ABSTRACT. In this paper I shall defend the thesis that differing concepts of human nature (or "personhood") lead to different ideas about what "human rights" are, about what types there are, and how rights are to be ranked according to priority. Though some correlation is obvious, as evidenced in the literature, political forums, and in case studies of many nation-states, the question that we will consider is whether this correlation is a causal relationship or whether it is merely accidental and hence, not worthy of any but passing notice. But if, as I believe, some definite causal connection, perhaps in combination with other factors does exist, we are quite right in focusing attention on the disparate "personhood" concepts or foundation level which lies uncovered and central to such disagreements about human rights.

As we begin our inquiry into the modern basis for a conception of human rights we must first define our terms. Our definition will not consist in an enumeration of specific rights because this is a matter in dispute. Some critics argue that if certain claims or entitlements are the only human rights, then different claims or entitlements are merely pretenders to the status of being 'human rights'. Sometimes this 'exclusivity' approach has led to the rejection of the opposition's 'human rights' claims, or even to a wholesale repudiation of the 'human rights' concept itself.

One obvious source for dismissing the 'human rights' idea altogether is the philosophical view of morality. Since a listing of human rights often includes entries which contradict others, no sound moral principle of the highest order (which human rights are purported to be) could logically entail unharmomious derivatives. Hence, the idea itself is either operationally absurd or else the lofty claims asserted in its name amount to ideals or noble aspirations, nothing more. This pitfall tempts us because so many different sorts of claims have been pressed by peoples all over the world. An overview of this naturally tends to arouse our philosophical scepticism. We will proceed, then, in another more promising manner.
What is a 'human right'? It is a high moral principle or a general class(ies) of activities or even a condition or value that is right for people in society by virtue of their being human. They are entitlements each and every person possesses 'as of right'. Thus, possession does not accrue on the basis of loyalty, merit, desert, grace or charity; nor are these rights based on (favored) gender, class, race, religion, national origin or social status. Human rights are universal in that they are the due of all persons in all societies. The possession of a human right, despite important differences between people(s) which are fashioned by circumstance, history, culture, economy, and level of political and social development, means (e.g.,) that if human torture is wrong in one time and place because it is a fundamental violation of human dignity, it is so in all places and at all times. Finally, as an entitlement from which claims are pressed, a human right also carries a corresponding obligation incumbent upon both the possessor and all similar others (likewise, possessors) to respect such rights in a legitimate political or moral system.

From an abstract viewpoint it would be tempting to infer that there should be no basic conflicts between 'human rights'. Yet, legal, political, and philosophical debates all suggest the contrary. The United Nations is an organization whose meetings often descend into ideological disputes about whose 'rights' claims are truly 'human rights'. The one side of the issue I focus on in this paper (which is by no means the only major tack which may be taken, though it is important enough) recognizes that differing concepts of human nature may yield differing notions of 'human rights'. How serious such differences may be on practical and theoretical levels needs to be shown.

It is this writer's belief that human rights advocacy is premised on the idea of a unitary, universal human nature so that rights belonging to one person or to some must, therefore, belong to all. In spite of this, we may not always be able to discern where a different notion of personhood, on one level, lies behind a conflict between rights claims, on another plane. In any case, it is worth some exploration of how at least some rights claims correlate with one view of human nature ('personhood') while others correlate with a different view. Though this paper does not include an elaborate discussion about how to reconcile conflicting foundations (i.e., 'personhood' ideas) among certain human rights, it does examine the seriousness of such differences along with an articulation of some of the requirements for conceiving of human rights within a universal framework.

I. THE PROBLEM

In the philosophical analysis of human rights directed towards their foundations, various problems and issues arise which may commonly be unacknowledged or presupposed when only the meanings and applications of rights are addressed. Fundamental topics about human rights on this level include such questions as: What is the nature of the human person? Are human rights based solely on human nature? Are they rooted in a duty to God? What are the features or characteristics of the possessor of human rights in virtue of which such rights are possessed? Is a 'human rights' idea intelligible apart from a definition of personhood? It is the larger intent of basic questions like these to reach a universal framework for structuring and normatively
defining human relations in view of the possession of basic human rights.

How the human being is conceived as possessor of human rights is a subtle philosophical issue which is increasingly recognized as due, in part, to historical associations, as well as to 'ideological' response by ideological foes. I define 'ideology' as follows: it is an integrated system of beliefs which interprets and defines social and political reality in terms of means, goals, and values required to either reproduce or perfect the reality so conceived. The usual presumption that ideology distorts reality compounds our task because even social theories (which seek to report 'social facts') are integrated into the reality they purport to analyze. Therefore it is not uncommon for 'human rights' to become 'ideological' in that certain facts about people or society can be utilized in the competition among groups for power, wealth, and longevity; or that these 'facts' themselves are such only because of the social theories in which their believers perceive them.

Human rights philosophies in the western world have primarily been an outgrowth of the earlier natural rights tradition in which "the individual" has played so great a role. On the other side, even most Marxist socialists acknowledge this connection despite their inclination to dismiss the conception of natural rights for its passe bourgeois 'ideological' origin. It is also true that some socialists have begun to develop their own theories of human rights based partly on a very different notion of "true individuality" and of the conditions that shape it. In addition, many different conceptions of "society and its members" are counterpoised in the international political and legal dialogue on human rights as I have already said. These views tend to support a different basic perspective on the 'human' possessors of rights as "peoples" and "groups" and not merely as discrete individuals. Many international human rights documents now in force testify to the potency of the idea of "group rights" or "peoples rights."

It is my basic claim here that these views do reflect some distinct conceptions of human nature which in turn, have resulted in some distinct families of human rights (though it is also true that in some cases any two distinct views of human nature may yield a similar human rights theory, with similarly human rights, the reason being that the two views are dissimilar in just those aspects which are not significantly relevant to the theories and types of human rights claimed). This is not to claim though that no reconciliation is possible as conflicts occur despite such 'foundational' differences. In fact some basis(es) for congruence does exist, as I will mention.

In this paper I assert that a category which specifies the philosophical view of human nature is fundamental to any unified and universal theory of human rights. I support the idea that the human possessor of rights may be classified according to various ideological perspectives which in turn usually biases the considerations of rights themselves.

For example, 'group rights' theorists may typically argue that the rights which belong to any/all members of a group are never a basis for rights claims against the group itself (unlike 'natural rights' theorists) which the group or its agents would be wrong in not respecting. On the other hand, 'individual rights' theorists, traditionally or doctrin-
ally consider individual rights claims against the group (a government, an organization or its agents) to which one belongs the essential feature of the modern conception of human rights (despite the irony that governments are—besides being the chief violators—also the main protectors of rights.)

For our purposes, it is crucial to show that some varying concepts of the human as they function in some philosophical theories of human rights do influence the way rights are conceived and argued for, i.e., the recognition and priority given to the various types of rights. Accordingly, if a group originates and sustains its members' personal identities then, in a broad sense, to claim that members have basic individual rights against the group (again, a key aspect of most individual rights theories) results in a separation of the individual and his interests from the group and its interests, to the final detriment of both. Surely the life of dignity, freedom, and equality promised by the human rights ideal is not served by eliminating the conflict between "human" based conceptions of rights at least in theory by arbitrarily imposing one upon the other.

II. SOME PROPOSALS TOWARDS ENDING HUMAN RIGHTS CONFLICTS

Unless some basic agreement is reached regarding the essentials of human life in society, no unified vision of human rights is possible, and ideology (as well as other factors like self-interest, etc.) will continue, for its part, to impede progress on the conceptual level. However, it may be claimed that a certain convergence and agreement will inevitably occur no matter what basic differences there are regarding the types and priorities of rights recognized, once a certain level of technological and economic development has been achieved due to the striking similarity of problems that face people under such similar conditions (i.e., of labor, remuneration for work, purchase power, availability and affordability of goods and services, consumer protection and product liability, etc.). Another claim is possible, that as international agreement crystallizes around common standards for socioeconomic progress in all societies, as intended by the Universal Declaration of Human Rights (1948) as stated in its preamble, the question of rights can be resolved through this common framework or, at least, those on different sides of the question will be constrained to 'talk the same language' and not out of hand dismiss or ignore the other's rights-based claims.

There are some theories which we may lump together under the heading "ideological convergence" theories because they share the idea that the world's two major dominant ideologies, capitalism and communism, will sooner or later converge or evolve into a certain mixture in which the adherents of each will find aspects of the other's system necessary for survival. For instance, capitalism will require 'socialist measures' and corresponding rights to meet the basic needs and demands of its people not being satisfied by the rigors of free enterprise (e.g., a temporary adjustment of "the rights of capital for the sake of labor"), and a communist system will be compelled to incorporate certain basic liberties and democratization and some degree of private enterprise, with their corresponding rights, in order to stimulate and promote worker productivity and overall economic growth. As a result, there will grad-
ually be a convergence in their commitment to human rights, and perhaps in their ideologies about rights.

The notion of global interdependence is the basis for another conflict-eliminating proposal. An increase in global interdependence compels one nation to wrest 'human rights' concessions from other states in return for needed goods and services (technology, weaponry, and training expertise/personnel). For instance, congressional support for the newly elected Duarte government in El Salvador depends in part on the halting of the activities of 'death squads' and respecting people's basic rights.

In my list I have not exhausted all such possibilities for diminishing or resolving conflicts. There is, however, one more which is important and has been neglected in the philosophical literature and so will be the basis for the present paper. It involves a theory of human rights which seeks to give a certain coherence at least on the theoretical philosophical level to differences between various conceptions of the human possessor of rights and the primary implications for rights that each concept supports.

In a preliminary way the goal is to sketch how various types or families of human rights may be reconciled (e.g., where differences in priorities are made less dramatic or absolute-appearing) on a more unified basis despite "ideological" antagonisms. But first we must identify certain basic differences in how various theories conceive the 'human' element in a theory of human rights. I will propose a classification scheme for theories on human rights by specifying contrasts among them in their notions of the human person (i.e., how they influence the conception, type, and priority of rights). I will finally indicate a unified basis for a human rights theory which may cut across lines of ideology and form a more coherent theoretical grounding for the various families of rights.

III. CLASSIFICATION SCHEMES

The general ideal of categorizing human rights theories is not by any means a novel one. While human rights theorists have proposed numerous classification schemes for the rights themselves, fewer have actually attempted to classify human rights theories. Nevertheless most philosophers would recognize certain broad orientations to human rights on the levels of their foundations, meaning, or applications as might be outlined in the table of contents of a volume on human rights. Among these more general levels of orientation, one might further distinguish types of theoretical approaches to rights, such as the historical, the political, the metaphysical-theological, and the ethical. Indeed in the current philosophical literature there has been a shift in emphasis from the metaphysical and theoretical models of rights as essential to the notion of justice and of the ideal human community. However, recognizing that such models are not only overlapping but also very general, several theorists have proposed classification schemes for the rights-related literature that are based on certain metaphysical-epistemological principles.

In my "Editor's Perspectives on the Philosophy of Human Rights", I outline a classification system for human rights definitions as "activity" or "commodity". Although the usual denotation of "commodity" is "an article of economic exchange," I use it in the context of human
rights theory as a term closely related to "entitlement". The connotations of "valuable entity" and "material possession" are distinctively relevant to certain formulations of human rights.

The commodity type of theory approaches rights as an abstract construct, not of processes but of moral entities intrinsic to humanity yet whether by divine, natural or conventional legacy, externally linked to the abstract individual or community. On the other hand, the activity approach has abstractions also, but differs from the commodity approach in that the activity construct begins with a given rights action that is never abstractly divorced from the individual who performs it. Generally, the distinction suffers the following weakness: once human rights are recognized and enforced, the distinction between "something had" and "something done" seems to collapse since both are simultaneously suitable as a single human rights description. Nevertheless the value of proposing the distinction in the first place lies in its overall usefulness in sorting out the numerous preferred definitions of human rights.3

While these categories presuppose certain conceptions of the individual human, they disregard direct considerations of the individual as an analytical category. However, this system still offers significant implications for "foundational discourse despite its focus on the level of meaning."

Tibor Machan offers a category system that distinguishes between "cognitivist" and "noncognitivist" human rights theories. He holds as "non-cognitivist" those theories that characteristically lack rationally known universalizable standards for moral social life. Accordingly, says Machan, such theories forsake the epistemological ideal of knowing what is right and good and just by means open to serious rational inquiry.4 On the other hand, he portrays as "cognitivist" those theories based on considerations of nature, i.e., human nature and the universal (normative) principles of social life. In cognitivist views, human rights are held to be definite, precise, and not normatively arbitrary. Under this second category, Machan lists several natural human rights theories.

I regard Machan's categories as foundational because they separate those "who treat human rights as part of ordinary normative discourse" from those who "find it necessary to show the concept of human or natural rights to be sound and applicable to human political life, whatever ordinary normative discourse indicates."5 Although he does not make the individual an explicit category of classification, he does acknowledge the central role of the individual qua "the nature of man," "human nature," "the essence of being a human being," especially as providing the context for the rebirth of the natural rights doctrine.

Machan also interjects the interesting question that human rights may not be ultimately compatible with individualism because "it presupposes that the essence of each man exists and is more important than each person's individuality."6 The above assertion by Machan is philosophically interesting and although it has a murky and deep metaphysical ring to it, there is at least one viable strategy for salvaging his rights doctrine which may be noted in passing. It involves a denial of the proposition that a 'human essence' is real in the same way that an
individual's 'humanity' is. In short, general similarities between certain beings are not the same thing as 'shared identities'. Furthermore, human beings have certain basic qualities which separate them from other living beings, though not entirely. It is, as Wittgenstein said in another context with regard to linguistic meaning, that certain human individuals, like certain words, have a family resemblance to one another, and so are related in this way. A rational grasp of what the human essence is is not necessarily a quest for biological or metaphysical substance, but rather for what distinguishes human from nonhuman lifeforms as well as for the 'meaning' our distinctive nature has for our lives—our 'humanity'. These need not be "murky". Is there a common human purpose implied by our 'nature'?; and is this a supremely important guideline for our social behavior? Such questions are not to be confused with scientifc descriptions of individual reality the basis for which occurs on a different level. The 'rights' idea derives from the former.

The co-authors of another recent survey and categorization of modern human rights theories focus on various issues regarding the general character, the defeasibility, and the qualities of rights. However they explicitly claim not to deal with issues bearing on either the historical treatment or the normative foundations of human rights. Nevertheless in presenting an analytical framework for understanding human rights, they offer serious implications for the foundational level of analysis. Although they cite the Universal Declaration of Human Rights as an authoritative document, they proceed to include in their treatment only philosophical writings in the Western liberal tradition with its individualist bias. Accordingly, the "individual" receives a secure place behind their treatment of human rights theories without becoming a specific analytical category. I believe that co-authors Martin and Nichols sidestep the multicultural and trans-ideological contribution made to the field of universal human rights as embodied in, e.g., the Universal Declaration of Human Rights and the two International Human Rights Covenants. From an international viewpoint, a conceptual analysis of human rights is incomplete unless some account is given of the foundational notion of the human being behind "human rights," i.e., of the subject or possessor of rights.

It should be noted that how the human being is viewed may be the chief factor in a classification scheme on an ideological plane. For instance, K. Minogue explicitly classifies human rights theories according to the "individualist ideology of natural rights" and the "collectivist ideology of social involvement". A.A. Said recognizes at least three divisions along ideological lines for human rights theories reflecting various visions of human dignity. He suggests that vital Third World views of national development along human rights lines must derive from the cultural realities of their own societies and not from Western liberalism or Marxism. Although Said underscores the supreme value of human rights for human dignity, he does not make the various notions of the human being whose dignity is considered a classification category. This present paper is in some sense an outgrowth of the above-mentioned papers and of my own recent work on human rights.

MY PROPOSED SCHEME

I propose to add another classification scheme to the general foundations of rights which addresses the human participant and how it
frames the basis for an associative human rights theory. As I seek a neutral and universally applicable term for 'participant,' I employ the term 'human' rather than 'individual,' the latter of which has a bias for Western liberalism. I then modify 'human' in the following manner to convey the separate but sometimes poorly defined traditions that are now concerned with the modern human rights idea.

The first category is the abstract or solitary human which is more familiar as the atomic individual of classical Western liberalism. The second is the social human which corresponds to the treatment of the individual in both the democratic and social phrases of liberalism. This second category suggests implicit recognition of social conditions, i.e., certain types of relations with others, as essential to the human being's self-constitution and self-fulfillment. The third category is the community human which intimates that self-identity is inseparable from participation in a given community. For this category, I focus on two non-liberal views of the human.

BACKGROUND OF THE SOLITARY HUMAN IDEA

In philosophy, most contemporary conceptions of human rights have evolved within the Western natural rights tradition, either as a clarification of the traditional view or as a modern development of it. While there is a growing body of philosophical work that stems from non-liberal traditions the overwhelming majority of recent work remains an outgrowth of Liberalism. There are at least two central ideas associated with this tradition that are assumed by modern theorists: (1) that individual human beings have human rights in virtue of their humanity; and (2) that each and every being who possesses such basic rights is morally obligated--as are the social institutions arranged by human beings--to respect the possession of such rights in other similar beings.

In the traditional 17th and 18th century European views, natural human rights were held to be the ultimate basis for moral claims pressed by individuals against governments or against other individuals. Legitimate political authority was taken to rest primarily upon the recognition and enforcement of natural human rights. The ideal role of government in the lives of individuals was, in theory, to secure basic rights for all individuals through a policy of laissez-faire, or non-interference in the individual's self-realization process. The abstract individuality of the human being and, so, his human rights were considered as a priori and independent of social considerations. Therefore the justification for organized society in view of the solitary human individual must be based on its general utility for preserving the natural rights of individuals.

The historical development of the natural rights tradition, dating from the writings of John Locke, spawned some modifications in the theory of the solitary human as possessor of natural human rights. Accordingly, these changes influenced both the type of rights that were recognized and also the ideal role case for political government. The early abstract or atomic individual gave way in the writings of some philosophers, e.g., in J.S. Mill's later works, to the social view of the individual.
BACKGROUND OF THE SOCIAL HUMAN IDEA

In this view, society is indispensable to the formation of "true individuality," not only as a guarantor of non-interference in the private affairs of individuals but also as the provider of certain basic essentials. This theory parallels and in some sense epitomizes the confluence in 19th century political philosophy of both liberalism and democracy.

Democratic liberalism conceived individual freedom as being best preserved not through laissez-faire policies but rather by giving to individuals enabling resources or opportunities to exercise their presumed basic freedoms. In the area of philosophical ethics at this time the utilitarian creed (as espoused by Jeremy Bentham and others) became combined with certain natural rights doctrines (as in Mill's mature philosophy). This newer view proposed that general utility (i.e., the greatest happiness for the greatest number of individuals) is best promoted by respecting natural rights (perhaps best thought of as a form of 'rule' utilitarianism). Although Mill considered himself a utilitarian, many 20th century Western libertarian conceptions of human rights are framed within Mill's understanding of abstract human liberty and of his earlier portrayal of abstract individuality. Nevertheless, many welfare state liberal theorists from L.T. Hobhouse to John Dewey also trace the foundations of their views about political society to Mill's idea of the "social individual". This is true also of some English Fabian socialists.

BACKGROUND OF COMMUNITY HUMAN IDEA

It is evident that the human rights dialogue today has a forum in the nonliberal, non-individualist traditions which are represented by various nonwestern cultures and ideologies. What should be noticed here for present purposes is the "human" facet of human rights. The possessor of such rights—the individual—as framed in the Western natural rights tradition, though it appears to some as a self-evident, universal truth from the standpoint of Western liberalism, is not seen that way from other perspectives. In short, the universality of human rights at the foundational level as supposed by a common view of humanity is lacking if non-western views are to be taken seriously concerning the interpretations they give human rights.

Two prominent rights-related examples of non-liberal, non-individualistic conceptions of the human being are found in the literary and political expressions of the Second World (Soviet Block) and Third World.

SOVIET

The socialist (Marxist) conception of the individual may be expressed as the "socialist personality", over and beyond the "man, the producer" idea as the basic human attribute. Orthodox Marxists customarily reject the notion that human rights belong to innate human nature. Following Marx and Engels, the Soviet view on individual human rights is that the conception is basically a 'class' notion. Therefore the ideas of universal individual freedom and equality in capitalist class society are regarded as unrealizable for their incompatibility with capitalist government whose real purpose is to safeguard the interests and freedom.
of the capitalist class of owners at the expense of the laboring classes. Capitalist government is seen as merely giving the appearance of correcting inequalities and violations of individual freedom characteristic of any class-stratified social systems.11

Human freedom and equality, viz., "true individuality" are realizable, according to the Soviets, only in a post-capitalist classless society when socialist productive relations replace capitalist ones. In other words, human beings may acquire rights only after they develop the proper "socialist personality," the culmination of the benefit of education under a system of socialist economics. The concept of human rights is contingent upon the "social significance of a person. . . . The criterion of value of a person lies in his relation to work, in the socially useful work of man."12 Only the "socialist personality" possesses human rights whose security is guaranteed by the socialist state. Those individuals who fail to acquire a socialist personality do not achieve the status of 'personhood' with its concomitant set of human rights. Since all freedoms are based on the elimination of economic (i.e., capitalistic) exploitation, the right to labor (i.e., socially useful work with equitable remuneration) is set forth in the Soviet Constitution as primary among the other enumerated freedoms, rights and duties of citizenship in a socialist state.13

It should be mentioned that not all socialists within the Soviet bloc agree with the official Soviet doctrine regarding the absolutely irredeemable ideological bias of the human right concept. Some Soviet philosophers, it seems, are willing to enter the worldwide philosophical dialogue on human rights (and not merely dismiss it), however they are beginning to propose a different socialistic conception of the human rights ideas based on a 'community human' view of the human being.14

CULTURAL COMMUNITY

Membership in a given cultural community may or may not coincide with citizenship in a state but members of the same cultural community have been collectively referred to by official United Nations documents as a people.15 According to one definition, a 'people' is an entity identified with a distinctive culture with respect to such common factors as language, religion, race, traditions, etc., so that individual members (of a culture) will consider themselves as together possessing an enduring separate entity and are likely to be of common descent.16

Personal identity and world orientation stem from membership in a cultural community. To deny cultural expression or to deny a member active and full participation in the life of a cultural community is now regarded in some contexts as an infringement or violation of a peoples' right to sustain the viability of its culture.17 The human rights of 'a people' are not merely those of its members writ large nor are they ascribable in the same sense to each and every member. Therefore, from this perspective, the human entity is conceived as inseparable from the life of the matrix community from which self-identification is derived. The unit of harmony can no longer remain as the solitary individual or even the social human who considers society only as a means to distinctive or otherwise isolated self-constitution or self-development. The unity of humanity is the 'people' or the 'community human' being.
CONTRASTS IN THE NOTION OF THE HUMAN PERSON

In this section I shall briefly survey some contemporary philosophical works which address human rights on the level of their meanings or applications. I will classify each writer's view of the human person, how it applies to the presented theory of human rights and whether or not such classification is explicitly forwarded by the writer himself. My contention is that such a classification contributes to an overall understanding of certain conflicts within the human rights question which will be discussed in Section III.

SOLITARY HUMAN VIEWS

E.M. Adams argues that there is a basic, inherent right belonging to personhood, namely, the right to self direction by the rational exercise of one's own powers. Since one must be free or have the opportunity to fulfill the responsibilities of personhood, Adams defends the priority of freedom rights over welfare rights (which are not regarded as being human rights). Inasmuch as other people are under no obligation to provide the prerequisites of the individual's existence, human rights are correlative with obligations respecting "self-direction" or autonomy. Adams' abstract treatment of personhood, of reason and of isolated individual freedom marks his view of the individual as a 'solitary human' in the Kantian tradition of abstract freedom and individual moral autonomy. More about the Kantian view later.

Carl Wellman is even more straightforward about the foundations of human rights. He considers the concept of human rights as an ethical analogue of normative legal (Hohfeldian) elements. According to Wellman, moral human rights are groupings of liberties, claims, immunities, and powers which together forge a "system of ethical autonomy possessed by an individual as a human being vis-a-vis the state." The view that the individual possesses abstract moral autonomy with respect to the state is, again, a view of the 'solitary human' in the liberal tradition of Western political theory.

Tibor Machan claims that natural human rights are normative social principles which place limitations on what individuals and governments can rightfully do to each other. In his view human nature requires human rights as a basis of a free society. His philosophy is explicitly a modern development of the Western natural rights theory traceable to Locke's notion of the 'solitary human' whose inborn rights ultimately establish the legitimacy of political rule (of others' relations with regard to the individual).

R.S. Downie offers another attempt at a conceptual analysis of the human rights idea undertaken independently of an explicit foundational view of the human being but which is, nevertheless, implicitly in the tradition of Western liberalism. He believes that human rights are characteristically different from "social equals" rights. Thus, Downie challenges the Universal Declaration of Human Rights which considers both welfare of socioeconomic rights and political/civil rights to be human rights. His analysis holds only political and civil rights as human rights for the general standards which they establish for the individual.
Downie evidently assumes that the concept of human rights can be adequately and abstractly analyzed in deciding what rights qualify as human rights. Indeed, the question of scope does go to the heart of the conception of a human right, but in order for him to conclude that only freedom rights are of sufficient scope he must presuppose a certain view of the individual that would support his claim. 'Freedom' itself is vacuous in this context apart from consideration of the entity who is "free."

The exclusivity or priority of freedom rights is an orthodox Western libertarian belief, and as such shares a fundamental similarity with the Kantian view of the abstractly autonomous individual whose inherent freedom is attributable to all rational (i.e., human) beings.

SOCIAL HUMAN VIEWS

Bertram Bandman argues for a broader interpretation of human rights and so, explicitly tries to overcome the limitations of the Western liberal's (at least in its most extreme libertarian form) priority for freedom rights. His thesis is that because welfare rights are "enabling rights" they are more important than or at least prior to freedom rights. He conceives of human rights as having correlative duties and it is by virtue of these duties that we can classify his concept of the human being as "social human." Bandman sees rights as being 'individual' whereas duties are 'social'. Duties are imposed on all human beings through the universal possession of human rights. The mere possession of a human right places moral requirements upon others capable of suitable noninterference as well as for the provision of welfare benefits. Bandman's conception of the human being is "social human" because of his emphasis on socioeconomic rights and duties that bind people to one another instead of separating them. The "social" feature is essential to the possession of human rights according to this philosophy.23

It is characteristic of the concept of natural human rights that, metaphysically, it is the individual not society that is held to be the sole basis for arguments involving rights. However, it is somewhat unusual, as suggested by Peter Ingram's position on natural human rights, to consider the individual's natural or basic need regarding both the self and others as having equal importance. Ingram claims that the concept of natural human rights has an existence independent of a legal system. It also has a validity assured by certain presuppositions of our conceptual view of the world; all human beings in virtue of their humanity have such a view. Ingram asserts that "human rights" issue from the deepest level of the conceptual structure fundamental to the human being's comprehension of his own personal existence and of social life.24 This view of the social human is therefore evident in a two-dimensional (and equally valuable) conceptualization of the world as both self-oriented and other-oriented.

Two other illustrations of philosophers who base human rights on a social view of being human are concerned with a defense of the idea of individual human rights against challenges presented by utilitarianism25 and by the notion of "group rights."26
Lyons asserts that universal human rights are of fundamental importance regardless of any particular social environment and are essential to human well-being. He recognizes that "welfare rights" need not challenge human rights arguments (which exclude them) but that the two are harmonizable. He sees the general welfare of others as a moral standard requiring the conferring of human rights by respecting certain rules of utility. Consequently, Lyon's "social human" underlies his view that the individual's well-being is to be interpreted as being compatible with the general well-being of other human beings.

Armour\(^27\) claims that personal identity as a basic source of human rights can be applied equally to groups and to individuals. His basic commitment is to the liberal system of individual rights which can be improved upon by including certain types of group rights. In allowing human rights to be assignable both to groups and to individuals, Armour seems to presuppose a 'social human' view where in some cases, rights can be respected in virtue of group membership.

COMMUNITY HUMAN VIEWS

Human rights and parallel concepts are seen from the perspective of many diverse traditions as being rooted in the principles of a religious, spiritual community whose rationale for existence is ostensibly premised upon obligations to God. Some recent examples are found in the writings of Henle\(^28\) (the Catholic community), Abraham Kaplan\(^29\) (the Jewish community), S.H. Nasr\(^30\) and A.A. Said\(^31\) (the Islamic community). In each case, the notion of self-identity is inseparable from participation in the community and, so, the source of human rights is conceived solely in terms of religious community membership.

V. Van Dyke\(^32\) identifies three political categories that give rise to human rights, understood as moral claims involving justice. These rights categories belong to the individual, to a people, and to a sovereign state. Van Dyke acknowledges the likelihood of conflicts among rights and he recommends "flexibility" in judgment so that rights in one category may be adjusted to harmonize with rights in other categories. His view can be seen as incorporating both the individual and the group rights ideas. However, it best conforms to the category of "community human": by acknowledging different forms of autonomy or self-determination as a basis for framing universal human rights. Van Dyke is seemingly trying to overcome an ideological basis by means of a meta-ideological appeal while recognizing all major sources of rights claims as legitimate.

Generally, Marxists and Western libertarians project human rights concepts from their own ideological perspectives. However, some are beginning to seek out common non-ideological or sub-ideological foundations (such as contained in the proposals cited earlier about muting or ending conflicts between human rights views) in order to bridge the conceptual gap between the two philosophies on the issue of human rights.

Among the Marxists some have redefined a "socialist conception of human rights" in lieu of the erstwhile wholesale rejection of the whole human rights idea as utopian and "outdated bourgeois ideology." Shin-go Shibata\(^33\) argues that a universal system of basic human rights must
be the same in capitalism and socialism because human rights originate in the concrete and universal material interests of all people. Shibata's idea of a human being is, implicitly, community-based because a universal identity of material interests of all people is recognized as the core of modern democracy with human rights at its foundation. A. Tay and various Soviet (and non-Soviet) philosophers outline a contemporary Marxist position on the human rights question. Tay implies that socialist law is the source of all rights and duties. Social duties owed to the socialist state (as led by the Communist Party) are regarded as superior to any individual rights recognized by constitutional law. Thus the socialist view rejects the idea that states are based on law and that society is based on individual natural rights and liberties. The Marxist tradition links rights with the performance of social duties and this imposes limitations on the recognition of all rights. The fully human person is explicitly conceived as a 'socialist personality' which is realized only in a socialist state. The 'individual', therefore, is understood as a 'community human'.

In summary, this section surveys some recent philosophical writings on the meanings and applications level of human rights. Mainly I have attempted to classify these writings with respect to the view of the human being and to show the functional or correlative significance of such a view on the authors' various interpretations of human rights.

In the next section, I will address a controversial issue in the field of human rights. It will be observed that certain conflicts arise from the standpoints of the various types of conceptions of human beings: the solitary, the social, or the community human. The point of this exercise is to demonstrate the fundamental significance of the "human" in the formulation of the 'rights' issue and perhaps eventually in a proposed resolution to the conflict.

IV. RIGHTS DIFFERENCES AS RELATED TO FOUNDATIONAL DIFFERENCES

Self-determination may be seen as a philosophical issue arising from within the foundation level of human rights. The issue can be framed from two theoretical standpoints which stand in mutual opposition to each other, though they do not jointly exhaust all possibilities. E.g., an affluent society whose leadership attempts to distribute its wealth evenly throughout its population may, regardless of its ideological foundation, give equal priority to both types of rights (the civil/political, and the social/economic); or it may choose for reasons of its own, not to recognize or respect either set perhaps because the priority of national development and progress rank most highly. Nevertheless, there is a basic conflict which must somehow be bridged to develop a unified, coherent, and universal foundation for the conception of basic human rights.

To the issue. Suppose that it is presumed that self-determination refers to the "self" of individual persons. Then, if individuals are self-determining beings intrinsically as individual human beings, a model of the 'good society' must give top priority to schemes which realize and respect this basic human feature. Also, strategies which deny or sacrifice this feature become or are subversive of the preferred goal.
On the other hand, suppose that the 'good society' bases itself on a model of self-determination which features the 'social' or 'community' facet of personhood as its single most important predicate. Then strategies which are geared towards realizing the social totality will inevitably clash with those which are individualistic.

The literature in philosophy abounds with reference to each (e.g., from Locke to Nozick, and from Plato to Rousseau). For our present purpose we will establish the claim that a basic difference such as this does lead to some apparently irreconcilable differences on this score between various theories of human rights. The two differences of present concern involve: (1) the families of rights implied by each; and (2) the inescapable differences in priorities among rights. Accordingly, societies committed to some dominate form of individualism will invariably—as history has shown—emphasize the rights individual members of society may claim against each other, and against the governing agencies. By contrast, societies for which the ideal of community is rooted in a supra-individual conception (viz., "the nation," "the folk," "the tribe," "the class", "the people," etc.) tend to generate rights concepts which do not stress or tolerate any basic separation or antagonism between a government and its citizenry: there are no fundamental freedoms from government (intervention). Indeed, it is often the case that 'individualistic' rights are seen as private, anti-social impediments to social progress.

Although there are disagreements among the theorists who fall into one or another of the three categories about what they have proposed as to the bearer of human rights, a question should be raised about the relationship between human rights and human nature. Our question is whether such differences stem from differences in conceptions of personhood. This writer believes that to a significant extent they do.

TWO OPPOSING VIEWS

It may be argued that despite such important differences in conceptions of who or what is the bearer or subject of human rights, such disagreement does not by itself entail disagreement on the nature of human nature. That is, some would argue that it is abstractly possible that a person possesses some rights simply because of his status as human; other rights because of the position he occupies within society; and still other rights because of the status of his "people" or "community" or "nation". In this case, then, the upholder of this argument avoids the disagreement referred to because it is really attributing different rights to different things, and not to the same thing.

This argument would indeed be plausible if it were not the case that adherents of these differing conceptions of personhood do posit important differences on the foundational level. This is not to deny that subjects of human rights may possess various rights correlative to social standing, etc. However, the argument does fail because the claim that all such rights are human rights speaks directly to the conception of human nature in virtue of which such rights are possessed. Hence, on this level, the disagreements are rooted in basic conceptual differences.
To turn to our question about different rights stemming from differences in human nature ideas, do our categories of 'human' subject of rights imply different rights or families of rights? Do differences among such 'human' rights entail differences in personhood? The answer to both questions is affirmative though with special qualification.

The latter question seems to suggest that because there exist different families of rights there must therefore be basic human nature differences. This I think is not the case, for as indicated in the 'plausible counterargument' I cited, the existence of different rights may be accounted for on the basis of different things (place in society, type of society, affluence of society, etc.). But there is a sense in which different families of rights do reflect differing 'personhood' foundations though it requires an analysis of these foundations as evidence to reveal how they result in certain basic differences regarding rights, viz., types and priorities of rights.

There is another argument which can be raised against my "different foundations yields differing rights" theory. It goes something like this. There are at least two widely recognized families of human rights: (1) civil and political rights and (2) social and economic rights. The first is usually subsumed under "freedom" rights because it fixes a realm of freedom within which individual rights holders can express themselves freely such that they are wronged when interference occurs. First Amendment rights and the right to vote are prominent examples of freedom rights. The second set, social and economic rights, are typically considered as "equality" rights because they formulate claims which seek to distribute wealth, goods and services, equally among the members of society. It is based on the notion that each individual as a person is no more entitled than any other to the fruits produced by society: hence, each is equal to any and all others. The rights to housing, to vacations with pay, to education, and to a minimally decent standard of living are illustrative of "equality" rights.

It can be shown that rights such as these, derivable from each different family of rights, are not so much grounded on different concepts of human nature but rather on different aspects or ways of looking at "human nature". Namely, that all individuals require certain types of freedom and a range of autonomy to exercise the inherent freedom they possess, and that all persons have these same important features in some (indeterminable) degree: on this ground, no individual is preferable to any other. Another way of saying this is that all are equal or that each is entitled to equal consideration and treatment.

The strength of the above argument is lost when we consider that it stems from a faulty presumption, that a mere reference to individuals in this way is somehow universal, as a universal conception of human nature. Perhaps this is a case in which social reality becomes infused with and interpreted by social theory. In short it begs the question because this argument presumes the absence of the very foundational differences I describe as basic to many theories of human rights. It merges all these differences on the basis of a common 'individual' denominator. And note how strikingly similar this position is to the 'person' in classical individualism. Thus, the conceptual differences that distinguish individualism hold also with this view as regards the sorts of rights (and ways of seeing rights) derivable from this "different" foundation. Different families of rights do not necessarily entail
differing "human nature" views, though in many cases they do. The latter, however, may lead to differing families of rights and this is grounded on both historical fact and argument which is described in the next section about why some types of rights are given recognition and a certain priority while others are not.

PRIORITIES AMONG RIGHTS

Because different 'personhood' foundations often correlate with or are reflected in different families of rights, it does not follow that other types of rights are ultimately incompatible with those that are recognized. Indeed, many societies such as ours recognize both sets but assign different priorities to them, the civil and political being traditionally the most important. Never have the 'equality-based' theorists denied the existence of freedom rights (only their supreme importance) but this cannot be said of many 'freedom-based' theorists, who sometimes deny that 'social and economic rights' are human rights at all, despite that they allow "equal consideration" for rights claims.

In any case, 'equality' rights do reflect the 'social human' and 'community-human' conceptions of personhood because they stress equal membership in society as the basis of "self-identity." Of course, 'equality' rights may also be derived, as the argument cited earlier indicates from an individualistic 'solitary human' freedom-rights basis, although this argument does not refute my claim that non-individualistic concepts of personhood are essentially relevant to a formulation of "equality rights." Indeed, the reason social and economic rights are given precedence in many (often pre-affluent) countries is that individual 'freedom' rights are conceived to be private or anti-social and respected at the expense of social integration, development and progress: they disunite instead of unite. 'Social'--and 'community'--human conceptions are expressed in norms of social well-being (not conceived as the well-being of the aggregate of individuals who constitute it). In addition, the rights which individual members possess as a basis for rights-claims are not rights which individuals may press against society, but rather are conceived to be rights which societies have to obligate its members equally in the fulfillment of its ideals or norms.

Less advantaged nations commonly give priority to 'equality' rights when they press claims against more affluent nations in the interest of their own national self-development. They see a more equal share in the distribution of global wealth. That many of these nations espouse non-individualistic ideologies may be connected in part to the demand for equal treatment, as well as to the demand upon its citizens/members for equal duties (and correlative rights) in the performance of each in contribution to production for the social totality.

Thus, the main reason that equality-rights and non-individualistic concepts of personhood are so closely correlated (in spite of the 'welfare state' policies in many of the Western democracies which affirm social equality rights to varying degrees) then, is that historically the introduction of the whole concept of human rights, which is primarily a Western one, into such societies and cultures is a kind of latter-day superimposition upon already existing culture and ideology (in the broad sense I defined earlier in this paper), and an attempt by its bearers to
reinterpret "human rights" within their own cultural, situational, and ideological "nonindividualistic" framework of reference.

For example, writers in the Islamic tradition have only recently begun—after World War II—to seek a conceptual basis for human rights in the Koran; some writers in the "two Chinas" have sought to reveal the basis of a Chinese concept of human rights within traditional and contemporary notions of proper human relations. The fact is that "human rights" have always been (in the West) "individual" rights, and these have grown up along with, and supportive of, the progressive development and expansion of the "free enterprise" system.

The modern notion of self-determination, as understood in the context of its human rights interpreters in the Third World, emphasizes both 'equality' and 'equality rights'. Individual moral freedom rights primary in Kantian self-determination, do not appear in the forefront of human rights claims in these newer views. The idea of "equal rights" and "self-determination of peoples" is primarily a focus on an elaboration of equality rights involving racial and international matters.

Third World "self-determination" as understood by its various representatives means that the national entities they represent should decide for themselves about matters of equality. A sovereign people, equal in political status to all other peoples in the international community—is supposedly in the best position to set the appropriate strategy in the search of equality. In the view of one observer, "equality" in the context of Third World human rights expressions has meant decolonization, national emancipation, antiracism, and the framing of demands for modernization and development against other, affluent nations. In brief, equality rights are not applied in reference to abstract individuals but rather to sovereign states or 'peoples' engaged in national liberation and development. In focusing on rights of social equality most Third World nations underscore the human rights-related obligations of the more affluent nations toward the "pre-affluent" or impoverished nations to provide the critical essentials for "development, nation-building, and modernization." (Thus, in pursuing claims which advance the goal of reducing disparities among nations, these states are stressing social equality as essential to national or peoples' self-determination. Although some may argue that the equalization of conditions and resources among states is a precondition for social equality within states; it is evident that national development concerns of some Third World countries are framed in human rights language and that equality rights are generally assumed to override individual freedom rights. Furthermore, the need of many Third World countries to stress social and economic conditions for national development and hence to stress socioeconomic rights may explain in part their socialistic associations; however, no common ideology pervades Third World countries with the single exception being the focus on "development, nation-building and modernization." Consequently, the principle of sovereign equality among states is held to be a condition for national self-determination as well as its prime political value. Freedom rights (i.e., civil and political) as understood in Western liberalism are always subordinate to the various equality rights. For it is the valued superiority of the state or of the social collectivity over its members which presents the best prospects for the economic improvement of the entire society. The community or collective human being achieves his rights-bearing status only by virtue of the larger society
of which he is a part, and particularly insofar as his interests are identified with its central goals.

It is not the case that a Kantian-like concept of the abstract individual should logically entail the recognition only of freedom rights (and not of social equality rights). Some writers do in fact hold a Kantian "respect for persons" principle and still defend both types of rights as basic human rights. On the other hand, simply because the viewpoint of peoples or national self-determination stresses social rights over libertarian freedom rights the presupposed conception of a "social human" or "community human" does not logically exclude any consideration of individual freedom rights.42

Nevertheless, the "self-determination" behind the human rights claims (as enumerated in the international covenants) pressed by many pre-affluent, Third World countries and the notion of abstract individuality by Western liberal democracies do exhibit a conceptual difference concerning the 'self', the human possessor of rights. The inherent and basic human rights attributed to human individuals in virtue of their humanity have been ascribed to groups and collective entities such as sovereign states and ethnic peoples as possessors of similar basic rights.

A major difficulty concerned with this issue is that the collectivity cannot always be considered as a mere aggregation of its individual components. In these cases, the fundamental unit of social analysis is the collectivity. Rousseau encountered this difficulty in his attempt to communicate his idea of the "general will of society" as distinct from the aggregate of wills that compose it. However, insofar as the collective entity defines the "self" in modern self-determination conceptions, the relationship between the "whole" and its parts differs greatly from the earlier libertarian view which stresses priority of the parts or individuals over the social totality. The collectivist self, or community human, bestows ultimate priority on the interests of the whole whereby it is believed to be the nature of the parts to serve the whole, particularly at the expense of 'personal interests'. Individual human rights are frequently sacrificed for the purpose of national development and for the alleged overall betterment of the conditions of the collectivity.

On the other hand, in the more affluent constitutional democracies,43 the abstract individual has been depicted (especially in theory) as recognition of the ultimate priority of the interests or will of the individual members (viz., in terms of basic rights) over those of the state. In summary, when the state is seen as having the individual's rights claims made against it, the individual and the state must be considered as basically separate things as in the Western liberal view where the 'solitary human' is not the only basic unit of society but the sum and total of the individuals and their relations which compose it.

For the reasons I have cited where the stress is placed on self-determination (of a non-Kantian, nonindividualistic type), 'social equality' rights are understood as naturally more basic because they focus in on common, united effort in the reproduction and aggrandizement or betterment of the collective, social totality. Of course, there are many varieties of ideology, culture, and historical circumstances which distinguish non-individualistic societies from others. But as regards the interpretation of a notion of universal human rights, the equalizing factor behind
the quest is the 'universalist' aspect, i.e., what is it all members of society share in common? It is their relationship to the society as duty-bound members, the society being of greater value than any combination of individual members, and the true source and sustainer of their self-identity. Each member shares this equally with every other member or at least this is the abiding social ideal. In a world with gross inequalities of resources and living standards, the perception of this reality simply reinforces the demand (by the less affluent) for improvement through assistance from others as a precondition. This translates into a demand for equality and equalization. In a crucial sense this underscores the practical importance of considering human rights as, first and foremost, 'equality' rights as seen on the level of a theory which places supreme value on society and its role in the life of its members.

IV. CONCLUSION

To conclude, the purpose of this paper has been to consider a subtle facet of the assumption that human rights involve some basic conception of being human (in virtue of which human rights are believed to be held). A brief survey and categorization of some contemporary philosophical human rights theories has shown that certain differences in conceptualizing human rights reflect differences in the conception of the nature of being human. The discussion about different families of, and priorities among, human rights are directed towards explaining the correlation between human rights and concepts of personhood. By pointing out such differences I do not signify either superiority of doctrine or speculative possibilities about bridging gaps between theories. My aim is much more modest: to suggest that an adequate account of the foundations of human rights must include at least a category (system) in accordance with which various philosophical theories of human rights can be classified with respect to their conceptions of humanity.

ENDNOTES

1 For instance, both international covenants (1966) passed by the General Assembly of the United Nations Organization were executed in 1976. (See note #37 below).


4 Tibor Machan, "Some Recent Work in Human Rights Theory," American Philosophical Quarterly, vol. 17, No. 2 (April, 1980), 104. For this type of theory it is possible to solve the epistemological problem concerning which intrinsic values are cognitively true or false, independently of the holders of such values. Machan's theory is not opposed to value cognitivism for he thinks human rights values are cognitively meaningful.


15 E.g., see the U.N. International Covenant on Social and Economic Rights, and the U.N. International Covenant on Civil and Political Rights. (See note #37 below).


17 Op. cit., 1. Also, see United Nation's Universal Declaration of Human Rights (1948), Article No. 23, where it expresses the rights of peoples "to freely pursue their economic, social and cultural development."


19 This refers to Wesley N. Hohfield's Fundamental Legal Conceptions, Second Edition (New Haven, Conn.: Yale University Press, 1964).


36 Alice Erh-Soon Tay, Human Rights, 111.


40 Henkin, *The Rights of Man Today*, 78.


42 For instance, see the writings of Shingo Shibata, and Fouad Ajami, cited above as well as Agnes Heller, "The Declaration of Independence and the Principles of Socialism: Contribution to a Discussion," *Social Praxis*, Vol. 6 (1979), 109-112; also, Russell Keat, "Liberal Rights and Socialism," in Keith Graham, ed. *Contemporary Political Philosophy* (New York: Cambridge University Press, 1982), 77 passim. Keat is examining L. Kolakowski's claim that attempts to unify the personal and 'the communal' will fail to respect "liberal-democratic" political rights.

43 Of course I would include England though she does not have a 'constitution' in the same sense as we in the United States do.


45 In an unpublished paper entitled "Human Rights and Marx's Social Theory," (1984) Martin J. De Nys addresses a parallel question to the one I have raised in my paper concerning a basis for salvaging the human rights idea for socialist society, and hence rebutting the charge that socialism is a society "beyond rights". His strategy is to show that certain basic principles of Marx's theory do pave the way (contrary to the usual skepticism) for a concept of the transtemporality of basic human rights. This is an important step, as I see it, towards examining how different concepts of personhood do not inevitably result in irreconcilably different positions on the universality of human rights or on the various correlative families of rights. But his paper supplements (not supplants) my position regarding human nature and human rights. Furthermore, it represents a growing awareness among philosophers to explore this problem.