



RIGHTS & RESPONSIBILITIES

THE MORAL BONDS OF COMMUNITY

ARTHUR J. DYCK

Rethinking Rights and Responsibilities

The Moral Bonds of Community

Arthur J. Dyck

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To the memory of my mother and father and to my grandson, Joseph Arthur, with love and gratitude for all I have learned and now learn of the strength of the moral bonds of community.

Acknowledgments

This book views the moral bonds of community as sources, standards, and sustenance for our responsibilities and rights as human beings. It is profoundly fitting that I am deeply moved to dedicate this work to the memory of my mother and father, for as a result of these reflections, I have become more aware than ever before of what it means to be lovingly nurtured into life physically, morally, and spiritually. It is equally fitting to dedicate this work to my grandson, my companion for more than six years. Without him, I would not have known firsthand the strong bond awakened by the child of one's child. My first book was dedicated to my children, Sandra and Cynthia, and my wife Sylvia. As the blessed participant in all of these precious bonds, I do not regard the moral bonds of community and our utter dependence upon one another as abstractions or mere conceptual constructs. Mutual love ties me to all of these individuals. These bonds are at once personal and communal. There is no way I could adequately express the joy, fulfillment, and gratitude these ties and this love brings. My hope is that this book worthily expresses our mutual love and the love of the One who makes life and love possible.

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Rethinking Rights and Responsibilities

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Introduction

This book surprised me. I began several years ago intending to study contemporary theories of human rights, in part to supplement my own education in the field of ethics, and in part to examine why the language of rights has so largely replaced the language of rules, obligations, and responsibilities. I thought that the language and concepts of rights might be widely shared, especially in light of the claim of the United Nations to universality in matters of rights and the growing tendency to judge nations by international standards of respect for human rights. I thought that such claims and such judgments, and the bases for making them, would receive strong backing in the philosophical literature. But then I began my study. What I soon discovered greatly changed my thinking. I became convinced that human rights must be reconceptualized and urgently so. Reconceptualizing rights is the central task of this book.

Why take on this task and why the urgency about doing so? What I discovered from the very outset of my research can be summarized as follows:

1. Human rights are being seriously violated not only in practice, but in theory.
2. Theories of rights, historically and contemporaneously, foster separation and undermine the human relations that make communities possible.

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3. Theories of rights are in serious conflict, but theories that insufficiently protect individual human life appear to be gaining in strength and ascendancy.

Let me now briefly introduce, in a preliminary way, some of the sources for these discoveries. I begin with some skepticism I found about rights and morality itself.

“We have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality”:¹ this is the central thesis of a recent historical and philosophical study by the contemporary philosopher Alasdair MacIntyre. Sixty-six years before MacIntyre published his study, Sigmund Freud, the founder of psychoanalysis, was sadly expressing his deeply felt lack of comprehension of his own moral life: “When I ask myself why I have always aspired to behave honorably, to spare others and to be kind whenever possible, and why I didn’t cease doing so when I realized that in this way one comes to harm and becomes an anvil because other people are brutal and unreliable, then indeed I have no answer.”² A college undergraduate recently said to me, “It is not possible to make moral judgments, particularly of the behavior of others. Hitler, after all, had his reasons. Everyone can justify what they do and who are we to question their attempts to do what they believe is right? There is no right or wrong—no ethics!”

More than sixty years ago, Freud found his own moral behavior incomprehensible. But, unlike that college student of our own decade, he did not doubt that what he sought to do was morally right, and the brutality he experienced in return, morally wrong. The student I cited, who is not alone, is expressly doubtful that he, or a professor of ethics, can make a moral distinction between the brutalities perpetrated by a Hitler and the kindnesses mentioned by a Freud. Yet the student tries to convince me and others that we should not attempt to distinguish what is moral from what is not. MacIntyre notes that the language and appearance of morality does indeed persist, but, and this is his most devastating claim, “The integral substance of morality has to a large degree been fragmented and then in part destroyed.”³

MacIntyre expects us to express disbelief about this claim. The disturbing reality, however, is that both theoretically and practically the *substance* of morality is being threatened, if not seriously eroded.

Consider the fact that all of life is held hostage by a proliferation of sophisticated weaponry. Despite recent, hopefully growing efforts to reduce weapons of mass destruction, nuclear weapons still exist and conventional weapons are killing countless human beings, whether two days or ninety years old. Moral innocence or neutrality is no guarantee that human life will be protected. What do human rights amount to in such a situation? The international codes on land warfare declare it criminal to kill deliberately, or even hurt, a single civilian or prisoner of war. Yet the bombardment of cities—whether by air, land, or sea—employing conventional weapons, as in World War II, Vietnam, Afghanistan, Cambodia, Lebanon, and now in former Yugoslavia, although it could be called the moral equivalent of murder and terrorism, is not predictably and universally regarded as such.

Whatever the reader may think about war, conduct in war, and nuclear weaponry, these practices exist and are widely accepted. Western democracies and oppressive regimes alike participate in policies that permit the sacrificing of individuals, even whole classes of people, for the sake of what is calculated to be best for the greatest number, or necessary for the retention of existing governments. This analysis applies as well to the tolerance for enormous economic disparities and poverty.⁴

This actual disregard of human rights and liberties is theoretically sanctioned in philosophy. G. E. M. Anscombe has noted this precisely with regard to the lack of protection of innocent persons in judicial judgments and of noncombatants in war. Anscombe sees all of English moral philosophy since and including Henry Sidgwick in the nineteenth century as similarly flawed in this regard: "Every one of the best known English academic moral philosophers has put out a philosophy according to which, e.g., it is not possible to hold that it cannot be right to kill the innocent as a means to any end whatsoever and that someone who thinks other-

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wise is in error.”⁵ They have, she says, constructed “systems according to which the man who says ‘We need such-and-such, and will only get it this way’ *may* be a virtuous character.” And, she complains, this includes the acceptance of circumstances that morally justify what can only be called strictly unjust, “the judicial condemnation of the innocent.”⁶

And so individual rights are rendered mute and meaningless in theory and practice. But much is made of rights these days. What is one to think of the rapidly growing lists, codes, and declarations so conscientiously promulgated? One might contend that the significance of human rights and the necessity for their assertion have never been better understood and never been so broadly supported globally. Yet, if a right is to be secured, there must be those who work to make that happen. If a life is to be protected, people must exist who feel that responsibility and who cooperate to foster life and its supporting matrix. Life is brought into being, nurtured, defended, and encouraged to flourish, in communities.

What is happening in theory and practice to communities? As Leo Strauss has so brilliantly shown, there is a radical shift in moral thought and practice when the modern era is ushered in by Hobbes.⁷ Traditional theories of natural right included those of Socrates, Plato, the Stoics, Aristotle, Thomas, and Calvin. Despite their differences, all of these earlier thinkers had depicted humans as social beings, desirous of offspring and of forming communities. Hobbes rejected this view. He saw the desire for self-preservation and the freedom to satisfy one’s egoistic impulses as characteristic of human beings. Humans seek pleasures and avoid pain for themselves. Previous natural-right thinking viewed virtue, or the good life, as the goal of both individuals and communities. The necessities of life serve as means to this end. Hobbes began, and Locke perpetuated, a theory of rights that makes individual acquisitiveness and the pleasure of having things for oneself primary; the satisfaction of wants is no longer to be limited by the demands of the good life; wants become aimless. Indeed, in Locke, unlimited acquisition, and the protection for the quest, is the reason for form-

ing a society and submitting to a government. "Life," Strauss observes, "is, on this way of thinking, the joyless quest for joy."⁸ Locke even claims that "unlimited appropriation without concern for the need of others is true charity."⁹ Locke believed that emancipating acquisitiveness increases the total wealth and resources of our world.

If everyone's desire for things is unrestrained, how will such a desire be realized at all? Since Hobbes and Locke, it is commonplace to think of society as formed through a social contract, an invention in order to restrain by means of force the destructive egoistic impulses of individuals and hence make liberty possible. Restraining certain egoistic expressions is no longer thought of as natural and virtuous but as a necessity, forced upon individuals by a sovereign power. Rather, the individual and the ego become the center and origin of the moral world, replacing natural responsibilities.

The desires of the human ego need not be destructive of community and mutual aid, not if human beings are social animals, naturally desiring offspring and practicing mutual aid. But these rights theories broke sharply with such a social conception of individuals. Locke exhibits this break most brazenly when he asserts, "The first and strongest desire God planted in man is not the concern with others, not even concern with one's offspring but the desire for self-preservation."¹⁰ This lack of mutual regard and responsibility permeates familial relations for Locke. For him, children's obligations terminate beyond the age of minority, and in any event, the injunction to honor your father and mother applies only if they, the parents, have deserved it.

At this point, we see in Locke something that is a strong tendency of modern thought: procreation, having offspring and nurturing them, is not viewed as creating moral bonds and mutual responsibilities of a permanent character. I have heard students and others say—I am always astonished by this—"I don't owe my parents anything." (Life, at least, I would have thought, and enough loving care to develop!) One student even declared categorically:

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"I don't owe anybody anything." This he said in anger, during a lecture in which I stressed our indebtedness to others for what they have done for us. How will human rights be realized by individuals who owe one another nothing?

Self-preservation does not make a community. Self-preservation occurs only when an individual is brought into being and nurtured by others, and when restraint from harm is observed and effectively enforced, again, by others. Individual life is not actually something that comes solely by having a living body of one's own but is a state of interdependence, maintained by a human network of aid, services, and restraint. Even persons living in isolation on the labor of their own hands exclusively continue to do so only as long as others do not prevent them in any way, and only after they have been brought into being and nurtured by others long enough to be able to sustain themselves. And, of course, the environment—the sources of food, air, and water—must not be destroyed by anyone, as it now so easily can be.

For the most part, contemporary rights theories do indeed justify "separation," as Carol Gilligan has recently maintained, but it is "attachment that creates and sustains the human community."¹¹ On the basis of her studies of moral development, Gilligan found that women tend to see morality "as arising from the experience of connection and conceived as a problem of inclusion rather than one of balancing claims."¹² This flies in the face of most contemporary rights theories with their stress on achieving autonomy and the satisfaction of one's own desires. It challenges theories of moral and self-development that have followed contemporary rights theory in seeing individual autonomy as the height of maturity. Gilligan presents a concept of maturity that finds its expression in the recognition of our interdependence as human beings and in "taking care."

In one of Gilligan's studies, female subjects were interviewed with regard to their abortion decisions. Their stories include disturbing instances of male disregard for them as individuals and for the responsibilities of procreation and nurture. In one case, it is a

lover who makes it clear that the pregnant woman “could not depend on him.”¹³ In her despair, this woman considers that when she had an abortion, it was not her own wish but an act “commissioned by another.” There was also a married woman, pregnant with her second child, who had an abortion “because her husband said he would leave her if she did not.”¹⁴ Then there is Lisa, “a fifteen-year-old who, believing in her boyfriend’s love, acceded to his wish ‘not to murder his child.’ But after she decided not to abort the child, he left her and thus ‘ruined my life.’ Isolated at home taking care of the child, dependent on welfare for support, disowned by her father, and abandoned by her boyfriend, she has become unrecognizable to herself.”¹⁵ By Lisa’s own account, she once was a happy person but not any more. Despite what her boyfriend has done, she still expresses love for him. This she finds utterly puzzling and a source of confusion and despair.

Although some women continue to develop moral maturity, even building on such crises, there are those who experience a “moral nihilism” as they “seek in having an abortion to cut off their feelings and not care.”¹⁶ Concisely and eloquently, Gilligan describes such moral nihilism:

Translating the language of moral ideology into the vernacular of human relationships, these women ask themselves, “Why care?” in a world where the strong end relationships. Pregnant and wanting to live in an expanding circle of family connection, they encounter in their husbands or lovers an unyielding refusal and rejection. Construing their caring as a weakness and identifying the man’s position with strength, they conclude that the strong need not be moral and that only the weak care about relationships. In this construction abortion becomes, for the woman, a test of her strength.¹⁷

The statistics on adolescent pregnancy, divorce, and single-parent homes indicate that there are many broken relationships being experienced in modern societies such as the United States. The

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drive for self-preservation and unlimited acquisition for oneself is not a drive for caring relationships in theory or in practice! The ideal of individual autonomy is not the same as the ideal of the interdependence that forms families, makes communities possible, and provides them with a future. Most modern and contemporary rights theory, and moral philosophy generally, have not made much of the indispensable value of procreation and nurturance. And that is a gross understatement. Some moral requisites of families and communities are even attacked directly by someone like Locke. What is more, Gilligan describes several theories of moral and personality development that purport to apply to both men and women and yet depict maturity as the achievement of separation and individualism:

The models for a healthy life cycle are men who seem distant in their relationships, finding it difficult to describe their wives, whose importance in their lives they nevertheless acknowledge. The same sense of distance between self and others is evident in Levinson's conclusion that, "In our interviews, friendship was largely noticeable by its absence. As a tentative generalization we would say that close friendship with a man or a woman is rarely experienced by American men."¹⁸

After further analysis Gilligan concludes, "There seems to be a line of development missing from current depictions of adult development, a failure to describe the progression of relationships toward a maturity of interdependence."¹⁹

Current theory and practice has not generally given positive space to procreation, nurture, and the caring human relationships. Gilligan's work not only provides empirical evidence for the continued existence of a nonviolent caring ethic but shows how this ethic belongs to mature human development. The current neglect of our interdependence is especially grievous because it unfairly denigrates the interdependence more valued by women than men.