HUMAN RIGHTS AND COSMOPOLITAN DEMOCRATIC EDUCATION

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Democracy and Human Rights

The foundation upon which this discussion is based is the basic nature of democracy as both a political *and* moral ideal. Democracy can be understood as a system of rights premised upon the *logic of equality*.[1] At its core is a fundamental belief in moral equality, a belief that *all* human beings possess an equal inherent dignity or worth. The ideal of human dignity upon which democracy is based is reflected in the principle of moral equality common to all modern political and ethical theories.[2] Moral equality maintains that every human being by virtue of their humanity possesses equal intrinsic value and dignity.[3] Moral equality is not earned or bestowed; it is inherent in our humanity. The logic of moral equality runs as follows: if we are morally equal, then our "rights," our inviolable claims to the actual enjoyment of particular social goods, should be guaranteed by the society. The two basic rights that should follow from the egalitarian logic of democracy are liberty and self-determination. If all human beings are equal, then they should have the right to define and pursue their own conception of the good life (consistent with the equal rights of others). They should have a right to decide their own interests, for there exists no higher moral authority. In addition, security of person should also be considered a basic right, for dignity and freedom cannot be fulfilled under the conditions of threat to the integrity of one's person. A right to self-determination follows. It entails the basic notion of government by consent, which involves political equality and concomitant rights such as rights to freedom of expression, association, due process, etc. As moral equals, all citizens of a democracy have an inviolable claim to determine their own interests and to have those interests represented (directly or indirectly) in the political process.[4]

As a number of political and ethical theorists have pointed out, the idea of Rights and Duties is the dominant way of articulating the demands of morality in the modern world.[5] As Norberto Bobbio suggests: "I find it difficult to see how one can deny that the affirmation of human rights . . . is one of the mainstays of universal political thought which we *cannot* go back on."[6] In essence rights are a way of expressing what one must do or can never do to another human being who possesses an equal inherent dignity.[7] In other words, rights constitute a basic moral commitment to respect for persons. Respect for persons in turn should not be limited to any particular nation state; it should be cosmopolitan in the sense that it transcends political boundaries.[8] Human

dignity in principle transcends the special relationships defined by national citizenship. This cosmopolitan perspective is consistent with the nature of democracy itself as defined above. As noted, democracy as a political and moral system premised by the logic of equality understands the source of authentic political and moral authority to follow from the right to self-determination – the consent of the people. Self-determination, however, has been conflated historically with the idea of "sovereignty." This conflation constitutes a fundamental philosophical error. In its original meaning "sovereignty" denotes a power *separate from and above* the people. It entails a transfer of rights from the people to the sovereign, thereby transforming the people into an object of power and not its author.[9] The nation-state system based upon the assumption of national sovereignty therefore excludes individuals from moral consideration beyond the boundaries of the nation. Individuals do not possess moral, legal, or political *standing* in the international system. Respect for persons stops at the border. However, this limitation, based upon a fundamental error of understanding, is inconsistent with the cosmopolitan imperatives of human rights and thus democracy. In summary, our shared humanity carries with it a moral imperative to respect the dignity of every human life. This imperative is grounded in the customs and principles of democratic societies and the transnational human rights regime.

The Moral Resources

Human rights and thus democracy call for citizens who can morally and politically respond to others in ways consistent with the inherent dignity of humanity. As Kant so clearly demonstrates, ultimately morality is based in a free choice to act or not to act in accordance with the principles that reflect the demands of human dignity. If we possess an intrinsic propensity toward evil, or the reverse, if we possess an intrinsic propensity toward the good, then there would be no morality, for morality presupposes freedom and choice. The "I" is not predetermined. We can become good or evil, however, by virtue of our choices.

Thus, Kant maintains that we are radically free; as human beings we exist under the conditions of freedom. Our wills are not determined by any external factor; we are ultimately free to choose. Radical freedom is not an empirical claim *per se*; it is an *a priori* claim about the necessary conditions for morality to exist. Freedom makes moral choice as well as evil possible; there can be neither responsibility nor obligation unless we are free to choose. We are also free to choose not to adhere to moral principle; freedom thereby also creates the possibility of evil. The possibility of evil exists at the very root of freedom; its horizon follows us perpetually.

Kant, however, concludes that choice to act or not to act in accordance with principle is ultimately inscrutable. Given the nature of freedom, we cannot obtain knowledge of why one chooses to violate or adhere to moral principle. However, to leave the issue as inscrutable, as a mystery beyond

human understanding, is less than satisfactory. For Kant, what matters morally is *not* conformity to moral principle *per se*, but whether or not moral principle has been chosen by the will for the right motivations.[10] What enables us to act for the right reasons? The basic presumption of this paper is that, while we are radically free, there are moral resources that human beings can develop and draw on that can enhance the possibility of moral responsiveness. From this perspective, the fundamental moral question is: What accounts for one being able to morally respond to the other?[11]

The moral resources are negative and positive: negative in the sense that they pertain to restraint from doing harm and positive in the sense that they pertain to moral responsiveness to the other. The central resource of restraint is "thinking." The central resource for a positive moral response is "inclusion."

A necessary starting point for a discussion of moral resources is Hannah Arendt's understanding of the *banality of evil*.[12] The notion of the banality of evil suggests that under particular social conditions the moral capacity and responsiveness of the population may be profoundly stunted, even eliminated. On one level the banality of evil refers to the disproportion between the evil done and its underlying motives. In the case of Eichmann, Arendt observes that he was quite "normal," in the sense of not being pathologically insane, nor driven by a fanatical adherence to an ideology, anti-Semitism and/or a political worldview. He was primarily motivated by concerns for career advancement. [13]

On a deeper level, however, the banality of evil refers to an extraordinary shallowness, a fundamental incapacity to think and to judge, an extensive narcissism—inability to take another's point of view, and a profound lack of awareness of self and reality. Arendt observes:

> The longer one listened to [Eichmann], the more obvious it became that his inability to speak was closely connected with an inability to think, namely, to think from the standpoint of somebody else.
>
> Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all. And this diligence in itself was in no way criminal; he certainly would never have murdered his superior in order to inherit his post. He merely, to put the matter colloquially, never realized what he was doing . . . He was not stupid. It was sheer thoughtlessness -- something by no means identical with stupidity -- that predisposed him to become one of the greatest criminals of that period.[14]

Given the profound inability to think independently, the individual relies upon the conventions of the social environment to make decisions. This often takes the form of strict, blind obedience to authority, as well as a strong tendency to be a joiner, to attempt to fit into the prevailing social norms, whatever they may be. In other words, a profound tendency to conform, entailing an inability to dissent, is pervasive. Arendt writes:

> Before Eichmann entered the Party and the S.S., he had proved that he was a joiner, and May 8, 1945, the official date of Germany's defeat, was significant for him mainly because it then dawned upon him that thenceforward he would have to live without being a member of something or other. "I sensed I would have to live a leaderless and difficult individual life, I would receive no directives from anybody, no orders and commands would any longer be issued to me, no pertinent ordinances would be there to consult-in brief, a life never known before lay before me."[15]

For Arendt, this lack of the capacity for moral responsiveness is the fundamental evil. The fact of it being wide spread, perpetuated by certain kinds of socio-political systems is the greatest moral danger of modernity. The banality of evil is the incapacity to judge right from wrong, an inability to morally respond to others, an inability to take the other's point of view, the lack of self-awareness and personal authenticity. Arendt also concludes, "From the accumulated evidence one can only conclude that conscience as such had apparently got lost in Germany . . ."[16] What Eichmann and other Germans possessed was a conventional conscience that was based in obedience to convention, custom, and authority: the conscience of obedience and conformity. Thus, the continual claim by Nazi defendants at Nuremberg and elsewhere, including Eichmann, was that they were doing what was "right."

In contrast the Nazi resisters exemplify a more authentic kind of conscience, one that is independent of the social environment. This capacity allows one to make independent judgments of right and wrong based upon various internal moral resources. Arendt was interested in understanding these capacities until the end of her life. Her focus was on the nature of thought as the core moral resource.

Thinking

Situating herself within the history of Western philosophy Arendt conceives "thinking" as an internal dialogue. Thinking is a dialogue with one's self. In this sense thought has a two-in-one structure: the one that thinks and the object of thought contained within a single consciousness. Thinking is thus a reflective activity wherein one literally stops and steps back *within* one's self to reflect upon the meaning and value of the thought. Thinking is distinct in this way from cognition. Cognition (Kantian *intellect*) involves the processing

of sensory input. It pertains to what *is*; its product is truth. Thinking (Kantian *Reason*) on the other hand pertains to the internal construction of meaning and value. It is speculative rather than cognitive.[17]

Implicit in the two-in-one structure of thought is the axiom of non-contradiction. Contradiction dissolves meaning. Since thought occurs through language, meaning is contingent upon internal consistency. Based upon this implicit axiom of non-contradiction thinking is intimately related to morality, for its internal structure and dynamics set a limit on what one is willing to do.

From a moral perspective it is "better to suffer wrong than to do wrong." Why? The moral stand here is the coherence of the self. We could call it "integrity." The two-in-one structure of thinking, the internal dialogue, is a capacity of awareness and memory of self-consistency. If I do X, can I live with myself? In Plato's *Gorgias* Socrates states metaphorically: "it would be better for me that my lyre or a chorus I direct were out of tune and loud with discord, and that most men should not agree with me and contradict me, rather than that I, being one, should be out of tune with myself and contradict myself."[18] If I do X, then I will not be able to live with my self and therefore I can't do it. The internal discord, disharmony, contradiction is too much to bear. As Arendt writes: "Morality concerns the individual in his singularity. The criterion of right and wrong . . . depends in the last analysis neither on habits and customs . . . nor on a command . . . but on what I decide with regard to myself. In other words, I cannot do certain things, because having done them I will no longer be able to live with myself." [19]

In a negative sense the moral standard here is self-contempt or internal discord. The inevitability of self-contempt stops me. The positive side of the moral standard of self-contempt is being-peace, is being at peace with myself. It is the threatened loss of internal peace that stops me from causing harm to others. Thinking in this sense does not tell one what to do; it only prevents one from acting in harmful ways. It is negative in that it restraints action. It is the internal moral resource correlative to negative rights and the duty to avoid causing harm. Arendt writes:

> If he is a thinking being, rooted in his thoughts and remembrances, and hence knowing that he has to live with himself, there will be limits to what he can permit himself to do, and these limits will not be imposed on him from the outside, but will be self-set . . . extreme evil is possible only where these self-grown roots, which automatically limit the possibilities, are entirely absent. They are absent where men skid only over the surface of events, where they permit themselves to be carried away . . .[20]

The moral limit is "self-set"; it inheres internally in our being. This grounding is of critical importance, for it asserts an independent moral resource that is *not* contingent upon social custom. It thus provides a moral check on the society, enabling one to say no when the society around you is saying yes, perhaps even demanding a yes by law, to an immoral act. As Arendt suggests, in the final analysis, " . . . there comes a point where all objective standards . . . yield precedence to the 'subjective' criterion of the kind of person I wish to be and live together with."[21]

As noted above, the lack of a thinking population is very dangerous, as Arendt suggests, for "the greatest evil is the evil committed . . . by human beings who refuse to be persons . . . wrong doers who refuse to think . . . what they are doing and who also refuse in retrospect to . . . remember what they did . . . have actually failed to constitute themselves into some bodies."[22] Thinking, therefore, constitutes the basic moral resource of restraint.

Inclusion

Moral response, however, also requires the capacity to meet the other not merely as an object, but as a subject. From this perspective, morality is not only based in internal dialogue, but it is dialogical externally as well.[23]

As discussed above, moral response is conceived in terms of treating the other as an end. To treat another as merely a means is to objectify them, to turn them into an object. Respect is treating the other as an end; disrespect is treating the other only as a means. In the case of the latter one has entered into what Martin Buber refers to as an I-It relationship. By defining morality as the treatment of the other as an end, what is being suggested is that the moral relationship is based upon recognizing the other as a subject, and this recognition signifies the entrance into a relationship based upon the cognition of a primary interrelationship between subjectivities. This is what Buber refers to as an I-You (*Ich und Du*) relationship. In the I-You relationship one subjectivity encounters another subjectivity, and in this encounter one comes to recognize a fundamental interdependence between I and You. This is an experience of "inclusion" rather than empathy.[24]

For Buber empathy "means to transpose oneself over there and in there. Thus it means the exclusion of one's own concreteness . . . Inclusion is the opposite of this."[25] In other words, empathy involves the loss of one's own distinction as an individual. One becomes the other and in the process loses one's self. Inclusion, however, is a meeting of subjectivities wherein individual distinction is maintained.[26] Inclusion is a direct apprehension of the other in-itself. Here one is encountering the other in her concrete uniqueness as a subject.

The I-You inclusive encounter allows for the recognition of the other as a subject like our selves; one recognizes one's self as interconnected with the

other, as co-existing in a dialogical web of relationships. In this state in fact there is no objective other *per se*, only interdependent subjectivities.

From this perspective, to harm the other is to harm one's self. On the basis of the conscious realization of interdependence, if we harm the other, then in doing harm we are harmed. As Paul Tillich suggests: " . . . he who turns a human being (in the psychophysical sense) into a mere object suffers distortion of his own personal center. . . They all become depersonalized themselves . . . the circle in principle includes all human beings . . ."[27] Therefore, morality entails the realization of the ontological existence of an interdependent web of relationships. On a subjective level we are interrelated, and a realization of this reality leads to a moral response of care for others. Therefore, a second fundamental moral resource is the capacity for inclusion, the capacity of dialogical relationship with others.

In summary, the approach suggested in this paper focuses on the development of *capacities* as a necessary complement to understanding. The basic feature of the moral capacities identified above is their *dialogical* nature. The core of morality is reciprocity. Implicit in the rights/duties moral conception is *reciprocity*. If one possesses a right to X, then one is *obligated* to avoid, protect and aid (where appropriate) others so that their right to X is guaranteed and *vice versa*. Without this reciprocity ethical relations are impossible. Reciprocity is *not,* however, merely a logical function. It reflects a more fundamental human reality. Human beings are social by nature; we live in a web of relationships with each other.[28] From this perspective, the power and importance of reciprocity is grounded dialogically in our relations with others. Reciprocity and thus morality *are* dialogical. The logic of reciprocity represents, is a manifestation of, that web of relations. Logic follows, recapitulates ontology. Duty to others is not merely a logical function but an imperative that follows from our interrelation with others as moral agents.

We live in relation with other beings who possess equal dignity and these *relations* entail certain obligations to others. If we violate our duty, the transgression is not merely that the laws of logic or reason have been violated but that someone's dignity has been violated. This violation is the contradiction, the hypocrisy that constitutes the moral transgression, and it is dialogical.

Toward a Cosmopolitan Democratic Education

The above discussion identifies two basic moral capacities that enhance the ability to morally respond to others. While a rational understanding of the principles of ethics and human rights is essential, the development and actualization of particular moral capacities is necessary for respect and care in the human community. It is these capacities that should constitute, in part, the basic goals of a cosmopolitan democratic education.

This perspective suggests a dialogical pedagogy, a way of teaching that transcends transmission and engages the student dialogically. What defines the educator, as Martin Buber suggests, is her being conscious that she presents to the student "a certain selection of what is, the selection of what is 'right,' of what should be."[29] The educator by the quality of her being and presence presents a version of the world to the student. By entering into an I-You relationship with students, by meeting them as subjectivities, the students directly experience being treated as a subject and that experience is the beginning of the development of the capacity of inclusion.

By entering into an I-You relationship provided by the teacher the student feels seen for herself as a unique, worthy, real subjectivity. She then begins to recognize the possibility of a different world, the You-world as embodied by the teacher. Being opened to her own You, and the possibility of a You-world, she becomes ready to encounter the other. Through this dialogical process the student experiences what it feels like to be treated as a You, a subject, an end. As Buber suggests: "In the relationships through which we live, the innate You is realized in the You we encounter."[30] Through this experience of subjectivity the capacity for inclusion begins to unfold. Before one can encounter the subjectivity of the other, one must have the experience of having one's own subjectivity recognized by others.

As discussed above, the moral capacity of thinking requires the ability of self-reflection. A part of the dialogical encounter is exposure to the diverse perspectives of others, in particular the ideas that the teacher presents to the students. In such an encounter one's own perspective, thoughts, values, ideals, etc. are challenged by the plurality of differing perspectives of the teacher and others (including various scholars one encounters through the course material and fellow students). This exposure to the plurality of ideas stimulates reflection and self-examination. It encourages the enlargement of the mind. One enlarges one's mind by taking into consideration the ideas of others. Others inform one's own thinking. One therefore does not think in isolation from others, but in communion with them. The self-reflection necessary for thinking is a function of multi-perspective taking – taking into consideration the perspectives of others. Self-reflection and in turn the moral capacity of thinking are developed dialogically, which entails public communication. The development of self-reflection ultimately requires a "democratic" public space, a public forum, wherein opinions and perspectives can be communicated.[31] The educational setting devoted to human rights and thus cosmopolitan democracy should provide this forum.

This perspective leads to an understanding of the school as a Dialogical Community. The school is a community, and, being a community premised upon moral respect, it should mirror the structure of the moral relationship. As we have discussed, this structure is dialogical. We should work to make the school a community within which the I-You structure of the

moral relationship is the foundation of the organization of classrooms and schools. This speaks to the powerful influence of the social climate on the character of the student. This would entail a school that is democratically organized: open, egalitarian, tolerant, respectful, and critical. It should be a place where dialogue and open inquiry are alive, and where participation in the decision-making processes of the school is robust as a means of human development.

Notes

[1] Robert Dahl, *On Democracy* (New Haven: Yale University Press, 2000).
[2] Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Oxford University Press, 1990).
[3] John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999).
[4] Dahl, *On Democracy*; Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980).
[5] Norberto Bobbio, *The Age of Rights* (Cambridge, UK: Polity Press, [1990] 1996); Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World* (New York: Routledge, 2000); Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (New Haven: Yale University Press, 2000); Amy Gutmann, "Introduction," in *Human Rights as Politics and Idolatory*, ed. Amy Gutmann (Princeton: Princeton University Press, 2001); Michael Ignatieff, *Human Rights as Politics and Idolatry*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 2001); Charles Jones, *Global Justice: Defending Cosmopolitanism* (New York: Oxford University Press, 1999); Michael J. Perry, *The Idea of Rights: Four Inquiries* (New York: Oxford University Press, 1998); R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).
[6] (emphasis added Bobbio, *The Age of Rights*., 88)
[7] Perry, *The Idea of Rights: Four Inquiries*.
[8] Amy Gutmann, *Democratic Education*, revised edition ed. (Princeton: Princeton University Press, 1999).
[9] Jacques Maritain, *Man and the State*, *Charles R. Walgreen Foundation Lectures* (Chicago: University of Chicago Press, 1951).
[10] Richard J. Bernstein, *Radical Evil: A Philosophical Interrogation* (London: Polity Press, 2002); Immanuel Kant, *Religion within the Limits of Reason Alone* (New York: Harper Torchbooks, 1964).
[11] Glover, *Humanity: A Moral History of the Twentieth Century*.
[12] Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1994); Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian, 1958); Bernstein, *Radical Evil: A Philosophical Interrogation*; Marâia Pâia Lara, ed., *Rethinking Evil : Contemporary Perspectives* (Berkeley: University of California Press, 2001).
[13] Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*.

[14] ibid., 49 and 287-288
[15] ibid., 32
[16] ibid., 103
[17] Hannah Arendt, *The Life of the Mind* (New York: Harcourt, 1971); Hannah Arendt and Jerome Kohn, *Responsibility and Judgment*, 1st ed. (New York: Schocken Books, 2003).
[18] (482b-c) cited in Arendt and Kohn, *Responsibility and Judgment*.
[19] ibid., 97
[20] Arendt and Kohn, *Responsibility and Judgment*.101
[21] ibid., 111
[22] ibid., 111-112
[23] Martin Buber, *I and Thou*, trans. Walter Kaufman (New York: Scribners, 1970); Franco Fornari, *The Psychoanalysis of War* (Bloomington: Indiana University Press, [1966]1975); Sam Keen, *Faces of the Enemy: Reflections of the Hostile Imagination* (San Francisco: Harper & Row, 1986); Alice Miller, *For Your Own Good: Hidden Cruelty in Child-Rearing and the Roots of Violence*, trans. Hildegard and Hunter Hannum (New York: Noonday Press, 1980); Betty A. Reardon, *Sexism and the War System* (Syracuse, NY: Syracuse University Press, 1996).
[24] Buber, *I and Thou*.
[25] ibid., 97
[26] Martin Buber, *Between Man and Man* (New York: Collier, 1965).
[27] Paul Tillich, *Morality and Beyond* (Westminster: John Knox Press, 1995). 38
[28] Stephen Batchelor, *Alone with Others: An Existential Approach to Buddhism.* (New York: Grove Press, 1983); Mary Field Belenky, Blythe McVicker Clinchy, Nancy Rule Goldberger and Jill Mattuck Tarule, *Women's Ways of Knowing: The Development of Self, Voice and Mind* (New York: Basic Books, 1986); Buber, *I and Thou*; Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984); The-Dalai-Lama, *Ethics for the New Millennium* (New York: Riverhead Books, 1999).
[29] Buber, *Between Man and Man*. 106
[30] Buber, *I and Thou*. 78
[31] Hannah Arendt, "Lectures on Kant's Political Philosophy," in *Hannah Arendt Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: The University of Chicago Press, 1992).