

**THE MORALITY OF HUMAN RIGHTS:
A SECULAR GROUND?¹**

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Attempts to found a morality outside religion are similar to what children do when, wishing to replant something they like, they tear it out without the roots and plant it, rootless, in the soil. . . . [R]eligion is a particular relationship that man establishes between his own separate personality and the infinite universe, or its origin. And morality is the permanent guide to life that follows from this relationship.

--Leo Tolstoy³

The masses blink and say: "We are all equal. - Man is but man, before God - we are all equal." Before God! But now this God has died.

--Friedrich Nietzsche⁴

I. The Morality of Human Rights

By the morality of human rights, I mean the morality that emerged, in the period after World War II, as the articulated basis of the international law of human rights. Although it is only one morality among many, the morality of human rights has become the dominant morality of our time. Indeed, unlike any morality before it, the morality of human rights has become a truly global morality; the language of human rights has become the moral *lingua franca*.⁵ Nonetheless, the morality of human rights is not well understood.

As articulated in the international law of human rights, what does the morality of human rights hold? The International Bill of Rights, as it is informally known, consists of

three documents: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.⁶ The Universal Declaration refers, in its preamble, to "the inherent dignity . . . of all members of the human family" and states, in Article 1, that "[a]ll members of the human family are born free and equal in dignity and rights . . . and should act towards one another in a spirit of brotherhood." The two covenants each refer, in their preambles, to "the inherent dignity . . . of all members of the human family" and to "the inherent dignity of the human person"--from which, the covenants insist, "the equal and inalienable rights of all members of the human family . . . derive."⁷

As the International Bill of Rights makes clear, then, the morality of human rights--which, again, is the articulated basis of the international law of human rights--consists of a twofold claim. The first part of the claim is that each and every (born) human being--each and every member of the species *homo sapiens sapiens*⁸--has inherent dignity.⁹ The second part of the claim, which is implicit, is that the inherent dignity of human beings has a normative force for us, in this sense: We should live our lives in accord with the fact that every human being has inherent dignity; that is, we should respect--we have conclusive reason to respect--the inherent dignity of every human being. The twofold claim that every human being has inherent dignity and that we should live our lives accordingly is the morality of human rights. I say that the morality of human rights consists of a *twofold* claim rather than that it consists of two claims, because according to the morality of human rights, that every human being has inherent dignity is not an independent claim but is inextricably connected to the further premise that we should live our lives in a way that respects the inherent dignity of every human being.

There is another way to state the twofold claim: Every human being has inherent dignity and is "inviolable": not-to-be-violated.¹⁰ According to the morality of human rights, if one's reason for doing something to, or for not doing something for, a human being (call him Daniel) denies, implicitly if not explicitly, that Daniel has inherent dignity, one fails to respect Daniel's inherent dignity; in that sense, one "violates" Daniel. (Nazis explicitly denied that Jews had inherent dignity.¹¹ Even if Bosnian Serbs did not explicitly deny that Bosnian Muslims had inherent dignity, they implicitly denied it: How else to understand what Bosnian Serbs did to Bosnian Muslims--the humiliation, rape, torture, and murder? In that sense, what Bosnian Serbs did to Bosnian Muslims constituted a practical denial--an *existential* denial--of the inherent dignity of Bosnian Muslims.) In the context of the morality of human rights, to say that (1) every human being has inherent dignity and we should live our lives accordingly (i.e., in a way that respects this dignity) is to say that (2) every human being has inherent dignity and is inviolable: not-to-be-violated, in the sense of "violate" just indicated. To affirm the morality of human rights is to affirm the twofold claim that every human being has inherent dignity and is inviolable.

To say that every human being has *inherent* dignity is to say that the dignity that every human being has does not inhere in--it does not depend on--anything as particular as a human being's "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."¹² But to say this is not to say what the inherent dignity of every human being *does* depend on. What is the source, the ground, of this dignity--and of the normative force that this dignity has for us? Why--in virtue of what--is it the case both

that every human being has inherent dignity and that should we live our lives accordingly?¹³

The International Bill of Rights is famously silent on this question. This is not surprising, given the plurality of religious and nonreligious views that existed among those who bequeathed us the Universal Declaration and the two covenants.¹⁴

That there are various religious grounds for the morality of human rights is clear. It is far from clear, however, that there is even one *secular* (nonreligious) ground. Indeed, the claim that every born human being has inherent dignity and is inviolable is deeply problematic for many secular thinkers, because the claim is difficult--perhaps to the point of impossible--to align with one of their reigning intellectual convictions, what Bernard Williams called "Nietzsche's thought": "[T]here is, not only no God, but no metaphysical order of any kind . . ."15

II. The Morality of Human Rights:

A Religious Ground

Only someone who is religious can speak seriously of the sacred, but such talk informs the thoughts of most of us whether or not we are religious, for it shapes our thoughts about the way in which human beings limit our will as does nothing else in nature. If we are not religious, we will often search for one of the inadequate expressions which are available to us to say what we hope will be a secular equivalent of it. We may say that all human beings are inestimably precious, that they are ends in themselves, that they are owed unconditional respect, that they possess inalienable rights, and, of course, that they possess inalienable dignity. In my judgment these are ways of trying to say what we feel a need to say when we are estranged from the conceptual resources we need to say it. Be that as it may: each of them is problematic and contentious. Not one of them has the simple power of the religious ways of speaking.

Where does that power come from. Not, I am quite sure, from esoteric theological or philosophical elaborations of what it means for

something to be sacred. It derives from the unashamedly anthropomorphic character of the claim that we are sacred because God loves us, his children.

--Raimond Gaita¹⁶

I now want to present a religious ground--specifically, a Christian ground--for the twofold conviction that every human being has inherent dignity and we should live our lives accordingly. (The eminent philosopher Charles Taylor has written that the "affirmation of universal human rights" that characterizes "modern liberal political culture" represents an "authentic development[] of the gospel . . ."17) The ground I am about to present is certainly not the only religious ground for the morality of human rights.¹⁸ It is, however, the religious ground with which I am most familiar.

Let's imagine a religious believer named Sarah. Sarah affirms that every human being has inherent dignity and that we should live our lives accordingly. (For a reason that will soon be apparent, Sarah prefers to say that every human being "is sacred". Nonetheless, for Sarah, each predicate--"has inherent dignity", "is sacred"--is fully equivalent to the other; Sarah translates each predicate into the other without remainder.) In affirming this, Sarah affirms the morality of human rights. Predictably, Sarah's affirmation elicits this inquiry: "Why--in virtue of what--does every every human being have inherent dignity?" Sarah gives a religious explanation: Speaking the words of *The First Letter of John*, Sarah says that "God is love." ("Whoever fails to love does not know God, because God is love." 1 John 4:8.¹⁹ "God is love, and whoever remains in love remains in God and God in him." 1 John 4:16.)²⁰ Moreover, God's act of creating and sustaining the universe is an act of love,²¹ and we human beings are the beloved children of God and sisters and brothers to one another.²² (As Hilary Putnam has noted, the moral image central to what Putnam calls the Jerusalem-based religions

"stresse[s] equality and also fraternity, as in the metaphor of the whole human race as One Family, of all women and men as sisters and brothers."²³) Every human being has inherent dignity, says Sarah, because, and in the sense that, every human being is a beloved child of God and a sister/brother to every other human being.²⁴ Sarah is fully aware that she is speaking analogically, but that is the best anyone can do, she insists, in speaking about who/what God is²⁵--as in "Gracious God, gentle in your power and strong in your tenderness, you have brought us forth from the womb of your being and breathed into us the breath of life."²⁶

Sarah's explanation provokes a yet further inquiry, an inquiry about the ground (source) of the normativity--of the "should"--in the claim that we *should* live our lives in a way that respects the inherent dignity of every human being: "Let's assume, for the sake of discussion, that every human being has inherent dignity because, and in the sense that, every human being is a beloved child of God and a sister/brother to every other human being. So what? Why should it matter to me--to the way I live my life--that every human being has inherent dignity, that every human being is a beloved child of God and a sister/brother to me?" Why should I respect--why should I want to be a person who respects--the inherent dignity of every human being? In responding to this important question about the ground of normativity, Sarah--who "understands the authority of moral claims to be warranted not by divine dictates but by their contribution to human flourishing"²⁷--states her belief that the God who loves us has created us to love one another.²⁸ (We are created not only to achieve union, in love, with one another; we are also created, Sarah believes, to achieve union, in love, with God. Sarah understands this state to be "not an ontological unity such that either the lover or the beloved ceases to have his own individual existence[, but rather] a unity at the level of affection or will by which one person *affectively* takes the other to be part of himself and the goods of the other

to be his own goods."²⁹) Given our created nature--given what we have been created *for*--the most fitting way of life for us human beings, the most deeply satisfying way of life of which we are capable, as children of God and sisters and brothers to one another, is one in which we embrace Jesus' commandment, reported in John 13:34, to "love one another . . . just as I have loved you."³⁰ By becoming persons of a certain sort--persons who discern one another as bearers of inherent dignity and love one another as such--we fulfill our created nature.³¹ "We are well aware that we have passed over from death to life because we love our brothers. Whoever does not love, remains in death." (1 John 3:14.)³² Indeed, Sarah believes that in some situations, we love most truly and fully--and therefore we live most truly and fully--by taking the path that will probably or even certainly lead to our dying. "Greater love than this has no man . . ." ³³

(Sarah also believes that the ultimate fulfillment of our created nature--which, Sarah believes, is mystical union, in love, with God and with one another³⁴--can be neither fully achieved nor even fully understood in our earthly life.³⁵ "Now we see only reflections in a mirror, mere riddles, but then we shall be seeing face to face. Now, I can know only imperfectly; but then I shall know just as fully as I am myself known." (1 Corinthians 13:12.) But in our earthly life, Sarah believes, we can make an important beginning.³⁶)

The "love" in Jesus' counsel to "love one another" is not *eros* or *philia*, but *agape*.³⁷ To love another in the sense of *agape* is *to see her (or him) in a certain way* (i.e., as child of God and sister/brother to oneself) and, therefore, *to act toward her in a certain way*.³⁸ *Agape* "discloses to us the full humanity of others. To become properly aware of that full humanity is to become incapable of treating it with contempt, cruelty, or indifference. The full awareness of others' humanity that love involves is an essentially motivating perception."³⁹

The "one another" in Jesus' counsel is radically inclusive: "You have heard how it was said, You will love your neighbor and hate your enemy. But I say this to you, love your enemies and pray for those who persecute you; so that you may be children of your Father in heaven, for he causes his sun to rise on the bad as well as the good, and sends down rain to fall on the upright and the wicked alike. . . . You must therefore set no bounds to your love, just as your heavenly Father sets none to his." (Matthew 5:43-48.)⁴⁰

As it happens, Sarah embodies Jesus' extravagant counsel to "love one another just as I have loved you." She loves all human beings. Sarah loves even "the Other": She loves not only those for whom she has personal affection, or those with whom she works or has other dealings, or those among whom she lives; she loves even those who are most remote, who are unfamiliar, strange, alien, those who, because they are so distant or weak or both, will never play any concrete role, for good or ill, in Sarah's life. ("The claims of the intimate circle are real and important enough. Yet the movement from intimacy, and to faces we do not know, still carries the ring of a certain local confinement. For there are the people as well whose faces we never encounter, but whom we have ample means of knowing *about*. . . . [T]heir claims too, in trouble, unheeded, are a cause for shame."⁴¹) Sarah loves even those from whom she is most estranged and toward whom she feels most antagonistic: those whose ideologies and projects and acts she judges to be not merely morally objectionable, but morally abominable. ("[T]he language of love . . . compels us to affirm that even . . . the most radical evil-doers . . . are fully our fellow human beings."⁴²) Sarah loves even her enemies; indeed, Sarah loves even those who have violated her, who have failed to respect her inherent dignity. Sarah is fond of quoting Graham Greene to her incredulous friends: "When you visualized a man or a woman carefully, you could always begin to feel pity. . . . When you

saw the corners of the eyes, the shape of the mouth, how the hair grew, it was impossible to hate. Hate was just a failure of imagination."⁴³

Such love--such a state of being, such an orientation in the world--is, obviously, an ideal. Moreover, it is, for most human beings, an extremely demanding ideal; for many persons, it is also an implausible ideal.⁴⁴ Why should anyone embrace the ideal? Why should anyone want to be (or to become) such a person--a person who, like Sarah, loves even the Other? This is, existentially if not intellectually, the fundamental moral question for anyone: Why should I want to be the sort of person who makes the choices, who does the things, that I am being told I should make/do. And, in fact, Sarah's interlocutor presses her with this question: "Why should I want to be the sort of person who, like you, loves the Other? What reason do I have to do *that*?"⁴⁵ Because this is essentially the question about the ground of the normativity in the claim that we should live our lives in a way that respects the inherent dignity of every human being, Sarah is puzzled; she thought that she had already answered the question. Sarah patiently rehearses her answer, an answer that appeals ultimately to *one's commitment to one's own authentic well-being*: "The most deeply satisfying way of life of which we are capable is one in which we 'love one another just as I have loved you.' By becoming persons who love one another, we fulfill--we perfect--our created nature and thereby achieve our truest, deepest, most enduring happiness."⁴⁶ Now it is Sarah's turn to ask a question of her interlocutor: "What further reason could you possibly want for becoming (or remaining) the sort of person who loves the Other?"

When he was deliberating about how to live, St. Augustine asked, "What does anything matter, if it does not have to do with happiness?" His question requires explanation, because he is not advising selfishness nor the reduction of other people to utilities, and even qualification, because other things can have some weight. All the same, the answer he expects is obviously right: only a happy life matters conclusively. If I had a clear view of it, I could have no motive

to decline it, I could regret nothing by accepting it, I would have nothing about which to deliberate further.⁴⁷

A clarification may be helpful here. Does Sarah do what she does for the Other--for example, does she contribute to Bread for the World as a way of feeding the hungry--for a *self-regarding* reason? Does she do so, say, because it makes her happy to do so? She does not. (This is not to say that feeding the hungry doesn't make Sarah happy. It does. But this is not why she feeds the hungry.) Given the sort of person she is, the reason--the *other-regarding* reason--Sarah feeds the hungry is: "The hungry are my sisters and brothers; I love them." Now, a different question: Why is Sarah committed to being the sort of person she is, and why does she believe that everyone should want to be such a person? *Pace* Augustine, Sarah's answer to this question *is* self-regarding: "As persons who love one another, we fulfill our created nature and thereby achieve our truest, deepest, most enduring happiness."⁴⁸ According to Sarah, it is not individual acts of love that necessarily make one happy; it is, rather, becoming a person who loves the Other "just as I have loved you." "[S]elf-fulfillment happens when we are engaged from beyond ourselves. Self-fulfillment ultimately depends on self-transcendence. This is essentially the claim that is made by religion, that the meaning of our lives is to be found beyond ourselves."⁴⁹

It bears emphasis that Sarah does not believe that she should be the sort of person she is because God has issued a command to her to be that sort of person--a command that, because God is entitled to rule, to legislate, she is obligated to obey. For Sarah, God is not best understood in such terms. A theistic religious vision does not necessarily include, though some conventional theistic religious visions do include, a conception of God as supreme legislator, issuing directives for human conduct.⁵⁰ For Sarah, for whom God is love, not

supreme legislator, some choices are good for us to make (or not to make)--and, therefore, we ought (or ought not) to make them--not because God commands (or forbids) them, but because God is who God is, because the universe--the universe created and sustained by God who is love in an act that is an expression of God/love--is what it is, and, in particular, because we human beings are who we are. For Sarah, "[t]he Law of God is not what God legislates but what God is, just as the Law of Gravity is not what gravity legislates but what gravity is."⁵¹ Sarah believes that because God is who God is, because the universe is what it is, and because we are who we are, and not because of anything commanded by God as supreme legislator, the most fitting way of life for us human beings--the most deeply satisfying way of life of which we are capable--is one in which we children of God, we sisters and brothers, "love one another just as I have loved you."

The religious ground that Sarah gives for the morality of human rights--in particular, for the normativity in the claim that we should live our lives in a way that respects the inherent dignity of every human being--reminds us that in the real world, if not in every academic moralist's study, fundamental moral questions are intimately related to religious (or metaphysical) questions; there is no way to address fundamental moral questions without also addressing, if only implicitly, religious questions.⁵² (This is *not* to say that one must give a religious answer to a religious question, like the question, for example, Does God exist? Obviously many people do not give religious answers to religious questions.⁵³) In the real world, one's response to fundamental moral questions has long been intimately bound up with one's response--one's answers--to certain other fundamental questions: Who are we? Where did we come from; what is our origin, our beginning? Where are we going; what is our

destiny, our end?⁵⁴ What is the meaning of suffering? Of evil? Of death? And there is the cardinal question, the question that comprises many of the others: Is human life ultimately meaningful or, instead, ultimately bereft of meaning, meaning-less, absurd?⁵⁵ If any questions are fundamental, *these* questions--"religious or limit questions"⁵⁶--are fundamental. Such questions--"naive" questions, "questions with no answers", "barriers that cannot be breached"⁵⁷--are "the most serious and difficult . . . that any human being or society must face . . ." ⁵⁸ John Paul II was surely right in his encyclical, *Fides et Ratio*, that such questions "have their common source in the quest for meaning which has always compelled the human heart" and that "the answer given to these questions decides the direction which people seek to give to their lives."⁵⁹

III. The Morality of Human Rights: A Secular Ground?

Again, it is far from clear that there is any secular ground for the morality of human rights. Can any secular ground bear the weight of the twofold claim that every human being has inherent dignity and is inviolable.⁶⁰ In particular, is there anything one who is not a religious believer can say that is functionally equivalent to "the unashamedly anthropomorphic . . . claim that we are sacred because God loves us, his children."⁶¹ Australian philosopher Raimond Gaita, who is an atheist,⁶² has observed that "[i]f we are not religious, we will often search for one of the inadequate expressions which are available to us to say what we hope will be a secular equivalent of [the religious articulation that all human beings, as beloved children of God, are sacred]." Examples of the hoped-for secular equivalent: "We may say that all human beings are inestimably precious, that they are ends in themselves, that they are owed unconditional respect, that they possess inalienable rights, and, of course, that they possess

inalienable dignity." In Gaita's reluctant judgment, "these are ways of trying to say what we feel a need to say when we are estranged from the conceptual [i.e., religious] resources we need to say it."

Now, to doubt that any secular ground can bear the weight of the claim that every human being has inherent dignity and is inviolable is not to doubt that a nonbeliever can both affirm that every human being has inherent dignity and live her life accordingly. Nonetheless, as the Polish philosopher Leszek Kolakowski has written,

When Pierre Bayle argued that morality does not depend on religion, he was speaking mainly of psychological independence; he pointed out that atheists are capable of achieving the highest moral standards . . . and of putting to shame most of the faithful Christians. That is obviously true as far as it goes, *but this matter-of-fact argument leaves the question of validity intact*; neither does it solve the question of the effective sources of the moral strength and moral convictions of those 'virtuous pagans.'⁶³

This Essay is about what Kolakowski calls "the question of validity".

In addressing that question, I am not suggesting that morality cannot survive the death of God. There is not just one morality in the world; there are many. Nor am I suggesting that one cannot be good unless one believes in God. Many people who do not believe in God are good, even saintly,⁶⁴ just as many people who believe in God--including many Christians, as Desmond Tutu has reminded us--are not good.⁶⁵ Nonetheless, it is obscure what ground one who is not a religious believer can give for the twofold claim that every human being has inherent dignity and we should live our lives accordingly. It is especially obscure what ground a resolute atheist can give.⁶⁶

Imagine a cosmology according to which the universe is, finally and radically,

meaningless⁶⁷--or, even if meaningful in some sense, not meaningful in a way hospitable to our deepest yearnings for what Abraham Heschel called "ultimate relationship, ultimate belonging".⁶⁸ Consider, for example, Clarence Darrow's bleak vision (as recounted by Paul Edwards):

Darrow, one of the most compassionate men who ever lived, . . . concluded that life was an "awful joke." . . . Darrow offered as one of his reasons the apparent aimlessness of all that happens. "This weary old world goes on, begetting, with birth and with living and with death," he remarked in his moving plea for the boy-murderers Loeb and Leopold, "and all of it is blind from the beginning to the end." Elsewhere he wrote: "Life is like a ship on the sea, tossed by every wave and by every wind; a ship headed for no port and no harbor, with no rudder, no compass, no pilot; simply floating for a time, then lost in the waves." In addition to the aimlessness of life and the universe, there is the fact of death. "I love my friends," wrote Darrow, "but they all must come to a tragic end." Death is more terrible the more one is attached to things in the world. Life, he concludes, is "not worthwhile," and he adds . . . that "it is an unpleasant interruption of nothing, and the best thing you can say of it is that it does not last long."⁶⁹

One prominent contemporary proponent of a Darrowian cosmology, the physicist and Nobel laureate, Steven Weinberg, "finds his own world-view 'chilling and impersonal'. He cannot understand people who treat the absence of God and of God's heaven as unimportant."⁷⁰

Where is there a place in a cosmological view like Darrow's and Weinberg's for the morality of human rights to gain a foothold? For one who believes that the universe is utterly bereft of transcendent meaning, why--in virtue of what--is it the case that every human being has inherent dignity and is inviolable? Richard Posner apparently shares my lack of comprehension: "Thomas Nagel is a self-proclaimed atheist, yet he thinks that no one could *really* believe that 'we each have value only to ourselves and to those who care about us.' Well, to whom then? Who confers value on us without caring for us in the way that we care for friends, family, and sometimes members of larger human communities? Who else but the God in whom Nagel does not believe?"⁷¹ I am inclined to concur in R.H. Tawney's view

(except that where Tawney says "all" morality, I'd say something like "our" morality): "The essence of all morality is this: to believe that every human being is of infinite importance, and therefore that no consideration of expediency can justify the oppression of one by another. But to believe this it is necessary to believe in God."⁷² One need not be a religious believer to concur in Tawney's view. Jeffrie Murphy, for example, insists that it is, for him, "very difficult--perhaps impossible--to embrace religious convictions", but he nonetheless claims that "the liberal theory of rights requires a doctrine of human dignity, preciousness and sacredness that cannot be utterly detached from a belief in God or at least from a world view that would be properly called religious in some metaphysically profound sense." Murphy continues: "[T]he idea that fundamental moral values may require [religious] convictions is not one to be welcomed with joy [by secular enthusiasts of the liberal theory of rights]. This idea generates tensions and appears to force choices that some of us would prefer not to make. *But it still might be true for all of that.*"⁷³ Raimond Gaita says much the same thing:

The secular philosophical tradition speaks of inalienable rights, inalienable dignity and of persons as ends in themselves. These are, I believe, ways of whistling in the dark, ways of trying to make secure to reason what reason cannot finally underwrite. Religious traditions speak of the sacredness of each human being, but I doubt that sanctity is a concept that has a secure home outside those traditions.⁷⁴

Nietzsche asked: "Now suppose that belief in God has vanished: the question presents itself anew: 'who speaks?'"⁷⁵ Echoing Nietzsche's question a horrific century later, Art Leff wrote:

Napalming babies is bad.
Starving the poor is wicked.
Buying and selling each other is depraved.
Those who stood up to and died resisting Hitler, Stalin, Amin,
and Pol Pot--and General Custer too--have earned salvation.
Those who acquiesced deserve to be damned.
There is in the world such a thing as evil.
[All together now:] Sez who?

God help us.⁷⁶

IV. Three Failed Secular Efforts

John Finnis, Ronald Dworkin, and Martha Nussbaum are three of the most prominent moral philosophers now teaching in English-speaking law schools, where the language of human rights--our moral *lingua franca*--is pervasive. Has Finnis, Dworkin, or Nussbaum provided an argument that can serve as a secular ground for the morality of human rights?

A. John Finnis

Let's begin with Finnis, a Roman Catholic who works within the Thomistic "natural law" tradition.⁷⁷ Finnis "believes that a major contribution of his account of ethics is its demonstration of clear and reliable moral truths about moral actions . . . that appeal to all rational persons independent of . . . religious beliefs."⁷⁸ If Finnis's "account of ethics" succeeds in demonstrating "clear and reliable moral truths about moral actions that appeal to all rational persons independent of religious beliefs", perhaps Finnis's account can be conscripted and tweaked to provide secular support for the morality of human rights. Does Finnis's account succeed?

In *Natural Law and Natural Rights*, Finnis argues that no one should intentionally harm (any aspect of) the well-being of another, because to do so would be to act contrary to the requirement "of fundamental impartiality among the human subjects who are or may be partakers of [the basic human goods]."⁷⁹ Assuming that to intentionally harm the well-being of another is to act contrary to Finnis's requirement of fundamental impartiality, why should I

avoid acting contrary to the requirement? Until Finnis has answered this question, he has not provided a ground for the normativity--for the "should"--in the claim that no one should intentionally harm the well-being of any human being. The totality of Finnis's brief answer to this fundamental question is that it is *unreasonable* for a human being, who presumably values his own well-being, to intentionally harm the well-being of another human being: "[My own well-being] is [not] of more value than the well-being of others, simply because it is mine: intelligence and reasonableness can find no basis in the fact that A is A and not B (that I am I and not you) for evaluating (our) well-being differentially."⁸⁰

Let's put aside the possibility that being "reasonable" may not be one's overriding goal in life. Even on its own terms, Finnis's answer doesn't work. One may reply to Finnis: "My own well-being is not of more value *to whom* than the well-being of others?"⁸¹ My own well-being--or the well-being of someone I love, like my child--may well be of more value *to me* than your well-being; or, your well-being may be of no value to me; in some situations, your well-being--your continued existence--may be a disvalue to me. (Your well-being is probably of more value *to you* than my well-being; or, my well-being may be of no value to you; or, my continued existence may be a disvalue to you.) If your well-being is of no value to me, it is not necessarily 'unreasonable' for me to intentionally harm your well-being in an effort to achieve something of great importance to me or to someone I love."⁸² In 1985, Jeffrey Goldsworthy made substantially this criticism of Finnis's argument in an essay in the *American Journal of Jurisprudence*.⁸³ Goldsworthy concluded: "[John] Finnis has tried to do in two pages what . . . others have devoted entire books to: . . . show that egoism is inherently self-contradictory or irrational. All of these attempts have failed. It is surprising that Finnis deals with such a problematic and contentious issue in such a brief and casual fashion."⁸⁴

Recall that the second part--the normative part--of the twofold claim that is the morality of human rights is this: We should live our lives in accord with the fact that every human being has inherent dignity; that is, we should respect--we have conclusive reason to respect--the inherent dignity of every human being. Finnis has failed in his effort to provide a secular ground for the normativity--the "should"--in his claim that no one should intentionally harm the well-being of any human being. Finnis's failure does not inspire confidence that the resources of the natural-law tradition in which Finnis participates are up to the challenge of providing a secular ground for the normativity in the claim that we should live our lives in a way that respects the inherent dignity of every human being. "As they should have foreseen, philosophers who, like [Germain] Grisez and Finnis, attempt to argue that God need not be invoked in [debates about moral obligation] are no more able to avoid him than was Kant, who, attempting to show that morality needs no metaphysical foundations (in his understanding of metaphysical), had to allow that without the ultimate sanction of God, his moral universe would collapse . . ."85

B. Ronald Dworkin

In writing about abortion and euthanasia, Dworkin asserts that "[w]e almost all accept, as the inarticulate assumption behind much of our experience and conviction, that human life in all its forms is *sacred*. . . ."86 "For some of us," writes Dworkin, the sacredness of human life "is a matter of religious faith; for others, of secular but deep philosophical belief."87 According to Dworkin, "there is a secular as well as a religious interpretation of the idea that human life is sacred[;]"88 the conviction that every human being (or, as Dworkin says, "life")

is sacred "may be, and commonly is, interpreted in a secular as well as in a conventionally religious way."⁸⁹

Dworkin elaborates: "[T]he nerve of the sacred lies in the value we attach to a process or enterprise or project rather than to its results considered independently from how they were produced."⁹⁰ The sacredness of human beings is rooted, for those who are not religious believers, in two basic facts about human beings. First, every human being is "the highest product of natural creation. . . . [T]he idea that human beings are special among natural creations is offered to explain why it is horrible that even a single human individual life should be extinguished."⁹¹ Second, "each developed human being is the product not just of natural creation, but also of the kind of deliberative human creative force that we honor in honoring art."⁹² "The idea that each individual human life is inviolable is therefore rooted . . . in two combined and intersecting bases of the sacred: natural *and* human creation."⁹³

The life of a single human organism commands respect and protection, then, no matter in what form or shape, because of the complex creative investment it represents and because of our wonder at the . . . processes that produce new lives from old ones, at the processes of nation and community and language through which a human being will come to absorb and continue hundreds of generations of cultures and forms of life and value, and, finally, when mental life has begun and flourishes, at the process of internal personal creation and judgment by which a person will make and remake himself, a mysterious, inescapable process in which we each participate, and which is therefore the most powerful and inevitable source of empathy and communion we have with every other creature who faces the same frightening challenge. The horror we feel in the willful destruction of a human life reflects our shared inarticulate sense of the intrinsic importance of each of these dimensions of investment.⁹⁴

Again, the conviction at the heart of the morality of human rights has two parts, the first of which is that every human being has inherent dignity. For Sarah, every human being has inherent dignity because, and in the sense that, every human being is a child of God and a

sister/brother to every other human being. For Dworkin, every human being is sacred because, and in the sense that, even if, *pace* Darrow and Weinberg, the universe is nothing but a cosmic process bereft of ultimate meaning, every human being is nonetheless, according to Dworkin, "a creative masterpiece"⁹⁵--a masterpiece of "natural *and* human creation."⁹⁶ Thus, Sarah provides a religious ground, and Dworkin, a secular ground, for the first part of the conviction.

Sarah also provides a religious ground for the second part of the conviction, which holds that we should live our lives accordingly: in a way that respects the inherent dignity of every human being. According to Sarah, it is because God is who God is, because the universe is what it is, and because we are who we are that the most fitting way of life for us human beings--the most deeply satisfying way of life of which we are capable--is one in which we children of God, we sisters and brothers, are persons who "love one another just as I have loved you."⁹⁷ For Sarah, the ground of the normativity in the claim that we should live our lives in a way that respects--that we should be persons who respect--the inherent dignity of every human being is religious.

By contrast, for Dworkin the ground of normativity is secular. Recall Dworkin's statement that "the nerve of the sacred lies in the value we attach to a process or enterprise or project rather than to its results considered independently from how they were produced."⁹⁸ Recall too his statement that "[t]he life of a single human organism commands respect and protection . . . because of our wonder at the . . . processes that produce new lives from old ones . . ."⁹⁹ The secular ground of normativity, for Dworkin, is the great value "we" attach to every human being understood as a creative masterpiece; it is "our" wonder at the processes that produce new lives from old ones. Given that we greatly value every human being

intrinsically--that is, as an end in herself--we should respect (i.e., we have conclusive reason to respect) every human being. But to whom is Dworkin referring with his "we" and "our"? Did the Nazis value the Jews intrinsically? The conspicuous problem with Dworkin's argument--with his secular ground of normativity--is that Dworkin assumes a consensus among human agents that does not exist and has never existed: Many people do not value every human being--or even most human beings--intrinsically. Dworkin's reliance on what "we" value is a kind of whistling in the dark.

C. Martha Nussbaum

Martha Nussbaum, a moral philosopher engaged by issues of human rights, provides substantially the same ground of normativity that Dworkin provides. Nussbaum writes that "the good of other human beings is an end worth pursuing in its own right, apart from its effect on [one's] own pleasure or happiness."¹⁰⁰ (It is clear, in her essay, that by "other human beings" Nussbaum means not just *some* other human beings but *all* other human beings.) But *why* is "the good of other human beings . . . an end worth pursuing in its own right"? Nussbaum reports, in the final paragraph of her essay, that "it seems to be a mark of the human being to care for others and feel disturbance when bad things happen to them."¹⁰¹ One might say, following Nussbaum, that whether or not we should pursue the good of others as an end in itself, we should, at a minimum, not act contrary to the good of others. For Nussbaum, the source of normativity--the source of the "should" in this claim--is that we "care for others and feel disturbance when bad things happen to them." This care/feeling, she says, is rooted in "the basic social emotion" of "compassion".¹⁰²

The subversive question "Who is this 'we'?" again intrudes. Did Nazis care about Jews and feel disturbance when bad things happened to--indeed, were inflicted on--them? We could ask the same question about so many other pairings: Turks/Armenians in the early part of the twentieth century, for example, Serbs/Muslims and Hutus/Tutsis in the last decade of the century. It is certainly a mark of the normal human being to care for *some* other human beings--for example, and especially, the members of one's own family or clan or tribe. But it is certainly not a mark of all (normal) human beings--it is not a mark of "the human being" as such--to care for *all* other human beings and to feel disturbance when bad things happen to them.¹⁰³ Listen to Claude Lévi-Strauss:

[T]he concept of an all inclusive humanity, which makes no distinction between races or cultures, appeared very late in the history of mankind and did not spread very widely across the face of the globe. . . . For the majority of the human species, and for tens of thousands of years, the idea that humanity includes every human being on the face of the earth does not exist at all. The designation stops at the border of each tribe, or linguistic group, sometimes even at the edge of a village. So common is the practice that many of the peoples we call primitive call themselves by a name which means "men" (or sometimes . . . "the good ones," the "excellent ones," the "fully complete ones"), thus implying that the other tribes, groups, and villages do not partake in human virtue or even human nature, but are, for the most part, "bad people," "nasty people," "land monkeys," or "lice eggs." They often go so far as to deprive the stranger of any connection to the real world at all by making him a "ghost" or an "apparition." Thus curious situations arise in which each interlocutor rejects the other as cruelly as he himself is rejected.¹⁰⁴

As if to affirm Lévi-Strauss' point, Richard Rorty has contrasted "the rather rare figure of the psychopath, the person who has no concern for any human being other than himself[.]" to "the much more common case: the person whose treatment of a rather narrow range of featherless bipeds is morally impeccable, but who remains indifferent to the suffering of those outside this range, the ones he or she thinks of as pseudohumans."¹⁰⁵ According to Rorty, moral philosophy, to its detriment, has "systematically neglected" the latter in favor of the former.¹⁰⁶

The consensus (or human sentiments) on which Nussbaum relies (we "care for others and feel disturbance when bad things happen to them"), like the substantially similar consensus on which Dworkin relies ("the value we attach to" all human life), is a phantom. ("To present the-good-of-fellows as the object of a desire which all people have, a desire from which no one could escape, is to divest the thesis [of natural sympathy] of much of its attraction. We are all too familiar with counter-examples."¹⁰⁷) No phantom can begin to fill the void left by the death of God. Nietzsche declared: "Naiveté: as if morality could survive when the *God* who sanctions it is missing! The 'beyond' absolutely necessary if faith in morality is to be maintained."¹⁰⁸

V. Kantian Moral Philosophy

[Immanuel] Kant's footprints are all over modern moral theory.

--Richard Posner¹⁰⁹

In our search for a secular ground of normativity, have we been looking in the wrong places--or, more precisely, at the wrong moral philosophers? Finnis, Dworkin, and Nussbaum are not Kantian moral philosophers. Does Kantian moral philosophy (nlike, say, Finnis's natural-law moral philosophy¹¹⁰) have the resources to provide a *secular* ground for the normativity in the claim that we should live our lives in a way that respects--that we should be persons who respect--the inherent dignity of every human being?

Any argument in support of the "should" in a claim that we should lives our lives in certain way--that we should be persons of a certain sort--must appeal to some value to which

the agent to whom the argument is directed is committed. *Normative* reasons must be "internal" (agent-relative) as distinct from "external" (agent-neutral).¹¹¹ (Put another way, there are no categorical imperatives, only hypothetical imperatives.¹¹²) We may safely assume that virtually any agent to whom such an argument is directed is committed to this value: her own well-being; whatever else she is committed to, she is committed to her own flourishing, to her own happiness in the sense of eudaimonia.¹¹³ Recall that Sarah's ground of normativity appeals to the agent's commitment to her own well-being.

Kantian moral philosophy is mistaken in rejecting the position that an argument in support of moral normativity must appeal to some value to which the agent to whom the argument is directed is committed; in particular, such philosophy is mistaken in thinking that an agent's commitment to her own well-being is not a principal source--indeed, the principal source--of moral normativity. As Charles Taylor has put it, contemporary Kantian moral philosophy

has given such a narrow focus to morality . . . This moral philosophy has tended to focus on what it is right to do rather than on what it is good to be, on defining the content of obligation rather than the nature of the good life . . . This philosophy has accredited a cramped and truncated view of morality in a narrow sense, as well as of the whole range of issues involved in the attempt to live the best possible life, and this not only among professional philosophers, but with a wider public.¹¹⁴

Taylor continues:

[Such moral theories] leave us with nothing to say to someone who asks why he should be moral. . . . But this could be misleading, if we seemed to be asking how we could convince someone who saw none of the point of our moral beliefs. There is nothing we can do to 'prove' we are right to such a person. But imagine him to be asking another question: he could be asking us to make plain the point of our moral code, in articulating what's uniquely valuable in cleaving to these injunctions. Then the implication of these theories is that we have nothing to say which can impart insight. We can wax rhetorical and propagandize, but we can't say what's good or valuable about [the

injunctions], or why they command assent.¹¹⁵

Taylor is not alone: Roger Scruton and Richard Rorty (among others) have each made essentially the same point about Kantian moral philosophy.¹¹⁶ As has Simon Blackburn: Referring to "the [Kantian] view that reasons that are seen only in the pull of the will and of love are not real reasons at all", Blackburn writes that "when we reflect what a cold picture of human nature that [view] implies, I think we *should* find it rather sad. . . . We can still do moral philosophy if we recognize that many of our concerns have passion and desire as their ancestors . . ."¹¹⁷ Kantian moral philosophy is bereft of the resources needed to ground the normativity--the "should"--in the claim that one should live one's life--that one should be a person--who respects the inherent dignity of every human being.¹¹⁸

VI. Evolutionary Biology

Neither Finnis nor Dworkin nor Nussbaum has provided an argument that can serve as a secular ground for the morality of human rights; none has provided an argument that can serve as a secular ground for the normativity in the claim that we should live our lives in a way that respects the inherent dignity of every human being. Might an argument rooted in evolutionary biology succeed where Finnis, Dworkin, and Nussbaum have failed?

Recall Sarah's reason for insisting that we should live our lives in a way that respects--that we should be persons who respect--the inherent dignity of every human being: Because God is who God is, because the universe is what it is, and because we are who we are, the most fitting way of life for us human beings--the most deeply satisfying way of life of which we are capable--is one in which we children of God, we sisters and brothers, are persons who

"love one another just as I have loved you." An atheist or agnostic might respond to Sarah along these lines: "I agree with some of what you say: Like you, I believe that by being persons who love one another, to that extent we fulfill our nature and thereby achieve our truest, deepest, most enduring happiness. But I disagree with you that we human beings have a 'created' nature: a nature created by God. I believe that we have only an *evolved* nature: the nature that evolution has bequeathed us. Nonetheless, given the nature that blind evolution has fortuitously bequeathed us, the most fitting way of life for us human beings, the most deeply satisfying way of life of which we are capable, is one in which we love one another--'one another' in your radically inclusivist sense, which includes even the Other. This fact, coupled with our commitment to our own authentic well-being, is the source--the secular source--of normativity. True, I can't prove that human beings have the evolved nature I believe they have, though it is a matter of conviction for me that they do have it. (Look at all those fulfilled other-lovers: They have a serenity and centeredness that cannot fail to impress.) However, I am no worse off in this regard than you are, Sarah: You can't prove that human beings have the created nature you believe they have; nonetheless, it is a matter of conviction for you that they do have it."¹¹⁹ Unlike Dworkin's and Nussbaum's positions, this secular position does not rely on the demonstrably false claim that "we" attach value to all human life (Dworkin) or "care for [all] others and feel disturbance when bad things happen to them" (Nussbaum).

The fundamental problem with this position, as compared to Sarah's, is this: In the absence of a larger metaphysical context with which it coheres--indeed, in which it makes sense as an integral part of the whole--the alleged invariable connection between "being persons who love one another (in the radical sense of 'one another')" and "fulfilling (perfecting, completing) our nature" seems contrived; it seems too good to be true. Sarah's

religious position is embedded in--and it has whatever plausibility or implausibility it has because of its embeddedness in--a broader family of religious claims, especially the claims that (a) every human being is a beloved child of God and a sister/brother to every other human being and (b) human beings are created by God to love one another. By contrast, it is a presupposition of the secular position that the universe is just what Clarence Darrow and Steven Weinberg (among others) have proclaimed it to be: a cosmic process bereft of ultimate meaning. As Darrow put it: "This weary old world goes on, begetting, with birth and with living and with death, and all of it is blind from the beginning to the end."¹²⁰ Far from being created "in the image of God",¹²¹ human beings are merely the unplanned, unintended yield of random mutation and natural selection. But, lo and behold, it just happens that the evolved nature of human beings is such that being a person who "loves one another just as I have loved you" is the most deeply satisfying way of life of which human beings are capable. This free floating secular position seems so ad hoc, as if those who espouse the position were determined to cleave to a consoling belief about human nature long after the religious vision in which the belief has traditionally been embedded has ceased to have, for them, credibility.¹²² Now, few would deny that the social nature of human beings is such that a person who is part of a network of loving family and friends is better off in consequence thereof than one who is not. But this is a far cry from claiming that the evolved nature of human beings is such that being a person who "loves one another just as I have loved you" (in the radical sense of "one another") is the most deeply satisfying way of life of which human beings are capable.¹²³

In any event, and for whatever reasons, the secular position I've sketched here is not a position that, so far as I am aware, any contemporary secular moral philosopher has advanced. Is this some evidence of the implausibility of the position?

We must be careful not to confuse the question of the ground of the morality of human rights--which is the fundamental question addressed in this Essay--with the different question of the ground or grounds of one or another human-rights-claim. Even if there is no secular ground for the morality of human rights, there are no doubt secular reasons--indeed, self-regarding secular reasons--for wanting the law, including international law, to protect some human-rights-claims. In an address to the World Conference on Human Rights in June 1993, U.S. Secretary of State Warren Christopher argued that

[a] world of democracies would be a safer world. . . . States that respect human rights and operate on democratic principles tend to be the world's most peaceful and stable. On the other hand, the worst violators of human rights tend to be the world's aggressors and proliferators. These states export threats to global security, whether in the shape of terrorism, massive refugee flows, or environmental pollution. Denying human rights not only lays waste to human lives; it creates instability that travels across borders.¹²⁴

However, self-regarding rationales for protecting some human-rights-claims may bear much less weight than we would like to think: "[Self-regarding] arguments are hard to prove and not fully persuasive. Despite considerable effort, it has been difficult to construct a wholly convincing 'selfish' rationale for major U.S. national commitments to promote the human rights of foreigners."¹²⁵ In any event, the question I've pursued in this Essay is not whether there are secular grounds for some human-rights-claims, but whether there is a secular ground for *the morality of human rights*--a secular ground, that is, for the claim that each and every human being has inherent dignity and is inviolable.

My goal here has not been to prove that there is no secular ground for the morality of human rights--how does one prove a negative?--but simply to suggest that it is far from clear

that there is such a ground. *If* there is no secular ground, and *if* any religious ground, including Sarah's, is a metaphysical fantasy, then there is no ground for the morality of human rights, no warrant for the claim that every human being has inherent dignity and is inviolable. What then?

VII. Should We Abandon "Human Rights Foundationalism"?

Richard Rorty would certainly reject the evolutionary-biological position I just sketched, because he would reject any position that relies on the idea of *human* nature, including one, like Nussbaum's, that relies on the idea of *human* sentiments. Rorty denies what, according to Rorty,

historicist thinkers [ever since Hegel] have denied[:] that there is such a thing as "human nature" or the "deepest level of the self." Their strategy has been to insist that socialization, and thus historical circumstance, goes all the way down, that there is nothing 'beneath' socialization or prior to history which is definatory of the human. Such writers tell us that the question "What is it to be a human being?" should be replaced by questions like "What is it to inhabit a rich twentieth-century democratic society?"¹²⁶

Rorty writes approvingly of "this historicist turn", which, he says, "has helped free us, gradually but steadily, from theology and metaphysics--from the temptation to look for an escape from time and chance. It has helped us substitute Freedom for Truth as the goal of thinking and of social progress."¹²⁷ In his embrace of the cause of human rights, Rorty does rely on sentiments, but not on *human* sentiments, the existence of which he denies. Rather, Rorty relies on what we may call "Eurocentric" sentiments: the sentiments of twenty-first-century North Americans and Western Europeans. Rorty refers, at one point, to "our Eurocentric human rights culture".¹²⁸ As Bernard Williams observed: "Rorty is so insistent that we cannot, in philosophy, simply be talking about human beings, as opposed to human

beings at a given time. . . . Rorty . . . contrasts the approach of taking some philosophical problem and asking . . . 'What does it show us about *being human?*' and asking, on the other hand, 'What does the persistence of such problems show us about *being twentieth-century Europeans?*'¹²⁹

Earlier I asked what ground one who is not a religious believer might try to provide for the morality of human rights. Rorty is not a religious believer; his answer: *Don't bother*. Rorty recommends that we abandon what he calls "human rights foundationalism",¹³⁰ which, in Rorty's estimation, has proven a futile project.¹³¹ Worse, it is an "outmoded" project.¹³² There is, Rorty suggests, a better project for those of us who embrace the cause of human rights: "We see our task as a matter of making our own culture--the human rights culture--more self-conscious and more powerful, rather than demonstrating its superiority to other cultures by an appeal to something transcultural", like human nature, created or evolved.¹³³ We should try to convert others to our human rights culture, says Rorty--to our local "we", to our Eurocentric sentiments and preferences--partly through a process of "manipulating sentiments, [of] sentimental education,"¹³⁴ a process in which we tell "sad and sentimental stories".¹³⁵ Rorty suggests that

the rhetoric we Westerners use in trying to get everyone to be more like us would be improved if we were more frankly ethnocentric, and less professedly universalist. It would be better to say: Here is what we in the West look like as a result of ceasing to hold slaves, beginning to educate women, separating church and state, and so on. Here is what happened after we started treating certain distinctions between people as arbitrary rather than fraught with moral significance. If you would try treating them that way, you might like the results.¹³⁶

For many (most?) of us who embrace the cause of human rights, the fundamental wrong done, when the inherent dignity of any human being is not respected--when any human

being is violated--is not that our local ("Eurocentric") sentiments are offended. The fundamental wrong done is that, somehow, the very order of the world--the *normative* order of the world--is transgressed.

"Outside our philosophical study . . . we don't think we're merely 'expressing our acceptance' of norms calling for mutual respect and social justice when we make (sometimes great) personal sacrifices in order to comply with these norms. We act as if we think that the authority of these norms is not 'in our heads' or traceable only to social conventions and our (cognitive or affective) reactions to them, but 'real'." ¹³⁷

For many of us who embrace the cause of human rights, the fundamental wrong done at Auschwitz and the other Nazi death camps, for example, was not that our local sentiments were offended, but that the normative order of the world was violated. Given Sarah's understanding of the normative order of the world, Auschwitz constitutes, for Sarah, a terrible violation of who God is, of what the universe is, and, in particular, of who we human beings are.

Now, we might be quite wrong to believe--it might be a false belief--that the world has a normative order that one transgresses whenever one violates any human being. But if we are wrong, if our belief is false--at least, if we have no reason to be other than agnostic about the issue--and if we nonetheless coerce others, and perhaps even, at the limit, kill others, in the name of protecting the inherent dignity of human beings, then, *pace* Rorty, aren't we coercing and killing in the name of nothing but our Eurocentric sentiments and preferences, our Eurocentric human rights culture? Does Rorty want us to say something like this: "It's a brutal world out there. It's either them or us--either their sentiments and culture or ours. It's not that might makes right. It's that there is no right, only might. May our might, not theirs, prevail!" Rorty did once say something like that: "[W]hen the secret police come, when the torturers violate the innocent, there is nothing to be said to them of the form 'There is

something within you which you are betraying. Though you embody the practices of a totalitarian society which will endure forever, there is something beyond those practices which condemns you."¹³⁸

Against the background of Rorty's comments, let us ask: Should we--we who embrace the cause of human rights--abandon "human rights foundationalism"; should we abandon the project of trying to ground, whether on religious or secular premises, the claim that each and every human being has inherent dignity and is inviolable? If we were to abandon the project of trying to ground that claim, what would we then be left with? Our sentiments and preferences?¹³⁹ ("When the secret police come . . .") How much weight these sentiments and preferences would be able to bear--and for how long--is an open question. Listen to the Polish poet and Nobel Laureate, Czeslaw Milosz:

What has been surprising in the post-Cold War period are those beautiful and deeply moving words pronounced with veneration in places like Prague and Warsaw, words which pertain to the old repertory of the rights of man and the dignity of the person.

I wonder at this phenomenon because maybe underneath there is an abyss. After all, those ideas had their foundation in religion, and I am not over-optimistic as to the survival of religion in a scientific-technological civilization. Notions that seemed buried forever have suddenly been resurrected. But how long can they stay afloat if the bottom is taken out?¹⁴⁰

Perhaps some who have no ground--who find any religious ground implausible but can discern no plausible secular ground--are more confident about their conviction that every human being has inherent dignity and is inviolable than they would be about any possible ground for their conviction. ("I have reached bedrock and this is where my spade is turned."¹⁴¹) Perhaps some will say that they have no time to obsess about what the ground of their conviction might be because they are too busy doing the important work of "changing the

world".¹⁴² But, still, this question intrudes: If, as their (bedrock?) conviction holds, the Other, *even the Other*, truly does have inherent dignity and truly is inviolable, what *else* must be true; *what must be true for it to be true that the Other has inherent dignity and is inviolable?* This question brings us back to something I said at the beginning of this Essay: The morality of human rights is deeply problematic for many secular thinkers, because that morality is difficult--perhaps to the point of impossible--to align with one of their reigning intellectual convictions, what Bernard Williams called "Nietzsche's thought": "[T]here is, not only no God, but no metaphysical order of any kind . . ." ¹⁴³

As I emphasized earlier: The point is not that morality cannot survive the death of God. There is not just one morality; there are many.¹⁴⁴ The serious question is whether a particular morality--*the morality of human rights*--can survive the death (or deconstruction) of God.¹⁴⁵ (Was it such a morality that Nietzsche saw in the coffin at God's funeral?) Nietzsche's thought ("not only no God, but no metaphysical order of any kind") and the morality of human rights (every human being has inherent dignity and is inviolable) are deeply antithetical to one another. Which will prevail?