

Recognition of a Person's Rights and Ethical Fulfilment

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Abstract

Man's ethical fulfilment often faces objective obstacles in the deprivation of rights. The negation of the recognition of certain fundamental rights, or worse, the radical misrecognition of man, which translates into different forms of violence, often artfully disguised both on an individual and collective level, produces devastating consequences in the private life of a person upsetting all forms of positive self-esteem. The recognition of human qualities, accompanied by the right to express and extend them, is an integral part of the ethical life of each individual and, at the same time, constitutes a fundamental moment in the construction of a responsible civilized community. In this dissertation, I aim to analyse the connection between ethical life and human rights in order to draw attention to the repercussions that the recognition and misrecognition of liberty produce with regard to man's ethical fulfilment. From this perspective, I intend to highlight the importance of the existence of favourable juridical and institutional conditions to ensure ethical fulfilment. At this level, I will underline that the deprivation of capabilities is often the main cause of the profound sense of discontent affecting individuals in their desperate attempt to realise a type of existence which corresponds to their ambitions.

Keywords: recognition, misrecognition, right, capabilities.

Introduction

Self-fulfilment, born of personal growth, is attained within one's inner being, but it can not occur outside the civil community or without experiencing challenges. Therefore, it is through debate and dispute with the collective, in the plural sense, that an individual can enhance self-awareness and the sense of belonging in the world in order to best pursue an ideal of the "good life".

There is one unavoidable "socratic" question that man feels the duty to answer: "How should one live?". All ethics centre on this interrogative which constitutes the point of departure and return. This question intimately deals with the conscience of an individual and arises out of self-examination. It forms the basis of ethical and existential action and allows man to contemplate his life according to the way he would like to live it. When an individual reflects upon the way he would like to live, he thinks, with varying degrees of awareness, about what the "good life", or the "best possible life", consists of for him. Paul Ricoeur defines the ethical consideration as "*the perspective of the "good life" with and for others within fair institutions*". (Ricoeur, 1990: 202). Thus, ethical fulfilment is not only placed on an individual level, but exists on an inter-personal level through multiple relations with the collective. Such inter-personal relations can either be direct, in other words with people one knows, or relating to the institutions.

Through the institutions, it is possible to come into contact with other "yous", people that one has never met. The idea of institution, claims Ricoeur, is characterised by the ethical order of common customs and not by coercive rules. By means of the institutions it is possible to go beyond direct relations in order to achieve fair and equal distribution among individuals. Since the "good life" is related to the problem of justice, it depends on the sphere of the institutions.

Struggle for recognition and ethical fulfilment

The notion of the "good life", which an individual gradually becomes aware of during his lifetime, originates from discussion and dispute with multiple different social dimensions mixed with heterogeneous cultural and symbolic forms which are also extremely changeable and dynamic. The attempt and effort to pursue the good life is enhanced and impeded by the different contexts of inter-personal and institutional relations. In these spheres, man engages in a real "struggle for recognition". During the period of Jena, Hegel spoke about this matter and Axel Honneth (1992), through an update of the hegelian

perspective, emphasised the multiple dynamics. Social life, according to thinkers like Machiavelli, Hobbes, Hegel and Marx, inevitably implies a struggle. For the two former philosophers, this struggle is for self-preservation and it is nourished by the desire to conquer power. Marx sides with them by claiming that such self-assertion is of an economic nature. On the other hand, Honneth observes that for Hegel the struggle among men does not only take place for power since it is rooted in ethical ground concerning the *desire to be recognised*.

According to Honneth, the conflicts between men cannot be explained solely in the sense of the struggle for resources, for the accumulation of wealth or the assertion and expansion of power. Wanting more, the impulse for power, that Nietzsche placed as an intrinsic motivation in life itself, for Honneth this does not completely consume the infinite contention amongst men. In the persistence of conflicts there is the struggle for self-assertion, but if the struggle continues this is because assertion is incomplete if recognition by others is not gained. At the basis of social conflicts there exists, therefore, a struggle to be recognised by others, there is a lack of recognition (misrecognition).

The struggle for recognition contributes significantly and, in certain cases, is decisive in structuring personal identity thus enabling man to learn how to relate to himself as an individual in possession of certain qualities and capabilities. This struggle, as analysed by Honneth, is present in different relational spheres: firstly, in primary emotional relationships regarding family, friends and sexual partners; and, more vastly, in social and juridical life. In this study, I will examine the struggle in the context of rights focussing the issue on their direct consequences from an ethical perspective.

Ethical Value of the recognition of rights

Ethical life and liberty are intimately linked. In order to put into concrete terms the answer to the ethical question "*how should one live?*", the possibility and the conditions to be at liberty to pursue one's ideal of a good life need to exist to realise the type of life which satisfies one's ambitions. The recognition of certain fundamental rights is therefore essential from an ethical point of view. Their misrecognition constitutes a serious danger to self-fulfilment up to the point of representing an attack on an individual's human integrity.

In juridical recognition, there lies the juncture between the universal validity of the norm and the singularity of the individual. From this connection new individual capabilities are derived. With the enlargement of the sphere of a person's recognised rights there is an extension of the field of capabilities that individuals can recognise for themselves. The extension of the field of rights and the expansion of individual capabilities are closely linked processes which have historically been achieved through struggles for recognition.

The extension of the normative sphere of rights has occurred in the fields of the *enumeration* of personal rights and the *attribution* of these rights to different categories of individuals or groups. Juridical science divides the rights into three categories: civil rights, political rights and social rights. To understand the principle aspects of this division, Isaiah Berlin's distinction between negative liberty (liberty from) and positive liberty (liberty to) is fundamental (Berlin, 1969). In view of this distinction we see that civil rights guarantee a negative liberty in the sense that they protect an individual's liberties, life and property from State influence and coercion. The second category encompasses the positive rights regarding participation in the processes of the formation of public will, whilst the third concerns the positive rights which allow equal participation in the distribution of fundamental assets. Positive rights guarantee the liberty of choice and action, of expression of one's capabilities and they widen an individual's horizons regarding opportunities in life by offering the chance to modify and transform one's place in the world. From an ethical point of view, a person's rights can not only be considered in terms of a code of conduct, in the sense of limitations ("do not violate the rights of others), since, they are, above all, *values* to guarantee and promote human qualities in the context of a responsible civilized society.

Deprivation of rights and ethical-existential consequences

Unfortunately, these rights are still infringed upon in many parts of the world and even in the democratic nations they are often denied because of the absence of the necessary social and civil conditions. It is well-known that the abolition of discrimination on the grounds of gender, skin colour, politics, religion, social and economic conditions etc. still seems an illusion. Such discrimination represents forms of unprecedented violence which frequently finds no power to be heard or political representation. Such forms of misrecognition, which debase the lives of millions of people, lead not only to economic but also to ethical and cultural alienation and degradation. The deprivation of a right has negative repercussions on an existential level and on the recognition of other rights. For example, the deprivation or limitation of the right to education has significant consequences on the social and cultural conditions of an individual by limiting the range of social

possibilities and opportunities, and by compromising the possibilities and capabilities of playing an active part in the process of political formation of the general will. An individual's practical self-esteem is invalidated. It is easy to understand that there are numerous examples with pertinent considerations regarding the consequences of deprivations of recognition. I intend to emphasise that the different forms of misrecognition, as highlighted by Honneth, negatively affect the positive relations a man might have with himself and with the world.

Honneth claims that the deprivation of civil rights results in humiliation, where the exclusion from participation in political life leads to frustration and, finally, the feeling of exclusion is derived from the denial of access to elementary assets.

The various forms of deprivation of recognition negatively influence an individual's self-respect resulting in serious emotional instability and negative feelings. Such mental conditions produced by misrecognition lead to reaction and activism. The indignation, which harms self-respect, can be disheartening and, in certain cases, may degenerate into exasperation and anger leading to violent reactions. However, more constructively, in other cases, indignation may convince an individual to take part in the struggle for recognition and instill in him the determination to provide a moral response to the violation. The "self-respect" generated by victory in the wars of liberation by oppressed populations, according to Ricoeur, deserves "the name of pride". The feeling of pride is linked to the capability to *put forward claims* and this is what we call *human dignity* (Feinberg 1980).

The right to capabilities and ethical fulfilment

The poor are not lacking in capabilities, they are not "good for nothing" nor, worse still, are they inferior beings. Often they 'only' lack one fundamental condition which is freedom of choice. It is the lack of rights which constitutes the precondition for hunger in the world. Amartya Sen (2009) observes that the existential conditions of many people could improve greatly if society granted them favourable institutional conditions, if they were offered concrete possibilities to make choices. A. Sen's studies have shown that natural calamities like famines do not originate from the lack of food but from the shortage or absence of freedom. Those nations devoid of rights are fertile terrain for such poverty (together with violence).

Rights have an active value as they have a fundamental effect on ethical and economic development. Economic development corresponds to the production of wealth but, as Sen warns, material wealth can not be considered as an end in itself in life, but rather as a means (Sen 1987). Material assets are the means "to be more at liberty to lead the type of life that, for one reason or another, we value". In accordance with Sen, material poverty is strictly related to "non-freedom", or the denial of liberty. In his view, poverty constitutes a condition of *deprivation of capabilities* (Sen 2009).

Millions of people are deprived of the fundamental right of survival, to access medical care, to receive an education, to have a safe and dignified job. All these forms of "non-freedom", and many others, jeopardise a person's conditions of life, their physical and mental health and their relationships with others. The possibilities of imagining and achieving an ideal of the good life are drastically limited and the individual capabilities which form the basis of both the improvement of material conditions and ethical development are reduced. In this sense, ethical self-fulfilment requires capabilities, in other words, the liberty-possibility to choose and ponder the type of life one appreciates and values most.

It is therefore necessary to ensure that equal economic distribution encompasses also an equal distribution of liberty, the rights of capabilities. In addition, according to Sen, this distribution constitutes the same condition for economic development. At this point the problem of justice is posed which, related to the ethical issue, can be specified as a matter of *equality*. Equality that can not be reduced to a material level is being dealt with as it extends to the sphere of the institutions in as far as the latter regulate the division of roles, functions, advantages and disadvantages, and responsibilities among the members of society. The distribution must also involve the order of rights, obligations and responsibilities. It is not a mathematical equality that needs to be established but, as John Rawls in *A Theory of Justice* (1971) states, a proportional equality according to which a fair division, even if it is unequal, will balance the increase in the advantages for the most favoured with the reduction in the disadvantages for the least favoured.

Ethics and institutions

MacIntyre (1981) has a beautiful definition of the good life in the socratic sense: the good life is life devoted to the pursuit of the good life. However, the pursuit of the good life requires fair institutions to guarantee the right to take action and choose. Even a person who possesses material wealth may experience obstacles in their effort to fulfil their ideal of the good life. Rights are values as they allow an individual to organise their worldly actions from a practical viewpoint in

combination with their inner impulses comprising a complexity of emotional states, thoughts and narratives which form the basis of the elaboration of the notion of the good life. In the absence of this possibility a dangerous fracture between the individual and society, the citizen and the State, is created. This fracture widens and becomes more dangerous according to the degree of the deprivation of recognition of rights. Such a fracture also erodes a person's inner well-being since the misrecognition of liberties – together with the misrecognition of human qualities – ends up straining our forever fragile human identity from the point of view of self-respect.

The right to education, health-care, credit and social opportunities constitutes a human value which is an essential part of man's integral development since it affects both the economic and ethical dimension. The economic advantages gained by being able to rely on positive rights can therefore be considered in the more comprehensive context of self-fulfilment as a means to achieve one's ideal of life and the world. Self-recognition as a person capable of certain fulfilments represents a fundamental existential moment in the recognition of the rights of capabilities.

The institutions and the powers of the State should be enlightened by ethics, in other words, the idea of the good life. Ethics, in the form of solidarity and responsibility should be instilled in man's thinking and actions. As a final thought, the implementation of rights should contribute to the realisation of a more responsible and fairer world favouring the implementation of capabilities and ethical fulfilment.

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