Beyond “Christian Human Rights”: Simone Weil on Dignity and the Impersonal

Richard Amesbury

School of Historical, Philosophical and Religious Studies,
Arizona State University, Tempe, AZ, USA
richard.amesbury@asu.edu

Abstract

Whereas the idea of human rights is often imagined as placing limits on the political sphere from a standpoint outside it, I argue that it is better conceived as a *political* project that draws authority from its claim to be *apolitical*. Such an understanding enables us to historicize human rights and to assess it politically and morally, alongside other normative projects. Samuel Moyn has argued that the contemporary understanding of human rights as rooted in the dignity of the person emerged out of twentieth-century Catholic personalist theology. In the latter half of the essay I consider Simone Weil's objections to the personalist conception of dignity and suggest that Weil's idea of an impersonal, sovereign good provides an alternative conception of value.

Keywords

dignity – human rights – personalism – Simone Weil

1 Introduction

Political discourse and contestation ordinarily take place against a backdrop of vocabularies, values, and institutions which function as limits, in the sense both of conditions and of constraints, and which derive special authority from their claim to be *non-political*, neutral among the various parties to the dispute. Within a liberal scheme, for example, *the right* (to borrow Rawls's term for a conception of justice said to be neutral among competing “comprehensive

doctrines”) claims priority over various competing conceptions of *the good*¹; capabilities (Nussbaum’s term for the opportunities and capacities required for the enjoyment of successful lives) are said to be constitutive of an agency neutral among various ways of life², and so forth. In a similar way, the idea of human rights aspires to place limits on politics from a standpoint irreducible to any particular move in the political game, and so to trump – if we can still use Ronald Dworkin’s term – other claims with which such rights might conflict.

So conceived, the idea of human rights raises famously perplexing questions about its grounds, which would appear to require either transcendental independence from other, more contestable values, or some sort of overlapping consensus among the various perspectives, disputes among which it is intended to arbitrate. In practice, these theoretical worries are often elided – a preoccupation of philosophers rather than of activists and lawyers. Rather than being viewed as a shortcoming, this latter fact might be taken to suggest an alternative understanding of what human rights *is*.³ On this alternative interpretation, human rights represents a moral vision on all fours, theoretically speaking, with other conceptions of the good – a particularistic, historically specific moral project with universalizing ambitions, engaged in complex political negotiation with various actors and institutions on the ground and in tension with competing projects of cultural production and refashioning. Human rights is, in other words, a *political* project that draws power from its claim to be *apolitical*.

This latter understanding of what human rights is informs this essay. My contention is that the relation of human rights to various political and religious projects is misconstrued when human rights is imagined to offer something altogether different in kind – i.e., to be non-political or neutral vis-à-vis religious (and other kinds of cultural and political) difference. In this respect, it is important for scholars not to uncritically accept human rights’ own self-presentation. Rather, I advocate situating the human rights project (as commonly understood) within the broader space of religio-political contestation and viewing it as *contributing to*, rather than simply containing or constraining, plurality.

This approach, I argue, casts light on the historical contingency of a project sometimes imagined as having ancient roots. In the second part of the essay

1 See Rawls, *A Theory of Justice*, p. 3 et seq. and 28 and *Political Liberalism*, p. xvi–xx.

2 See Nussbaum, *Women and Human Development*, p. 5.

3 In this essay I use the term “human rights” as a singular noun in reference to the regime or idea of human rights and in the plural when referring to such rights distributively.

I turn to the twentieth-century context in which, according to the historian Samuel Moyn, the link between human rights and human dignity was forged. I then suggest, in part 3, that an alternative – and potentially more liberative – understanding of the sacred can be found in this same historical milieu, in the work of Simone Weil. Weil's criticisms of human rights and human personality belong to a neglected trajectory of Catholic modernity that, I suggest, merits renewed attention. Some implications of her views for rights-talk are explored in the final section of the essay.

2 Human Rights and Religious Diversity

How one conceives of the ground(s) of human rights will of course have important implications for how one thinks about its relationship to plurality, including religious difference. While there is little agreement among either scholars or practitioners, an overview of contemporary human rights discourse suggests at least three possible ways of thinking about the relation of human rights to religion – (a) religion as a *foundation* or *source* of human rights⁴; (b) religion as a *good* to which individuals *have* a right; and (c) religion as something *in competition with*, and sometimes antithetical to, human rights. To be sure, these three relations are neither mutually exclusive nor exhaustive, but they point to both differing ways of conceiving the human rights ideal and correspondingly different ways of thinking about *religion*. Are the world's religions to be mobilized in mutual support of a global consensus on human dignity arising out of otherwise differing and particularistic histories and traditions? Or are human rights constitutive of an agency prior to all determinate ways of life, equally necessary whatever the particularistic religious or irreligious paths individuals go on electively to pursue? Or are religions rival cultural, moral, and political projects, seeking to defend – and perhaps (though not necessarily) universalize – conceptions of the good and of human personhood and dignity that are only coincidentally in occasional agreement, and often at odds, not simply with one another but also with the idea of human rights?

4 The claim that human rights is *religious* or *Christian* can itself take very different forms – e.g., (a) the claim by Wolterstorff, *Justice*, and Witte, *The Reformation of Rights*, that the concept of rights developed out of theological sources and requires theistic support; (b) the claim by Küng, “The History, Significance and Method”, and Sharma, “The Religious Perspective”, that true religion is supportive of human rights; and (c) the claim by Moyn, *Christian Human Rights*, discussed below, that human rights developed as part of a Christian personalist polemic.

Part of the challenge in thinking about these latter questions is that modern understandings of religion have themselves been shaped by the same historical developments that contribute to the concept of human rights, with the result that it can be difficult to distinguish descriptive claims from normative ones. Because the concepts of religion and of human rights belong to the same modern imaginary, their relation is partly internal. Human rights helps to define what counts *as* religion, and thus empirical questions about the relation of the latter to the former (e.g., about specific Christians and Muslims) gravitate toward conceptual questions (e.g., about *Christianity* and *Islam*, conceived in essentialized ways), which can in turn invite stipulative answers – as, for example, when it is claimed that religion *cannot fail* to be supportive of human rights, because all appearances to the contrary are examples not of true religion but of religion's being “hijacked” by political forces outside itself. Paradoxically, by drawing a sharp conceptual boundary between what is “religious” and what is “political”, and then placing the potential for conflict and violence under the latter heading, *religion* of a certain kind is authorized to enter the public sphere as a source of moral authority, an ostensibly non-political constraint on politics. If violence and coercion inhere in politics, religion's public authority – like that of human rights itself – rests on its claim to be non-political. By removing human rights from politics and rooting it in a perennial and trans-cultural notion of religion, liberal theologians thus manage simultaneously to ground human rights and to construct *true religion*.⁵

The idea of religious freedom, it should be noted, is also a way of shaping religion, of setting limits on its authority. For, if *religion* is something that individuals are said to have a right either to choose or to reject, then it cannot be *constitutive* of personhood. What is protected by human rights is not religion, after all, but *religious freedom*. To the extent that religion *is* selected, it is an outcome, rather than a condition, of agency. This is part of why appeals to religious freedom are often ambiguous and can have unintended consequences, relegating practices formerly experienced as binding on communities or formative of agency into the category of options for willing, antecedent formed individuals.⁶

Much popular and scholarly discourse about human rights takes for granted the two-tier view noted earlier: human rights belong to the framework within which political and religious difference is to be accommodated and managed. But sometimes religion is said to oppose that framework itself, in the name of alternative understandings of justice and right order. When “religion” refuses

5 I explore this problem in Amesbury, *Inter-Religious Declarations of Human Rights*, p. 43–64.

6 See, e.g., Wenger, *We Have a Religion*, p. 100 et seq.

to accept the place it is assigned in the two-tiered structure, it simultaneously challenges the core assumption on which that structure depends – that human rights is different in kind from other conceptions of the good, an independent broker in the messiness of moral, political, and religious contestation.

3 The Dignity of the Person

The idea of human rights, while ubiquitous in contemporary political discourse, is generally taken to have ancient roots, which are often traced back to, *inter alia*, Roman law and the Hebrew scriptures. Recently, that historiography has come into question, with scholars like Samuel Moyn arguing that the idea is of much more recent vintage, and that its supposed antiquity is largely an invented tradition. Of course, all ideas, however novel, have antecedents, and any particular origin story, having been constructed for present purposes, might well appear arbitrary in the overall scheme of things, whether the origins are said to be ancient or modern. Yet, Moyn argues that the most relevant part of the story of human rights can be located not in antiquity but in the twentieth century.

No one could plausibly claim – and no one ever has – that the history of human rights is one of wholly discontinuous novelty, whether in the 1940s or after. But radical departures nonetheless occurred very late in Christian history, even if they were unfailingly represented as consistent with what came before.⁷

More particularly, Moyn argues that the origins of the contemporary discourse linking human rights with the “dignity of the person” can be located in a movement within Catholic thought known as *personalism*, which rose to prominence around the Second World War.

Human rights are typically – though not exclusively⁸ – regarded as grounded in human dignity. As Nicholas Wolterstorff puts it, “Natural human rights are what respect for that worth requires.”⁹ According to Moyn, however, this association was rather new when, in 1942, Pope Pius XII proclaimed it as part

⁷ Moyn, *Christian Human Rights*, p. 5.

⁸ An exception to the philosophical tendency to root human rights in human dignity is provided by Gewirth, *The Basis and Content of Human Rights*, p. 119–147.

⁹ Wolterstorff, *Justice*, p. 360.

of his Christmas message to a world torn by a war the outcome of which could not yet have been predicted:

Dignity of the Human Person. He who would have the Star of Peace shine out and stand over society should cooperate, for his part, in giving back to the human person the dignity given to it by God from the very beginning [...] *He should uphold respect for and the practical realization of [...] fundamental personal rights* [...] The cure of this situation becomes feasible when we awaken again the consciousness of a juridical order resting on the supreme dominion of God, and safeguarded from all human whims; a consciousness of an order which stretches forth its arm, in protection or punishment, over *the unforgettable rights of man* and protects them against the attacks of every human power.¹⁰

The idea of *the human person* as bearer of *dignity* had emerged in the 1930s, Moyn argues, as marking a third option between corporatist Catholicism, for which the substrate of dignity was not the individual but the group, on the one hand, and the atomistic individualism of secular liberalism, on the other, and it soon came to represent an alternative to both fascism and communism.¹¹ In the post-war period, it became enshrined in the West German Basic Law, and Jacques Maritain made it the basis of the UDHR.

Although the term would eventually take on a life of its own, Moyn views the personalist understanding of human dignity as essentially conservative, a break with the revolutionary tradition of the *droits de l'homme* and having “no necessary correlation with liberal democracy”.¹² He writes, “Christian human rights were part and parcel of a reformulation of conservatism in the name of a vision of moral constraint, not human emancipation or individual liberation.”¹³ This conservative, Christian Democratic consensus became ensconced in the post-war order as what Moyn elsewhere calls the *last utopia* – a moral alternative to more ambitious political projects on both the right and left that were perceived to have failed.¹⁴ So conceived, the role of human rights was to

10 Pius XII, *The Internal Order of States and People*, quoted in Moyn, *Christian Human Rights*, p. 2.

11 See Moyn, *Christian Human Rights*, p. 33–39.

12 See Moyn, *Christian Human Rights*, p. 8.

13 See Moyn, *Christian Human Rights*, p. 10.

14 Moyn suggests that “it was not only the loss of faith in the nation-state but also the desertion of the stage by alternative promises to transcend the nation-state that accounts for the relevance of human rights in the last three decades.” Moyn, *The Last Utopia*, p. 213.

preserve – and arguably to export – a broadly communitarian, bourgeois social order, a “minimalist utopia of anti-politics”.¹⁵

4 Simone Weil on the Impersonal

Might it be possible to think differently about dignity, even sacredness, in a way that would be more amenable to emancipatory politics, even if perhaps less so to human rights as conventionally understood? Not only do I think this is possible, I want to argue that some of its resources can be found in precisely the same historical milieu out of which Moyn argues that the more conservative understanding of human rights emerged – namely, Catholic thought in the trans-war period. Here I turn briefly to the work of Simone Weil, a figure curiously absent from Moyn’s narrative, who offered strident contemporaneous critiques of rights-talk and of Maritain’s personalism.

For Weil – a Jewish-Catholic leftist whose politics defy easy categorization – rights-talk is the language of the bargaining table. It is “linked with the notion of sharing out, of exchange, of measured quantity. It has a commercial flavor, essentially evocative of legal claims and arguments.”¹⁶ Part of what Weil seems to have had in mind is the recognition that although rights claims might be taken to trump other considerations – considerations, e.g., of preference, expedience, or even utility – they can nevertheless come into conflict with other rights claims. Talk of individual rights seems to function as a substitute for a shared moral understanding of the good. But in the absence of any overarching moral telos, the proliferation of rights discourse gives rise to irresolvable disagreement. To be taken seriously, rights claims must be backed by force, and thus they tend to exacerbate rather than allay conflict:

If you say to someone who has ears to hear: ‘What you are doing to me is not just,’ you may touch and awaken at its source the spirit of attention and love. But it is not the same with words like ‘I have the right [...]’ or ‘you have no right to [...]’ They evoke a latent war and awaken the spirit of contention. To place the notion of rights at the center of social conflicts is to inhibit any possible impulse of charity on both sides.¹⁷

¹⁵ Moyn, *The Last Utopia*, p. 218.

¹⁶ Weil, *Human Personality*, p. 323.

¹⁷ Weil, *Human Personality*, p. 325.

Indeed, Weil argued that when framed in terms of rights, appeals for justice in the face of affliction – the “always inaudible: ‘Why am I being hurt?’”¹⁸ – are falsified and lose their moral force: “Thanks to this word, what should have been a cry of protest from the depth of the heart has been turned into a shrill nagging of claims and counter-claims, which is both impure and unpractical.”¹⁹

Weil’s deeper quarrel, however, is with the idea that what confers dignity on the individual is *personality*. In her 1942–3 essay, “La Personne et le sacré”, translated into English as “Human Personality”, she argues that whatever dignity is imagined to attach to human personality is at best the prestige conferred on the “I” by its membership in the “We”.²⁰

If there are some people who [...] feel something sacred in their own persons and believe they can generalize and attribute it to every person, they are under a double illusion. What they feel is not the authentic sense of the sacred but its false imitation engendered by the collective; and if they feel it in respect of their own person it is because it participates in collective prestige through the social consideration bestowed upon it.²¹

Prestige is a socially conferred status – a function of belonging to an in-group which distributes privileges unavailable to members of out-groups.

What deserves respect, Weil argues, is not individual personality, much less the collective, but the human capacity to recognize the authority of the *impersonal* – i.e., to desire the good.

Every man who has once touched the level of the impersonal is charged with a responsibility towards all human beings: to safeguard, not their persons, but whatever frail potentialities are hidden within them for passing over to the impersonal.

It is primarily to these men that the appeal to respect the sacredness of the human being should be addressed.²²

18 Weil, *Human Personality*, p. 329. “Affliction,” Weil says, “is a different thing from suffering. Affliction is a device for pulverizing the soul; the man who falls into it is like a workman who gets caught up in a machine. He is no longer a man but a torn and bloody rag on the teeth of a cog-wheel.” Weil, *Human Personality*, p. 331.

19 Weil, *Human Personality*, p. 325 et seq.

20 Cf. Moyn’s observation that “dignity long ago originated as one status word among others in a universe of aristocratic and hierarchical values” as the “literal notion of ‘rank’ – above all, high rank *above other humans*.” Moyn, *Christian Human Rights*, p. 33.

21 Weil, *Human Personality*, p. 321.

22 Weil, *Human Personality*, p. 320.

Locating the defense of the individual in a sovereign good – what Iris Murdoch would call a “transcendent magnetic center”²³ – rather than in personalistic rights, Weil’s account of the impersonal belongs to a utopian vision of the sort that human rights seeks to displace. As Murdoch would later put it, the good is a non-representable object of attention – not an object in one’s visual field, but a condition of being able to perceive one another with just and loving clarity.

5 Toward Institutions of Critique

Speaking the language of “*justice, love and good*”, Weil’s account nevertheless allows space for a “middle region” of more quotidian political discourse, couched in the language of “*right, democracy, person*”.²⁴ These latter notions are of value in relation to the good, the pursuit of which they enable. In this way, Weil’s view inverts the liberal architecture of thought, according to which the latter concepts constrain the pursuit of the former. The good, she contends, is prior to the right: “there is no guarantee for democracy, or for the protection of the person against the collectivity, without a disposition of public life relating it to the higher good which is impersonal and unrelated to any political form.”²⁵ It is thus with a call to imagine new institutions that Weil concludes her essay:

Above those institutions which are concerned with protecting rights and persons and democratic freedoms, others must be invented for the purpose of exposing and abolishing everything in contemporary life which buries the soul under injustice, lies, and ugliness.

They must be invented, for they are unknown, and it is impossible to doubt that they are indispensable.²⁶

At a time when institutions concerned with protecting rights and democratic freedoms are increasingly on the defensive, and when lies and injustice are increasingly rampant, Weil’s call for the development of institutions of critique – standards of judgment beyond negative freedoms – seems particularly urgent.

²³ Murdoch, *The Sovereignty of Good*, p. 73.

²⁴ Weil, *Human Personality*, p. 338.

²⁵ Weil, *Human Personality*, p. 338.

²⁶ Weil, *Human Personality*, p. 339.

As that which gives value to human endeavor, and for the sake of which human institutions possess their *raison d'être*, Weil's concept of an impersonal, sovereign good provides an option beyond personalism and *Christian human rights*. Drawing upon an alternative understanding of what confers meaning – one might say *dignity* – on life, Weil also offers a critique of the two-tier architecture of the right-good distinction, and a limited defense of rights-talk as instrumental in the quest for the good. On Weil's account, rights should aspire not to moral, political, or religious neutrality but to convergence on an ideal beyond ourselves. The defense of the person lies finally in the impersonal.

Biography

Richard Amesbury is Professor of Religious Studies and Director of the School of Historical, Philosophical and Religious Studies at Arizona State University, USA. A philosopher and scholar of religion, he works primarily at the intersection of religious studies and political theory. Amesbury's books include *Morality and Social Criticism* (Palgrave, 2005) and (with George M. Newlands) *Faith and Human Rights* (Fortress, 2008).

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