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Human Rights without Objective Intrinsic Value

Abstract

The current predominant conception of human rights implies that human beings have objective intrinsic value. In this paper, we defend that there is no satisfactory justification of this claim. In spite of the great variety of theories aimed at explaining objective intrinsic value, all of them share one common problematic feature: they pass from a non-evaluative proposition to an evaluative proposition by asserting that a certain entity has intrinsic value in virtue of having certain non-evaluative features. This is a step that cannot be justified. In light of this negative result, we offer a radically different approach to intrinsic value. Our proposal reinterprets the claim that human beings have intrinsic value in terms of a commitment to value human beings intrinsically. This commitment provides both objective practical reasons for, and a rational explanation of, efforts aimed at defending and promoting human rights, without need to appeal to the existence of objective intrinsic value.

Keywords: human rights, intrinsic value, moral commitments, dignity, supervenience

Introduction

According to what will be called here the current predominant conception of human rights, human beings have human rights as a consequence of having objective intrinsic value. Different philosophical theories of value have attempted to provide an account of how we can have knowledge of this kind of value. However, as we will show in this paper, it is impossible to provide an adequate justification for any claim saying that any given entity has objective intrinsic value, including human beings. Regardless of the strategy used

to justify such a claim, at some point in the account the defender of the existence of objective intrinsic value will have to take a step without proper justification, passing from a non-evaluative proposition to an evaluative proposition, asserting that a certain object has intrinsic value in virtue of having precisely certain non-evaluative features.

It is important to note that our task here is epistemic: we are looking for a reasonable and satisfactory justification of the truth of the proposition that states that human beings have objective intrinsic value. This proposition is meant to express an objective fact: one that does not depend on which person we are talking about or from whose perspective we are considering the matter. Here we want to call this proposition into question. Our arguments will show that there is no satisfactory way to pass from non-evaluative to evaluative features, that therefore there cannot be an adequate justification for the proposition that human beings have objective value, and that therefore we are not in the position to know that this proposition is true.

We will explore different and novel attempts to bridge the non-evaluative to evaluative gap, and argue that any such attempt will inevitably face the same problem. This casts serious doubts about the theoretical bases of the current predominant conception of human rights, and undermines the practical justification (both moral and legal) of many or perhaps all of the international efforts which aim to defend and promote human rights. We will suggest that one way of rescuing what is reasonable about the initial assumption of human beings having intrinsic value is reinterpreting this assumption as a commitment to value human beings intrinsically. This commitment, especially if it is a shared commitment with others, provides both objective practical reasons for, and a rational explanation of, efforts aimed at defending and promoting human rights. It also provides a reasonable foundation for criticism for actions and omissions which violate or allow the violation of human rights, without appealing to the existence of objective intrinsic values. For this reason, we will argue that the picture we present is better prepared than the current predominant conception to explain the concept of human rights and the historical development of the movement for the protection of human rights.

1. A current predominant conception of human rights

The Universal Declaration of Human Rights embodies the current predominant conception of human rights across the globe. This conception predates the Universal Declaration of Human Rights, but it does not extend very far into the past. Certainly, there were historical precedents from philosophy and from political history, both from within and without the western world, which led to this current conception. However, as Jack Donnelly forcefully argues it in his in book *Universal Human Rights in Theory and*

in Practice, regarded as the "most influential standard introduction to the subject of human rights" (Falk 2004, 28):

> Prior to the second half of the seventeenth century, the idea that all human beings, simply because they are human, have rights that they may exercise against the state and society received no substantial political endorsement anywhere in the world. Although limited applications of the idea were associated with political revolutions in Britain, the United States, and France in the late-seventeenth century, an extensive practice of *universal* human rights is largely a twentieth-century creation—and a late-twentieth century creation at that. (Donnelly 2013, 75)

Although this relatively new predominant conception of human rights is considered by some authors to be an "alchemy of religious, philosophical and political values" (Reis Monteiro 2014, 398), the view contained in the UDHR has now been recognized to receive "worldwide acceptance" and its influence on thinking about social and moral issues is such that from it were "born new and legal binding and non-binding instruments that today form the IHRL [International Human Rights Law]". (Reis Monteiro 2014, 398) Regardless of the many differences across societies, cultures and economic and legal systems, practically all states have embraced this conception of human rights stated in the Universal Declaration of Human Rights and in related international instruments. As stated in the Office of the United Nations High Commissioner for Human Rights website:

> All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations. (United Nations Office of the High Commissioner for Human Rights 2019)

Of course, the fact that most states have ratified these treaties does not guarantee that they all regularly abide by them, but, as Donnelly says, "even if [this] 'consensus' is largely the compliment of vice to virtue, it reveals widely shared notions of 'virtue', an underlying 'universal' moral position compelling at least the appearance of assent from even the cynical and the corrupt." (Donnelly 1984, 414)

The fact that there is a global predominant conception of human rights does not mean that everyone or even most people agree on any of the most important characteristics of the concept of human rights. Both in academia and in the context of international institutions and national governments, there are seemingly endless disputes regarding virtually any point related to this concept. However, as will be shown presently, there are at least two general central features or characteristics of the predominant conception of

human rights that may be identified, and this conception has been adopted by and large by the internationally coordinated efforts to promote and defend human rights since the end of the Second World War in declarations and other documents by international organizations, in conventions and treaties signed by many countries, as well as in academic settings. These characteristics are, first, the claim that the source of the justification for human rights consists on a somewhat vague notion of what has been variously and interchangeably labeled as "dignity", "intrinsic worth" or "humanity", and second, the claim that human rights are in some sense universal. Here are two examples from the Universal Declaration of Human Rights which reflect these characteristics of the current predominant concept of human rights:

> [R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. (United Nations General Assembly 1948)
>
> [P]eoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. (ibid.)

Linking both of the features mentioned, the predominant conception of human rights states that human rights are derived from the intrinsic worth or dignity shared by all human beings. Differently stated, and to cite examples of one of the most recurring attempts to give a definition, "human rights are the rights one has simply because one is a human being" (Donnelly 2011, 154), and "following the most common definition, 'human right' is a right one possesses simply for being human" (Reis Monteiro 2014, 166)

This seemingly tautological formulation of the concept of human rights has the apparent virtue of silencing any further doubts as to the source of the justification of human rights. It does not seem productive to ask any more questions about the source of human rights when one who asks "Why do all human beings have human rights?" is confronted with the answer "Because of their humanity", however unsatisfactory this answer may be. In the context of the creation of the Universal Declaration of Human Rights, Jacques Maritain (Unesco 1948, 1) admits that this feature of the Declaration was designed precisely to bypass disagreements on the theoretical or philosophical grounds of the concept of human rights, given that the goal of the creators, himself included, was mainly practical. But it is not a tautology in a very important aspect, because of the fact that, as was mentioned before, the word "humanity" used in this context is commonly replaced with expressions such as "dignity" and "intrinsic worth". If at first sight it seems to be obvious that one feature common to all human beings is their humanity, it does not seem equally obvious that dignity and intrinsic value are characteristics that *all* humans

have (including, for example, mass murderers). Moreover, it certainly seems conceivable that there could be other beings or objects, apart from humans, that have dignity or intrinsic worth, thus inviting the question as to whether non-human entities could have human rights.

Another way frequently used to convey the idea that human rights are rights that humans have just because they are human is saying that human rights are universal. This feature of universality, at least in name, is probably one in which there seems to be the most widespread agreement among authors and in both national and international documents that deal with the topic of human rights. Unfortunately, this apparent agreement ceases as soon as one tries to find a common definition for this supposed universality. At least three senses in which the term "universal" is alternatively (sometimes jointly) used to describe human rights can be distinguished: first, it is used to signify that these rights are possessed by all human beings in the present, past and future; second, it is used to signify that all societies and individuals, notwithstanding any cultural or historical factors, should morally and legally recognize these rights; third, related to the second but importantly different, it is sometimes used to mean that at present all or almost governments across the world have in fact recognized some human rights by signing at least one important document or convention.

Even if there is no consensus on how to understand the concept of dignity as it applies to human beings, or the concept of universality as it applies to human rights, for our present purposes we can identify this general and somewhat vague idea (first, that human rights apply everywhere to every human being, and second, that the source of human rights is a special kind of value, dignity or intrinsic worth, possessed by all humans) as a central part of the predominant current conception of human rights.

The claim that the source of human rights is a special kind of value or worth that human beings have is the one we are going to take issue with in this paper. According to Ronald Dworkin, one of the leading moral philosophers in the last decades, "Almost everyone shares, explicitly or intuitively, the idea that human life has objective, intrinsic value that is quite independent of its personal value for anyone". (Dworkin 2011, 67) According to him, disputes about the right way of interpreting this idea constitute the "nerve" of some of the most important debates in applied ethics, such as abortion. But even if we believe from the start, explicitly or intuitively, that it is true that all humans possess dignity or human worth, it still seems to make perfect sense to ask what makes human beings have these features (a metaphysical question), and how can we know that humans have them (an epistemological question). Any genuine attempt at answering these questions leads us into a philosophical discussion of the nature and concept of intrinsic value.

2. Assessing intrinsic value

At an intuitive level, the notion of intrinsic value is not difficult to grasp.[1] Take the case of a watch, which may be useful for many things I care about. So, it is valuable because of the functions it serves. But its value may go beyond the fact that it is useful for me. Its materials can be expensive, or, given that it is an old watch or that it belonged to someone important in the past, it may have a special value because of that. It may be a gift from my father, and so, it may have some sentimental value for me. In all these cases, given the value the watch has, I care about it. I try not to mistreat it, I am careful whenever I handle it, I make sure to give it a regular maintenance, etc. However, in all of these cases, we can see that any value that the watch has seems to derive exclusively from something else, either its function, its materials, its history or something else. Circumstances could change in a way that I would prefer to exchange the watch for something more important. If I find a watch with better functions, I can easily get rid of it and acquire the new one. Even if the materials are now expensive or the watch belonged to someone famous, or even if was a gift from my father, the watch may lose its appeal and I could prefer something else. We can say that the watch's worth is *derivative* or *extrinsic*. Any value it possibly has depends on something else. The question is whether everything that may have some value can only have it in this derivative way. Is there something that no matter what happens, nothing will change the value it has? From all the possible candidates, human beings are perhaps at the top of the list of entities with intrinsic value.

However, apart from these intuitive considerations, the concept of intrinsic value is not easy to analyse. The key idea is that something having intrinsic value means that such a thing has a value for its own sake, as such, in itself, all by itself. These ideas point to the claim that its value does not depend on anything else. Can we go beyond these general characteristics to define intrinsic value? We want to consider some general approaches to intrinsic value in order to identify some features common to all of them. Once we have certain basic tenets behind most theories of intrinsic value, we will have the materials to start our criticism. We will be able to identify why is so difficult to justify any claim of intrinsic value.

George Edward Moore is perhaps one the philosophers who has given the most articulated view to understand intrinsic value as a central concept of the ethics. We do not plan to give an extensive revision of his views, but rather we only want to focus on two

[1] This discussion of intrinsic value is relevant for further discussions in ethics and morality. However, similar discussions may arise in other contexts like aesthetics and philosophy of art, where we also find claims of the form “this piece of art is intrinsically valuable”. Although our goal is human rights, some of our conclusions about intrinsic value may be relevant for some other discussions

central ideas. First, after several attempts at defining what is good, Moore concludes that the subject-matter of ethics is simple and unanalysable. In consequence, the concept of intrinsic good or intrinsic value is also simple or unanalysable. (More 2004, 21) He distinguishes between properties that are natural and those that are not natural and discusses several attempts to explain or reduce intrinsic value to some natural properties—leaving aside the option of explaining intrinsic value in terms of some other evaluative property. No matter what natural property *N* one chooses, we can always ask whether having intrinsic good is the same as having that property *N*. Furthermore, we can always ask why having that property is good. If being good were nothing else than having that property *N*, it would not make sense to keep asking. So, intrinsic value is a simple and unanalysable concept.

However, this does not mean that there is nothing to say to improve our understanding of the concept of intrinsic value. The second important idea we want to consider is Moore's test for intrinsic value. (Moore 2004, 187). This test consists of what nowadays is regarded as a thought-experiment: for any entity, in order to determine whether it has intrinsic value, we need to consider it all by itself, in absolute isolation from everything else. If we regard its existence good, then it is intrinsically valuable. Do human beings pass this test? Presumably so. However, this test is only useful, if it is useful at all, to determine what usually is called the extension of certain concept (in this case, what things have intrinsic value), but it does not explain what intrinsic value is and why, for anything that passes the test, it has intrinsic value. For our purposes, the test says little about why human beings have intrinsic value.

A different version of the test, which has been referred to as intentional (in contrast with the ontological version offered by Moore and others (Chisholm 1978)), consists in focusing, not on whether an entity's existence, considered in absolute isolation, would be good, but rather on the kind of emotion or attitude that would be appropriate or *fitting* if we consider an entity without reference to its circumstances. One of the first attempts to frame intrinsic value in these terms is due to Franz Brentano (2009, 48). In a similar way in which certain truth (or a true proposition) consists of the correspondence between a judgment and certain object (or fact), where correspondence is not the identity between judgement and object, but a relation of being appropriate or fitting to, we can also say that, for ethics, there is certain correspondence between an emotion and an object. An emotion can be correct if it is the appropriate emotion given certain object. And, in the case of an object with intrinsic value, it is so because it is fitting to value that object all by itself. This view has several problems, but it shares one with the previous view: as a mere test to determine which things count as having intrinsic value, it falls short as an explanation of why the things it sanctions as intrinsically valuable have intrinsic value and leaves open the question

of what properties one entity must have to be the object of a fitting emotion or attitude[2] (as Thomas Scanlon says, this approach only "passes the buck" (Scanlon 1998, 95); we agreed to some extent with Jonas Olson, for reasons we present later on, who argues that Moore has some form of "passing the buck" theory of intrinsic value, even if he thinks that the concept of intrinsic good is simple and unanalysable, (2006, 528)). Once again, our guiding question remains unanswered.

Moore's and Brentano's views have been severely criticised, and several alternative theories have been offered, but we think that most of them share a series of common features. We formulate some of the most relevant claims about intrinsic value we can obtain from the views just presented (and some variations of them):

F1: intrinsic value is a form of non-derivative value. So, one entity has intrinsic value independently of what other entities have value.

F2: having intrinsic value is a genuine property.

F3: having intrinsic value is an evaluative or normative property.

F4: the intrinsic value of something is either simple and unanalysable, or supervenes or is grounded on some of its properties. Depending on the view in question, the properties may be either evaluative or non-evaluative.

F5: intrinsic value can stop a chain of extrinsic valuing and plays an explanatory roll as to why something is valued extrinsically.[3]

F6: In the case of explaining human's intrinsic value, the relevant properties from which intrinsic value emerges are non-evaluative.

3. How to justify any claim of intrinsic value?

Here we try to identify the source of the problem with any claim of intrinsic value. Even if we can make sense of the concept of intrinsic value, as far as the concept is not empty or mere gibberish, the main difficulty is to determine whether we are in the position to know that, for any human being, this has intrinsic value. As many authors have pointed out (Greene 2002, Blackburn 1997), the overall investigation about the source of intrinsic value may follow one of two ways. Either we explain intrinsic value, assumed as an evalua-

[2] This view focuses, not on whether an object has intrinsic value in itself, but on whether this object is *valuable*. This move allows us to look at the moral agents and see whether we can find a different approach to the question about intrinsic value. We will return to this point in the fourth section (See Audi 2007, 37, for a distinction between value and valuing).

[3] It is an open question whether the relation of being derivative has to be necessarily explained in terms of supervenience or grounding—or some other relation purported to fill the gap between what is evaluative and what it is not. But, for this initial presentation, we think that being derivative involves some relation of supervenience or grounding.

tive property, in terms of some other evaluative property or in terms of some non-evaluative property. In the first case, we have just postponed the explanation, for now we have to explain these other evaluative properties we are using to explain intrinsic value. This postponing should end somewhere, otherwise, we would end up with a regress. In the second case, we may avoid the regress, but then we have the task to explain how exactly an evaluative property comes from something that it is not evaluative. What non-evaluative properties could do the job?

For a start, we can presume that intrinsic value, given its connection with human rights, should be related somehow with human beings. So, at least in principle, a careful study of humans may reveal the source of their intrinsic value. But what about humans exactly is relevant for intrinsic value? Their physical or biological constitution? Their mental life? The relations with other humans, other animals or their environment? It is not clear, but whatever we take as our starting point in our search, it should be non-evaluative. So, for every property one chooses, once we have set aside the first horn of the dilemma, the task now is to explain how we can fill the gap between the evaluative and the non-evaluative. How do we do it?

Before we explain a bit more our general argument to show that there is no way to fill this gap, we need to note that, at this point in the discussion, we believe that whoever defends objective intrinsic value must be in the position *to tell a story* about how exactly the evaluative emerges from the non-evaluative (Greene 2002, 72) In other words, for anyone claiming that the sentence "Human beings have intrinsic value", is true, this person must be capable to explain or say something (or anything) as how she knows that it is true. She cannot claim that she *just* knows it is true. We think this is a theoretical obligation for the defender of intrinsic value. There are some views that claim that (i) it is obvious that human beings have intrinsic value, for it is ingrained into some facts about human nature or human history; (ii) they refuse to give an account arguing that judgements about what things have intrinsic value are ubiquitous, everybody makes them without much of a problem and (iii) those who call into the question intrinsic value are asking way too much. (Cf. Korsgaard 1996, 113; Singer 1973, 51) We need an explanation because we want to understand how we are justified in claiming that human beings have intrinsic value.[4] With this in mind, we can see that a minimum of requirements to any successful explanation of our justification of any claim of intrinsic value are the following:

[4] In section 4, where we present our positive proposal, we return to this point.

(i) The no-regress condition: any justification of claims of intrinsic value must not incur in a regress. We saw that the first horn of the dilemma mentioned above does not satisfy this condition.

(ii) The explanatory condition: any justification of claims of intrinsic value must tell a story of how the evaluative emerges from the non-evaluative. The second horn of the dilemma may avoid incurring in a regress, but there is still work to do to show that the non-evaluative explain the evaluative. How exactly?

Our basic argument so far tries to show that every account of intrinsic value adopts the form presented in the second horn of the dilemma mentioned before. Every account of intrinsic value makes a decisive step from the non-evaluative to the evaluative. In particular, in order to show that proposition "human beings have intrinsic value" is true, we need to find something that makes it true. One way is to show that there is a certain non-evaluative property such that, for every human being having that property, that human being has intrinsic value. In fact, we need something stronger: the fact that this human being has this particular non-evaluative property is *what explains* that this human being has intrinsic value. How the explaining works exactly? There are at least two general ways some philosophers have tried to fill the gap between the non-evaluative and the evaluative. We address first those attempts in terms of the relation of supervenience and explain why it does not work. After this, we briefly address a more recent attempt of explaining in terms of the relation of grounding.

Why human beings have intrinsic value? One way to address this question is by appeal to the relation of supervenience. Succinctly defined, this is a relation between two sets of properties as follows:

S: A set of properties *A* supervenes upon another set *B* just in case no two entities can differ with respect to their *A*-properties without also differing with respect to their *B*-properties (Zimmerman & Bradley, 2019).

In the particular case of intrinsic value, the following claim is an instance of the definition S:

SV: the intrinsic value human beings have supervenes upon their non-evaluative properties *P* only if no two human beings can differ with respect to their intrinsic value without also differing with respect to their non-evaluative properties *P*.

In saying that the evaluative properties supervene on certain non-evaluative properties, we are saying that, for example, having intrinsic value is completely determined of fixed by some non-evaluative property (having rationality, being capable of experiencing pain and suffering, being capable of having interests and desires, etc.) (Greene 2002, 73). So, we have the following conditional:

P1: If a person *A* has the non-evaluative property *P*, then this person has intrinsic value.

What is exactly the property *P* we have to use in order to complete this proposition is a great debate, but the important question is whatever property we choose, it has to be non-evaluative. And for every property we choose, it is always possible to ask why exactly this non-evaluative property *P* justify the claim that something having *P* has also intrinsic value. Maybe we can say that the proposition *P1* is justified by some other property *Q*. But, again, we can ask why having *Q* is sufficient to have intrinsic value. Here the question is relevant because we have not answered the central point: how something that is non-evaluative can generate something completely different: an evaluative property. It seems that supervenience does not seem sufficient to explain intrinsic value.

One reason to doubt of supervenience is that it may not be enough to establish an explanatory relation between the evaluative properties and the non-evaluative properties. Originally, the concept of supervenience was an attractive choice because it represented, at least in principle, an advance over other explanatory concepts like causality or logical implication. There are some properties, whose nature is hard to explain in terms of causal or logical relations. For example, it is hard to see how, mental properties are caused by physical properties; and it is even harder to see how they are logical consequences of physical properties. Supervenience was a promising option because it seemed to offer three things (Kim & Sosa 1987, 544). First, it could explain covariance: it could explain why the two sets of properties to be related vary in the appropriate ways: there cannot be changes in the evaluative *properties* of something valuable without changes in the non-evaluative properties of that valuable thing. Second, supervenience can explain dependency of the evaluative properties on the non-evaluative properties. This dependency was supposed to play an explanatory role: it let us see how *these* properties come from *those* properties and, as a result, we earn understanding of the relationship between both sets of properties. Finally, the third important thing was that, while supervenience explains dependency, at the same time, should preserve non-reducibility: the properties to be explained, evaluative properties, should not be reduced to non-evaluative properties. The danger of reduction in this case is, as Blackburn pointed out before in connection with modal properties like being necessary (ibid., 635), that normativity is not explained, but rather undermined. Supervenience did not work because there is no way we can get these three features together. The best supervenience managed to achieve was to establish a modal correlation between two sets of properties that show at best a necessary covariation of these properties: whenever a set of properties is present, then the other set of

properties must also be present. Following the schemas above, we can say the following proposition:

P3: If number 3 is odd, then a square has four sides.

This proposition *P3* satisfies supervenience, for whenever 3 is odd, a square will always have four sides (assuming, of course, that numbers and geometrical objects exist necessarily). There is here a necessary covariance between the properties involved. But it does not seem right to say that *having four sides* supervenes upon *being odd*. The main question remains, how exactly the evaluative emerges from the non-evaluative without reducing the former to the latter.

The previous considerations show that every attempt to explain intrinsic value in terms of non-evaluative properties fails, and one may think that the root of the problem is not the concept of intrinsic value, but the concept of supervenience. As we saw, supervenience is understood in modal terms. And this has the consequence that supervenience only establishes a modal covariation between two sets of entities. However, maybe there is some other way to understand supervenience, a way that can get us closer to the explanation of extrinsic value we are looking for. We can say instead that the supervenient properties (evaluative properties) obtain *in virtue of* the subvenient properties (non-evaluative properties). The key expression here is "in virtue of", which suggests an explanatory relation between the supervenient properties and the properties in the base. (Correia & Schnieder 2012, 19) Some have thought that grounding may be the key to solve our problem. However, even if grounding may work in some areas, here the difficulty remains the same: how we can move from properties with a certain nature to some other properties that have a completely different nature. The most compelling cases where grounding seems to work are cases where we explain some things in terms of others with the same nature (for example, my smile in terms of my mouth and teeth). So, even if grounding may seem promising, the central problem for any justification of intrinsic value cannot be solved.

Every strategy we have seen so far has to appeal to a crucial argumentative step: from something non-evaluative to something evaluative. There is no way to reasonably justify this step. This is the gap that cannot be filled by any account presented so far. Even if human beings had intrinsic value, it is something we are not in the position to know. However, even if this something that cannot be justified, we are not forced to abandon the evaluative language (as some philosophers claim, for example Green (2002)) or the human rights discourse. Even if we cannot justify any claim that human beings have intrinsic value, we cannot reject the fact that usually human beings are regarded, by other human beings, as having intrinsic value. This is the first step for our positive account of the role of the intrinsic value of human beings in the human rights discourse.

4. Reinterpreting the intrinsic value assumption: valuing intrinsically

Human rights claims are practical in the most socially meaningful and poignant sense. A successful defense and protection of human rights on a global scale, which is one of our best chances to alleviate or eliminate potentially tremendous human suffering around the world (caused, for example, by oppression, tyranny, discrimination, genocide, etc.), crucially depends on our ability, as a global community, to provide an adequate justification for actions directed at protecting human rights. This kind of practical justification requires us, at least, being able to give a credible account of what human rights are and where they come from. Without such a proper justification, many actions based on human rights claims (such as putting individuals and entire states on trial and applying sanctions to them, or even waging war against governments and nations that violate human rights), even if well intentioned, become as arbitrary as perhaps any of the alleged violations of human rights they are meant to condemn. It may be a fact that many people, or perhaps even "almost everyone", as Ronald Dworkin contends, intuitively share the idea that all human life has objective intrinsic value which is not dependent of any recognition by an individual or society (Dworkin 2011, 67). But showing that an idea is generally agreed upon is far from being equivalent to showing that that idea there is adequate justification to believe it is true.

If, as is argued in this paper, the supposed existence the objective intrinsic value of humans can play no role in a sound justification of actions aimed at promoting or defending human rights, because whether objective intrinsic value exists or not it is impossible for us to have a justified belief in its existence, human rights advocates are left with two options: to renounce to the possibility of giving a proper justification for actions based on human rights claims, and thus embrace arbitrariness, or to seek a different way to justify those actions without assuming that humans have objective intrinsic value.

As was shown in the previous section, many authors argue in favor of the existence of intrinsic value, offering as grounds for our knowledge about them only a special kind of intuition by which we apprehend or perceive intrinsic value, or saying that the intrinsic value of human beings should be accepted just as an axiom for when thinking about human rights. But both of these views amount to saying that the existence of objective intrinsic value is just self-evident and that it does not need argument (as discussed by Tara Smith (1998, 543)) But even supposing that it were true, we could not possibly derive normative force from a supposed intuition or axiom that human beings have objective intrinsic value, because then such an intuition or axiom could not be something that can be apprehended as being true. As Santayana says: "To speak of the truth of an ultimate good would be a false collocation of terms; an ultimate good is chosen, found, or aimed at." (Santayana 2009,

455) The conclusion of an argument to justify a particular action derives its normative force from one premise or a combination of them. (See Mackie 1990, 30.)

Some authors argue that the existence of objects with objective intrinsic value is necessary given that there are objects that have instrumental value, and the existence of instrumental value presupposes intrinsic value. This argument is flawed. There are two senses of instrumental value: one is as means to any given end (this won't work since this does not in any way prove that the end has any kind of value, intrinsic or not); the second is when something has instrumental value because it serves to achieve a legitimate or worthwhile end (this won't work either, since this presupposes that the end is or leads to an object with objective intrinsic value, which is what the argument was intended to prove). (See Smith 1998, 546 and ff) But as a psychological activity, valuing anything, even non-intrinsically, does presuppose that there is at least one (and usually more than one) object that a person values intrinsically.

The strategy that we want to consider in this paper to try to find an adequate justification and explanation of the normative force of practical arguments (such as the ones required by human rights claims) is this one: a *moral commitment* to value human beings *intrinsically* can provide both a justification of actions based on human rights claims and an explanation of their normative force. This strategy recuperates, in our opinion, what is salvageable and important from the two central features of the predominant conception of human rights we discussed. A moral commitment to value human beings intrinsically gives normative reasons to the person who has made that commitment; moreover, this commitment may be (though it not need be) made explicit and it may be (though it not need be) shared with others, who then can also demand that others take certain actions (and refrain from others) related to this commitment. In the context of human rights, this would explain the importance of declarations and other expressions (in documents, treaties, laws, etc.) in which governments, individuals and organizations agree to defend and promote human rights.

A moral commitment to value something intrinsically depends on the psychology of the person making that commitment and is therefore malleable: it may be adjusted to fit the different perceived needs and resources available. A moral commitment may also be found to presuppose defective beliefs and claims of fact, in which case it must be improved. But this does not mean that a moral commitment is easy to change or to abandon: although it can be recognized and reflected upon, it may share with beliefs the feature of not being entirely voluntary. Certain commitments may spring from culture or education and so become engrained in our psychology; perhaps some are even built into human psychology and in time we may discover them. However, taken as matters of psychological fact they do not have normative force. We give that to them by adopting them as commitments.

Different considerations (from different cultures or different theories of human nature) may be relevant for the adoption of a moral commitment; but once a moral commitment is explicitly shared, it provides a common foundation for collective reasoning about and justifying actions, such as actions taken to promote and defend human rights. It provides an objective justification and provides the chain of normative reasoning from an explicit beginning point.

Notice that this strategy of using moral commitments to explain the normative force of claims related to human rights does not assume the truth of moral relativism; it is compatible with many or perhaps all forms of moral realism, and some objects may turn out to have objective intrinsic value for all we argue. However, it is not a return to presupposing the existence of *objective* intrinsic value. Valuing intrinsically is a psychological concept; intrinsic value is an ontological concept. Neither is it a resort to factionalism: a person can sincerely assert that she values something intrinsically without any need to act "as if" the object she values has independent objective value. But given that it has been shown that it is impossible to provide adequate justification for reasoning and actions based on the belief of the existence of objective intrinsic value, this strategy can be used both by moral realists and moral relativists once their moral commitments have been made explicit. This actually seems to us to be what happened during the creation of the *Universal Declaration of Human Rights*.

Perhaps there is no way of compelling someone through rational means to adopt a given moral commitment to value something intrinsically which is not already hinted at or implied in some of the things that that person already considers intrinsically valuable. But any system of moral commitments (usually there will be more than one) may have inconsistencies or gaps or deficient ways of being applied in particular situations which can be discovered through reflection and argument. For example, supposed moral commitments may be incompatible with each other, or even if compatible there may be different ways of prioritizing between them and harmonizing them with other relevant beliefs and practices. Or they may be based on false or inaccurate beliefs, or they may be proven to be expressions of hypocrisy, and therefore not real.

What is left behind from the predominant conception of human rights if we use this strategy to justify human rights claims? The claim to the objectivity of the intrinsic value of human beings, or, in other words, the claim that all individuals in all cultures and all states are morally obliged to accept the intrinsic value of human beings quite independently of any other factors. Using this strategy, moral obligation is derived from specific moral commitments, and is in that aspect dependent on each person. This does not mean that no moral judgments are universal in any way. We may distinguish between inner and outer

moral judgments. *Inner* moral judgments can be made only from within a system of moral commitments. Once a moral commitment has been made (for example, the commitment to value human being intrinsically), and a point of view from inside a moral system has been adopted, these inner judgments may be universal (for example, "it is always wrong to treat a human being as an object"). Moral criticism may be internal or external to the individual or society which is being criticized: if that individual or society is proven to have adopted a moral commitment which is incompatible with a certain action or practice (for example slavery is incompatible with the moral commitment to consider all human beings as free and equal) the criticism will be internal. If no such commitment has been made, the criticism can be made through *outer* moral judgments (for example, "they are savages, uncivilized, insensitive", etc.).

Notice that this strategy does not preclude criticism or justified action by an individual or society external to that moral system (for example, a society that has made the commitment to free all human beings from torture intervening in a society where torture is frequent but no such commitment has been made). But it would make no sense to make in that case an inner criticism to a person or society who has not made a (relevant) moral commitment, such as: "they have the moral obligation or duty to respect human rights", since that criticism (according to what we argue) assumes that they have an objective normative reason to value human beings intrinsically. As we see it, the moral commitment strategy does a better job explaining and justifying moral conflict and criticism (either internal or external).

We believe that this strategy best accommodates our intuitive thinking about the value and human beings in a coherent way. At least provisionally (supposing that it is still possible to find a justification for claims about objects having objective intrinsic value in the future) it serves to justify our intuitive way of thinking about human rights. And even more importantly, it provides us with a secure (although fallible and always improvable) foundation for justifying actions taken against individuals and governments who do not show respect for human rights.

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