

RESPONSIBILITY FOR HUMAN RIGHTS: CONTRIBUTIONS FROM BERNARD LONERGAN

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[The moral category of human rights has been in jeopardy since the beginning of the UN Declaration of Human Rights (1948) because of an indefiniteness about the complementary category of whose responsibility it is to meet their moral claims. Lonergan's understanding of responsibility is presented here as valuable for supplying this hiatus. Even though he did not directly address the topic of human rights, his understanding of the universal, invariant structures of consciousness, and several of his other ethical insights are analyzed for their value for completing human rights theory.]

MICHAEL IGNATIEFF, director of the Carr Center for Human Rights at the Kennedy School of Government at Harvard University, in an article published in *Foreign Affairs* in 2001, freshens all the questions that for many have not yet been satisfactorily answered about the value of human rights.¹ Human rights doctrine is being attacked, he says, on three fronts: (1) by resurgent Islam which has long questioned the positing of a sovereign and discrete individual imbued with rights because this conflicts with Allah's prior claims on each Muslim; (2) by some Western intellectuals who now maintain that human rights are indeed a construct inapplicable to "cultures that do not share this historical matrix of liberal individualism"; and (3) by many in East Asia who resent the fact that human rights represent an alien moral globalization agenda being pushed on their countries spearheaded by economic globalization. Ignatieff does a good job of blunting each of these attacks. In the course of his article he makes the unusual statement that "rights are universal because they define the universal interests of the powerless—namely that power be exercised over them in ways that respect their autonomy as [moral] agents. [Rights] represent a revolutionary creed, since they make a radical demand of all

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¹ Michael Ignatieff, "Attack on Human Rights," *Foreign Affairs* 80, No. 6 (December 2001) 102–16.

human groups that they serve the interests of the individuals who compose them.” While I have not seen the universality of human rights conceived in this way before, that the article is a good reminder of how much theoretical work still needs to be done about the universality of human rights.

I believe that the greatest weakness of human rights theory has always been the matter of responsibility. Who has responsibility for responding to the legitimate moral claim of the rights holder? If one is sure it is I or they, can one legitimately withhold action on behalf of one’s own rights? Mary Ann Glendon’s *A World Made New* is a wonderful telling of the story of the unfolding drama behind the scenes that put together the UN Declaration of Human Rights between 1945 and 1948. She indicates that a crucial decision was made early on in the deliberations that gave birth to that doctrine not to deal with the responsibility issue i.e., who should respond to human rights claims.² The hope was that there would eventually be a declaration of responsibilities as a companion piece to the declaration of rights. That piece has never materialized. I would like in this article to use the thought of Bernard Lonergan to suggest how responsibilities for human rights might best be conceived.

Before beginning I briefly situate the issue of taking responsibility for human rights claims in history. Historians of human rights see an understanding of human rights developing early in history, e.g., in Plato, Aristotle, Buddhism, Judaism, Islam, the Stoics, and Christianity.³ But more modern formulations of human rights see them in terms of what are called three families of rights. Civil/political rights with their genesis roughly in the 18th century addressed the self-determination of citizens with respect to the political form their nations were to take and the freedoms connected to this such as freedom of speech, press, assembly, or suffrage. Socio/economic rights began to be voiced most clearly in the 19th century. These were requisitions for the material conditions necessary for human flourishing insofar as unaided personal industry could not achieve these. And, with equal generality, group or cultural rights came to the fore in the 20th century. These are a subset of the first family of human rights. Since members of a particular group see their well-being as constituted by their group’s existence, they need to be accorded the freedom to determine themselves by means of these cultural or group rights. To continue to speak generally, the first and third families seek what are called negative rights.

² Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001) 36.

³ *The Human Rights Reader: Major Political Writings, Essays, Speeches, and Documents from the Bible to the Present*, ed. Micheline R. Ishay (New York, Routledge, 1997) passim.

“Let us alone individually and collectively and we will become who we choose to be.” The middle family, on the other hand, seeks positive action that their rights be met. Although all three families require response, it is this middle family of socio-economic rights that is the most problematic with respect to responsibility. Who has the obligation to take the action necessary to respond to the claims? To leave that question unanswered can seem to render human rights as inconclusive assertions.

CULTURE AND RIGHTS

One fixture in the liberal cultures of most modern societies is their rights. Rights did not begin with 1948 and the UN Declaration of Human Rights, but that moment gave a formal shape and a quasi-universality to human rights. The category of human rights is the first universally agreed upon moral category in human history. But this feature of our cultures has an ambiguity to it. Insofar as rights are understood in the light of the human dignity of all, human rights is a culturally transcendent moral category. But insofar as human rights are understood in terms of “me/mine,” human rights take the individualism of many cultures and tincture them with a hyperindividualism that becomes the source of the trivialization (and worse) of this insight into human dignity. We are choosers within horizons; our horizons are determined by our knowledge and interests. But these horizons are likewise conditioned by the cultures we are part of and have grown up in. What needs to be done, therefore, is to examine this one-sided emphasis on human rights to see how it can be completed in terms that insure the continuance of its moral character rather than allowing it to be trivialized and biased by egoism, either the individual’s or the group’s. The bias of liberal cultures does not sufficiently differentiate the idea of rights from one’s own interests.

Lonergan can bring to this critically problematic moment in modern culture and human rights theory an understanding of what goes into the apprehension of values so that self-transcending judgments of value can be made and acted upon.⁴ The choice to act on the moral claim of another presumes a valuing of the other. Responsible action to meet a legitimate rights claim insures both a healthy intersubjectivity and social progress. Without action on behalf of others’ needs, human rights will only generate more frustration and, in the long run, accelerate the steepness of the decline of civilizations.

The valuing of others as this is shown by response to their inalienable human rights is much more likely if one is open to conversion as Lonergan

⁴ Bernard Lonergan, *Method in Theology* (New York: Herder and Herder, 1972) passim.

understands it. While all conversions are personal, they are not without common properties. There are, for him, three modes of conversion each moving persons to self-transcendence. There is, first of all, intellectual self-transcendence which moves one from any a priori closure on the reality one lets in, to letting it speak to one unfiltered. In the case of human rights one would see the truth of human dignity both in the abstract and concretely as warranting the assent of judgments of fact and value, thus being open to action on behalf of the one possessing that dignity. The second is moral self-transcendence which brings choosers from acting on their own preferences, wants, and satisfactions to acting on values, in this case, the value of the other and the action needed to satisfy their legitimate claim. A third form of self-transcendence brings the energy of love into choosing in terms of the other's need. All three of these conversions must come into play if the cultural horizon of the person is to respond to human rights in a way that sees them beyond the narrow horizon of "me/mine." The unconverted will always find the idea of taking responsibility for another's rights irritating.

THE TURN TO THE SUBJECT

Loneragan took modernity's "turn to the subject" seriously and complained that Roman Catholicism had yet to do so. The turn could be taken by those who became attentive to their own consciousness, and more specifically, to their own cognitional operations. He found himself prescinding from the classical, objective ways of looking at the subject, e.g., as soul, essence, possessing faculties, or habits, since none of these is given in consciousness. His interest in rights then (an interest which never formally surfaced) would have been captured only if they were construed in terms that included the subject operating with a consciousness of his or her discrete operations of experiencing, understanding, judging, deciding, or choosing. He ascribes different adjectives such as immanent, neglected, truncated, or alienated, to the various ways in which subjects misunderstand themselves, all of them by being inattentive to their own consciousness.⁵ If one wishes to gain any light from Lonergan on human rights as objects worthy of both one's attention and responsibility, one must take into account each of these inept ways one has of circumventing one's own subjectivity.

The Immanent Subject

Thinking, rightly understood, entails a self-transcendence as one's intentionality seeks to know what is, what is so or is not, and the actions called

⁵ Bernard Lonergan, "The Subject," in *A Second Collection*, ed. William F. J. Ryan and Bernard J. Tyrrell (Philadelphia: Westminster, 1974) 69–86.

for, given the judgments attained. Objectivity is a compound achievement arrived at by a culling of quite different properties found in the different operations of the subject as it seeks to understand its own understanding. To put these sequentially, there is the experiential objectivity in the experience of the uninvented data of sense and consciousness; there is the intellectual objectivity in what my understanding is trying to understand so that my reason can then judge; there is the volitional objectivity with respect to the good being deliberated about. I might prefer something other at any one of these junctures but I can distinguish my preference from what has intruded into my consciousness and enlightens it about the actual situation and my relation to it. The error of the immanentist subject is to think that thinking is done like picture taking. So, I take a picture of reality and whatever follows from that moment on is imagined to be merely a subjective or immanent achievement, done independently of the reality from which the picture has been taken. In this serious misunderstanding of understanding, only the visual image of the “out there” is left. Consequently, the “exigences of intelligence and reasonableness, and much less, their power to effect the intentional self-transcendence of the subject” are disregarded or disesteemed.⁶ And from these exigences for “what is,” little or nothing is expected.

What has this to do with rights? A truncated notion of subjectivity is unable to deal with the claim or need of the inviolable human being which rights doctrine articulates because it imagines subjects all closed up within themselves. The picture-taking image of understanding overlooks the role of intelligence in weighing the moral significance of human rights in the particular situation being attended to. By contrast, a healthy subjectivity has a correct understanding of understanding so it will seek out the insights that one’s intelligence can come to and the judgments that one can make. From these conscious operations, the perception of responsibility emerges. Rights as concepts are abstract and become concrete only if they arise in a consciousness that is both informed by reality and confidently seeking specific answers to specific questions about the good to be done.

The Existential Subject

We make ourselves who we are by acting on what we perceive as good. The good acted upon is action taken in the light of judgments of value that are judgments about what is seen to be of worth. “It is the intention of the good in this sense that prolongs the intention of the intelligible, the true, the real, that founds rational self-consciousness, that constitutes the emer-

⁶ Ibid. 77.

gence of the existential subject.”⁷ When the good is judged in terms of the good of others and their value, then one moves in the direction of self-transcendence and the altruism needed for human rights to be promoted, defended, and observed. But Lonergan fully expects that subjects inevitably find within themselves a moral impotence about committing to such self-sacrificing actions. At this stage in his analysis of intentionality, therefore, he cites the need for “some type or species of charity” that will enable one to act altruistically or with a self-sacrificing love.⁸ He is using some type of charity here in *Insight*. That was in 1958; in *Method in Theology* in 1972 it is more clearly the Holy Spirit poured into human hearts (see Romans 5:5). If human rights are to be as universal as their theory claims, there would have to be some enablement within human beings of equal universality that would equip them to surmount their experienced moral impotence. This enablement that Lonergan also calls “a higher conjugate of love” is, for him, the solution to the problem of evil. Clearly there is the need for this “higher conjugate” if we think of the violence that accompanied the rights revolutions of France and Russia in the 18th and 20th centuries. These were actions taken on what was perceived as good but done with the group bias about whoever or whatever is not “us.” In short, a “species of charity” is needed to eradicate the biases that lead to social decline, both short-term and long that can attach to both the theory and practice of human rights. Without such charity the theory of the universal inviolability of human beings becomes rights talk and an even greater social decline is fomented than the pretheory world knew.

The Alienated Subject

The good obviously entails encounters with others as the subject moves from a solitary “I” to a “thou” and from there to a “we” solidarity. To withhold oneself from intersubjectivity and the further forms of community keeps one from the world of meaning that responsible action taken vis-à-vis others opens us out to. One would then live a meaningless, alienated life, alienated even from oneself and from the values that give life meaning. It is precisely these “worlds” of intersubjective and social value and meaning that have proven essential for human flourishing in all generations. Yet, living according to the altruism of human rights is neither automatic nor inevitable. One can stay inside oneself and one’s own fears and biases and fall short of perceiving and acting on the good and experiencing the bonds that make life meaningful. The self avoids alienation by the self-

⁷ Ibid. 84.

⁸ Bernard Lonergan, *Insight* (San Francisco: Harper and Row, 1978 paperback) 698.

transcendences that are intellectual, moral and affective. Human rights doctrine formalizes this direction of conversion and human flourishing.

The Neglected Subject

In Lonergan's lamenting the wholesale neglect of subjectivity, he was especially tough on those who prized objectivity and "objective truth," while being unaware that both of these presume the appropriation of one's subjectivity. They wanted to give truth an ontological existence on its own apart from the judgments of subjects. We are mistaken about truth, Lonergan noted, if it is seen "as so objective as to get along without minds." Yes "intentionally [truth] is independent of the subject but ontologically it resides only in the subject: *veritas formaliter est in solo iudicio*."⁹ We do not do justice to our intentionality if we are led around by ideas and concepts arrived at by others and not personally internalized. So, for example, Lonergan would have been very wary of someone who was a strong advocate of human rights but whose promotion of them disregarded the distinctiveness of subjectivity, one's own or the other's. He disdained a formulaic morality and trusted responses that emerged through the subject seeking to understand the specifics of a given situation. The decision about an action to be taken can be ideologically induced. An authentic subjectivity attends to its distinct operations of experience, understanding, judging, and deciding and thereby achieves an objectivity worthy of the name.

The UN Declaration on Human Rights was arrived at and formalized by many authentic subjectivities determining together the objective appropriateness and necessity of such a doctrine. How a given human right surfaces in a moral response to a specific situation presumes not only knowledge of the doctrine but a self-aware subject acting with a self-transcending intentionality. But with the neglect of one's subjectivity, it is too easy to paste the category of a human right on to a situation without having undergone the processes necessary for the concept to enlighten the actual situation. Conceptualism, in this case, a rights conceptualism, arrives at judgments not through a process of self-transcendence into objectivity but through a neglect of the self and the operations of the subject that alone make human acts moral acts.¹⁰ The invitation to leave aside thinking in order to qualify for a rights righteousness in one's own eyes or those of others is an invitation that must be firmly declined.

RESPONSIBILITY FOR NEED

Responsibility, and more particularly, taking responsibility for others' claims of need, can and should be located foundationally in what Lonergan

⁹ *Second Collection* 70.

¹⁰ *Ibid.* 74–75.

describes as “the invariant structures of human consciousness.” This is the thesis of my article. It does not deny the importance of a culture or a faith or virtues such as empathy or fellow feeling, for clarifying, motivating, or inciting responsibility for another in one’s moral life. In fact, these are the more likely triggers for people observing human rights. Rather, I am suggesting that besides these important influences there is something more universal and foundational in human consciousness itself that gets at the tap root of moral responsibility. If consciousness is universal, the purported universality of human rights should find a commensurately universal foundation in the responsibility that emerges from within consciousness and its invariant structures.

Loneragan’s understanding of understanding developed from his sorting out and distinguishing the component parts of achieving knowledge and determining choices. After thinking through its discrete operations, he posits what he calls a transcendental precept for each component in the process.¹¹ The steps are first to be attentive in taking in one’s experience. The precept: be attentive! This taking in is followed by a mulling over of the experiential data that one has gained access to. By understanding it in the several ways it can be understood one seeks insight into the data. The precept: be intelligent! The stage is now set for the affirmation or denial of the purported insight by the judgment that this is so or is not so. The precept: be reasonable! The final stage deals with the question: therefore what? What to do or not do, given what has developed in one’s consciousness. The precept: be responsible!

We need to look at this last precept more closely since Lonergan would contend that responsibility for another is triggered within human consciousness itself notwithstanding the undoubted value of such add-ons as religion, history, affectivity, culture, or virtue. The capacity for acting responsibly on another’s need, therefore, should follow upon and be contingent on the ability to make judgments about what is so or is not so about the other and his or her situation. I am not positing a necessity between the two judgments, but if there is a consistency between one’s knowing and one’s decision about the action to be taken, it “is the result of deciding reasonably.”¹² Rational consciousness differs from rational self consciousness for Lonergan inasmuch as the latter produces an act that actualizes the self in the reality that one’s rational consciousness affirms as warranted. So, conceivably, one could be obedient to the transcendental precept “be reasonable” and disobedient to the precept “be responsible” because right judgment does not dictate nor guarantee right action. Why? Because “freedom . . . is a special kind of contingence” that arises “in the order of spirit,

¹¹ *Method in Theology* 231.

¹² *Insight* 619. The following four quotations are all found on the same page.

of intelligent grasp, rational reflection, and morally guided will.” Consistency between knowing and willing “becomes an actuality only through the willing.” The point of all this is to say that “freedom possesses not only the negative aspect of excluding necessity but also the positive aspect of responsibility.” The responsible decision taken “is not a consequent but a new emergence” that actualizes one course of action or another or none.

Fine so far, but what about responsibility for another? What triggers our response to another’s moral claim as a good to be addressed by me or by us? Yes, there must be insight born of knowledge of the other’s dignity as insured by their rights or the facilitating energy of a virtue such as compassion, but one can locate a responsible response even more deeply in the unfolding structures of consciousness reflectively exercised. Since the weakness of human rights in theory is precisely locating “who has responsibility for them?” one must be able to see that, just as with any other responsibility, responsibility for meeting the other’s rights claim is embedded in the invariant structures of human consciousness if they are deployed in the way that will allow their intrinsic potential to produce its yield. This is quite a claim. What proof is there for it?

Three reasons should establish it. First, Lonergan makes the very large claim that ethics itself and, therefore, I presume, any part of ethics such as determining the human rights issue operating in a given situation, needs to be and can be grounded in the invariant structures of consciousness. (He would contend the same is true for metaphysics.) “For just as the dynamic structure of our knowing grounds a metaphysics, so the prolongation of that structure into human doing grounds an ethics.”¹³ So my rooting of the ethical response to human rights in Lonergan’s cognitional theory is not only not outlandish but follows directly from his way of seeing ethics itself and therefore responses to ethical issues such as human rights violations.

Second, Lonergan understood that self-transcendence was the primordial ought built into human consciousness that was ever beckoning us on to be true to our own intellectual, moral, and affective trajectories that will get us beyond self-regarding. Before we even get to the three families of rights and all their specifications, I have a right to expect you to live and act responsibly, and you have a right to expect the same from me since responsibility is not something superadded to our cognitional and moral selves but constitutive of them.¹⁴ He would trace violations of human rights to the biases that divert our consciousness from the transcendence they can attain if these do not impede it. These biases have a fourfold origin: egoism that cannot get beyond oneself; the groupism that promotes its own inter-

¹³ *Ibid.* 602.

¹⁴ I am indebted to Tad Dunne for this insight; see www.concentric.net/tadunne/mth-eth.htm.

ests in ruthless despite of the community's good; short-sighted practicalism that refuses to pay the cost of learning beyond the ad hoc matter at hand. Finally, there is the bias that intentionally impedes insight and its implications for "the outer drama of living," preferring instead to live "in the inner drama of phantasy."¹⁵ These biases are the usual ways that derail a clean, clear intentionality and keep the primordial "ought" that can emerge from the process from being heard.

Third, ethics is about the good, but the good is tripartite as Lonergan sees it. There are the goods of desire, the good of order, and the good of values. But it is not always right to act on a good. Many desires are only for a seeming good and some goods of order, when looked at from a larger purview are a source of disorder, and some values are false rather than true. So, more is needed before an action on any of these levels of good can be deemed ethical. Each of the goods in question must "fall under some intelligible order."¹⁶ Even values are not all *ex aequo* and can be in conflict. Furthermore, the recurrent schemes that are multiple goods of order can be of several valences, some of them representing a higher integration than a merely material good of order. If a good, this purported good, my good, our good is looked at from the point of view of the knowing, choosing subject, it becomes clear that there are in all of us two dynamic exigencies, one in our rational consciousness that terminates in judgment about reality, fact, the true; the other in our now rational self's consciousness that terminates in decision about value, worth, the good. But the latter exigence is always about a concrete good that must be chosen within an intelligible order that deliberation confirms to be good.

For Lonergan, ethical method "not only sets forth precepts but also bases them on their real principles, which are not propositions or judgments but existing persons."¹⁷ Precepts and principles based on (or are) persons! This is vintage Lonergan. Ethics, for him, needs to grasp its method in "an unchanging dynamic structure immanent in developing subjects" who can make their decisions on persons and their needs and the uniqueness of their situations, thus steering "between the relativism of mere concreteness and the legalism of remote and static generalities."¹⁸ This is the exact comment that human rights practice needs. Persons in need are a very concrete good for responsible action to be taken on.

But there is one more layer that goes on in an authentic subjectivity that needs to be noticed, namely, finality and the ought that emerges from perceptions of the good glimpsed in the light of finality. "Just as the heu-

¹⁵ *Insight* 191.

¹⁶ *Insight* 601.

¹⁷ *Ibid.* 604.

¹⁸ David Granfield, *The Inner Experience of Law: A Jurisprudence of Subjectivity* (Washington, Catholic University of America, 1988) 177.

ristic structure of our knowing couples with the generalized emergent probability of the proportionate universe, to reveal an upwardly directed dynamism of finality towards ever fuller being, so the obligatory structure of our rational self-consciousness (1) finds its materials and its basis in the products of universal finality, (2) is itself finality on the level of intelligent and rational consciousness, and (3) is finality confronted with the alternative of choosing either development and progress or decline and extinction.”¹⁹ What does this mean? It means that the openness and exigence of our minds to know “ever fuller being” and the emerging knowings that come to be known by acting on that eros to know, naturally poses the question, “to what end” is our needing to know and to know being? “Ever fuller being” is both the direction and the *finis* toward which we are vectored. But this experience of the exigence to know more or ever fuller being at the same time invites “the obligatory structure of our rational self-consciousness” to pursue this finality. Why obligatory? Because we do not yet know all being nor possess all good.

I believe that Lonergan’s insight into the obligatory structure of rational self-consciousness is worth the price of the whole book *Insight* since responsibility has never been found to have such a universal locus! Without such a base, the claim of rights of every kind has generated innumerable efforts to base responsibility for meeting them in anthropologies, faiths, cultures, philosophies, laws, etc. By and large, these have been valuable but their appeal is particularist, to particular groups rather than universal. But the very fact that such efforts have been considered necessary is the best proof that the universality of their claims has not been completed by an equally universal grounding of responsibility for them.

Useful as the lines of argument for taking responsibility for one another have been as these have been articulated in particularist anthropologies, philosophies, faiths, etc., it is invaluable for someone to have finally nailed the obligatory in the very nature of rational self-consciousness. Without this intrapsychic base for responsibility for human rights, Lonergan would have launched a diatribe similar to those he aired in other places against all forms of prescriptivism and objectivism and conceptualism and all for the same reason: they are too easily reified and, in that form, too easily imposed on diminished subjects. Too little is expected from the dynamics for knowing and choosing intrinsic to human subjectivity. I cannot prove this with any quotations from him but my suspicion about Lonergan’s reserve, even virtual silence about human rights should be understood as his seeing them as another code of behavior born of a prescriptivist, classicist mindset while trying to win acceptance in empirical, historically minded cultures. This would not make what they promoted wrong, of course.

¹⁹ *Insight* 603.

But it would mean they would never be philosophically at home in the world as it is. Responsibility for meeting the needs of others that is not grounded in rational self consciousness only prolongs and perhaps even heightens the disregard of subjects and the wealth latent in their subjectivity. A morality that expects so little from moral agents diminishes them.

There is something both very traditional and yet very new about this moral vista of Lonergan. Traditional because the note of obligation can be found in the classical formulation of an Aristotle and an Aquinas and in the primary precept of the natural law: *bonum est faciendum et prosequendum, et malum vitandum* (*Summa theologiae* 1–2, q. 94, a. 2). Yet Lonergan's ideas about ethics are also new because he sketches out a vista that sees obedience to the obligatory structure of the individual's rational self consciousness as having ramifications on relationships, families, social structures, communities, cultures, nations, and civilizations.

A world *without* rights was a world in steep decline, increasing violence, and endless fragmentation. But the world *with* rights that cannot find their *raison d'être* in the obligatory structure of rational self consciousness has been too prone to proliferate rights endlessly. There are only a limited number of human rights, i.e. rights that go with the territory of being human. Human rights as such are coextensive with human beings even if they do not recognize they have them or are not acknowledged to have them by their community and its authorities. According a right by law does not make a human right; it makes a legal right. Weakness about the foundation of human rights has led to a serious weakness in their moral heft. Lists of human rights are not all identical. Further, they have been prey to exploitation by the self-interest of groups. Group bias has been a major source of their proliferation. Organized, bias can and has lobbied legislatures for rights under the rubric of human and when successful confused the general population because human rights and legal rights appear equally legitimate. And the more the confusion grows and claims of human rights proliferate the more they are ignored or become irritants in the hearts of good people. The irony, therefore, is that a whole new decline can come precisely from a culture that proliferates rights without a foundation of responsibility for their observance.

What I have just written requires me to be specific about what I am not addressing here. I am not looking at how Lonergan's thought can be used to determine the validity of a human right in the abstract. Some claims of rights fail to qualify as human rights and are unworthy of promotion or observance; in fact, action denying their validity might be called for. But how responsibility surfaces in addressing a legitimate claim of rights is what I am examining here. The two matters overlap and Lonergan can be em-

ployed to clarify each. But it will help the reader to distinguish one from the other.

NATURAL LAW REVISITED

Lonergan's understanding of natural law adds further clarification to the role of personal responsibility for observing human rights. But first one has to discern the major difference between understanding natural law in a way that ignores the subjectivity of the user and a natural law understanding that adverts to and can account for this. Natural law understood as a platform of immutable principles with precepts deduced from them as these were articulated by ancients with application for all times, is rightly considered obsolete. But if natural law is seen as "a process of decision, so rooted in the invariant structures of the mind that in fostering the demands of singularity it provides for continuity and change," then I believe both natural law and its connection to human rights has a future, a glorious future.²⁰ I am much less sure of their future and ours if this second understanding of natural law is not developed and its connection to human rights is not made.

I will presume knowledge of and, therefore, will not elaborate on this first, classical understanding of natural law coming as it did from the classicist periods of culture. Classicist and classical natural law viewed things and acts in terms of their essences and natures and consequently the immutability and the purported objectivity of any judgments made from this way of perceiving them. It abstracted from the concrete in order to achieve abstract, universal norms. These norms, if followed, would insure a degree of order in society. In general, this way of conceiving natural law arrived at clarities by presuming the subject was peripheral to and not a constitutive part of the decisions to be made. Its products were "universal propositions, self-evident truths and naturally known certitudes" about human nature.²¹ So, what was overlooked in this project was the subject, the thinking, choosing subject operating with his or her own inner resources with the specific experiences, insights, understandings, judgments, and decisions they could attain.

Although Aquinas was himself a product of a classical culture, he was not encased in its penchant for universalizing rules, and for order through rules. He had little regard for a rigid approach to morality since he was quite aware that "the nature of man is mutable" (*ST* 2-2, q. 57, a. 2) and that "to the natural law belong those things to which a man is inclined

²⁰ Granfield, *The Inner Experience of Law* 182.

²¹ Bernard Lonergan, *A Third Collection*, ed. Frederick Crowe (London: Geoffrey Chapman, 1985) 172.

naturally” (1-2, q. 94, a. 4). He judged that “according to the order of the natural inclinations is the order of the precepts of the natural law” (1-2, q. 94, a. 2). So, for Aquinas, from the flotsam and jetsam of inclinations that “are naturally apprehended by reason as being good and consequently as objects of pursuit,” norms come to be articulated. But even for Aquinas precepts/norms were heuristic i.e. giving direction and orientation rather than being determinate or absolute. And, notwithstanding the value of norms, Aquinas insists, “the more you descend into details, the more it appears how the general rule admits of exceptions.” He would say: “the greater number of conditions accumulated (by the knower who is trying to make the right judgment) the greater number of ways in which the principle is seen to fall short” (1-2, q. 24, a. 4). Our classicist past has prepared the way for an understanding of natural law, but this hard won understanding needs a better grasp of the nature of knowing and the role of the subject in that knowing in order to enter into present human experience with its attentiveness to history, personal experience, and the torrential flow of new information.

What Lonergan was fighting against with his insights into natural law can illuminate human rights doctrine today. He fought the formalism that had crept into the understanding of natural law all the way back to the time of the Stoics, who were the first to attempt to reduce it to a normativity whose monolithic consistency would apply to every conceivable moral situation. He saw how out of touch this way of thinking was with the way of thinking that moderns are accustomed to, one that is empirical, inductive, and historical. Today we are more comfortable pursuing truth than certain that we have mastered it in any area as our forebears thought they had. We are more comfortable with probabilities and the emerging than with certainties and the already attained. Lonergan wanted to approach ethics through the same method he had devised for dealing with any question, namely by having the moral agent become aware of the structures of his or her subjectivity through the transcendental precepts already mentioned. With this method he saw himself as being consistent with Aristotle and Aquinas because both of them saw a nature as “an immanent principle of movement and of rest.”²² However, he gave this common starting point his own spin insofar as he construed human nature as “a principle” in the sense of “the human spirit raising and answering questions. As raising questions it is an immanent principle of movement. As answering questions and doing so satisfactorily, it is an immanent principle of rest.” A nature, human nature, therefore, is not taken as a given but as a to-be-grasped and it is best grasped if viewed as an emerging probability within the historical process. Lonergan would locate morality in universal human nature “not as

²² Ibid. 173.

abstractly conceived but as concretely operating.” Therefore, knowledge of human rights does not supply instant, ready made answers about “what is to be done.” Rights knowledge forms the conscience by enabling it to raise and answer questions about the conditions that must be met for human dignity to be realized in a given context.

So this second understanding of natural law as functioning within the structures of the mind “works” if one learns to be obedient to the transcendental precepts requiring that one “be attentive” and so forth. But a successful execution of natural law in this sense does not work unless one is free of the already cited forms of bias that deflect the emergence of understanding into objectivity. Furthermore, understanding natural law in this way presumes that one is able, to some extent at least, to be aware of the different operations that the mind goes through to be in contact with being and its goodness. (*Bonum et ens convertuntur.*) By our being able to connect with “being” we are able “to enunciate that personal dictate of reason which is natural law.”²³

INSIGHTS INTO RIGHTS

Since Lonergan does not deal in any explicit way with human rights, we need to locate and connect them to several of the powerful insights of his understanding about how our understanding works when it is reflective about its working. Lonergan has insights to contribute to our understanding of human rights under four of his favorite topics. One is the turn to the subject, another is conversion, a third is doctrine, and the last is the good of order. With respect to the first, to act responsibly on behalf of others one had to be in touch with oneself. He would be very hesitant about those who were promoting human rights if they had no clue about how to plumb their own interiority because they could easily mistake the purpose of these moral codes and misuse them as if they were reified platforms to be conformed to. A rights righteousness can be a cheap trip into a self-conferred rectitude and a way of circumventing the interiority from which responsibility derives.

His second category, conversion, we have already touched on as intellectual, moral, and affective self-transcendence. I believe Lonergan would have been a strong advocate of human rights if it was understood that they presumed these three conversions were operating at least to some extent. While the idea of human rights might occasion some people to vacate their interiority, they can also trigger conversions by mapping out the route that all three of the self-transcendences have to take if the value of the other is to be apprehended and acted on. Further, human rights advocacy has

²³ Granfield, *The Inner Experience of Law* 216.

opened the eyes of many, and together their conversions have had them “form a community to sustain one another in their self-transformation and help one another in working out the implications, and in fulfilling the promise of their new life.”²⁴ This is precisely what happened in many of the countries that went from being under the hegemony of the Soviet Bloc to enjoy political freedom. They were led forth by courageous leaders who sacrificed themselves, some to the point of their lives, in order to free their people precisely under the panoply of human rights.

Third, human rights are doctrines about a form of the intersubjective and social good that can produce meaningful action in lives. Lonergan would firmly resist them if they became a person’s whole horizon. Like any doctrine, they must be understood as affecting the horizons of human intentionality in order to inform our thinking but they do not do our thinking for us. Rights inform horizons. The doctrine does not substitute for, nor become, nor absorb one’s horizon. This distinction is foundational for Lonergan. What rights convey to the understanding must be personally appropriated by the moral agent both as theory and as relevant in a given situation. They will give rise to further questions both in theory and in the potential ethical choices of the moral agent employing them in a particular situation. These questions can be dealt with by someone being faithful to the exigences of the universal structures of consciousness in determining the reality of the moral claims. But, as with any doctrine, human rights doctrine itself needs further theoretical work and “appropriate systems of conceptualization, to remove apparent inconsistencies,” so that they can be a source of greater clarity that the subject can apprehend and employ in determining their import concretely.²⁵ What I have been suggesting is that the further theoretical work needed resides in the area of responsibility.

Finally, human rights is both a good of order and of value. Recall that for Lonergan, people operate within a tripartite apprehension of the good. There is the elementary, very concrete good of desire or appetite that, if the given good triggers feelings, opens out to the question of whether there is a value forefelt by that good’s importuning. There is, secondly, the good of order. Goods of order have a recurring kind of quasi-existence. They benefit those who avail themselves of their recurrence. For example, I think of the goods of order that the civil/political rights doctrine in the United States continually produces. These recurrences are taken for granted—for example, freedom of the press, freedom of speech, freedom of assembly, the right to elect our representatives. But this kind of good of order, just as any other good of order, cannot be taken for granted since their existence presumes actions are being taken in light of them. For

²⁴ “Theology in a New Context,” in *A Second Collection* 66.

²⁵ *Method in Theology* 304.

instance, think of the civil/political rights of those who are tarnished with the brush of being suspected terrorists without evidence being produced that would justly deprive them of their freedoms. The good of a good of order will not long enjoy an existence beyond what rational consciousness gives it. Nor should it.

The third kind of good is the good of value. A value or a good of value is constituted such by intelligently ordered appetites. It emerges from deliberation or a rational self consciousness, and not merely from a good of appetite or from being an instance of a recurrence of a good of order, nor even from an abstract, dispassionate, rational perception or judgment. Rational consciousness (which aims at knowing what is) opens out to but does not settle the question of value. Rational self consciousness (which aims at doing) does. "The cognitional process of itself has no immanent term in the field of action;" hence the will is free.²⁶ It is only insofar as objects of appetite and recurring goods of order are subsumed under or placed within an apprehension of a good of value that the will can function freely and right action on the value be taken. In brief, a human right is a good of value and its value must be acted on from a consciousness that is attentive both to the value of the self as free and the dignity of the other/others as worthy of action taken on their behalf.

COMMON SENSE BIAS

Human rights theory suffers from "the bias of common sense." Needed here is a little history. In the aftermath of World War II the time was ripe for a coming together of the nations to articulate a common doctrine that would never again allow vengeance, hatred, and wanton cruelty to gain so great a hold on human beings. Formation of the United Nations in 1945 and the Declaration on Human Rights in 1948 were the steps taken to address the inhumanity visited on so many human beings by human beings. Wise folk were assembled to map out a way of emerging from the evil. Universal, inalienable human rights were considered the solution. Toward the beginning of their deliberations this small international group of scholars and states-persons made a decision that was eminently practical, namely to avoid theory, at least theory about who exactly must implement the actions necessary for observing human rights claims. To articulate what they, in their common sense, could agree are the rights that all human being should enjoy, they left half their work to subsequent minds. I do not doubt that the framers had good reason to shoot for an attainable goal rather than try to make the best the enemy of the good but what they did

²⁶ *Collected Works of Bernard Lonergan*, vol. 5 (Toronto: University of Toronto, 1990) 228.

and did well is still incomplete. Their “profoundly sane” decision has had one unfortunate consequence. It opened the future of human rights to the bias of common sense, which bias, Lonergan would say, resists theory, eschews interiority, and refuses to deal with the further questions that common sense asks but cannot answer. Common sense about rights was universally appealing because what “man has done to man” was universally loathsome. But the practicalism of common sense not only left their task unfinished but to this date rights theory or doctrine has resisted subscribing to any understanding about responsibility which would complete it. We are all losers for being derelict about completing the theory with an understanding about responsibility.

Whom do I include in this indictment? We who are not seduced by practicality. We who trust in “the native detachment and disinterestedness of every intelligence.” We who believe that it is this intelligence that all have been given “that commands man’s first allegiance, that is too universal to be bribed, too impalpable to be forced, too effective to be ignored.”²⁷ To make his point about the efficacy of human intelligence, Lonergan constructs a utopian “x” that he calls cosmopolis and through this construct envisions a future in which intelligence will be given its due because it will learn to make room for “timely and fruitful ideas” that are not dismissed out of hand because it is not evident how to back them up “with power or pressure or force.”²⁸ I revel in this idea about the capacity of human intelligence with respect to human dignity especially when I think of an Andrei Sakharov, a Daw Aung Suu Kyi, a Nelson Mandela, a Martin Luther King, Jr., an Oscar Romero, a Cesar Chavez, and countless others whose disinterested intelligence came to see what rights were and their responsibilities for standing up for those rights in the face of seemingly insurmountable force—and won! Rather than rely on such heroism, which would be impractical, we must complete the task that the framers saw from the outset needed to be done to finish their job, namely a complementary “declaration” of how our responsibility for one another emerges within universal human consciousness.

INDIVISIBILITY

A favorite term of human rights theorists is indivisibility. The logic they employ is that if you buy one part of the package you have to buy the whole package. Therefore, all three families of rights must be interconnected since human dignity is not assured unless all three are observed. The logic is irrefutable since each family of rights is essential in its own way for human flourishing. So, for example, there is no point in my having political

²⁷ *Insight* 238.

²⁸ *Ibid.* 239.

rights if I am dying of starvation. Hence, indivisibility! Socio-economic rights have had the most difficult time being included in the troika! But the most frequent agency for meeting socio-economic rights is not the individual nor even the group but the state, that is to say governments and their policies. In light of these facts, I want to suggest that Lonergan's analysis of the individual's intentionality *cum* responsibility is just as salient when the intentionality is that of a collectivity. Further that the same characteristic of human rights theory, namely indivisibility, should resurface whether the individual or the group or the representatives of the people, the state, are weighing civil/political rights, cultural rights or socio-economic rights. Collective intentionality and responsibility are intrinsic to one another.

If one looks at Lonergan's own logic about human intentionality one sees him again and again alleging indivisibilities. For example: "Just as sustained authenticity results in increasing responsibility and order, increasing reasonableness and cohesion, increasing intelligence and objective intelligibility, so sustained unauthenticity has the opposite effect." Authenticity and progress are indivisible as well as their opposite unauthenticity and decline. "Unauthentic subjects (therefore) get themselves unauthentic authorities."²⁹ Indivisible too are love and development, insight and good policies, making room for ideas and successive transformations of the social environment. Indivisible, too, is the "creative process" that comes from below through individuals and a creative minority who are not distorted or corrupted by biases, and the "healing process" that comes from above downward that has its origin in love, human and divine. Divide the above from the below and you have either a soul without a body or a body without a soul.³⁰

The more one looks at Lonergan's logic the more indivisibilities one finds. "The challenge of history is for man progressively to restrict the realm of chance or fate or destiny and progressively to enlarge the realm of conscious grasp and deliberate choice."³¹ Then there is his linkage between the empirical and the normative. Science has to get beyond its empirical data: "to reach a critical standpoint, it has to be normative."³² Only a "detached and disinterested intelligence" can produce the kind of normativity, and higher viewpoints, necessary for the longer cycle of progress. Furthermore, "these norms are equipped with sanctions which man does not have to invent or impose."³³ Indivisible, too, is progress and its principle liberty; "there also is decline and its principle is bias."³⁴ A culture

²⁹ "The Dialectic of Authority," in *A Third Collection* 9.

³⁰ "Healing and Creating in History" in *The Lonergan Reader*, ed. Mark and Elizabeth Morelli (Toronto: University of Toronto, 1997) 572-73.

³¹ *Insight* 228.

³² *Ibid.* 236.

³³ *Ibid.* 234.

³⁴ *Ibid.* 235.

will flourish where there is the capacity to ask, to reflect, to reach an answer that at once satisfies one's intelligence and speaks to the heart whereas, "by becoming practical" as this is incited by the general bias of common sense, a culture renounces its one essential function of asking and answering questions.³⁵ In general, all of the many indivisibilities in his thought undergird the idea in this article that the same intelligence that posits human rights must come to see the intrinsic link there is between individuals and states taking responsible action on behalf of the rights holders. Why? Because "the native detachment and disinterestedness of every intelligence" to command "man's first allegiance" which is "too universal to be bribed, too impalpable to be forced, too effective to be ignored" has to see that you cannot have a world that observes rights without commensurately having the observers taking responsibility for them.³⁶ Or, foundationally, from the transcendental precepts that are the built-in norms of consciousness, one must see how they are vectored toward taking responsibility for what we apprehend.

ALREADY IN PLAY

A careful reader might pose an objection to my thesis. The objection would run as follows: if responsibility really is built into consciousness conscientiously used then there should be massive evidence that responsibility is being connected to meeting human rights claims. My answer to the objection is that such massive evidence exists. But, before pointing to that evidence, I need to explain that my thesis is not that the whole world needs to become Lonerganian. He himself would have taken that idea to be a misunderstanding of his contribution. His method is not *his* method but *our* method if we can see what goes into thinking our thoughts and making our choices. Accurate thinking about human rights, therefore, should not be beyond those who can see what goes on in their thinking when they can sort out its several operations, if he is right. So, the question of fact is: has responsibility been understood as intrinsic to the moral category of human rights?

It certainly was by the framers of the UN Declaration as already mentioned. It also was in Pope John XXIII's encyclical *Pacem in terris* (1963) which spelled out the nexus between rights and responsibilities. This was the first time the nexus was made with such depth and breadth within Catholicism. What took the Catholic Church so long? It suffered from two blights, one of them a conceptualism about truth, in particular this one: "error has no rights." A second was the experience fomented by the French Revolution when the Church was overwhelmed by the clamor about rights.

³⁵ Ibid. 236.

³⁶ Ibid. 238.

It was destructive of tradition and social order. Both of these blights had impeded the Church's acceptance of rights through the 18th and 19th centuries although it had been outstanding through all the centuries of its history in responsibly, sometimes even heroically, caring for human need. *Dignitatis humanae*, Vatican II's Declaration on the Right to Religious Freedom (1965), was the breakaway moment for the Church to establish an irrefutable link between a particular right, here religious freedom, and the responsibilities intrinsic to that universal human right. Its position on human rights from that moment on was not argued doctrinally but has been developed from natural law thinking (not in the first sense already mentioned but in the second, i.e. a methods approach rather than a precepts approach.)

Further evidence can be amassed that people have seen and continue to see responsibility for one another as intrinsic to the human flourishing that human rights envisions, though not always under the formality of human rights. One of the most ubiquitous pieces of evidence is the modern constitutions developed by most liberal democracies in the last 50 years. "Welfare rights (i.e. taking responsibility for socio-economic need) have become a staple feature of post-war international declarations and have been accorded a place beside traditional political and civil liberties in the national constitutions of most liberal democracies."³⁷ These "welfare" or socio-economic rights are for the most part programmatic in the sense of statements of goals and aspirations that await legislative action and appropriation by budget. The "New Deal" legislation of the Roosevelt years supplied some of this kind of commitment under statutory benefits. The U.S., however, has had a toxic reaction to according its citizens socio-economic rights as such.

Another major source of this right thinking about responsibilities is the mutuality explicated by the world's religious traditions such as Islam, Buddhism, and Hinduism. Each of these has had its own way of naming responsibility as intrinsic to their respective anthropologies. Evidence for this statement surfaced from all over the world in the course of the hearings and research undertaken between 1946 and 1948 by the human rights committee commissioned by the UN before the declaration itself was completed.³⁸ These traditions thought about human flourishing in a compact way which had not yet differentiated the individual from the community. Consequently they had to plumb their traditions anew when the idea of an individual's human rights confronted them. Insofar as they have been and still are dealing with this *novum* of human rights, they are doing so from

³⁷ Mary Ann Glendon, "Rights in 20th Century Constitutions," *University of Chicago Law Review* 59 (Winter 1992) 519-38, at 524.

³⁸ *A World Made New* 74-75.

within their more traditional starting point of the responsibility of the individual for the community not the other way around as liberal anthropology does. Finally, below the radar of these more evident, macro instances there are the simply incalculable number of everyday situations where a connatural altruism responds to precariousness and does so with an alacrity that can only be ascribed to the detached and disinterested intelligence possessed by human beings the world over. In other words, the universal eros for the good with which all are scripted has included doing good to one another with sufficient frequency that we can see this as intrinsic to intelligence even though it took centuries before this kind of doing good would be formalized in human rights doctrine.

IN BRIEF

Human rights have clarified the moral landscape considerably, enlightening the scope of our relations with one another beginning with the interpersonal and extending all the way to the international. The more I have studied Bernard Lonergan's thought, the more I am sure that he would place his hopes for observing human rights and taking responsibility for them inside the structures of human consciousness rather than on further declarations such as a universal declaration of human responsibility. He would do so because he was sure that taking responsibility for what was seen to be "so" is intrinsic to right thinking. So when it comes to right thinking about human rights he would see responsibility falling equally on every claimant and rights holder and withholder and responder. Responsibility enfolds all equally.