community and friendship with the divine."⁹² In essence, he described it as the "incarnation" of the universal reality into the particular in the material realm. It is a mediating document, and the rights inspire universal charity. Curle provides an example of how the Judeo-Christian perspective can be translated into Humphrey's framework so that it applies in a pluralistic environment. In 1949, Charles Malik gave a speech to the World Council of Churches where he used overtly Christian rhetoric to advocate for a relationship with God in order to achieve fellowship. Two months later, he published an article in the *United Nations Bulletin* which has essentially the same substance but instead used Bergsonian rhetoric.⁹³

As has been demonstrated, the reductionist nature of the Kantian secular account of dignity has led to an emphasis on individual autonomy, restricting the application of dignity only to those with the ability to make autonomous decisions. Those who depend on others such as the mentally and physically disabled are therefore denied full human worth. This is dangerous because denying someone full human dignity means objectifying them, and history has shown time and again that objectification leads to victimization. One can see these effects already in countries such as Belgium, where euthanasia without any age restrictions is now permitted, and even children are given the ability to make the choice to end their life. This account of dignity completely denies the teleological aspect of human life, which is to love God and others through charity. Those who suffer disabilities especially have a need for care and the affirmation of their

⁹² Curle, "Re-Thinking the Enlightenment," 12

⁹³ Curle, *Humanité*, 147-8

worth simply because they image God. Dr. John Humphrey has provided the ability to promote a more expansive human dignity than Kant's or Ignatieff's version by creating a framework which allows spirituality back into the human rights' discourse. His account of rights may allow a better enforcement of rights in societies where religious traditions must form the basis for defending human dignity. This view removes conversations about human rights from a purely technical and legal pragmatism and "affirms human dignity based on the uniquely human capacity for relationship with the divine."⁹⁴ Therefore this perspective creates a space for various religious and cultural interpretations of human rights rather than imposing a modern western Enlightenment understanding of rights based on autonomy.

There are various difficulties in applying the UDHR to cases around the world simply because states have sovereignty in the international order and in many cases their justice systems are broken and do not have the will or resources to uphold the lofty human rights outlined in the UDHR. However, since the rationalization behind human rights is human dignity, understanding dignity more thoroughly could lead to a greater "freedom, justice, and peace in the world."⁹⁵ Kant's Enlightenment understanding of dignity, taken to mean autonomy based on rationality, has led to some disconcerting conclusions about who should receive human rights in the postmodern age. Additionally, it emphasizes human individualism and each person's rights against the state, and imposes a western and secular ideology on the international community. By examining John Humphrey's perspective of human rights, and the Judeo-Christian principle of dignity behind these rights, one can gain a better understanding of how the UDHR was meant to function. This perspective provides a holistic understanding of the human person who seeks relationships with God and with others, and is dynamic enough to allow different cultural and

⁹⁴ Curle, "Re-Thinking the Enlightenment," 15

⁹⁵ The United Nations, Universal Declaration of Human Rights, preamble (1948)

religious interpretations into the implementation of human rights. This understanding also encourages people to act with charity towards one another because the rights are understood to point to a reality to which one can aspire, rather than functioning simply as individual protection against the state.

As identified in the introduction, law cannot enforce charity but simply attempts to inspire charitable action. When someone refuses to act charitably he does not commit an injustice, he merely lacks charity. Humphrey's ideology guiding the UDHR suggests that the use of justice in the material world points at the aspiration to charity in the spiritual realm. In the following chapter, the relationship between justice and charity will be discussed more thoroughly in the context of President Lincoln's political ideology. As will be demonstrated, this context may help understand how human rights could function more effectively if Humphrey's ideology was used to interpret rights, because Lincoln also used secular documents as mediating frameworks to uphold charity as a duty. Specifically, Lincoln recognized the need for charity as a political ethic in order to achieve the equality he identified as the nation's founding principle in the Declaration of Independence.

Chapter 3: Abraham Lincoln's Political Faith

Abraham Lincoln's legacy has influenced American democracy and the nation's identity in powerful and lasting ways. One important aspect of Lincoln's leadership was his emphasis on charity as both a religious and a political ethic. Confronted with the divisive issue of slavery which threatened to destroy the Union, the sixteenth president recognized that the "self-evident truths" outlined in the Declaration of Independence were not universally accepted by the American people. In particular, the claim that "all men are created equal" was challenged by slaveholders on the grounds of both reason and religion. Lincoln's own Judeo-Christian understanding of dignity encouraged him to elevate charity as the highest political ethic for the nation because he understood equal rights could never be justified on the grounds of another principle such as natural rights. In effect, Lincoln read charity into the Declaration and emphasized it as the only way to uphold the nation's foundational principles of equality. Charity is an essential element of Lincoln's "political faith." Also referred to as "civil theology" or "national faith," political faith can be understood to be a moral vision of public life set within a wider understanding of God, humanity, and the substance of a proper regime.⁹⁶ Lincoln founded the nation's political faith by shaping public opinion to revere and uphold the nation's laws and founding principles of equality laid out in the Declaration by acting charitably. Because he recognized reason was not a strong defense against peoples' self-interest which denied equality and perpetuated slavery, Lincoln added a religious interpretation to the secular Declaration.

⁹⁶ Joseph R. Fornieri, *Abraham Lincoln's Political Faith* (DeKalb, Illinois: Northern Illinois University Press, 2005), 7

Specifically, Lincoln merged the Christian concept of charity, the reason of the Enlightenment era which the American founders espoused, and the moral principles in the Declaration to define the American political system and culture. As will be elucidated in more detail, this philosophy arose to combat other political faiths such as pro-slavery theology and Senator Douglas' doctrine of popular sovereignty, which threatened the founding principles of republican democracy and would have completely altered the American political landscape had they become dominant. The roots of Lincoln's philosophy can be identified in his early Lyceum Address, were then expanded in 1854 at Peoria in his debate against Senator Douglas, and culminated in the Second Inaugural Address as the clearest exhortation to act charitably as a duty to the nation's principles. Lincoln's clear articulation of his understanding of the Declaration as a moral document within his speeches allowed him to capture the national spirit and shape public opinion and political events. A focus on Lincoln's introduction of charity into the secular Declaration functions as a useful historical case study for the application of the UDHR. Lincoln's recognition that charity was a necessary foundation for equal human rights caused him to reinterpret the secular Declaration's basis of natural rights. Similarly, the rights enshrined in the UDHR cannot be effectively protected by the reductionist Kantian foundation or the replacement of a foundation with a focus on the pragmatic use of rights. Lincoln's ability to add charity to the Declaration of Independence may be a precedent which allows charity to be read into the UDHR, encouraging people to oppose injustice and love one another as a political duty.

Lincoln's political faith is an effective case study because the Declaration of Independence was intended to operate as a secular document. Thomas Jefferson, who wrote the original draft, was a proponent of religious liberties but remained antagonistic to theology and

clerical power, and he purposefully referred to the “God of Nature” in the Declaration.⁹⁷ Jay, Madison, and Hamilton also describe the government in purely secular terms in *The Federalist*.⁹⁸ However, although the founders aimed to prevent the creation of a national church, they recognized the need for Christian morality in a democratic society.⁹⁹ They also could not have predicted the widespread effect of the Second Great Awakening which reinforced Christianity as an essential part of American culture.¹⁰⁰ As a result, as political scientist Willmoore Kendall once remarked, the wall between church and state has always been “porous” in America.¹⁰¹ By examining the effective use of a secular Declaration within a religious culture, one may be able to comprehend the potential of the UDHR’s use within a religious culture such as a Muslim society.

Similar to contemporary Muslim societies, the nineteenth-century “Christian nation” was split into many denominations. Interpretations of the same Bible by different groups led to opposing justifications both for and against slavery. Although the nation cannot be considered pluralistic when compared with today’s global environment, the religion was divisive enough to justify each side’s role in the bloody conflict between citizens. Lincoln may have been influenced by his Calvinistic upbringing, but he always used biblical rhetoric that was interdenominational and never held a membership in a specific church. His philosophy focused on charity as the highest ethic of the Bible and he recognized that it added to reason and republican principles. The American republic was founded on the declaration of the equality of

⁹⁷ Harry V. Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Chicago and London: University of Chicago Press, 1959), 229

⁹⁸ Grant N. Havers, *Lincoln and the Politics of Christian Love* (Columbia and London: University of Missouri Press, 2009), 65

⁹⁹ Fornieri, *Abraham Lincoln’s Political Faith*, 10

¹⁰⁰ Havers, *Lincoln and the Politics of Christian Love*, 63

¹⁰¹ Willmoore Kendall, *Willmoore Kendall Contra Mundum*, ed. Nellie D. Kendall (New York: University Press of America, 1994), 342, in Havers, *Lincoln and the Politics of Christian Love*, 2.

mankind, and it professed that the resulting inalienable rights are self-evident and known to all people through natural reason. As the equality of mankind was blatantly denied in the slave-holding states on the grounds of reason and religion, Lincoln perceived that love of neighbour was crucial for the effective enforcement of equal rights. However, his political charity went beyond the enforcement of equal rights and also encouraged the people to empathize with and forgive one another in order to unify the nation. In effect, Lincoln was able to use the public's religion to defend the Declaration's claim to equal rights. Jaffa suggests Lincoln "incorporated the truths of the Declaration of Independence into a sacred and ritual canon, making them objects of faith as well as cognition."¹⁰² Lincoln argued that equal rights were granted to all mankind on the basis of their humanity, and it was *Imago Dei*, charity, reason, and republicanism all working together which determined his anti-slavery position and formed his political faith.

The combined emphasis on religion, reason, and republicanism in Lincoln's political faith can best be understood as a development which responded to other political faiths that Lincoln found to be contrary to the laws and principles of the nation. As a public official, Lincoln's primary duty was to preserve the Union, and to him this entailed preserving the founding principles of the Union as outlined in the Declaration and the Constitution.¹⁰³ His understanding that human dignity and rights applied to all men on the basis of their humanity was influenced by the concept of *Imago Dei* and the Christian duty to love others. This understanding correlated with the principle of equality in the Declaration which therefore had to be given moral legitimacy and treated with reverence because it was based on a biblical precept.¹⁰⁴ However, the Constitution also enshrined the right to own slaves, and Lincoln's

¹⁰² Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, 229

¹⁰³ Fornieri, *Abraham Lincoln's Political Faith*, 21.

¹⁰⁴ Fornieri, *Abraham Lincoln's Political Faith*, 5.

commitment to the nation's laws meant that he was an anti-slavery advocate rather than an abolitionist. Instead of interpreting the Constitution and the Declaration as incompatible, like radical abolitionists such as William Lloyd Garrison had done, Lincoln understood the Constitution and the nation's laws as the framework in which the Declaration was able to function.¹⁰⁵ He therefore viewed slavery as a "necessary evil" which the founders intended to eventually eliminate by restricting its spread into new territory. However, like the founders, he recognized that the moral principles enshrined in the Declaration could not be realized unless the Constitution was sustained and the Union survived.¹⁰⁶ Lincoln also understood the crucial influence of public opinion in republican self-government. He recognized the population's ability to rule as a "tyranny of the majority" if it abandoned its self-constraint and ignored the nation's principles and laws by pursuing its lawless passions.¹⁰⁷ He condemned the societal leaders such as Senator Douglas and Reverend Frederick Ross who were misleading public opinion by promulgating a new political faith that was antagonistic to American principles. These leaders argued that slavery was morally ambiguous or even a positive good, and they suggested states should have the right to decide the issue for themselves. Through the use of reason, religious precepts, and republican principles, Lincoln was able to erode the "sophistries" of his opponents in order to guide public opinion for the common good according to the political faith that expanded and affirmed the founders' vision of America.

It has been suggested by a number of scholars that Lincoln's political faith was already evident in 1838 when he delivered a speech to the Young Men's Lyceum of Springfield, Illinois. At the age of twenty-nine, Lincoln claimed that the republic's survival rested on the peoples'

¹⁰⁵ Fornieri, *Abraham Lincoln's Political Faith*, 157

¹⁰⁶ Joseph R. Fornieri, *Abraham Lincoln: Philosopher Statesman*, (Carbondale: Southern Illinois University Press, 2014), 58

¹⁰⁷ Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, 231

commitment to morally revere the nation's laws and Declaration's principles because they were based on Christian principles. Harry Jaffa suggests that the principles laid out in Lincoln's Gettysburg Address are already clear in his Lyceum Address delivered two and a half decades earlier.¹⁰⁸ The Lyceum was a venue which gave young men an opportunity to gain public recognition and debate ideas. Lincoln's address focuses on the civic responsibility of citizens to uphold the nation's principles and ensure the survival of the Union. Although he does not specifically address slavery as the greatest moral wrong facing society, he targets the lawless self-interest that underlies the system of slavery. Recognizing that natural reason is not a strong enough defense of the founding principles, he emphasizes the religious foundation for equal rights and dignity by exhorting the audience to obey the laws as though they were a political creed. His speech begins with the glorification of the blessings which resulted from the nation's founding principles of liberty and equality. Lincoln then illustrates the growing chaos and "mobocratic" violence which he warns will result if the citizens do not respect the nation's laws. He cautions that such an environment will result in the rise of a "towering genius," an ambitious tyrant who will take advantage of the absence of respect for the founding principles and advance his own political agenda. To ensure this does not occur, Lincoln exhorts the citizens to practice "reverence for the laws" as the "political religion" of the nation.¹⁰⁹ Although Jaffa rejects the claims of some historians that Lincoln predicted his own rise as the "towering genius" who pursues his own political ends, he does claim that Lincoln's political religion was already well

¹⁰⁸ Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, 183

¹⁰⁹ Abraham Lincoln, "Address to the Young Men's Lyceum of Springfield," in *The Collected Works of Abraham Lincoln*, vol. 1., ed. Roy P. Basler (New Brunswick, N.J.: Rutgers University Press, 1953-1955), 1:112, in Fornieri, *Abraham Lincoln's Political Faith*, 93

developed at this point and was a “blueprint” for his future debates with Senator Stephen Douglas.¹¹⁰

Lincoln recognized that the slavery issue had to be defeated in principle because it was crucial to how the Declaration would be interpreted and would shape the republic through public opinion.¹¹¹ One of the political philosophies that Lincoln took issue with was the pro-slavery theology advanced by leading southern ministers. In the South, the Presbyterian Reverend Frederick Ross published a series of pamphlets titled *Slavery Ordained by God* in which he used Biblical texts to prove that slavery was not condemned in the Bible and to claim that all authority and powers were instituted by God and should be obeyed. He argued that the institution of slavery was good for those in bondage because it was God’s will for them to serve.¹¹² Using both reason and biblical examples to complement one another, Lincoln challenged his doctrine by proving that proslavery theology took the letter of the Bible out of context of the charitable spirit of the book. In a publication of the *Washington Daily Chronicle* entitled “The President’s Last, Shortest, and Best Speech,” Lincoln cites Genesis 3:19 to prove the contradiction between proslavery theology and true Christianity.¹¹³ This verse illustrates God’s command that all men should labor for their own well-being and not for another person. Fornieri notes that the main verses Lincoln used to combat proslavery theology were all consistent with the charitable spirit of the Bible and reason. Using Genesis 1:27, Lincoln argued that all men were created in God’s image and endowed with dignity. Referring to Genesis 3:19, he argued that labour was given as a task for all mankind, proving that it was not in accordance with God’s will or with nature to force a man to toil for another man rather than for himself. Lincoln also correlated the Golden

¹¹⁰ Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, 228

¹¹¹ Fornieri, *Abraham Lincoln: Philosopher Statesman*, 1

¹¹² Fornieri, *Abraham Lincoln’s Political Faith*, 73-4

¹¹³ Basler, *Collected Works*, vol. 8. 155, In Fornieri, *Abraham Lincoln’s Political Faith*, 79

Rule in Matthew 7:12, to treat others as you yourself wish to be treated, with the Declaration's principle of "equal consent" to show that no man was good enough to govern another man without his consent. Although slaveholders could use the Declaration to argue that slaves consent to bondage for their own good, Lincoln's interpretation of charity in the Declaration suggests that the proslavery claim is irrational and contradicts the principle of equality. Using Matthew 22:37-40, the charitable command to love God and one's neighbour, Lincoln argued that the universal ethic of charity worked together with reason to prove that keeping people enslaved was not love and therefore was not Christian.¹¹⁴

In addition to refuting Reverend Ross with Biblical arguments, Lincoln also used reason to establish his anti-slavery political faith. In a private memo to Reverend Ross, Lincoln points out the irony in the claim that slavery was the only "good thing which no man ever seeks the good of, for himself."¹¹⁵ Additionally, he points out there is no direct revelation from God that proclaims it is His will that each individual slave should be held in bondage. God does give natural reason, however, and this reason works together with charitable love to prove that slavery is wrong.¹¹⁶ Fornieri points out that Lincoln often encouraged people to challenge moral conclusions from religion if they contradicted one's ordinary sense of right and wrong.¹¹⁷ Lincoln recognized the threat of the philosophies of Ross and other pro-slavery theologians, because they successfully convinced much of the public that slavery was inherently good and that it conformed to the divine order of God. Using reason and the religious principle of charity, he defended the republican principles of equality for all mankind.¹¹⁸

¹¹⁴ Fornieri, *Abraham Lincoln's Political Faith*, 82

¹¹⁵ Lincoln, in Baser, *Collected Works*, vol. 3, 205

¹¹⁶ Fornieri, *Abraham Lincoln's Political Faith*, 74

¹¹⁷ Fornieri, *Abraham Lincoln's Political Faith*, 78

¹¹⁸ Fornieri, *Abraham Lincoln's Political Faith*, 86

The biblical texts that Lincoln used to challenge the pro-slavery theology of Reverend Ross demonstrate that it was his understanding of human dignity based on reason and revelation which shaped his opposition to slavery. He believed that all peoples' alienable rights should be recognized because they were made in the image of God, and the Biblical command to act with charity to all people undermined the oppressive institution. Because of his Christian foundation for human dignity he recognized all men are good enough to deserve autonomy. On the other hand, he also believed that because of sinful human nature, no man was good enough to have control of another.¹¹⁹ The president's understanding of the dignity and depravity of man shaped his perceived need for charity in the public sphere, because he believed people deserved forgiveness since they were all sinful. If slavery was recognized to be wrong simply on the basis of natural reason, slaveowners should be condemned for violating the natural law so blatantly. Lincoln encouraged empathy and charity towards slaveowners, however, because their sinful human nature allowed them to interpret the Declaration in order to act in their own self-interest because the natural law did not explicitly condemn slavery. Neither did the Bible, although Lincoln reasoned that the highest ethic of Christianity condemned slavery. Lincoln's political use of charity actually goes deeper than guaranteeing people autonomy and equal rights. Acting with charity required not only recognizing the equal rights of the enslaved, but also acknowledging one's own role in the problem of slavery and empathizing with slaveholders rather than blaming them. He exhorted the people to consider charity to be fundamental to the Declaration and therefore act charitably as a political duty. The combination of both reason and religion is crucial for Lincoln's political theology.

¹¹⁹ Fornieri, *Abraham Lincoln: Philosopher Statesman*, 38

In 1854, Lincoln delivered an address at Peoria in response to Stephen Douglas' doctrine of popular sovereignty and specifically identified the principle of self-interest as the foundation for the doctrine, the opposite of Lincoln's foundation of charity. Douglas' doctrine, laid out in the Kansas-Nebraska Act, had effectively repealed the Missouri Compromise of 1820 which decreed that slavery would not extend into new territory north of the 36° 30' line. This act allowed the populations of new states to choose whether they would practice slavery in their territories. Fornieri argues the Peoria Address is Lincoln's clearest articulation of his political faith because it attacks the spread of slavery through reason and the Constitution, and upholds the Declaration as a moral law for the nation encouraging charity. The speech also emphasizes the continuity of the republican tradition from the founders, Washington and Jefferson, to Lincoln.¹²⁰ In this speech, Lincoln argues that popular sovereignty undermines the core principles of the revolution because in effect it argued in favor of "the right to do wrong."¹²¹ Rather than upholding the laws and Declaration's moral principles with reverence as Lincoln proclaimed, popular sovereignty allowed states to create their own morality as it suited them. The charity in Lincoln's political faith required people to have the ability to empathize with others and seek the common good, whereas popular sovereignty allowed people to serve themselves. Douglas believed man's humanity was grounded in his ability to choose, and as a result he understood political freedom should also be grounded in popular choice.¹²² Although Douglas' doctrine would have resulted in a free state of Kansas, Lincoln recognized that the principle behind the doctrine was incompatible with the founders' principles. Douglas presented slavery as a morally neutral choice for the population to make, which Lincoln claimed directly contradicted the founders' intention of viewing slavery as a necessary evil which should die a

¹²⁰ Fornieri, *Abraham Lincoln's Political Faith*, 110

¹²¹ Fornieri, *Abraham Lincoln's Political Faith*, 124

¹²² Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*, 33

natural death through containment.¹²³ Lincoln even accused Douglas of being secretly pro-slavery because he considered slavery to be a viable choice in a republic committed to liberty and equality. Lincoln recognized that “The Spirit of seventy-six and the Spirit of Nebraska, are utter antagonisms.”¹²⁴

Although this speech was addressed to northerners, Lincoln used reason to appeal to the consciences of southern citizens as well. He points out that it is inconsistent of southerners to defend domestic slavery but also uphold the laws prohibiting the international slave trade. Furthermore, he notes the marginalization and ostracization of the slave traders in the southern social hierarchy to prove that the people of the south also knew inherently that slavery was morally wrong.¹²⁵ To avoid self-righteous judgment, Lincoln also humbles himself and the northern states by acknowledging that they would have acted no differently than the southern states had their roles been reversed, and he also recognizes that slavery is a problem with no easy solution.¹²⁶ This practice of charity, to empathize with the other without malice, is crucial to Lincoln’s political faith. By appealing to charity, Lincoln was able to condemn the notion that slavery was a morally relative choice without instigating further hostility to the southern states, reminding the citizens that national unity should be their primary objective.

Just as Lincoln used religion, reason, and republican principles to prove that popular sovereignty and pro-slavery theology contradicted the nation’s moral principles, he also showed that immediate emancipation was impractical. Although he acknowledged that he hates slavery in the Peoria address because of its corrupting nature and hypocritical stain on American

¹²³ Abraham Lincoln, “Speech at Peoria, Illinois,” in *The Collected Works of Abraham Lincoln*, vol. 2., ed. Roy P. Basler (Michigan: University of Michigan Digital Library Production Services, 2001), 249

¹²⁴ Lincoln, “Speech at Peoria, Illinois,” 275

¹²⁵ Lincoln, “Speech at Peoria, Illinois,” in Forniery, *Abraham Lincoln’s Political Faith*, 121

¹²⁶ Lincoln, “Speech at Peoria, Illinois,” in Forniery, *Abraham Lincoln’s Political Faith*, 116

principles of liberty and equality, he also recognized his duty to the nation's laws and Constitution. In the beginning of his speech, Lincoln makes it clear that he wishes to be national in the positions he holds. As a result, he recognizes that slavery should be allowed to slowly die out in the areas it already existed without intervention. Near the end of the speech he remarks: "Stand with the abolitionist in restoring the Missouri Compromise. Stand against him when he attempts to repeal the fugitive slave law...In both cases you are right. In both you stand on middle ground and hold the ship level and steady. In both you are national and nothing less than national."¹²⁷ Lincoln also attempted several times during the war to offer compensated emancipation to the Border States that remained loyal to the Union.¹²⁸ Clearly he was not simply acting pragmatically by working towards the easiest solutions. Rather, his charity resulted in his opposition to slavery but his political duty and realism encouraged him to pursue prudential policies which reinforced the founders' principles. He recognized that a policy of immediate emancipation had a good intention but would result in greater harm. His theoretical wisdom provided him with a vision of democratic government based on the founders' principles, and his prudential wisdom allowed him to carry it out within the limits of the constitution and his public office.¹²⁹

It is Lincoln's Second Inaugural Address which most clearly portrays his political faith and the appeal to charity in accordance with the nation's laws. This speech was delivered shortly before the Confederate Army laid down their arms, but Lincoln exhorts the public to avoid triumphalism and instead act with forgiveness and mercy in order to ensure the survival of the Union. Throughout the war, Lincoln was frustrated with his war generals who were satisfied with

¹²⁷ Lincoln, "Speech at Peoria, Illinois," in *The Collected Works of Abraham Lincoln*, vol. 2, ed. Basler, 273

¹²⁸ Forniari, *Abraham Lincoln: Philosopher Statesman*, 60

¹²⁹ Forniari, *Abraham Lincoln: Philosopher Statesman*, 54

driving what they perceived to be the “invading enemy” back across the Potomac River rather than recognizing the Confederate army as a rebellious force within the nation and eliminating it to restore unity.¹³⁰ The president refused to give legitimacy to the secessionists as a separate autonomous nation and strove to reunite the people once again. In his Second Inaugural, Lincoln makes it clear that the perceived “enemy” deserves forgiveness, mercy, and love. In order to accomplish such charity, Lincoln first humbly admits that God had his own just purposes for the war and neither side can claim He was on their side completely. Like at Peoria, he also acknowledges northern guilt for the war rather than blaming the south alone, although he does recognize the moral difference in fighting to leave the Union as opposed to accepting conflict in order to save it.¹³¹ However, Lincoln understood it is only through empathy and humility that both sides could reach reconciliation through charity. His final exhortation perfectly summarizes the main doctrine of the nation’s political faith: “With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”¹³² Havers suggests this triumphant conclusion places “supreme importance” on the authority of love.¹³³ Rather than judgment, punishment, and blame, Lincoln exhorts the people to work together as one nation under God, humbly accepting responsibility and suffering equally with one another. In a letter to his friend Thurlow Weed, Lincoln explained that the humility and responsibility of war fell on him as well. Although he recognized he was simply an actor in God’s predetermined plan, and also acknowledged that he had acted according

¹³⁰ Allen C. Guelzo, *Abraham Lincoln: Redeemer President*, (Grand Rapids, Michigan: William B. Eerdmans Publishing Co., 1999), 367

¹³¹ Guelzo, *Abraham Lincoln: Redeemer President*, 418

¹³² Lincoln, “Second Inaugural Address,” in *The Collected Works of Abraham Lincoln*, vol. 8, ed. Basler, 356

¹³³ Havers, *Lincoln and the Politics of Christian Love*, 67

to the moral principles of the Declaration and Constitution as best he could, he also admitted his role in the nation's uncharitable actions of civil war required humility so the nation could be reconciled.¹³⁴

Through the use of his masterful rhetoric, logic, and reason, Lincoln was able to develop a political faith which encouraged charity as necessary for the American nation. Lincoln's commitment to the founder's principles of freedom and equality was shaped by his Christian understanding of human dignity, and his defense of the Declaration as a moral covenant is clearly laid out in his Lyceum Address. As a response to the pro-slavery theology and doctrine of popular sovereignty, Lincoln further developed his political faith by emphasizing the correlation between the principles of the republic, natural reason, and religion. He expressed his political faith clearly in the Peoria Address, encouraging the people to act with charity to their southern brethren by acknowledging their own guilt in the problem of slavery. He emphasizes charity even more in his Second Inaugural Address by encouraging humility, forgiveness, mercy, and love as the necessary solutions to the bloody conflict which tore the nation apart. The Conclusion will address the implications that this case study could have on the application of the UDHR within the global community.

¹³⁴ Stephen B. Smith, "Lincoln's Second Inaugural Address," in *The Writings of Abraham Lincoln*, ed. Stephen B. Smith (New Haven: Yale University Press, 2012), 491

**Conclusion: Implications of Lincoln's Political Faith for the Contemporary Human
Rights Movement**

Lincoln's interpretation of the Declaration of Independence as a moral covenant which inspires charity has a number of implications for the effective use of the Universal Declaration of Human Rights in the contemporary pluralistic environment. Lincoln's example demonstrates that when religion corresponds to reason and particular laws, it should not be excluded from the political sphere or the international human rights movement. Importantly, the religious foundations of human dignity informed Lincoln's anti-slavery politics and provided him with the means to protect human rights when the natural rightist foundation of the secular Declaration was insufficient. If the religious foundations of certain communities such as Muslim societies were accepted as legitimate justifications for human rights, perhaps rights would be enforced more effectively around the world. Additionally, Lincoln's emphasis on principles demonstrates the secular West's need for a foundation for their human rights program. For example, Senator Douglas' popular sovereignty would have resulted in many states without slavery. However, Lincoln looked beyond the pragmatic result of popular sovereignty and recognized the principle of self-interest at its root, which contradicted charity as the Declaration's foundation. Lincoln recognized that without charity as a political ethic, the Declaration's principle of equality could never be realized because when the state reinforces rights, people pursue their own self-interest. Because the Constitution did not protect the rights of slaves, people were free to autonomously act according to their preferences. Likewise, Kant's understanding of dignity also relies on the state to enforce rights. Without charity, the state fails to protect the rights of some and self-interest causes human rights abuses to ensue. Lincoln's politicization of charity resulted in the humility and empathy necessary for the healing of the nation following the Civil War, qualities that the West sometimes lacks when enforcing its own ideologies in other areas of the world, causing further division rather than unity. Humphrey's understanding of the UDHR may allow

cultural and religious traditions into the dialogue on human rights to establish a foundation so that the rights may be applied more effectively. Rather than relying on the state to protect rights, people must take on the responsibility to protect the rights of those around them by loving them.

As slavery demonstrated, natural reason was not enough on its own to keep the people from neglecting the founding principles of equality and inalienable rights and pursuing their own self-interest. Kant suggested that reason was enough to recognize that humans are ends in themselves and the bearers of inherent and intrinsic dignity. However, this “self-evident” recognition of dignity was not reason enough to cause people to respect the dignity of others. Especially because the state is relied upon to enforce rights, people are free to act according to their preference unless the state restricts them. Lincoln argued that charity was vital to protecting the human rights of others because the state did not respect the rights of slaves and therefore people were free to oppress them for their own selfish reasons. Charity provides the missing impetus to protect the dignity of others because it causes one’s conscience to stop one from oppressing others rather than relying on the state. When he combatted the pro-slavery theology of Reverend Ross, Lincoln linked the golden rule in the Bible with the Declaration’s principle of equal consent. Without charity, pro-slavery theologians were able to interpret the Declaration’s “equal consent” according to their own self-interest. Kant’s categorical imperative can also be interpreted according to one’s self-interest without charity, because it simply relies on the state to protect other’s rights. Lincoln demonstrates the importance of charity as the tool which can achieve the underlying purpose of the law, which is a united and peaceful society.

Lincoln merged the American culture’s religion with the political sphere to advance the nation’s political faith and encourage reverence for the secular Declaration of Independence. He interpreted the Declaration to be a political creed which acted as the nation’s moral compass.

Although the population was largely Christian, it was diverse and competing interpretations of the Bible allowed opposing sides in politics and the Civil War to justify their actions. As Lincoln noted in his Second Inaugural Address, “both sides pray to the same God.”¹³⁵ Lincoln emphasized the basic tenants of Christianity, particularly charity, so he could appeal to the vast majority of denominations. His example could encourage the West to allow religious traditions into the discussion of human rights to provide a foundation for human dignity. Lincoln’s Judeo-Christian understanding of human dignity encouraged his anti-slavery policies, but it also worked together with republican laws, principles and reason. His faith encouraged him to love others and enforce their human rights because they were made in the image of God and because the Declaration claimed all men equally deserved inalienable rights. His rationality and his knowledge of the human reality caused him to see the danger in allowing a sinful man power over another. Lincoln’s use of religion in politics actually encouraged the enforcement of the Constitution and the Declaration of Independence, despite their secularity.

Sachedina insists that at the core of Islamic communities’ understanding of human rights is the need to protect people from oppression, despite the sectarian differences across the religious culture.¹³⁶ This tenant corresponds to both reason and secular laws. However, the secular promotion of human rights based on individual autonomy does not correspond with the cultural reality in Muslim communities, where spiritual and relational aspects of humanity are emphasized. Sachedina notes that after they adopted secular governing institutions, both Turkey and Albania have struggled to effectively deal with the Muslim cultural revival in their countries because of the disconnect between the culture and the secular government framework.¹³⁷

¹³⁵ Lincoln, “Second Inaugural Address,” in *The Collected Works of Abraham Lincoln*, vol. 8, ed. Basler, 356

¹³⁶ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 50

¹³⁷ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 50, footnote 2

Additionally, he argues Muslim governments ignore certain rights because they distrust the lack of metaphysical foundation for rights and perceive it as hostile to religion and a Western power ploy.¹³⁸ If Muslim communities are not discouraged from using their religion to build a foundation for human rights which corresponds to the secular UDHR, perhaps that application of human rights in such communities would be more effective. If they were able to interpret the UDHR as a sort of “moral covenant” which corresponds to their religious foundations, perhaps they could look beyond the pragmatic application of the rights enshrined therein and recognize its goal of charity. This may encourage such communities to view rights as vital to their own religious culture rather than as imperialistic crusades.

Lincoln also demonstrated the problem with pragmatic human rights creeds lacking a foundation by always emphasizing the founding principles of the nation as a moral guide. The idea expounded by Michael Ignatieff that human rights should function as pragmatic tools severed from a particular foundation is similar to the way Douglas’ popular sovereignty eliminated the foundation of self-government in favour of acting according to one’s self-interest. Even though popular sovereignty most likely would have resulted in a number of free states rather than slave states, Lincoln rejected the doctrine because it erased the moral principles of the founders by considering slavery to be a valid choice in a republic. Douglas focused on what this doctrine could effectively *do*, while Lincoln recognized the foundation for the doctrine as antithetical to American republican principles despite what it might pragmatically accomplish. Like Kant, Douglas intended man to be the master of his own morality because he understood dignity to be grounded in man’s ability to choose. Lincoln recognized that dignity did not rest on man’s rationality but must be grounded in something deeper, because rationality led to an

¹³⁸ Sachedina, “The Clash of Universalisms: Religious and Secular in Human Rights,” 51

extension of slavery and oppression since it allowed the pursuit of self-interest. In his Lyceum Address he also recognized that the lawless self-interest dominating the nation conflicted with the equal dignity which defined the American nation and would lead to the rise of a self-interested tyrant who could manipulate the people because of the culture's moral relativism. Fornieri explains the need for a foundation that is grounded in a transcendent reality: "If the universe is chaotic, if intelligent life is an accident, if all human experience is subjective, if man differs from animal by degree and not in kind, then it follows that there can be no absolute or fixed basis to oppose slavery. All standards would be relative and conventional."¹³⁹ Similarly, all standards that explain why certain rights should be protected according to Ignatieff's standard become "relative and conventional." Without charity, the state alone is relied upon to enforce human rights and when it fails to do so there is no other assurance of protection.

However, Lincoln's charity also provided the strongest defense against self-righteous imperialism. He used Christian precepts in his policies because the dominant American culture was Christian. His emphasis on humility and empathy with others provides an example for the secular West when engaging in human rights promotion in different cultures. Havers notes Lincoln's emphasis on humility and charity guarded against the arrogant assumption that equal rights were self-evident and should be exported to all mankind. Particularly, he notes that Christian charity is a precondition for democracy and equal rights.¹⁴⁰ John Humphrey's understanding of the UDHR could act as an effective mediatory tool, because it recognizes the need for a transcendent foundation for human rights while understanding the translation of universal truths into different particular understandings based on cultural context. As a result, rights could be applied more effectively in cultures which require a religious foundation for

¹³⁹ Fornieri, *Abraham Lincoln's Political Faith*, 150

¹⁴⁰ Havers, *Lincoln and the Politics of Christian Love*, 117

human rights, but it would not be necessary to reach a universal agreement on a foundation because different interpretations are accepted as long as they correspond with reason and laws. The UDHR could be interpreted as a moral covenant that encourages charity in different cultural contexts, just as Lincoln interpreted charity as the main tenant of the Declaration of Independence in the American Christian context.

One of the limitations of interpreting charity as the main tenant of a legal document is that justice and charity are not the same. Lincoln demonstrated that charity required empathy, forgiveness, and mutual admission of blame. In his Peoria Address and his Second Inaugural Address, he recognized the role played by the northern states which caused the conflict that tore the nation apart. However, he also recognized the South's rebellion against the moral principles of the Union when they attempted to unilaterally secede from the nation. He did not blame all the southerners, but he condemned the motives and actions of many in the South. Charity is required for reconciliation, but justice is necessary to define the morality of the nation. However, charity also encourages people to oppose injustice by loving one another as a duty. To end on a hopeful note, charity is evident in the protection of human rights in the recent bus attacks in Kenya. When Somali militants boarded a bus in northern Kenya and attempted to separate the Muslims from the Christians, the passengers refused to co-operate and some Muslims even shared their religious clothing with their Christian "brothers and sisters" to protect them. With the state's inability to protect human rights of its citizens, the people recognized their own responsibility to act with love towards those around them despite different beliefs and values.¹⁴¹

¹⁴¹ Sarah Kaplan, "Muslims refuse to hand over Christian passengers after bus attacked by armed militants in Kenya," *National Post* 22 December 2015 <http://news.nationalpost.com/news/muslims-refuse-to-hand-over-christian-passengers-after-bus-attacked-by-armed-militants-in-kenya>

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