Global Protection of Life and Liberty

A Global Political Theory

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Abstract

Theorising about international normative political theory is the current task of contemporary political theory. Two living themes in this regard are theories of 'global distributive justice' and 'universal human rights'. As an alternative to these two themes, I would propose what I call 'Global Humanness Protection', which includes the following two principles: (1) the life of every human being ought to be preserved; (2) the liberty of every human being ought to be provided and guaranteed. Global Humanness Protection has the following features. Firstly, it is a 'foundational' theory constructed upon an account of the human essence, his abilities and vulnerabilities, and his place in the natural world. Secondly, this theory is 'human', in the sense that it is grounded in 'the human essence' independently of any social affiliations and commitments. Thirdly, Global Humanness Protection is a 'fundamental' theory, which takes precedence over all other moral and political values that are grounded in particular affiliations and commitments within particular societies. Fourthly, the principles of Global Humanness Protection are 'universal', in the sense that they apply to every human being, irrespective of his time, place, race, sex, religion, and so on. It should be noted, however, that although the concept of 'rights' is theoretically justifiable, and practically necessary, I shall disengage from it here. For, I assume that the concept of rights is a 'derivative' and 'executive' concept, rather than being an 'original' and 'legislative' concept in morality.

Introduction

Normative political theorising should be undertaken at 'two hierarchical levels'. At the first level, there needs to be a theory of 'the good human life', whereas the second level ought to deal with 'the good societal management'. The 'subject' of the first level of political theorising is 'the human individual' and its 'argument' should attend to an account of 'the human essence'. I would call any political theory at the first level 'human political theory'. All theories of 'human rights' are, expectedly, located in this category. By contrast, the 'subject' of the second level of political theorising is 'the human society' and its 'argument' should take into account 'the requirements of social life'. I would call any theory at the second level 'societal political theory'. All theories of 'justice' should be located in this second category.

I assume that the major rival theories at the first level of political theorising are 'perfectionism' and 'utilitarianism', whereas the main competing theories at the second level are 'justice' and 'fraternity' – or 'mutual help', 'social solidarity', and similar theories, which have been proposed as alternatives to theories of justice. It should be noted, however, that the two hierarchical levels of political theorising are particular to 'individualistic' political theorising. By contrast, in 'collectivist' political theorising, the human political theory and the societal political theory are unified in one political theory.

My account of global political theory is a variant of perfectionism belonging to the category of human political theory. I would call my account of human political theory 'Global Humanness Protection', which has the following features: Firstly, my account of global political theory is 'foundational'. For, any conception of the good human life should construct its argument upon the human essence, as well as his abilities and vulnerabilities, along with his place in the natural world. All these elements constitute the foundation of political theory at the first level. Secondly, the principles of Global Humanness Protection should be conceived of as being 'human', in the sense that they are grounded in 'the human essence' independently of any social affiliations and commitments, although the realisation of these principles depends upon social relation. Thirdly, the principles of Global Humanness Protection are 'fundamental' and take precedence over all other moral and political values that are grounded in particular affiliations and commitments within particular societies (Hence, I assume that political theory and moral theory in general should not necessarily be 'thick' in origin. In a logical sequence, we may firstly articulate a 'global political theory' on the basis of universal human essence and the position of human species in the natural world. Then, within the limits already set by a given global political theory, we can sketch the principles of a 'domestic political theory' grounded in local citizenship, along with requirements of the global power structure).[1] Fourthly, the principles of Global Humanness Protection are 'universal', in the sense that they apply to every human being, irrespective of his time, place, race, sex, religion, and so on.

To give an outline, my argument consists of three sections. In the first section, I shall elaborate on the foundation of my global political theory. It should be noted, however, that although the foundation of my theory is theistic and controversial, I assume that many naturalists can arrive at the same conclusion that I make from the argument of the first section. The argument of the first section results in the affirmation of 'the fundamental norm of morality', by which the gap between 'fact' and 'norm' can successfully be bridged. In the second and third sections, the first principle and the second principle of Global Humanness Protection will be examined, respectively. The two principles of Global Humanness Protection result in a collection of ‘obligations, freedoms, and opportunities’, which should globally be fulfilled, guaranteed, and provided, respectively.

I should add here that although I admit that the concept of ‘rights’ is theoretically justifiable, and practically necessary, I shall disengage from it here.[2] For, I assume that the concept of rights is a ‘derivative’ and ‘executive’ concept, rather than being an ‘original’ and ‘legislative’ concept in morality.[3] However, a short list of ‘universal human rights’ can definitely be derived from the two principles of Global Humanness Protection, which I propose.

The Foundation: Every Human Being Ought to Follow the Rules of Practical Reason

My argument in this section proceeds as follows: (1) the natural world is purposive; (2) the ultimate end of the natural world ought to be the highest development possible for the highest species; (3) ‘human moral development’, in the sense of acting in accordance with the rules of practical reason for the sake of those rules, is the highest development possible for the highest species, rather than ‘human happiness’; (4) hence, human moral development is the ultimate end of the natural world; further, (5) human beings ought to make the ultimate end of the natural world their own end in their conduct; (6) therefore, human beings ought to act in accordance with the rules of practical reason for the sake of those rules.

To elaborate: the first proposition is that the natural world is purposive, that is, it has been created by God for, and has been continuously moving towards, a wise end.[4] This is an assumption I borrow from theology. However, naturalist philosophies may also accept that nature itself is purposive and wise. I would call the purpose, the end, and the goal of an action 'the motivating cause'.[5] Hence, the purposiveness of the natural world means that it has a motivating cause. Further, since the chain of 'motivating causes' of the world cannot be infinite, there should be a point where something is 'intrinsically valuable' and can wisely be wanted for itself, not for something else. In other words, there should be an 'ultimate motivating cause' for the creation and the continuous movement of the natural world.

Further, I define a goal as 'something achievable not yet existing, or a development, which motivates an agent to take a particular course of action'. Hence, no essence, however high, can be considered as the goal of the creation and the movement of the natural world. Only does the question 'why' stop where an intrinsically valuable development can be conceivable. In other words, the only wise end conceivable for the creation and the continuous movement of the natural world should be an intrinsically valuable development, at which the question 'why' can wisely stop.

Moreover, I assume that if various developments are conceivable and achievable in the natural world, the 'highest development' related to the 'highest species' should wisely be considered as the ultimate motivating cause of the creation and the continuous movement of the natural world. Therefore, if there are superior and inferior species in the world, the development related to the highest species should be considered as the ultimate motivating cause of the world.

Further, if the highest species is capable of superior and inferior types of development, the highest development should be considered as the ultimate motivating cause of the world. The end or the ultimate motivating cause of the natural world, therefore, is ‘the highest development possible for the highest species’.

In the light of the above discussion, I propose that the ‘moral development of human species’ is the ultimate motivating cause of the whole world. This means that all other inferior parts of the natural world have been created and managed to serve the moral development of man. This ‘perfectionist assumption’ is an alternative to the ‘utilitarian assumption’, which implicitly or explicitly holds that the ultimate end of the world is ‘the greatest happiness of the greatest numbers of human species’ or ‘the greatest happiness of the greatest numbers of all sentient species’.[6]

My argument in this regard is that man is higher than the inanimate, plants, and beasts; for, he is exceptionally capable of moral development, which is the highest development possible for him. Moreover, although God, by definition, is superior to human species, He is perfect and not potential for any development. Therefore, what theism should correctly maintain about God is that He is ‘the first acting cause’ of the world, rather than being both the first acting cause and the ultimate motivating cause of the world.[7] Put another way, whilst God, in accordance with theism, is ‘the first acting cause’ in the chain of causes and effects in the world, the ultimate motivating cause of the world is irrelevant to Him. Rather, the end of the world is related to man. For, firstly, man is superior to other corporeal species; and secondly, he is potential for moral development, which is the highest development possible for him.[8]

To illuminate: firstly, plants, animals, and humans, as opposed to inanimate beings, are all living species possessed of physical movement and growth. Admittedly, a living being is superior to an inanimate being. Therefore, plants, animals, and humans are superior to inanimate beings. Secondly, animals and humans, as opposed to plants, are both capable of emotion and sentiment. Definitely, a living being capable of emotion and sentiment is superior to a living being unable of emotion and sentiment. Hence, both animals and humans are superior to plants. Thirdly, unlike animals, humans can free themselves from the force of their desires and act in accordance with the rules of practical reason. Undeniably, an animal equipped with the potentiality for acting in accordance with the rules of practical reason is superior to an animal unequipped with such potentiality. Hence, human species is superior to animals. Finally, although humans are capable of development in their physical abilities and their emotional capacities, acting in accordance with the rules of practical reason is the highest development conceivable for them.[9]

The aforementioned discussion on 'the distinctive property' of human species would lead us to a definition for 'morality'. Morality can be defined as 'acting in accordance with the rules of practical reason, rather than one's own desires'. By the rules of practical reason, however, I do not mean what is directly given by 'human practical reason'. Rather, it includes, also, those rules that human practical reason indirectly gives through its confirmation of the rules of Divine practical reason. Hence, according to theism, moral development can be achieved both by acting upon the rules of human practical reason, as well as the rules of Divine practical reason.[10] What characterises, hence, morality is the obedience to the rules of practical reason, rather than selfish desires. This is because unselfish conduct is particular to human animals distinguishing them from nonhuman animals. Although both humans and animals have desires, humans are able to resist the force of their desires and act in accordance with the rules of practical reason.[11] Hence, if man resists the force of his desires and obeys the rules of practical reason, we should praise him for such a success. By contrast, if he disobeys the rules of practical reason, we should blame him for failing to realise a property, which distinguishes man from animals. Hence, morality can be equated with ‘praiseworthiness’, as immorality can be equated with ‘blameworthiness’. Wherever we can praise a person for an action, that action should be considered as moral. By contrast, wherever we can blame a person for an action, that action should be considered as immoral.

I would, further, assume that since we can justifiably praise persons at two levels, there are two ‘degrees of morality’. The lower degree of morality concerns the ‘action-related property’, which is correspondence to the rules of practical reason, rather than one’s desires. Hence, we should praise a person who takes those courses of action that correspond to the rules of practical reason, irrespective of his motive. The higher degree of morality concerns the ‘motive-related property’, which is the purity of the person’s motive from any self-interest consideration. Hence, we should praise a person who takes those courses of action that correspond to the rules of practical reason for the sake of those rules. Whilst at the lower degree of morality we praise the person for his ‘action’, at the higher degree of morality we praise him both for his ‘action’ and for his ‘motive’. In this way, we should distinguish between the ‘morality of the action’ and the ‘morality of the motive’.

The aforementioned discussion on 'the distinctive property' of human species would, also, lead us to a definition for man, as the highest corporeal being. Man can be defined as 'an animal potentially or actually capable of moral development'.[12] Among animals, man is the only species that is capable of resisting his desires and acting in accordance with the rules of practical reason for the sake of those rules. Since the ability to act morally upon moral grounds is the distinctive property of man, and further, since man should be defined in terms of his distinctive property, we should define him as an animal potentially or actually capable of moral development.[13]

To put the point another way, humanness in everyone has three stages, as follows: (1) 'unripe humanness', (2) 'half-ripe humanness', and (3) 'ripe humanness'.[14] In the first stage, man acts similar to other animals, and the difference between them is confined to a mere capability for moral development possessed by man. However, man can act differently from other species of animals in the last two stages. Whilst man differs from animals in the first stage only with regard to a mere 'capability', he is different from them in the last two stages with regard to his 'conduct' and 'motive'.[15]

To illuminate: human beings at the stage of unripe humanness are absolutely self-interested, non-moral, and the slave of their desires, as beasts *always* are. Since human species is a type of 'corporeal beings', every human individual naturally tends to satisfy his desires for the mere survival. Every 'basic need' for survival gives rise to a 'desire' for its satisfaction. What satisfies a basic need is considered as an 'interest'. The innate self-love of man pushes him towards meeting his basic needs, satisfying his desires, and achieving his interests, which are required for his survival. What reinforces man's tendency towards need-meeting, desire-satisfaction, and interest-seeking lies in the fact that man is a type of ‘sentient beings’. Hence, the pleasure man entertains by satisfying his basic needs, as well as the pain he suffers from disappointing them, reinforces his tendency towards mere survival. Therefore, self-interestedness is intrinsic to the whole genus of the corporeal beings, including human species. In short, animals’ self-interestedness depends upon their self-love, as well as the dependence of their survival upon meeting their basic needs, along with feeling pleased by desire-satisfaction and painful by desire-disappointment. I would call the driving force of action at the stage of unripe humanness ‘sensuality’.

However, as man grows up, he can manage his desires with the help of innate power of practical reason, or rationality.[16] The innate rationality, which normally gets activated at the beginning of the adulthood, enables man to manage his desires, through complying with the rules of practical reason. The motive at this stage, however, is to guarantee his own interests in the long run. However, the person’s compliance with the rules of practical reason, as a guarantee to his own interests in the long run, is a step forward. A person who can manage his desires and comply with the rules of practical reason even out of the motive of guaranteeing his own interests in the long run has succeeded in moving away from a stage in which he resembles other species of animals. Hence, the praiseworthiness of compliance with the rules of practical reason with a self-interest motive lies in man’s success in resisting his immediate impulses. In other words, moving from the stage of unripe humanness, in which man absolutely resembles other species of animals, to the stage of half-ripe humanness, which is particular to man, is praiseworthy. After all, developing to this stage is the final step many individuals can achieve. However, at the stage of half-ripe humanness, the driving force of action is what I would call ‘subordinate-rationality’.[17] Since man at this stage achieves the action-related property of morality, he is praiseworthy for his ‘action’, and hence, deserves a reward.[18]

Ripe humanness is the final stage of the development of the human essence. The innate power of practical reason, or rationality, can be cultivated to a higher level in the course of human progress and enable them to comply with the rules of practical reason free from any self-interest consideration. No doubt, the educational system and the socio-political institutions of society have crucial impacts upon reaching this stage of humanness. At the stage of ripe humanness, the driving force of action is what I would call ‘dominant-rationality’.[19] With regard to morality, at this stage, man reaches the level of ‘acting morally upon moral motives’. This means that a person at this stage is praiseworthy both for his action and for his motive.

Going back to the purposiveness of the world, the fact that the moral development of human species is the ultimate end of the natural world indicates that all other parts of the natural world are means to the moral development of human beings. In other words, inanimate beings, plants, and bests, are all means to human moral development, as other developments of humans are means to their moral development.[20] Further, since every human being is a totality, rather than being part of a collective body, we infer that ‘the moral development of every human being is the ultimate end of the natural world’. Moreover, since the definition of humanness applies equally to every normal member of human species, in the sense that every human being is equally an animal potentially or actually capable of moral development, the moral development of every human being is equally the end of the natural world.[21]

This conclusion is a 'factual proposition', which does not give us any direction per se. In order to promote my argument, I should assume further that we, human beings, ought to make the ultimate end of the natural world our own ultimate end in our conduct. If we deny this assumption, the argument will be inconclusive. Hence, by accepting this normative proposition, we are in a position to successfully draw 'the fundamental norm of morality' on 'the second fundamental fact of reality'. 'The second fundamental fact of reality' states that human moral development is the ultimate motivating cause of the natural world, whereas 'the fundamental norm of morality' commands that we ought to make the ultimate end of the natural world our ultimate end in our conduct.[22] This amounts to suggesting that, as 'the fundamental norm of morality', commands, we have a fundamental obligation to ripen humanness in ourselves, rather than remaining at the stage of unripe humanness, in which we resemble beasts.[23] In this way, theism can successfully bridge the gap between fact and norm, and confirm the fundamental norm of morality based upon the holiness of God's Will; a fundamental norm without which no moral system seems conclusive.

It should be noted that 'the fundamental norm of morality' would be 'teleological', in the sense that the ground for complying with the world of morality is consequentialist aiming to achieve the ultimate end of the natural world. This does not require, however, that every moral rule be teleological. Hence, the reason for affirming various moral rules can be either teleological or deontological, as it is well possible that some moral rules are teleological and some other moral rules are deontological.[24] In the next section, I shall attempt to draw the first principle of Global Humanness Protection from the fundamental norm of morality explored in this section.

The First Principle: The Life of Every Human Being Ought to be Preserved

My argument in this section proceeds as follows: (1) the 'animal life of man' or 'unripe humanness' is the 'subject' of the ultimate end of the natural world; (2) whatever is the subject of the ultimate end of the natural world is 'part' of that end; (3) the achievement of the end of the natural world requires the preservation of its subject; (4) hence, 'the animal life of every human being should be preserved'.

To elaborate: the end of the natural world can only be achieved by living men and women. In other words, the capability for moral development may lead to achieving such development only in human beings as long as they hold their animal life. For, a human dead body lacks the capability for moral development. Equally non-capable of moral development is a vegetable man who resembles man only in appearance. No dead person or vegetable person is potentially or actually capable of moral development, whereas a living child is potentially capable for moral development and a living adult is actually capable for moral development. Hence, human life is 'the subject' of the end of the natural world, whose achievement is our fundamental moral obligation. Further, if the animal life of man is the subject of the end of the natural world, it should be considered as 'part of the end' of the natural world. In other words, the end of the natural world is the moral development of human animals that are capable for such development.

It should be noted, however, that although we disagree on the precise meaning of human moral development, as well as the valid collection of the rules of practical reason, we concur in the meaning of the animal life of man, as part of the end of the natural world. Hence, whatever the content of morality world would be, it should necessarily embody a normative principle that serves human life, which is part of the end of the natural world. By establishing the animal life of man as part of the end of the natural world, we arrive at ‘the first principle of Global Humanness Protection’, which states that ‘the life of every human being ought to be preserved’. This preservation requires there be several ‘obligations’, the complete fulfilment of which serves the preservation of the subject of the ultimate end of the natural world. The following list seems comprehensive:

Figure (1): Obligations Derived from the First Principle of GHP

1. Every human being ought to avoid killing any other human being.
2. Every human being ought to avoid suicide.
3. Every human being ought to defend himself against any lethal attack by others.
4. Every human being ought to defend any other human being who is lethally attacked by a third person.
5. Every human being ought to defend any other human being whose life is threatened by hunger, diseases, or natural disasters.

This is a brief picture of my argument for the first principle of Global Humanness Protection. In the following section, I proceed with another teleological argument in support of the second principle of Global Humanness Protection concerning the value of individual liberty.

The Second Principle: The Liberty of Every Human Being Ought to be Provided and Guaranteed

My argument in this section proceeds as follows: (1) the liberty of every person, in the sense of some 'freedoms' and 'opportunities', is a prerequisite for moving from unripe humanness towards ripe humanness, that is, the achievement of the ultimate end of the natural world; (2) whatever is the prerequisite for the achievement of the ultimate end of the natural world ought to be provided and guaranteed; (3) hence, 'the liberty of every person ought to be provided and guaranteed'.

Although liberty or freedom is subject to deep controversy among political philosophers, in this context, providing an 'instrumental concept of liberty' seems indisputable. Liberty, as a prerequisite for the achievement of the ultimate end of the natural world, can be defined as 'the ability of an agent to implement what he reflectively decides on his actions'. To put it another way, the instrumental concept of liberty is 'the ability of an agent to reflectively decide on his actions and his further ability to implement what he reflectively decides'. As seen, my instrumental concept of liberty differs from the republican conception of liberty as 'non-arbitrary-domination'.[25] Further, it incorporates an element of the 'negative' concept of liberty as 'non-interference by others', which is required by the agent's ability to implement what he reflectively decides. It, also, incorporates an element of the 'positive' concept of liberty as 'self-control', which is required by the agent's ability to reflectively decide on his actions.[26] It should be noted, however, that, as I shall discuss later in this paper, Berlin's worry about the positive concept of liberty, incorporated in my instrumental concept of liberty, has no place in my theory.[27]

Moreover, my instrumental concept of liberty is a modern concept of liberty concerned with providing and guaranteeing an ‘individual space’ for moral development, rather than being an ancient one concerned with participation in public life.[28]

To elaborate: firstly, for the person to act in accordance with the rules of practical reason, he should be able to reflect on doing or not doing an action in a given case. Hence, if a person is subject to his immediate impulses he will lack the ability to reflect on his action.[29] Yet, according to my instrumental concept of liberty, a person who reflectively decides to follow his own desires is free, as a person who reflectively decides to follow the rules of practical reason.[30] Further, after making a reflective decision, the agent should be able to take action in accordance with his reflectively made decision. Therefore, if others prevent the person from implementing his reflectively made decision, he will lack the ability to implement what he reflectively decide on his action.

Put another way, my instrumental concept of liberty incorporates three abilities: the ability to reflect, the ability to decide, and the ability to implement one’s reflectively made decision. The ability to reflect requires the power of practical reasoning. Whilst every normal human being innately possesses the power of practical reason, its activation and cultivation depend upon social provision of ‘basic education’ in childhood, as well as the availability of various moral doctrines in adulthood. Further, the ability to decide depends upon ‘free will’, which every normal human being innately possesses, as well as ‘freedom from coercive stimulation of desires by others’. Finally, the ability to implement one’s reflectively made decision depends upon ‘freedom from obstructive interference by others’, along with ‘relevant opportunities. Hence, the actualisation of man’s potentiality for moral development depends, in addition to man's inner possessions, upon guaranteeing some 'freedoms', as well as providing some 'relevant opportunities' for every individual.[31]

However, although liberty in the sense of the ability to reflect, the ability to decide, and the ability to implement one's reflectively made decision is not the whole or part of the end of the natural world, it is a prerequisite for achieving that end. Hence, such a concept of liberty has an instrumental value. Further, since the achievement of the end of the world necessarily depends upon such an instrumental concept of liberty, it should be provided and guaranteed.[32] Every individual needs liberty, in the sense of some freedoms and opportunities, in order to move from unripe humanness towards ripe humanness, which is the ultimate motivating cause of the natural world.

It should, however, be noted that although I assume that there is only one 'true moral doctrine',[33] I acknowledge that individuals are 'fallible'.[34] Hence, moral development in the situation of human fallibility cannot be achieved through imposing the true moral doctrine. Rather, it requires the availability of several moral doctrines, from which the person freely chooses and abides by its rules. Further, moral development depends upon acting in accordance with the rules of practical reason for the sake of those rules. Hence, no one can impose the true moral rules upon others with the aim to have them fully ripen humanness in themselves.[35] Therefore, since every human being ought to develop his humanness, and since such development necessarily depends upon liberty, the liberty of every human being ought to be provided and guaranteed.

As indicated above, the instrumental concept of liberty depends upon guaranteeing some 'freedoms', as well as providing some 'relevant opportunities'. The first 'opportunity' that should be provided for everyone is 'basic education in childhood'. This amounts to 'free and public basic education' for every human being in order to prepare them for moral action. A related 'opportunity' in this regard is the availability of various moral doctrines, religious or unreligious, in society in adulthood. Hence, every normal adult should be able to have access to alternative moral doctrines in his society. This amounts to confirming 'freedom of speech on morality'. However, if there is any restriction in a given society on this freedom, the person should be free to move to other societies. Hence, there should be 'freedom of movement within and between societies', and 'the opportunity of seeking asylum'.

Further, the ability to implement one's reflectively decision on his action requires that every individual be free from obstructive interference by others. This requirement amounts to confirming 'freedom of thought, conscience, and religion', including freedom to change one's religion. Without such a freedom, no one can have pure motive in complying with the rules of practical reason. Furthermore, freedom from obstructive interference by others, definitely, confirms 'freedom from slavery, serfdom, and forced occupation'. What is more, in a moral society, there should be no stimulation of desires that coerces individuals into unreflectively obeying their desires and impulses. This amounts to confirming what I would call 'freedom from coercive stimulation of desires'.

Moreover, the compliance with the rules of practical reason necessarily requires various human relationships. A person living in solitude has little opportunities in which he can develop his moral capability. Hence, every person should be able to have access to communication and relationship with other members of human species in order to develop interpersonal morality in himself. This amounts to confirming ‘freedom to form and join moral associations’, along with ‘freedom to form family’.

In this way, through elaborating on the instrumental concept of liberty, we arrive at a collection of freedoms and opportunities that altogether enable individuals for developing humanness in themselves from the stage of unripe humanness up to the stage of ripe humanness. The following list of freedoms and opportunities derived from the second principle of Global Humanness Protection seems comprehensive:

Figure (2): Freedoms and Opportunities Derived from the Second Principle of GHP

1. Every human being ought to be free from slavery, serfdom, and forced occupation,
2. Every human being ought to be free in thought, conscience, and religion,
3. Every human being ought to be provided with basic education in childhood,
4. Every human being ought to be provided with the opportunity to have access to alternative moral doctrines in adulthood, that is, freedom of speech on morality,
5. Every human being ought to be free in moving within and between societies,
6. Every human being ought to be provided with the opportunity to seek asylum,
7. Every human being ought to be free from coercive stimulation of desires,

8. Every human being ought to be free to form family,

9. Every human being ought to be free to form and join moral associations.

Notes

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[1] On this view, I disagree with Walzer who believes that 'Morality is thick from the beginning, culturally integrated, fully resonant, and it reveals itself thinly only on special occasion, when moral language is turned to specific purpose'. See: Michael Walzer, ***Thick and Thin, Moral Argument at Home and Abroad***, (Notre Dame, Indiana: University of Notre Dame, 1994), p. 4.

[2] On this view, I disagree with MacIntyre who denies rights, as well as Rorty and Habermas who deny that human rights need philosophical justification. See: Alasdair MacIntyre, ***After Virtue: A Study in Moral Theory***, 2nd edition, (South Bend, Indiana: University of Notre Dame Press, 1984), p. 69; Richard Rorty, 'Human Rights, Rationality, and Sentimentality', in Stephen Shute and Susan Hurley (eds.), ***On Human Rights***, (New York: Basic Books, 1993), p. 132; Jurgen Habermas, ***The Postnational Constellation: Political Essays***, (Cambridge: Cambridge University Press, 2001), p. 121.

[3] On this issue, I disagree with Gewirth who conceives of rights as prior to correlative duties, and not vice versa. In other words, Gewirth assumes that since the subject has certain rights, the respondent has correlative duties. See: Alen Gewirth, ***The Community of Rights***, (Chicago: The University of Chicago Press, 1996), p. 9. Further, I disagree with Griffin's 'bottom-up' approach to human rights, according to which the first step of justifying human rights is confirming the Western tradition of human rights, and then attempting to find philosophical grounds justifying them. By contrast, my approach is a 'top-down' approach, according to which the first step would be articulating an overarching moral principle, from which human rights can be derived. See: James Griffin, 'First Steps in an Account of Human Rights', ***European Journal of Philosophy***, Vol. 9, Issue 3 (Dec., 2001), p. 308.

[4] My approach here is 'metaphysical', according to which I firstly assume that God exists, and upon His wisdom I construct the purposiveness of the natural world, whereas Kant's approach is 'aesthetic', according to which he firstly establishes that the natural world is purposive, and then he concludes that there should be a wise God. See: Immanuel Kant, ***Critique of Judgment***, trans. Werner S. Pluhar, (Cambridge: Hackett Publishing Company, 1987), 301-383.

[5] Aristotle suggests that every natural phenomenon needs four causes, that is, material cause, formal cause, acting cause and the final cause. He say: ‘We call a cause (1) that from which … a thing comes into being, e.g. the bronze of the statue … (2) The form or pattern, i.e. the formula of the essence … (3) That from which the change or the freedom from change first begins … the maker a cause of the thing made and the change-producing of the changing. (4) The end, i.e. that for the sake of which a thing is, e.g. health is the cause of walking’. See: Aristotle, ‘Metaphysics’, in Jonathan Barnes (ed.), ***The Complete Works of Aristotle, The Revised Oxford Translation***, Vol. 2, (Princeton: Princeton University Press, 1984), Book V, 1013a1, p. 1600.

[6] In this regard, Bentham suggests that ‘Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do’. See: Jeremy Bentham, ***The Principles of Morals and Legislation***, (New York: Prometheus Books, 1988), p. 1. According to Anschutz, Benthamite utilitarianism consists of three principles, that is, individualism, happiness, and hedonism. Firstly, Bentham’s greatest happiness principle requires the reduction of all social and private matters to a simple question concerning the individual human beings. Secondly, questions concerning the individual human beings may be reduced to questions concerning individual happiness. Thirdly, the principle of hedonism reduces all those questions to the question about individual measurable pleasures and pains. Hence, what Bentham suggests amounts to the view that every public and private action can be judged as being right or wrong on the basis of its productivity of measurable pleasure or pain. See: R. P. Anschutz, ***The Philosophy of J. S. Mill***, 3rd edition, (Oxford: Oxford University Press, 1969), pp. 9, 11, 14. Mill introduces his greatest happiness principle as follows: ‘The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness’. He is explicit that ‘pleasure, and freedom of pain, are the only things desirable as ends; and that all desirable things … are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain’. He goes on to suggest that ‘According to the Greatest Happiness Principle, … the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people) is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to

the whole sentient creation'. See: John Stuart Mill, 'Utilitarianism', ***Utilitarianism, On Liberty, Considerations of Representative Government, Remarks on Bentham's Philosophy***, ed. by Geraint Williams, 3rd edition, (London: Every Man's Library, 1993), pp. 7, 12.

[7] According to theism, God is the first acting cause of the whole world in the sense of an independent being that has produced the world and has been making its movement and changes. This is because the chain of acting causes cannot be infinite and has to stop at a point where an independent being exists.

[8] It is generally assumed that the difference between 'theocracy' and 'democracy' lies in the affirmation by the former of God's being the cause and the end of all things, whereas the latter substitutes God by human beings in both aspects. My argument is that God cannot appropriately be assumed to be the end of the world, whereas He is the first acting cause of all things. For such a general assumption, see: Carl Schmitt, ***Political Theology: Four Chapters on the Concept of Sovereignty***, tans. G. Schwab, (Cambridge, Mass.: MIT Press, 1985), pp. 40-51.

[9] On this view, I disagree with O'Manique who restricts human development in 'biological' and 'psychological' development, ignoring the moral development particular to human species. See: John O'Manique, 'Universal and Inalienable Rights: A Search for Foundations', ***Human Rights Quarterly***, Vol. 12, No. 4 (Nov., 1990), pp. 465-85.

[10] This is compatible with Kant's view. In this regard, he says: 'A law that binds us *a priori* and unconditionally by our own reason can also be expressed as proceeding from the will of a supreme lawgiver, that is, one who has only rights and no duties (hence from the divine will). See: Immanuel Kant, ***The Metaphysics of Morals***, ed. Mary Gregor, Intro. Roger J. Sullivan, (Cambridge: Cambridge University Press, 1996), p. 19.

[11] In the light of my definition of morality, egotistic consequentialism should not be considered as a moral theory. This is because for egoistic consequentialism, the only criterion of the rightness and wrongness of an act is its ability to produce a given person's interests. See: R. G. Frey, 'Introduction: Utilitarianism and Persons', in R. G. Frey (ed.), ***Utility and Rights***, (Oxford: Basil Blackwell, 1985), p. 5.

[12] In defining man as an animal capable of moral development, I follow Imam Ali (599-661)'s views. Imam Ali is the most revered religious scholar among Shiite Muslims. According to Shiite Islamic theology, after the demise of the Prophet (570-632) twelve 'infallible' figures possessed of the 'true knowledge of Divine Moral Rules', called the Imams of the Shiites, took the place of the Prophet successively. After the Prophet, Imam Ali is the first spiritual leader for Shiite Muslims, as he was the fourth political leader of the Muslim society. He ruled the Muslim society

from 656 to 661, the last five years of his life. During his governance, he delivered many public lectures, and wrote several letters, in which he introduced his political theory. With regard to the human essence, Imam Ali says: 'God gave angels reason with no desires; He gave animals desires with no reason; He gave humans both reason and desires. Hence, every man whose reason dominates his desires will be superior to angels, and every man whose desires dominate his reason will be inferior to animals'. See: Muhammad Bin Ali al-Sadouq, ***Illal al-Sharayi***, 2nd edition, (al-Najaf al-Ashraf: Dar Ihya al-Turath al-Arabiyy, 1966), pp. 4-5.

[13] My account of the distinctive property of man is in a sharp contrast with that of Hume, Bentham, and Mill. According to Hume, man should be conceived of as being an animal with numberless desires and insufficient abilities to satisfy them. He says: 'Of all the animals, with which this globe is peopled, there is none towards whom nature seems, at first sight, to have exercised more cruelty than towards man, in the numberless wants and necessities, with which she has loaded him, and in the slender means, which she affords to the relieving these necessities'. See: David Hume, ***A Treatise on Human Nature***, ed. Green and Grose, (London: Longmans Green, 1882), Book III, Part II, Section ii, p. 258. According to Bentham, man should be thought of as being an animal similar to beats moved by the force of desires. He says: 'Nature has placed mankind under the governance of two sovereign masters, pain and pleasure'. It is for them alone to point out what we ought to do, as well as to determine what we shall do'. See: Jeremy Bentham, ***The Principles of Morals and Legislation***, (New York: Prometheus Books, 1988), p. 1. According to Mill, human desires and impulses are parts of an individual's nature so that the amounts, the strength, and the variety of one's desires contribute directly to his perfection as a human being. See: John Stuart Mill, 'On Liberty', ***Utilitarianism, On Liberty, Considerations of Representative Government, Remarks on Bentham's Philosophy***, ed. by Geraint Williams, 3rd edition, (London: Every Man's Library, 1993), pp. 127-8.

[14] Lawrence Kohlberg provides a more complex classification of human moral development, taking into account both the 'contents of morality' and the 'motive for acting morally'. He suggests that there are six stages of moral development. His six level of human psychological and moral development are as follows: Stage 1: punishment and obedience – At this stage, right means to the person as something that brings no punishment to him, whereas wrong means to him something that brings punishment to him. The motive for obedience, at this stage, is the avoidance of punishment. Stage 2: mutual advantage – At this stage, right means to the person whatever brings him self-interests. Yet, since the person recognises the fact of conflict between interests, he is motivated to do right thing for the assurance of his own interests. Stage 3: mutual expectation or communal norms – At this stage, right means to the person what the community in which he lives expects him to do. The motive for doing right actions is to meet the approval of one's community. Stage 4: social norms or legal laws – At this stage, right means to the person what the norms of his

society and its institutions determine and the law demands. The motive for complying with right is loyalty to one's social institutions. Stage 5: moral rights or contract – At this stage, right means to the person what moral rights and rules prior to laws require, such as life and liberty of all. The motive for complying with moral rights is the persons' accepting the social contract upon which those rights have been recognised. Stage 6: universal ethical principles – At this stage, right means universal ethical principles that take precedence over all legal and institutional obligations. The motive for complying with right is the awareness by the person, as a rational creature, of the validity of these universal principles. See: Laurence Thomas, 'Morality and Psychological Development', in Peter Singer (ed.), ***A Companion to Ethics***, (Oxford: Blackwell, 1991), pp. 465-6.

[15] Kant calls what I call unripe humanness of man as 'the crude state of his nature' and the state of man's 'animality'. He calls the other two stages, that is, half-ripe humanness and ripe humanness, the state of 'humanity'. See: Kant, ***The Metaphysics of Morals***, p. 151.

[16] Rationality is a practical faculty that directs man towards taking courses of action that most possibly satisfy his maximal desires. According to 'the standard definition of rationality as it appears say in the theory of price', Rawls defines rational persons as follows: 'they know their own interests more or less accurately; they realize that the several ends they pursue may conflict with each other, and they are able to decide what level of attainment of one they are willing to sacrifice for a given level of attainment of another; they are able of racing out the likely consequences of adopting one practice rather than another, and of adhering to a course of action once they have decided upon it; they can resist present temptations and the enticements of immediate gain'. See: John Rawls, 'Justice as Reciprocity', ***Collected Papers***, ed. Samuel Freeman, (Cambridge, Mass: Harvard University Press, 1999), p. 199. In other words, rationality in this sense is absolutely 'instrumental' and acts merely as a slave of human sensuality. A rational agent chooses those options assumed by the agent to fulfil his purposes the best. See: G. Brennan, 'Rational Choice Political Theory', in Andrew Vincent (ed.), ***Political Theory: Tradition and Diversity***, (Cambridge: Cambridge University Press, 1997), p. 98; William Riker, 'Political Science and Rational Choice', in J. E. Alt and K. A. Shepsle (eds.), ***Perspectives on Positive Political Economy***, (Cambridge: Cambridge University Press, 1990), p. 173.

[17] What I call 'subordinate-rationality' corresponds to Kant's concept of prudence. In this regard, he says: 'skill in the choice of means to one's own greatest well-being can be called *prudence* in the narrowest sense'. See: Immanuel Kant, ***Groundwork of the Metaphysics of Morals***, ed. Mary Gregor, Intro. Christine M. Korsgaard, (Cambridge: Cambridge University Press, 1997), pp. 26-7.

[18] On this view, I disagree with Kant who calls such an action as 'legal', rather than 'moral'. See: Kant, ***The Metaphysics of Morals***, p. 20.

[19] My concept of 'dominant-rationality' is parallel to Kant's concept of 'morality'. See: Kant, ***The Metaphysics of Morals***, p. 20.

[20] Whilst according to perfectionism humans can use animal worlds, utilitarianism is required not to legitimise such use. For, animals are also capable of pleasure.

[21] This is, however, different from Kant's view that every man is an 'end' in itself. The second formula of the Kantian 'categorical imperative' reads as follows*: 'So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*'. See: Kant, ***Groundwork of the Metaphysics of Morals***, p. 38. My argument is similar to that of Locke. He argues that since human species are superior to other creatures on earth, the latter has been created for man's use. By contrast, since every human being possesses the same faculties, they are each other's equal. Hence, the life, the liberty, the health, the limb, and the goods of everyone ought not to be used for another person. According to Locke, 'And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one another uses, as the inferior ranks of Creatures are for ours'. See: John Locke, ***Two Treatises of Government***, 3rd edition, (Cambridge: Cambridge University Press, 1988), book II, chap. II, para. 6, p. 271.

[22] In this context, I assume that 'the first fundamental fact of reality' affirms that the chain of acting causes of the world cannot be infinite and should stop at a point where there is an independent being. In other words, the first fundamental fact of reality affirms that God exists.

[23] Mill faces a serious problem with regard to the fundamental norm of morality, which he assumes to be the greatest happiness principle. With regard to the ultimate moral standard, The Greatest Happiness Principle, Mill says: 'The only proof able of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it. … the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it. ... No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons'. See: John Stuart Mill, 'Utilitarianism', ***Utilitarianism, On Liberty, Considerations of Representative Government, Remarks on Bentham's Philosophy***, ed. by Geraint Williams, 3rd edition, (London: Every Man's Library, 1993), pp. 36. The problem with this argument is that whilst it is definitionally true that 'visible' means 'able of being seen', 'desirable' has a different meaning from 'able of being desired'; it means 'worthy of being desired', as its location in morality obviously requires. See: John Skorupski, ***John Stuart***

Mill, (London: Routledge, 1991), p. 286. Hence, we cannot infer from the fact that pleasure is able of being desired that pleasure is worthy of being desired and pursued.

[24] It is helpful to make a reference to Rawls's reconciliation between having a utilitarian system of punishment and retributive grounds for applying the rules of criminal justice to individuals. In this regard he says: 'There are two very different questions here. One question emphasizes the proper name: it asks why *F* was punished rather than someone else, or it asks what he was punished for. The other question asks why we have the institution of punishment: why do people punish one another rather than, say, always forgiving one another'. See: John Rawls, 'Two Concepts of Rules', ***Collected Papers***, ed. Samuel Freeman, (Cambridge and Mass.: Harvard University Press, 1999), pp. 20-22.

[25] This is Pettit's definition of the republican conception of liberty. See: Phillip Pettit, ***Republicanism***, (Oxford: Oxford University Press, 1997), p. 52. According to Skinner, whilst the republican notion of liberty was prevalent in ancient Rome and reintroduced by Machiavelli in the modern time, Hobbes's definition of liberty as non-interference has overshadowed its republican conception in liberal political philosophy. See: Quentin Skinner, ***Hobbes and Republican Liberty***, (Cambridge: Cambridge University Press, 2008), p. 155. Rejecting Skinner's view, Spector suggests that during the development of liberal political philosophy from the eighteenth century to the mid twentieth century both negative and republican concepts of liberty were discussed. He argues that Locke, Montesquieu, Constant, Mill, Hobhouse, Popper, and Hayek should be conceived of as supporting a republican concept of liberty. See: Horacio Spector, 'Four Conceptions of Freedom', ***Political Theory***, Vol. 38, No. 6 (Dec., 2010), pp. 784-9.

[26] The positive concept and the negative concept of liberty, as appeared in the text, came from Berlin's lecture of 1958 entitled 'Two Concepts of Liberty' where he explicitly used the dichotomy of positive/negative liberty for the first time. See: Isaiah Berlin's, ***Four Essays on Liberty***, (Oxford: Oxford University Press, 1969), pp. lvi-lvii, 122-3, 127. The negative concept of liberty appeared first in Hobbes's ***Leviathan*** where he defined liberty as 'the absence of external Impediments' without labelling it as the negative concept of liberty. See: Thomas Hobbes, ***Leviathan***, ed. Richard Tuck, (Cambridge: Cambridge University Press, 1996), chap. XIV, p. 91. The label of negative liberty and positive liberty appeared first in Bentham's lecture of 1776 where he defined liberty as something absolutely 'negative', rather than embodying any 'positive' element. See: Douglas G. Long, ***Bentham on Liberty, Jeremy Bentham's idea of liberty in relation to his utilitarianism***, (Toronto: University of Toronto Press, 1977), p. 54. The positive concept of liberty appeared first in Green's Lecture of 1881 on 'Liberal Legislation and Freedom of Contract' where he spoke of and defended 'positive liberty'. See: Thomas Hill Green, ***Lectures on the Principles of Political Obligation and Other Writings***, ed. Paul Harris and John Marrow,

(Cambridge: Cambridge University Press, 1986), p. 199. In this genealogy of the concepts and labels of liberty, I took advantage of Spector's recent paper on conceptions of liberty. See: Spector, 'Four Conceptions of Freedom', pp. 801 f2.

[27] Berlin's worry about a positive sense of liberty lies in the 'historical' fact of authoritarian rule under the guise of positive liberty, rather than any conceptual deficiency or the implausibility of positive liberty. Thus, he contends that the positive and negative concepts of freedom in the course of history 'came into direct conflict with each other'. This conflict derived from opposite notions of 'self' held by adherents of negative and positive freedom. The proponents of negative liberty are concerned with 'actual' man and his actual desires and wants, whereas the advocates of positive liberty pursue self-realisation and self-mastery for a 'real', 'true', or 'ideal' self. Berlin suggests that the positive sense of freedom is historically connected with the idea of division of the self into two: 'the transcendent, dominant controller, and the empirical bundle of desires and passions to be disciplined and brought to heel. It is this historical fact that has been influential'. See: Berlin, ***Four Essays on Liberty***, pp. 132-4.

[28] Constant distinguishes between the 'liberty of the moderns' and the 'liberty of the ancients'. According to Constant, whilst the former indicates the independence from government's and other individuals' inference in one's private life, the latter refers to collective and direct participation in public life. See: Benjamin Constant, 'The liberty of the ancients compared with that of the moderns', in ***Political Writings***, trans. and ed. B. Fontana, (Cambridge: Cambridge University Press, 1990), pp. 309-12.

[29] This element of the positive concept of liberty is absent in MacCallum's concept of freedom, which he assumes to cover all concepts of freedom. Hence, his concept of freedom does not cover my instrumental concept of liberty. He argues that there is only one concept of freedom, which is present in all conceptions of freedom. The structure of freedom, according to MacCallum is this: *x* is free from *y* to do *z*, whereas *x* stands for the agent, *y* stands for the obstacle, and *z* stands for the goal. Hence, a person can be said to be free, if there is no obstacle preventing him from pursuing his goal. See: Gerald G. MacCallum, 'Negative and Positive Freedom', ***The Philosophical Review***, Vol. 76, No. 3, (Jul., 1967), p. 314.

[30] Hence, my concept of liberty is neutral with regard to the nature of one's decision, and hence incorporates both Green's positive concept of freedom, as well as Russell's negative concept of freedom. Green defines freedom as 'a positive power or capacity of doing or enjoying something worth doing or enjoying. See: Green, ***Lectures on the Principles of Political Obligation and Other Writings***, p. 199. Russell defines freedom as 'the absence of external obstacles to the realization of desires'. See: Bertrand Russell, ***Sceptical Essays***, (London: Allen and Unwin, 1952), p. 169.

[31] My account of the value of liberty is different from Rawls's 'idea of primacy goods', Griffin's view of 'human rights', and Nussbaum's view of 'central human capabilities'. Whilst my instrumental concept of liberty is intended to facilitate only human 'perfection', their views are intended to facilitate both human 'perfection' and human 'happiness'. See: John Rawls, ***Political Liberalism***, (New York: Columbia University Press, 1996), pp. 178-90; John Rawls, 'Social Utility and Primary Goods', ***Collected Papers***, ed. Samuel Freeman, (Cambridge, Mass: Harvard University Press, 1999), pp. 362-7; James Griffin, 'Discrepancies between the Best Philosophical Account of Human Rights and the International Law of Human Rights', ***Proceeding of Aristotelian Society***, Vol. 110, No. 1 (Jun., 2001), pp. 4-8; Martha Nussbaum, 'Capabilities and Human Rights', in Stephen Shute and Susan Hurley (eds.), ***On Human Rights***, (New York: Basic Books, 1993), pp. 222-5.

[32] This conclusion fits well with Kant's 'hypothetical imperative', which states that 'Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power'. See: Kant, ***Groundwork of the Metaphysics of Morals***, pp. 26-8.

[33] On this view, I agree with Kant. In this regard, he says: 'since, considered objectively, there can be only one human reason, there cannot be many philosophies; in other words, there can be only one true system of philosophy from principle'. See: Kant, ***The Metaphysics of Morals***, p. 4.

[34] On human fallibility, I agree with Mill. 'All silencing of discussion', writes Mill, 'is an assumption of infallibility', whereas 'every one well knows himself to be fallible'. Any suppression of opinions implicitly presupposes that the view adopted by the authority or society is the true one, and all opposing views apparently would be false. It does presuppose also that the suppression of false views is legitimate. By questioning the infallibility of government and society, Mill dismisses this authoritarian view, which is based implicitly upon the infallibility of some individuals. Everyone knows conscientiously that he makes mistakes in exploring the truth. Even if the imposition of the truth through coercive instruments is legitimate, since no one is infallible 'the opinion which it is attempted to suppress by authority may possibly be true'. Therefore, the imposition of one view as the truth on others who hold other views is illegitimate. The state and society, thus, 'have no authority to decide the question' of truth or falsity 'for all mankind'. See: Mill, 'On Liberty', p. 85. Therefore, Mill's fallibility argument amounts to arguing that since the legitimacy of any coercive interference by the state and society presupposes the false assumption of the infallibility of the state or majority, the interference is groundless. This is, as Sandel argues, precisely what negative liberty intends to suggest. See: Michael J. Sandel, 'Morality and the Liberal Ideal', ***The New Republic***, No. 7 (May, 1984), p. 15.

[35] On this view, I agree with Kant. In this regard, he states: ‘it is contradiction for me to make another’s *perfection* my end and consider myself under obligation to promote this. For the *perfection* of another human being, as a person, consists just in this: that he *himself* is able to set his end in accordance with his own concepts of duty; and it is self-contradictory to require that I do (make it my duty to do) something that only the other himself can do’. See: Kant, ***The Metaphysics of Morals***, p. 150.