

"Because a (narrower or wider) universal community widely prevails among the Earth's peoples, a transgression of rights in one place in the world is felt everywhere."

- Immanuel Kant, *To Perpetual Peace. A Philosophical Sketch*

The improvement of human rights is a presently incomplete project that bears much resemblance to a game of whack-a-mole. While we rejoice at the progress we have made in ensuring rights for women in the workplace, we soon after discover that LGBT people are being deprived of their basic rights to marry and raise children. Less than a few decades after the abolition of slavery, racism yet again arises in other contexts such as law enforcement and refugee resettlement. From this invariable trend of rights violation, it seems that humanity is predisposed to cruelty and oppression. The pain experienced by certain people fails to resonate with perpetrators and bystanders who contribute to the creation of that pain. Kant, in *To Perpetual Peace*, offers a significantly more optimistic and rather normative interpretation about the state of human rights in this world. He claims that the "transgression of rights in one place in the world is felt everywhere," owing to communal bonds among the "Earth's peoples." I largely agree with this quote, in that the ideal state of society is one in which people care for the suffering of others regardless of physical distance. At the same time, however, I wish to express some serious concerns with the way in which Kant envisions this empathy taking place.

The remainder of this paper will be divided into four sections. The first section will provide the quote more extensive consideration, ultimately viewing it as grounds for the Kantian categorical imperative. The second section then examines Kant's theory through the lens of procedural realism, noting that the theory, at bottom, presumes the human capacity for self-reflection. In the third section I argue that there are three main problems with the Kantian model of human rights advocacy—most of these concerns boil down to the dangers of misdirected, ineffective empathy. The last part of this paper will be spent forming the basis for an alternative model of empathetic activism that is grounded in discourse rather than in self-reflection.

1. Motivating the Categorical Imperative

Kantian deontology is an ethical system founded upon universal, categorical rules. These principles cannot be forgone due to the moral whims of people, nor can they be compromised for the sake of mere

utility. Upon first presuming the equality of all people, Kant sets forth two principles: the first is that humans should be treated as ends in themselves, and not merely as a means. This formulation of the categorical imperative effectively condemns many instances of human rights abuse, such as slavery, in which humans are used as tools for economic efficiency rather than as beings who deserve respect by virtue of their human status. The second principle is that all rules of ethics must be universalizable; they cannot be modified based on conditional circumstances, and society must remain functional and just if the rule were to be applied to all people equally. Lying, for example, would be unacceptable according to the second formulation, since if everyone were to operate on the belief that lying is permissible, dishonesty would be rampant and society would break down with no vestige of trust between individuals.

Having provided an outline of what the Kantian categorical imperative entails, I wish to situate the given quote in the context of his broader ethical theory. The quote exemplifies Kant's argument in *To Perpetual Peace*, that regardless of geographical location, ethnicity, or gender, there is a shared sense of humanity between people that suffices to engender a universal community. I interpret this claim as being closely bound up with deontological ethics. The quote implies that insofar as a being is a human, she is part of a community, the members of which are all equally deserving of being respected as ends in themselves. More importantly, it is compatible with and supportive of the second formulation of the categorical imperative, because actions are considered moral only if they are acceptable to humanity at large. The transgression of rights for one person should consequently be considered morally unjust for all people, since such a transgression occurring on a universal scale would untenably victimize a massive group of people. No one person is immune to injustice, since the deprivation of rights for one person essentially destroys the potential for justice for all others. The violation of rights in one area of the world, therefore, merits the attention and action of the rest of humanity, because only when human action converges to justice for *everyone* can there be justice at all. Thus, Kant's observation that there exists a community bound together by the common characteristic of none other than 'being human,' serves as a basis for his advocacy of universalizable principles.

2. Specific Demands on Our Moral Character

I have fortified Kant's vision of a universal appreciation for rights with his own theory of deontological ethics. From this philosophical vantage, I now want to linger on what exactly this conception of humanity requires of our moral character—though we have established that the categorical imperative demands

the equality of individuals without exception, we have yet to determine *how* we can arrive at this normative requirement of equality and empathy.

A number of interpretations attempt to answer this question, but a solution that many find compelling centers around the concept of procedural realism—that there is a specific attitude of self-reflection that is most conducive to the universal observation of human rights. I choose to analyze this strain of thought further, because it provides a *practical* picture of the attitude people should adopt to minimize the transgression of rights on a global scale. Christine Korsgaard, who both corroborates and critiques areas of Kant's theory of ethics, suggests that the *procedure* of thought that inevitably precedes compliance with the categorical imperative involves self-reflection and reflective judgment. Per Korsgaard, we must first harbor a respect for the abstract entity of 'humanity' in order to respect any rights at all. To attain this respect, we select our own selves as a sample of humanity, and perform extensive self-examination—a process that requires us to internally identify what we believe is most repugnant, pleasurable, moral, etc., to amplify our appreciation for the same motivations residing in other people. This process is importantly characterized by rationality rather than emotion, since rational thought is a capacity that *all* humans possess, as opposed to the often volatile and individualistic nature of emotions. Ultimately, this self-examination should lead ourselves to concoct stringent moral standards, which offer certain rules (i.e. categorical imperatives) that we find inherently worthy of enforcement, regardless of their instrumental value. That is, rational self-examination and a fundamental belief in the objective importance of human values are the requirements of the procedural realist, when it comes to improving the universal state of rights. Deontology's original emphasis on rationality and universality strongly hints that Kant himself would also be a proponent of this well-supported procedure of reasoning.

3. Problems with Kant's and Korsgaard's Model of Human Rights Advocacy

I see a number of problems that attend Kant's and Korsgaard's process of improving human rights that I have expounded on in the second section. First, I wish to contest the very premise that the rational faculty used in self-reflection is a trustworthy adjudicator of the values that humanity at large should uphold. Self-reflection, as defined earlier, is the process of internalizing the importance of human rights, such that eventually, one can understand the rights as being intrinsically valuable to humanity. But I wish to note a caveat that seems entirely elided by the deontologist: many cases of injustice stem not from people's inability to recognize the importance of human rights, but from their limited *definition of humanity*. Self-reflection is, by definition, reliant on one's own perception of the self, and the process is immediately followed by the extension of that perception to other humans. I believe that this second

step does not come easily to people. Assume that for religious or other personal reasons, a man is raised to believe that it is immoral to be homosexual. From his perspective, it is immoral for a number of 'rational' reasons: it is disadvantageous for reproduction and the continuation of the human race, it violates the absolute law of religion, among other potential rationales. It is important to note that no matter how critical and rationally evaluative he may be of his own characteristics, self-reflection does not expand his already self-centered definition of *who belongs in humanity*. When finally asked to consider the factors that make human rights intrinsically (rather than instrumentally) valuable, the man is free to ignore the presence of LGBT people as one of the rational reasons why all people deserve rights. Of course, the Kantian may pose the objection that the categorical imperative preempts this concern, because it dictates that it is wrong to deprive people of their rights in an arbitrary manner. But this defense does not preclude my biggest concern. It is that it is surprisingly convenient to dismiss certain parts of another person's identity as simply not belonging in the set of traits that can contribute to someone's human worth. This becomes particularly dangerous when we observe that the modern day oppression of rights often results from the *choices* that people make, rather than their inherent characteristics—the choice to immigrate, the choice to adopt outside of one's race, the choice to be vocal about one's sexual identity, among others. It becomes extremely easy for an intolerant person to claim that after extensive self-examination, such choices are not inherently worthy of respect through a rational lens. I come to the conclusion that rationality is not as universal and objective as Kant and others think it to be. Rather, it can act as the basis for multiple conflicting worldviews, and is prone to manipulation and exclusion. In other words, it may be true that rational self-examination makes for people who are more empathetic to the concerns of humanity, but it does not always follow that people broaden their definition of humanity itself.

The second problem is that the rational examination of human motives has considerable limitations in terms of practical implementation. I think it is important not to lose sight of the normative goal that Kant originally suggested: to not only create a society that is compassionate in their minds, but to compel people to actually improve the state of human rights in the world. As I hinted at in the first problem outlined in this section, rational examination of the self and others is mutually exclusive with *emotional* involvement in the plights of others. For example, consider a situation where my friend is gravely injured, and is facing a long-term hospital stay for recovery. Kant would argue that if I were to visit my friend at the hospital, my motivation must stem not from emotional attachment to my friend, but to the fact that kindness and empathy are traits that are universally worth cultivating, regardless of the personal importance of the person lying in that hospital bed. It is with this rational attitude that I must approach

every moral dilemma I face. Admittedly, this 'rational empathy' can do a lot of work for human rights; the categorical imperative that we must be generous to others, for example, can inspire people to donate to charities that help children with whom we share little to no emotional attachment. But I believe we need to move a step further than simply caring for others because we are obligated to do so by a rationally generated categorical imperative. The attempt to fully divorce emotion from reason can result in coldhearted rationality that only addresses transgressions on face value, and disregards the emotional aftermath that affects people as deeply as the original violation itself. In a recent book, Jill Stauffer illustrates this phenomenon with a concept called 'ethical loneliness,' in which systems that are designed to heal people often refuse to listen because of their preoccupation with creating justice *prima facie*. For example, a court may believe that it has brought justice to a rape victim by allowing her to provide a testimony and by sentencing the criminal to a harsh sentence, but they may fail to recognize the emotional intensity and subsequent discomfort the victim may face in the process of the court ruling. On an international level, truth and reconciliation committees that convene to punish war criminals may be disillusioned by the severity of crimes, that they fail to account for the various political, familial, and emotional pressures that the criminals may have reluctantly faced in the past. People become isolated in a sea of bureaucracy and rationality, while their real concerns go unaddressed. As such, the rational calculus that fuels deontological decisions may be effective in reducing the transgression of rights within our universal community, but any plight that does not neatly fall under a rational reason for discomfort can be dismissed because it is not of universal importance.

Thirdly and lastly, a categorically positive interpretation of Kant's suggested 'universal community' seems unwarranted; in point of fact, the accessibility of this community may deter individuals from deeper, firsthand inquiry into the experiences of others. According to Kant, a community that "prevails among the Earth's peoples" allows people to feel and react to injustice from all corners of the world. This is a rather profligate claim to endorse, and I am not certain that self-examination can lead us to fully empathize with the problems that people from vastly different cultural backgrounds face. I do not intend to venture into moral relativism, or to argue that there can be no objective moral standards regardless of the attitude we adopt. Rather, it seems that the moment we recognize the presence of a cross-cultural bonding force between all people, we can rest complacent with our limited understanding of others that is tenuously rooted in the self-examination we carry out in our own pigeonholes. Claiming that we should treat others as absolute equals, and addressing all human rights violations according to our own rational standard of rights, is akin to placing a veil of ignorance over a society where ignorance only breeds misdirected empathy. Take the example of the policy of affirmative action that is present in some

countries where racism was historically rampant. A person who is unaware of this historical injustice may adopt the following thought process: through self-examination, he deems that if he were to receive an inevitable disadvantage in job searches, he would want society to correct that injustice. The principle of equality in employment then becomes one of the moral standards he intrinsically values, and in an attempt to promote this rule universally, he decides to protest affirmative action while still oblivious to the historical racism that necessitates the policies. This example illustrates the possibility of individuals relying solely on the effortlessly present universal community, aided by self-examination. The suggestion that a sense of community persists regardless of people's actual level of understanding of others can make them reluctant to gain more firsthand experience in any given transgression. Once again, placing blind faith in quantitative equality, and rationally remedying human rights violations can foster ignorance of cultural backgrounds that may not be captured by reflective judgment alone.

4. An Alternative Model of Empathetic Activism

The numerous objections I have expressed in the third section of this paper amount to the worry that in addressing injustices, reason and self-examination alone are not enough to assuage the subjective troubles that people from diverse backgrounds face. Then what is to be done? Is there a better solution, or is it our empathetic ability really that limited?

I wish to preface my last argument with the note that I am still in agreement with Kant's characterization of humanity, insofar as it is viewed as an ultimate objective rather than as a description of the status quo. I also believe that deontological values such as overall equality, treating people as ends, and creating universal principles, are worth preserving. My argument thus far has been that the procedure people are encouraged to follow—namely rational reasoning and reflective judgment—to become better deontologists, in fact contradicts Kantian objectives. I believe it is not only compatible with the deontological framework, but also indispensable for people to create discourse-based relationships with others, bringing out rather than discouraging the emotions and subjective experiences of others.

The first component of this alternative model of empathy would be the adoption of more sophisticated moral principles that account for history, context, and unique cultural backgrounds. Returning to the example of affirmative action, I think we should be happy to recognize that the present injustice is not the only injustice that has occurred, and characterize a seemingly discriminatory policy as a corrective measure of justice. The need to avoid conflating distributive justice with corrective justice has to do with the fact that the cumulative effect of rights violations differ from country to country and even person to

person. Rather than satisfying the categorical imperative that is generically applicable to all members of humanity, a more complex system of moral principles needs to come to fruition. This demand for specificity is importantly distinct from the claim that arbitrary exceptions to rules must be made for people. In no way is an appreciation for history equivalent to creating arbitrary contingencies.

Furthermore, I think it is necessary to diverge from Kant's claim, and accept that the universal community does not exist by virtue of its members being humans—it requires significantly more investment of effort. There seems to be a difference between all people *deserving* human rights, and all people *understanding* the value of human rights to others. The former is a self-evident truth to Kantians and others alike, but the latter type of understanding is not bestowed upon us by default. Instead, it requires an active effort to become part of the universal community, and the participation in discourse rather than self-examination as a procedural realist may suggest. There is no reason why human rights are worth enforcing only if they intrinsically valuable from a rational standpoint; in fact, their instrumental and emotional impact is what keeps them alive in people's minds. Contrary to popular opinion, I maintain that emotions and passions need not remain separate from moral judgments. The Kantian may object, claiming that emotions such as anger, selfishness, and hatred are what lead to human rights violations in the first place. I wholeheartedly agree, but believe that extensive discourse centered around human passions can actually broaden one's horizons beyond a selfish implementation of one's own impulses. This discourse-based activism can push people to directly accept and trust the experiences of others as perhaps more valuable than self-examination, which is essential to the practical alleviation of rights violations. There seems to be no point to upholding human rights if its purpose is to satisfy abstract requirements that are reachable only through an arduous process of self-examination.

5. Conclusion

In this paper, I have shown that the universal empathy described by Kant is a highly desirable end goal, but is not achievable through the traditional system of deontological ethics that endorses rationality over emotional engagement. I have argued, on multiple accounts, that a universal community is not a concept to be taken for granted. It does not help to demand individuals to examine the worth of human rights for humanity, when people's definitions of humanity are already imbued with bias. Rationality and self inquiry, then, can be used to justify the fact that people deserve rights, but it is *discourse* that can correct for transgressions that have already been committed.