

GOD'S VELVETEEN RABBIT

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ABSTRACT

This article lays out a central argument of Wolterstorff's book, which I call the *Argument from Under-Respect*. That argument, I contend, is central to Wolterstorff's thought about wrongs and human rights. Close attention to the argument raises questions about whether Wolterstorff's account of rights can explain what a theory of rights must include: why violating rights wrongs the rights-bearer.

KEY WORDS: *human rights, human worth, obligations, rights, Wolterstorff*

The Rabbit looked up at her, and it seemed to him that he had seen her face before, but he couldn't think where.

"I am the nursery magic Fairy," she said. "I take care of all the playthings that the children have loved. When they are old and worn out and the children don't need them any more, then I come and take them away with me and turn them into Real."

"Wasn't I Real before?" asked the little Rabbit.

"You were Real to the Boy," the Fairy said, "because he loved you."

—Margery Williams (1922)

IN *JUSTICE: RIGHTS AND WRONGS*, Nicholas Wolterstorff lays out and defends a novel and sophisticated account of what grounds inherent human rights. The subtlety with which he defends that account, the range of philosophical and theological problems that he takes up, and the breadth and diversity of sources that he engages, all make this book a truly magisterial contribution to philosophical and religious ethics. I cannot begin to do justice to so rich and wide-ranging a book, and I will not pretend to do so. I will simply take up one argument of Wolterstorff's book, an argument that I call the *Argument from Under-Respect*.

The *Argument from Under-Respect* is not one that Wolterstorff lays out in any one place. Extracting it from his text requires a certain amount of rational reconstruction. Far from doing violence to the text, extraction and reconstruction of the argument bring to light an important line of thought, one that draws on claims Wolterstorff makes at critical junctures, that culminates in a conclusion he is concerned to defend and that displays his account of rights clearly. I believe the argument I will consider is central to Wolterstorff's

thought about wrongs and human rights. Close attention to the argument raises questions that, I believe, go to the heart of Wolterstorff's account.

1. *The Argument from Under-Respect*

The first step in the *Argument from Under-Respect* concerns the relationship between rights and duties. That relationship is given by the "Principle of Correlatives," which says:

[1] If Y belongs to the sort of entity that can have rights, then X has an obligation toward Y to do or refrain from doing A if and only if Y has a right against X to X's doing or refraining from doing A [Wolterstorff 2008, 34].

Assume that X and Y are persons, and grant that persons belong to the sort of entity that *can* have rights. From these assumptions, together with [1], it follows that:

[2] Person X has an obligation toward person Y to do or refrain from doing A if and only if Y has a right against X to X's doing or refraining from doing A.

Clearly, people have obligations to one another. If [1] and [2] are correct, then they must have rights against one another as well.

Some philosophers have denied even this much, at least with respect to natural rights. Steps [1] and [2] do not imply that these philosophers are wrong, since those who deny that persons have rights do so because they deny one of the assumptions by which Wolterstorff arrives at the opposite conclusion: the assumption that persons are the sort of entity that can have rights. Since natural rights are fictions, they may say, no entities can have them.

The first two steps of the argument do not imply that rights are *not* fictions, but they do put a great deal of pressure on this philosophical position. For if rights are just the correlatives of obligations, and if persons have obligations against one another, then the claim that natural rights are fictions seems very difficult to maintain. Philosophers who insist that they are would have to maintain, implausibly, that natural obligations are fictions too.

However, Wolterstorff does not just want to show that people have such rights. He wants to show how those rights inhere in human beings because of the worth of human beings and that those rights therefore have the force they are generally taken to have. The best way to grasp his account of inherent rights is therefore to see how Wolterstorff argues for the conclusion of what I am calling the *Argument from Under-Respect*—the conclusion that rights are inviolable (Wolterstorff 2008, 5). To see how that argument goes, we need to return to [2].

[2] is a conjunction, one conjunct of which is “if Y has a right against X to X’s doing or refraining from A, then X has an obligation toward Y to do or refrain from doing A.” [2] implies this conjunct, and this conjunct—hence [2] itself—seems to imply that for persons X and Y:

[3] If X violates Y’s right against X to X’s doing or refraining from doing A, then X violates his obligation to Y to do or refrain from doing A.

We generally think that it is wrong to violate obligations, and that if one person violates her obligations to another, she wrongs him. If these intuitions are correct, then [3] implies that:

[4] If X violates Y’s right against X to X’s doing A or refraining from doing A, then X wrongs Y.

Wolterstorff argues that the intuitions that I have laid out, leading us from [3] to [4], *are* correct.

To see this, note first that he thinks rights “trump” competing considerations (2008, 5): if someone has a right against me that I do or confer something, then the fact that I could achieve some goods if I violated the right counts for nothing. Wolterstorff illustrates this point by imagining a piano competition in which one contestant has a right to be declared the winner by virtue of having given the best performance, but in which the judge could do some significant good by giving the top prize to another performer. Clearly, Wolterstorff thinks, that good should not count in favor of giving the top prize to the person whose performance was second best. Indeed, he says “there is no point in [the judge’s] even thinking about the balance of life-goods. He may as well put it out of mind” (2008, 305).

Wolterstorff thinks the example also helps us to see how the trumping force of rights is to be explained. For he thinks it shows that a judge who gives the top prize to the second-best performer would wrong the person whose performance was best, and that reflection on the example shows that we ought never to wrong others, no matter what goods can be attained by doing so. Thus, reflection on it shows, he thinks, that rights trump because wrongs trump (2008, 293, 305). That is why Wolterstorff says that “*wronging* is the source of rights” (2008, 293; emphasis in original). This analysis can be correct only if rights and wrongs are connected in the way that [4] alleges. That is why, having accepted [3], Wolterstorff moves to [4].

Of course, this line of thought raises the question of why wrongs trump. To answer *that* question, we need to see what is involved in wronging someone. Various remarks Wolterstorff makes in the course of analyzing the example of the musical competition are suggestive but, as we will see, the right at stake in the competition is an instance of just one kind of right. So these remarks are not the place to look for a

general account of wrongdoing. The generally applicable answer is to be found a few pages later, where Wolterstorff asserts a claim I take to be the fifth step in his argument:

[5] To wrong a human being is to treat her in a way that is disrespectful of her worth [2008, 296].

From [4] and [5], it follows that:

[6] If X violates Y's right against X to X's doing A or refraining from doing A, then X treats Y in a way that is disrespectful of her worth.

What is it to treat someone in a way that is disrespectful of her worth? It is possible to sincerely show someone greater respect than she deserves. This would be a case of "over-respect." I suggest we leave such cases aside, since over-respect does not seem to count as disrespect. Instead, I take it that for Wolterstorff, disrespect is what he calls "under-respect." So to see what it is to treat someone "in a way that is disrespectful of her worth," we need to see what "under-respect" is. Here, we come to a puzzle in Wolterstorff's text.

Wolterstorff argues very convincingly that some of our actions have what he calls "respect-disrespect import." When we perform them, we can—in the performing—express our respect or disrespect for another person. If I bow to someone, I show him respect, according to commonly accepted conventions. If I spit on him or ignore him, I show him disrespect. In a previous version of *Justice: Rights and Wrongs*, discussed at the conference from which some of the papers in this focus issue were drawn, Wolterstorff said that "one treats a human being with under-respect *when the respect-disrespect import of one's action would only fit someone or something of lesser worth*" (my emphasis). However, in the published version of the book, he says that "one treats a human being with under-respect when the respect-disrespect import of one's action would only fit *someone of lesser worth in regard to the focus of one's disrespectful action*" (2008, 302; my emphasis). The qualifier on the published characterization—"in regard to the focus of one's disrespectful action"—is perplexing. For one thing, it is not clear what "the focus of [a] disrespectful action" is or even whether all disrespectful actions have them.

Suppose that I ignore students in my seminar unintentionally, because I am so taken with my own remarks that I do not pay any attention to anyone else. What is "the focus of [my] disrespectful action" then? Why even think that my disrespectful action has a focus? Since my behavior is self-centered, the "focus" of my disrespectful action may seem to be me. If the focus is the students, then in this case, at least, the published characterization seems not to differ from the original one. Now suppose I purposely ignore a student who is trying

to get my attention in a seminar because I think he will make an irrelevant and unenlightening remark. Is “the focus of [my] disrespectful action” the student’s abilities? His past contributions?

It may be tempting to allege that the focus of my disrespectful action is the student’s claim to be heard by me. That, it may seem, is the feature of the students that I am really ignoring, and that explains why it is disrespectful of me to ignore them. However, the claim in question sounds like a rights-claim. If it is, then what [6] would say in this instance is:

If I violate Y’s right against me to my paying attention to Y, then the respect-disrespect import of my action would only fit someone of lesser worth than Y in regard to Y’s right to be attended to by me.

More colloquially, the relevant instance of [6] would say:

If I violate Y’s right to my paying attention to him, then the respect-disrespect import of my action would only fit someone who did not have that right.

This may be true, but it does not lead us to a deeper understanding of rights.

And it is to a deeper understanding that the notion of under-respect is supposed to lead us. For Wolterstorff states the account of rights he wishes to defend when he says:

What accounts for the fact that one has a right against someone to their treating one a certain way is that failure on their part to do so would be for them to treat one in a way that does not fit one’s worth. It would only fit something of less worth [2008, 363].

I take it that this is supposed to be the linch-pin of the *Argument from Under-Respect*, a step I will re-express as:

[8] If X violates Y’s right against X to Y’s doing or refraining from doing A, then the respect-disrespect import of X’s action would only fit something of lesser worth than Y.

Wolterstorff thinks that if he establishes [8], then, with an instance of what he calls his *Ur Principle*—“one should never treat *anything whatsoever* as of less worth than it is” (2008, 370; emphasis in original)—he can reach the conclusion that rights are inviolable:

C: X should never violate Y’s rights.

Now that we see how Wolterstorff wants to get to C, we can also see what is so puzzling about the published characterization of under-respect. Once the qualifier about the focus of action is in place, it is hard to see how Wolterstorff can move from [6] to C, since the qualifier

does not occur in either the *Ur Principle* or the passage that expresses [8]. But suppose that we stick with the original characterization:

[7] [O]ne treats a human being with under-respect when the respect-disrespect import of one's action would only fit someone or something of lesser worth.

Then, if we make allowances for slippage between “someone or something” and “something,” (8) follows straightforwardly from (6) and (7). And (8), together with the *Ur Principle*, implies C.

We therefore have two options. We can either read Wolterstorff's eighth step as [8], and take the *Ur Principle* as stated, in which case we need to read Wolterstorff as endorsing [7] after all. Conversely, we can read him as endorsing the later, qualified, characterization of under-respect, in which case we need to read the qualifier into [8] and the *Ur Principle* as well. The former option seems to fit better with most of Wolterstorff's text, and it is the option I will exercise.

2. Wronging and Trumping

At least initially, [8] may seem to promise a curious account of rights. If I have a right against others that they not beat me, it is natural to think that what is wrong about someone's violating that right is the damage beating would do to me. Wolterstorff is surely right to insist that rights against others are rights against agents who are capable of doing me damage intentionally (see Wolterstorff 2008, 296). Damages inflicted on me by acts of nature are not rights violations and do me no wrong. An account of rights must therefore accommodate the distinction between damages that are and are not rights violations, and hence between damages that are and are not wrongs. Wolterstorff tries to accommodate the distinction by appealing to [5] to get from [4], according to which rights violations are wrongings, to [6], which links those wrongings to disrespectful treatment. Damage done to me intentionally can violate my rights while damage done to me by an act of nature cannot because rights violations are acts of disrespect. Intentional acts can be of that kind, while acts of nature cannot.

Why is intentional damage, inflicted without mitigating reason, disrespectful? At this point, it is useful to note that as only some kinds of agents can do wrong, so only can some kinds of things be wronged. You can harm me and you can wrong me by doing so. You can also damage a painting or a sculpture, and you can do something wrong by damaging it—but you cannot wrong it. An important difference between the painting and me is that I am a purposive being, with interests the pursuit of which is impeded by certain harms done to me. Paintings and sculptures do not have purposes or interests. This

difference bears on the question of why intentional damage inflicted on me is disrespectful. If someone intentionally inflicts harm on me, without good reason, he fails to give appropriate weight to my pursuit of my purposes and interests. That is the way he fails to respect me. If disrespect is the source of wrong, then that is what makes his action—his violation of my rights—wrong. By appealing to [5], Wolterstorff accommodates the distinction between beings who can and beings that cannot violate the rights of others. I do not think, however, Wolterstorff correctly explains what is problematic about violating the rights of beings or at least some of those beings who can be wronged—purposive agents. That worry will be the basis of my objection to his view.

To develop that objection, I want to look at certain critical steps in the *Argument from Under-Respect* with some care. The first step at which I want to look is:

[4] If X violates Y's right against X to X's doing A or refraining from doing A, then X wrongs Y.

Recall that [4] is supposed to help explain how rights “trump.” Rights trump because wrongs trump, and this explanation requires the connection between rights and wrongs asserted by [4].

But does wronging always trump? Suppose I have promised to meet Wolterstorff for lunch Tuesday at noon at his favorite New York restaurant. I am therefore obligated to meet him for lunch at that time and place. By step [2], he has a right against me that I turn up there then. It follows from step [4] that I wrong him if I do not. However, suppose that, to my great surprise, I am stopped on my way to lunch by a hedge fund manager who offers to buy Wolterstorff's favorite Rembrandt for him if I will turn up an hour late for our meal. Does my prior appointment with Wolterstorff really take the hedge fund manager's offer “off the table”? Should I really “put [his offer] out of [my mind]”? What if he offers to buy Wolterstorff two Rembrandts? What if he offers—as some hedge fund managers could—to buy Wolterstorff the whole *oeuvre*? Does the wronging trump even then? Does it make a difference that Wolterstorff would want me to take this offer quite seriously, even if he could not have anticipated it when we made our appointment?

I submit that a case like this forces us to think about the nature of trumping, its extent and whether trumping—whatever it is—is really accounted for by wronging. My own sense is that practical reasoning and action are much messier. Sometimes we think that a wrong done to another can be excused by the balance of life-goods attained by the wrong-doing. Sometimes we think that while wrong is not excused, we can understand how someone could take the balance of life-goods into

account. My suggestion is that rights do not trump all contrary considerations, or always rob competing goods of their reason-giving force. They trump some kinds of reasons but not all, and we may violate rights for some reasons but not others.

These conclusions have implications for a number of the claims in the *Argument from Under-Respect*, including its conclusion, C. But exactly how these claims would have to be modified is a question I will leave aside. For Wolterstorff is surely right that there are some wrongs which are not justified by the balance of life-goods attained by the wrong-doing. These wrongs have trumping force. Some of them are the wrongs committed when certain rights are violated, at least for certain reasons.

Wolterstorff thinks that the trumping force of some such wrongs is especially puzzling—those wrongings that are committed in the violation of what he calls “conferred rights.” He says:

If the rules of a certain practice or the laws of a certain organization, in combination with my having a certain status, give me a moral right against you for some life-good, then among the considerations that are off the table for you is whether, in this case, following or violating the rule or law would yield the greater overall positive balance of life-goods and evils. The trumping force of goods to which we have moral rights is supra-practice and supra-legislation. How do we explain this transcending dimension of the trumping force of those goods to which we have rights [2008, 293]?

Let me restate the puzzle. Suppose Y acquires a right to X’s performing A under the rules of a practice in which X and Y are engaged. If X can achieve a more desirable balance of life-goods by violating Y’s right—by not performing A—why does that not count as a good reason in favor of X’s not performing A? As his move from [3] to [4] suggests, Wolterstorff thinks that what evacuates these reasons of their force is that by failing to do A, X would be wronging Y in some way. However, what is the nature of the wronging done, in virtue of which violating conferred rights can have this consequence?

Wolterstorff says:

I suggest that what we have just concluded about the two cases [of the piano competition and the social security administrator who is obliged to send retirees their checks] is true in general of rights conferred by legislation or social practice. If on account of some social practice or legislation someone has a right against me to my treating that person a certain way and I do not treat them that way, then in acting out of accord with the practice I do this other thing: I betray their trust, and I thereby wrong them [2008, 295].

I do not think this conclusion “is true in general of rights conferred by legislation or social practice,” and so I do not think it can explain the trumping force of conferred rights. Let us consider some examples.

Case 1: Suppose that public official X is a known scoundrel who bribed his way into office. Y does not trust X a bit to do his official duty conscientiously, and so is not the least bit surprised to find out that X failed to do A for Y, though he was bound to do so by the statutes that created his office. X has undoubtedly done something wrong, and has undoubtedly wronged Y. But can that be described as a betrayal of Y's trust?

Case 2: Y has a right to walk across New Haven Green, day and night. That right is bestowed by the law which declares New Haven Green to be public space. Y walks across the green by day, and sees surly gang X. X tells Y that if he tries to walk across the green by night, X will beat him up and thereby keep Y from crossing the green. Y believes X. But come nightfall, Y has no choice but to try crossing the green to make an urgent appointment. Members of gang X do indeed beat up Y, just as they say they would. They wrong Y, but what they have done wrong is not violate Y's trust.¹

Case 3: The law confers on Y a right to vote. Because rights trump, members X of the KKK are not supposed to impede Y's voting even if they do not like the fact that Y can vote. Despite what the various Xs are supposed to do, Y knows that some of them will try to prevent her from voting. They do. In doing so, they wrong Y, but they have not violated Y's trust.

The array of cases—and the differences among them—suggests that there are three difficulties with the analysis of violating conferred rights.

First, in Case 1—as in the cases of the judge of piano competition and the social security administrator—the Xs hold office. Among the duties of their offices is that of reasoning according to certain priority rules. Reasoning that way is part of the public trust. Part of what the various Xs have done wrong is abuse the public trust, but that needs to be distinguished from abusing the *public's* trust or the trust of any member of the public, since no one may ever have trusted X to comply with the duties of office in the first place.

Second, the cases together suggest the need to track how obligations are assumed. In Case 1, as in Wolterstorff's two examples, the Xs all incurred the obligations as a result of voluntary acts of theirs—the voluntary assumption of office, together with the associated duties. That is how they became obliged to honor the public trust. It is also, perhaps, a *prima facie* reason for the public to trust them. Conversely,

¹ Note that Wolterstorff 2008, 365 says gangs and not just individuals can and do wrong people.

in Cases 2 and 3, the Xs did not incur their obligations as a result of voluntary acts. The putative ground for trust, in the form of consent to abide by obligations, is absent.

Finally, even if we could identify some ground for the Ys to trust the Xs in Cases 2 and 3, and could show that the Xs violated the trust of the Ys by acting contrary to “legislation [and] social convention,” seizing on the violations of trust would obscure what lies at the heart of the wrongings in these cases. What gives the “legislation [and] social conventions” in Cases 2 and 3 their *raison d’être* is the need to secure certain citizens’ fundamental interests—their interests in free movement, in bodily integrity, and in having some say over the political arrangements under which they live. A regime of rights creates rights-holders’ legitimate expectations that they will be able freely to pursue those interests, subject to certain publicly known constraints.

What the Ys will quite rightly complain of when their rights are violated in Cases 2 and 3 are the harms the Xs visited on them by violating their legitimate expectations to act on these interests. That, and not the violation of their trust in the Xs, is what lies at the heart of the wrongings in these cases. If those wrongings have trumping force—so that the Xs should not even have considered doing what they did—it is because what they did harmed the Ys by keeping them from acting on interests they quite reasonably think they should be able to act on, given the system of rules in place. Moreover, if the reason rights trump, at least in these cases, is that violations of the relevant rights are wrongings, as Wolterstorff implies in moving from [3] to [4], then they trump because violating them would harm persons in that way. My worry about Wolterstorff’s account is that it takes inadequate account of the connections between rights and interests that are brought to light by thinking hard about [4]. I will try to bring this out by considering steps [7] and [8].

3. Respect and Rights

Recall that I have read step [7] as:

[7] [O]ne treats a human being with under-respect when the respect-disrespect import of one action would only fit someone or something of lesser worth.

I want to raise questions about [7], but they could just as well be raised about the published characterization of under-respect. To see the difficulties, recall that [7] was critical in getting to:

[8] If X violates Y’s right against X to Y’s doing or refraining from doing A, then the respect-disrespect import of X’s action would only fit something of lesser worth than Y.

Some actions are indeed disrespectful of others. These actions may not be knowingly disrespectful, or chosen as such, but disrespect is their import. What is meant by saying that their disrespect import “would only fit someone or something of lesser worth” or “would only fit someone of lesser worth in regard to the focus of one’s disrespectful action”?

One way to read these phrases is as implying that there is a being Z of lesser worth than Y, or of lesser worth in the relevant respect, such that the respect-disrespect import of X’s action fits that being, but not a being of any higher worth. If we understand [7] this way, it follows from [7] and [8] that if X violates Y’s right against X to X’s doing A, then there is someone or some being Z of lesser worth—or of lesser worth in the relevant respect—than Y such that X’s action fits Z but not any being of higher worth. But this cannot be right. X’s action may be one of disrespect, but surely there is no one or no being of lesser worth than Y whom it would be appropriate for X to disrespect. Disrespect is never appropriate.

At this point, it will help to recall one important element of the picture that moved Wolterstorff to introduce the idea of an action’s having respect-disrespect import in the first place. The seventh step of the argument—both in the original and in the published version—misleadingly suggests that every action, or every action with respect-disrespect import, fits some object in the universe. On this picture, when X wrongs Y, the wrong consists in X’s having performed an action that—as it were—should have been aimed at a different target. But this is not what Wolterstorff thinks. What he thinks is that actions with respect-disrespect import can either fit or fail to fit the object for which they have that import. When X wrongs Y, the wrong consists in X’s having performed an action the import of which fails to fit Y, never mind whether there is anything or anyone that the import *does* fit.

This suggests that instead of [7], what Wolterstorff really has in mind is something like:

[7] One treats a human being Y with under-respect when the respect-disrespect import of one’s action is such that, in performing that action, one fails to value Y highly enough.

If this is right, then step [8]—which is supposed to follow from the seventh step in the argument, together with [6]—should say something like:

[8] If X violates Y’s right against X to Y’s doing or refraining from doing A, then the respect-disrespect import of X’s action is such that, in performing A, X fails to value Y highly enough.

These changes helps us account for some of the cases with which we want to deal: cases in which X wrongs Y by treating X as exactly the

kind of being she is—with human powers, interests, and liabilities—but responds inappropriately to the value she has. There is some indication that [7'] and [8']—rather than [7] and [8]—are really what Wolterstorff has in mind. For Wolterstorff wants to move from the eighth step of his argument—via an instance of his *Ur Principle*—to:

C: X should never violate Y's rights.

We saw that the *Ur Principle* says “one should never treat anything whatsoever as of lesser worth than it is” (Wolterstorff 2008, 370). The relevant instance of the principle says “one should never treat human beings as if they had lesser worth than they do have” (2008, 370). Grant, as seems plausible, that if the respect-disrespect import of X's action A is such that, in performing A, X fails to value Y highly enough, then X has treated Y as having lesser worth than she has. Then if we read the seventh and eighth step of the argument as [7'] and [8']—rather than as [7] and [8]—Wolterstorff can make just the move he wants to make.

Is [7'] true? Does it provide the right analysis of under-respect, hence of the disrespect mentioned in [6]? In addition, can the analysis of under-respect or disrespect that it provides sustain the trumping force of wronging mentioned in [5], so that it helps us understand the trumping force of rights? The answers to these questions depend upon the value or the worth that human beings have. Wolterstorff argues that if X violates Y's rights, what X has undervalued or failed to respond appropriately to is what he calls Y's “bestowed worth.” This is the kind of value referred to by [7'], [8'], and the relevant instance of the *Ur Principle*. What, though, is “bestowed worth?”

Bestowed worth is the non-instrumental worth that things have in virtue of “their standing in some relation to something other than an aspect of themselves” (Wolterstorff 2008, 355). There are many relations that can confer bestowed worth on something, one is the relation “being a relic of.” Being a relic of a saint bestows worth on a piece of cloth that it would not otherwise have. Being the house of George Washington makes Mt. Vernon a relic of the first president, and bestows a kind of worth or value on that plantation that it would not have just in virtue of various aspects of itself, such as its size, beauty, or fertility. Being the desk on which Jefferson wrote the *Declaration of Independence* bestows value on the desk that it would not otherwise have had.²

² For Jefferson's own skepticism about what we might call “reliquary worth,” see Wallace 2008, 82–83. The whole of this fascinating book is, in effect, a study of how reliquary worth boosts market value.

Wolterstorff is most interested in the relation “being loved by.” Sometimes, he says, love is a response to aspects of the beloved person or object. Sometimes, it is not. A child Nathan may love a stuffed animal—a stuffed rabbit, say—without regard to any of its properties or aspects. He is simply attached to it. His attachment bestows worth on the rabbit that does not depend on, or respond to, any valuable aspect of the toy. This example, Wolterstorff thinks, illustrates a kind of love that is often overlooked: love as attachment. Love as attachment is the kind of love that does not respond to something’s worth but can bestow it. This kind of love is important for Wolterstorff’s account because he thinks God’s love as attachment for all human beings bestows the worth in virtue of which human beings all have inherent rights.³

Recall that the instance of the *Ur Principle* that Wolterstorff needs to get from [8'] to his conclusion C says, “one should never treat human beings as if they had lesser worth than they do have” (Wolterstorff 2008, 370). Wolterstorff says that the *Ur Principle* itself “must be understood as having the status of a universal generalization over specific obligations” (2008, 372). By this, I take it he means that we cannot justify the instance by appeal to the justification of the *Ur Principle*. Rather, the principle gets its justification from the justification of the instances, and Wolterstorff seems to suggest that the instances—including the instance at work in the *Argument from Under-Respect*—are justified simply because we are required to respect instances of worth. There is no more to be said (see 2008, 372–73).

I do not think that this is so. If I fail to respond appropriately to the worth that something has, my act is undoubtedly deficient in some way. If I fail to respond appropriately to the worth of a person, by performing an act the respect-disrespect import of which does not fit her worth, then the deficiency may be especially serious. But acts can be ethically deficient in many ways. They can be intemperate, or pusillanimous, or fawning, or ill-timed. Being wrong is one kind of deficiency that acts can have. It differs from the other deficiencies I listed in implying that an obligation has been violated and, perhaps, in meriting a different kind of response.

³ In a crucial passage at 2008, 360, he says:

I conclude that if God loves a human being with the love of attachment, that love bestows great worth on that human being . . . And I conclude that if God loves, in the mode of attachment, each and every human being equally and permanently, then natural human rights inhere in the worth bestowed on human beings by that love. Natural human rights are what respect for that worth requires.

The conclusions in this passage are conditionals. However, since Wolterstorff thinks God *does* “[love] in the mode of attachment, each and every human being equally and permanently,” he thinks all human beings have natural rights.

The difference is deep. As the good and the right belong to different families of ethical concepts, so too do the bad and the wrong. Under-valuing someone, or under-respecting him, may be deficient. It may be deficient by being bad, but I think it far from obvious that such an act exhibits the kind of deficiency that makes it wrong. So I think it is far from obvious that we are *required* to respect the worth of things, including people. Since it is not obvious, the task facing Wolterstorff, if he wants to defend C, is not simply that of identifying the kind of worth human beings have. He also needs to defend a connection between our obligations and the deficiency of failing to respond appropriately to that kind of worth. That means that the relevant instance of the *Ur-Principle* needs defense.

Wolterstorff may have the conceptual resources to defend it. To see this, let us return to the example of the stuffed rabbit that has worth bestowed upon it by Nathan's love. An adult who failed to respond appropriately to the bestowed worth of the rabbit, by wantonly tearing it or making fun of it or throwing it away, would do something very hurtful to Nathan. In performing the act, the adult would be failing to give appropriate consideration to Nathan's love for the rabbit and to the feelings to which that love makes Nathan liable. In performing the act, the adult would be under-respecting Nathan, and failing to value Nathan highly enough.

Perhaps it is not obvious that we always do wrong if we fail to value a child highly enough, but now let us shift from Nathan and the bestowed value of stuffed animals to God and the bestowed value of human beings. If bestowed value enhances, and if God's value is necessarily infinite, then necessarily, God is such that God cannot have bestowed value. God can only be a bestower of value. Under-respect for God would therefore be very different from under-respect for a human being (Wolterstorff, 2008, 393). Perhaps on these grounds, Wolterstorff can show that we ought never under-respect or under-value God. If so, then Wolterstorff could "boot-strap" from the wrongness of failing to value God appropriately to the wrongness of failing to value human beings. For if someone fails to respond appropriately to the value that God's love bestows on someone, by beating or raping her, then he fails to give appropriate weight to God's love for that person. In performing the act of raping or beating, he is thereby under-respecting God and failing to value God highly enough, and if we ought never to do *that*, then it would follow that we ought never under-value human beings. This would give Wolterstorff an argument for the instance of the *Ur-Principle* that he needs to get from [8'] to C.

The problem is that this way of salvaging the instance of the *Ur-Principle* makes it very difficult to see how Wolterstorff could defend another step he needs, [7']. For that step says:

[7'] One treats a *human being* Y with under-respect when the respect-disrespect import of one's action is such that, in performing that action, one fails to value Y highly enough.

But the defense I have imagined Wolterstorff offering for the move from [8'] to C suggests that it is God, and not Y, who is treated with under-respect when Y's bestowed worth is undervalued, just as it is Nathan, and not the stuffed rabbit, who is under-respected when the animal's bestowed worth is undervalued. If this is right, then what Wolterstorff is entitled to is not [7'] but:

[7''] One treats *God* with under-respect when the respect-disrespect import of one's action is such that, in performing that action, one fails to value human being Y highly enough.

This would be a serious problem for Wolterstorff's account. For without [7'], it is hard to see how Wolterstorff can get to:

[8'] If X violates Y's right against X to Y's doing or refraining from doing A, then the respect-disrespect import of X's action is such that, in performing A, X fails to value Y highly enough.

[8'] was supposed to identify what is really wrong with violating someone's rights.

Wolterstorff, therefore, seems to face a dilemma. Either he cannot defend the instance of the *Ur Principle* he needs, in which case he cannot reach C, or, if he defends the necessary instance of the *Ur Principle* in the way that I have imagined, then he cannot defend [7'] and [8'], in which case he cannot get to C either. In my concluding remarks, I will suggest a way that Wolterstorff can avoid the dilemma. However, note first that, given the kind of worth Wolterstorff thinks human beings have, it is not surprising that he has trouble getting at what is wrong with violating their inherent rights.

4. Worth and Rights

Recall that Wolterstorff thinks:

[5] To wrong a human being is to treat her in a way that is disrespectful of her worth.

On Wolterstorff's account, the worth to which [5] refers is bestowed worth. So if I wrong someone by violating her rights, [5] implies that I am treating her in a way that is disrespectful of the worth she has in virtue of being loved by God. This may be correct, but it cannot be *what is wrong with* my violating her rights. It cannot be the *reason* that violating her rights is wrong. For if Y's rights are violated, Y has grounds for protest or complaint about what has been done to her. The

problem with Wolterstorff's account is that while it seems clear enough that if Y's rights are violated, then *God* has grounds for complaint, it is not at all clear that Y does.

Suppose that I am deeply loved by my wife, and suppose that her father ridicules me in front of her. The proponent of a "bestowed worth" account need not deny that in ridiculing me, my father-in-law humiliates or belittles me, or undercuts my self-respect. But what is *wrong* with ridiculing me, on that account, is that my father-in-law has failed to respond appropriately to the value to which he is supposed to attend, the value I have in virtue of being loved by my wife. This strikes me as a complaint *my wife* could make about his behavior, and what the bestowed worth account explains is the wrong done *her*. However, it is hard to see that it identifies or explains how my father-in-law wronged *me*. This is what an account of rights and rights-violations is supposed to do.

Similarly, if Y, who is loved by God, is beaten or raped or despoiled of property, Wolterstorff need not—and would not—deny that her interests in bodily integrity or personal property have been disregarded and that Y's human capacities have been abused. What is really wrong with the way X treats Y in these cases, on the bestowed worth account, is that X has disrespected the worth Y has by virtue of being loved by God. This identifies the ground of a complaint that God could make, and an explanation of the wrong done to God, not the wrong done to Y. However, what we want out of an account of Y's rights, and the wrong of violating them, is some explanation of how violating Y's rights wrongs Y.

These examples are meant to illustrate a general point. The problem with a bestowed worth account of inherent rights is that it does not properly connect the wrongness of violating those rights with the fact that the acts which constitute rights-violations belong to the kinds of actions that are generally bad for the kinds of beings the victims are. Those kinds of actions are, in general, bad for those kinds of victims because acts of that kind generally impede the victims' ability to act on interests human beings typically have. Wolterstorff certainly does not deny that beating, torture, and character assassination are generally bad for human beings nor that they generally impede their victims' ability to act on their interests. Even so, this fact does not enter into his account of why such acts are wrong, except perhaps indirectly. On Wolterstorff's account, they are wrong because *God* does not want them to happen to us, and not because—in light of our interests and the kind of beings we are—we would not want them to happen to us.

To see the source of this problem, let us recall why Wolterstorff was concerned to defend step [5]. Step [5] was introduced to accommodate the distinction between beings who can and beings who cannot wrong

others. The only beings who can wrong others, hence the only beings who can violate the rights of others, are beings who can disrespect others. That is the point that [5] helps to capture. But there is another distinction an account of rights must accommodate—that between kinds of beings who can and cannot be wronged. If an account of rights is to accommodate *this* distinction, then it is not enough that it require potential rights-violators to respect others. It must require respect for them under the right description or require respect for them *as* the right kind of thing. It must require respect for them as the kind of being that can be wronged.

Agents can be wronged. Perhaps other beings can be as well. On the other hand, objects—even valuable objects, like paintings and sculptures and beloved toys—cannot be. My deep worry about Wolterstorff's account is that it enjoins respect for human beings under the wrong description. It enjoins us to respect even those human beings who are capable of purposiveness and intention as objects of God's love rather than as agents. This shows itself in the failure properly to connect their purposiveness with the grounds of their rights. That is why I implied in the title that the account treats us like God's stuffed animals—creatures who, like Nathan's stuffed bunny, are much beloved, but who lack points of view on their own lives that need to be taken into account when we explain why it is wrong to abuse them. That, in turn, is why honoring Y's inherent rights, on this account, seems to be a matter—not of respecting Y—but of respecting God. Ultimately, that is why Wolterstorff can only get [7''], when what he needs is [7'].

5. Worth and Capacities

If the comparison with stuffed animals is troubling, it has a happier side. When children bond with stuffed animals, as Wolterstorff says Nathan has “bonded with” his toy (2008, 359), they enter into relationships with them. Part and parcel of entering into those relationships is imputing to their beloved animals a point of view, including a liability to thought and emotion and an interest in what happens to them. The feelings of hurt and humiliation that are consequent on the abuse of a stuffed animal are not thought of as feelings that the children experience vicariously on behalf of their toys. Rather, when children are attached to their toys, they act as if the toys experience these things for themselves. I think that is why, in the excerpt from *The Velveteen Rabbit* that I quoted at the beginning of this essay, the nursery fairy says to the stuffed bunny, “You were Real to the boy because he loved you.”

Drawing on this children's story to spin out the comparison with stuffed animals suggests a way out of the dilemma I have said

Wolterstorff faces. Perhaps part of God's loving us is making *us* Real. That is, perhaps part of God's loving us consists in His endowing us, or trying to endow us, with distinctively human capacities and vulnerabilities. These capacities and vulnerabilities are what enable those of us who have them to bond with God, and they are part of what God loves about bonding with us. They are part of what God values in those of us who have human capacities. On the stuffed animal analogy as I am now spelling it out, the ground of human worth is the set of capacities and vulnerabilities with which God has endowed us. When someone violates the inherent rights of a person who has these capacities and vulnerabilities, it is *that* worth that he is undervaluing.

This line of thought would enable Wolterstorff to maintain that, for those of us blessed with human capacities, the ground of our value is conferred by God's love for us, and—at least as important for Wolterstorff—that that love is not a response to some valuable aspect of us that is antecedently present. Moreover, because our value, and its ground, are conferred, it would also enable Wolterstorff to defend [7'] and [8'], since the person herself would be disrespected when her conferred worth is under-valued. If my earlier remarks about the relevant instance of the *Ur Principle* were right, then that instance would still need to be defended, but if it could be, then Wolterstorff could reach his desired conclusion, C. Of course, Wolterstorff thinks that bestowed worth “does not in any way involve reference to human capacities” (2008, 352). This makes his account of conferred worth very different from the one suggested here. Because of the connection between human capacities, human rights, and conferred worth, the account of rights that would result from the successful defense of C would therefore be very different from the account that Wolterstorff himself defends in this brilliant, learned, and humane book.

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