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A Warrant for Human Rights

The Relevance of Compassion in Liberal States

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Abstract

This paper is a discussion on the relevance of compassion regarding human rights in liberal states. The study focuses a great deal on detangling and distinguishing compassion from other related terms and meanings that are commonly used as equivalent, somewhat differing and sometimes separate from each other. For this, Martha Nussbaum's account on compassion is used as a starting-point. Compassion is then applied to human rights in the context of liberal states. Moreover, the main conclusion drawn is that compassion, in its most commonly used sense, implies an attempt or a response to relieve another from suffering, and consequently, the human rights practice in liberal states is present.

Key words; *compassion, human rights, liberal state*

Table of Contents

Abstract	2
Table of Contents	3
1 Introduction	4
1.1 Purpose of Study	4
1.2 Methodological Considerations	4
1.3 Theoretical Approach	6
2 Theoretical Framework	8
2.1 Compassion – Emotion and Virtue	8
2.1.1 Pity, Empathy and Sympathy	12
2.2 The History of Compassion	14
2.3 Politics and Compassion	15
3 Human Rights	18
3.1 The History of Human Rights	19
3.2 The Sovereign State	20
4 The Liberal State	22
4.1 The State	22
4.2 The Liberal Concept of the State	24
4.2.1 The Morality of the Liberal State	26
4.2.2 Feminism and Multiculturalism – A Critique on the Liberal State	27
5 Conclusion	29
6 Bibliography	31
6.1 Literature	31

1 Introduction

Despite globalization and an increasing moral cosmopolitanism, the state remains the most powerful organization within the international system. In this international community, states have agreed upon a minimum standard of universal human rights that individuals enjoy simply by virtue of being human. Nevertheless, this universality remains highly contested as states keep violating these rights. However, inequality is promoted in other ways. For example, states are entitled to advance the well-being of its own citizens in preference to the well-being of citizens in other states. Given this framework, it is interesting to investigate the relevance of theories and disciplines focusing on a common shared humanity. In this paper, it is the relevance of compassion in regard to human rights that will be studied. Moreover, since the modern liberal state has proven itself to be most successful in attempting to recognize and implement human rights norms, it is in this organizational structure that the study of this paper takes its starting-point.

1.1 Purpose of Study

The overall purpose of this paper is to investigate the relevance that compassion has regarding human rights in modern liberal states. A secondary aim is to *shed some light on compassion in human rights practice, policies and politics*, in the political theory covering the modern liberal state. On a theoretical level, the aim is to provide some insights into the relationship between compassion, human rights and the liberal state. In order to do so, the following research question is addressed:

- What is the relevance of compassion regarding human rights in liberal states?

To answer this question, we must first outline the theoretical framework available on the topic of compassion and then, apply this to human rights in the discourse of the liberal states.

1.2 Methodological Considerations

The study presented in this paper is the result of a conducted literature study on the theoretical framework available on the topic of compassion. Further, it is a theoretical study, where the matter of compassion is applied to human rights in liberal states. To this date, there is an

apparent lack of research on the topic relevant for this paper. Consequently, the material used for answering the research question consists of a wide range of useful literature, covering the three central subjects of this paper; compassion, human rights and the liberal state.

The material used for this study consists out of both scientific articles and non-fiction. Further, only secondary source material is used, selected with the relevance of compassion in politics in regard. In search of this material, I used the two databases Libris¹ and Elin.² Although, the search process for material has been extensive, I am aware of the source of error involved by limiting the use of databases, and thereby the scope of material. Though, this limitation was required in respect of the scope of this study, but also, since the literature on the three main subjects present to this paper, are intersecting a variety of other words and disciplines in the literature. These are sometimes complementary, sometimes overlapping, and sometimes different from one another, which especially is the case in the material used for chapter 2, presenting the theoretical framework available on compassion. In finding useful keyword combinations for the databases, on the field of compassion, both *Routledge Encyclopedia of Philosophy*³ and *Compassion The Culture and Politics of an Emotion*⁴ have been of inspiration.

In order to eliminate the risk of losing the accuracy of the vocabulary used in literature covering the topic of compassion, the decision was early on made, only to use material written in English. Another reason for this choice is that an English reader, if interested, will have the possibility to read the literature used in its entirety. Further, it should be said that the literature used in chapter 3, *Human Rights*, and chapter 4, *The Liberal State*, have been selected in order to fit the purpose of the study, focusing on the role of compassion regarding human rights in liberal states. There is a broad base of literature available on both terms. The selection procedure has, therefore, been conducted in respect to relevant keywords on the topic of compassion. Thus, I make no attempt to make a complete representation on the different components of this paper, but rather, to present the information required for applying the theoretical framework to human rights in liberal states.

¹ www.libris.kb.se

² www.lub.lu.se

³ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy*, Cornwall: T J International Ltd 1998.

⁴ Berlant, Lauren (ed.), *Compassion The Culture and Politics of an Emotion*, London: Routledge 2004.

In a study of this kind, there are further subjective additions, as a result of method as well as of the selection and interpretation of literature. Given these sources of error, I still feel it is possible that the purpose of this study can be achieved by scientific, objective research.

As previously noted, the method used in this study is of theoretical character, implying that the analysis lies on a theoretical level. Since there is a wide range of somewhat differing theories on the concept of compassion, an open discussion of the conclusion is vital for scientific validity.

The paper is intended to be a contribution to the debate on human rights in international relations theory, and more specifically in theories on human rights in liberal states. However, chapter 2, 3 and 4 can also be read independently from the rest of this paper, for the reader who wishes an overview over the specific matters of compassion, human rights or the liberal state.

Finally, this paper does not have the ambition of giving a complete answer to the relevance of compassion in liberal states regarding human rights, nor to determine to what extent the liberal state is compassionate. However, it intends to be a contribution to the cumulative development of the discipline.

1.3 Theoretical Approach

The theoretical analytical apparatus outlined in this paper consists of different theoretical approaches within the discourse of compassion. I am aware of the differences, and how they would affect the results. However, instead of choosing one definition of compassion to analyse the human rights discourse in liberal states theory, I will present an account of varying definitions and compassion theories. Martha Nussbaum is one of the most prominent scholar on the subject of compassion applied to politics. This is the reason for using Nussbaum as a starting point for presenting and discussing the variety of definitions and theories available. Nussbaum has developed a scheme of three characteristics that have to be fulfilled for compassion. This builds on a similar scheme from Aristotele and is by fellow scholars highly criticized. The theorists elaborating on compassion draw on a wide range of historical philosophers and other prominent scholars, such as Adam Smith, Arthur Schopenhauer, David Hume and Immanuel Kant. Contemporary scholars are, beside Martha Nussbaum, Lauren Berlant, Diana Fritz Cates and Lawrence Blum. There is also an expanding literature available in both feminist and religious theories that directly or indirectly

have their foundation in, or discuss the topic of, compassion. Moreover, the foundation of compassion, found in various religions, are used in studies aiming at evaluating to which extent people are compassionate. However, it does not lay within the purpose or the scope of this paper to investigate this further. There is a variety of studies conducted (with the aim of) developing scales for measuring of compassion. The fact that there is a foundation of compassion in the religions has made religious and spiritual groups a common group of study. Over the recent years, there has also been developed a framework for measuring compassion in various compassionate love scales. However, since it is not the scope of this study to aim at measuring compassion, this literature will not be addressed.

Finally, it should be noted that compassion, in the current debate of international politics is frequently used in the terms of ‘compassion fatigue’ and ‘compassionate conservatism’. The former has come to describe the response of indifference to the countless media news of other fellow human beings suffering worldwide,⁵ whereas, the latter is a phrase that the Republican Party in the United States brands itself with.⁶ Since the presidential campaign in 2000, George W. Bush has promoted a more compassionate form of conservatism,⁷ where the compassionately conservative state in particular wants “to shift its economic obligations from redressing poverty to protecting income by taking less from and giving less back to workers and citizens.”⁸ However, compassion in this paper is not equivalent or linked with either of the terms mentioned in this sequence.

⁵ Moeller, Susan, D., *Compassion Fatigue How the Media sell Disease, Famine, War and Death*, p. 9.

⁶ Berlant, Lauren (ed.), ‘Introduction Compassion (and Withholding)’ in *Compassion The Culture and Politics of an Emotion*, p. 1.

⁷ Tomasi, John ‘Should Political Liberals be Compassionate Conservatives? Philosophical Foundations of the Faith-Based Initiative’ *Social Philosophy & Policy Foundation* (2004) p. 322.

⁸ Berlant, Lauren (ed.), ‘Introduction Compassion (and Withholding)’ in *Compassion The Culture and Politics of an Emotion*, p. 2.

2 Theoretical Framework

The word compassion means “fellow-feeling in adversity”⁹, “to suffer together with” ... or to ... “feel pity”¹⁰ and originates from Latin; The prefix *com-* meaning with, “together, in combination or union”¹¹ and *passion* meaning “suffering of pain”.¹² Some of the most frequently used synonyms in the context of compassion are ‘pity’, ‘sympathy’, ‘empathy’ and ‘loving-kindness’, but also, ‘tolerance’, ‘goodness’, ‘tenderness’, ‘love’, ‘mercy’, ‘benevolence’, ‘kind-heartedness’, ‘tolerance’ and ‘forgiveness’.¹³ Since these terms are, amongst different scholars and even in different writings, sometimes used as equivalent to one another, sometimes as separate or even distinct from one another, there will be, in what follows, a presentation of the discourse on the theoretical framework available. It is important to untangle compassion from other terms, which are not necessarily synonymous with compassion. It is, however, important to differentiate subtle distinctions, in order to examine compassion.

2.1 Compassion – Emotion and Virtue

In the discourse available on the subject, compassion is mostly categorised as an emotion. However, the word emotion is commonly recognized as equivalent to feeling.¹⁴ A person is compassionate or feels compassion. Thus, compassion is an embodied feeling.¹⁵ Emotions are also described as feelings with a genetic basis, which is universal to the human species. The management of emotions that reflects their appearance is culturally conditioned, which can be exemplified with some commonly named emotions such as love, anger, grief and joy.¹⁶ Emotions influence the ways in which we engage in and respond to others and they also underpin political practices and values. Further, they reveal what is important to us, what affects us, what we value, and how we should respond ethically.¹⁷

⁹ Onions, C. T. (ed.), *The Oxford Dictionary of English Etymology*, p. 197.

¹⁰ Simpson, J. A. and Weiner, E. S. C. (prepared by), *The Oxford English Dictionary* 3 p. 597.

¹¹ Onions, C. T. (ed.), *The Oxford Dictionary of English Etymology*, p. 193.

¹² *Ibid.*, p. 656.

¹³ *Longman Synonym Dictionary*, Second impression, p. 197.

¹⁴ Onions, C. T. (ed.), *The Oxford Dictionary of English Etymology*, p. 310.

¹⁵ Woodward, Kathleen, ‘Calculating Compassion’ in Berlant, Lauren (ed.) *Compassion The Culture and Politics of an Emotion*, p. 73.

¹⁶ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 1 p. 331.

¹⁷ Porter, Elisabeth, ‘Can Politics Practice Compassion?’ 21:4 *Hypatia* (2006) p. 97.

Diana Fritz Cates, one of our times prominent scholars on the subject of compassion, acknowledges how the emotions have received significant philosophical interest over recent decades. Two streams contributing to the pool of literature on the topic of emotion are the ethics of virtue, developed mostly out of Thomistic and Aristotelian ethical traditions, and feminism, including amongst other, ethical investigations of the role of emotions in moral life.¹⁸

When it comes to elaborating on compassion and its applicability to politics, Martha Nussbaum is one of the most well-known theorists of modern times, occurring in practical all literature on the topic. In the book *Upheavals of Thought* she explores the emotion of compassion one experiences in observing someone else suffering. According to Nussbaum, compassion rests on three beliefs;¹⁹ First, the suffering is serious, not trivial; Second, the suffering was not caused deliberately by the person's own culpable actions; Third, one's own possibilities are similar to those of the suffered.²⁰ Nussbaum builds this on a similar scheme from Aristotle.²¹

It is, in Nussbaum's expression of compassion, enough that the individual experiences the different terms of compassion, for a motive to help to arise.²² Throughout the discourse on compassion, the condition of response, or, that it *implies action*, is fundamental.²³ However, according to Blum and Solomon, in Dutton and others, the response does not have to remedy or eliminate suffering for compassion to exist, but there must be a movement to respond.²⁴

¹⁸ Cates, Diana Fritz, 'Conceiving Emotions: Martha Nussbaum's *Upheavals of Thought*' 31:2 Journal of Religious Ethics (2003) pp. 326-7.

¹⁹ Fierke, K. M., 'Whereof we can speak, thereof we must not be silent: trauma, political solipsism and war' 30 Review of International Studies (2004) pp. 473-474.

²⁰ Nussbaum, Martha C., 'Human Functioning and Social Justice: In Defense of Aristotelian Essentialism' 20:2 Political Theory (1992) p. 237. Hower, as Weber notes, Nussbaum acknowledges, in her more recent work, that we can and maybe should have compassion for people who are at fault for their own suffering (Weber, M., 'Compassion and Pity: An Evaluation of Nussbaum's Analysis and Defense' 7 Ethical Theory and Moral Practice (2004) p. 495).

²¹ Fierke, K. M., 'Whereof we can speak, thereof we must not be silent: trauma, political solipsism and war' 30 Review of International Studies (2004) p. 473.

²² Cates, Diana Fritz, 'Conceiving Emotions: Martha Nussbaum's *Upheavals of Thought*' 31:2 Journal of Religious Ethics (2003) pp. 335.

²³ See for example: von Dietze, Erich and Orb, Angelica, 'Compassionate care: a moral dimension of nursing' 7 Nursing Inquiry (2000) pp. 170-171. , Dutton, Jane E., Worline, Monica C., Frost., Peter J. and Lilius, Jacoba, 'Explaining Compassion Organizing' 51 Administrative Science Quarterly pp. 60-61. and Porter, Elisabeth, 'Can Politics Practice Compassion?' 21:4 Hypatia (2006) p. 101.

²⁴ Dutton, Jane E., Worline, Monica C., Frost., Peter J. and Lilius, Jacoba, 'Explaining Compassion Organizing' 51 Administrative Science Quarterly pp. 60-61.

However, there are other points where Nussbaum is highly criticized, and, in particular on the arguments that compassion requires that the one suffering has not brought the suffering on her or himself²⁵ and that “Compassion is properly felt only when harm is done to a good person, or when the suffering is a result of other than bad choice.”²⁶ In opposition to Nussbaum’s theories, Cates argues that, “It is possible to make a moral judgment concerning someone’s action or character, to hold him fully responsible for a serious failure, and to feel compassion for him at the same time.”²⁷ According to Cates, making the issue of not being at fault, a necessary condition of compassion, would make compassion very rare.²⁸ Whitebrook’s critique on Nussbaum’s requirements on compassion, as only extending to innocent victims, is that the point of the virtue, instead of this limited use, rather might be to extend it to those who do not deserve it.²⁹

In a wide range of the studied literature, compassion is not seen merely as an emotion, but as a social or moral virtue.³⁰ This argument is found for example in both Nussbaum, who makes compassion the central virtue, and Cates, who argues that compassion ought to be constructed, not simply as an emotion, but as a virtue. Further, Brian Carr discusses, in the article ‘Pity and Compassion as Social Virtues’, how the altruistic emotions of compassion and pity might be seen as social virtues.³¹ To Carr compassion implies a way of indicating how people should respond to those who are suffering.³²

While compassion, as von Dietze and Orb notes in the article ‘Compassionate care: a moral dimension of nursing’, may require or contain emotion, it has an additional rational dimension. This is the notion of deliberative altruistic sharing in another person’s suffering and can be viewed as an essential bridge to justice. Further, compassion in this way demands

²⁵ Cates, Diana Fritz, ‘Conceiving Emotions: Martha Nussbaum’s *Upheavals of Thought*’ 31:2 *Journal of Religious Ethics* (2003) pp. 336. (See also: Whitebrook (2002) p. 534.)

²⁶ Whitebrook, Maureen, ‘Compassion as a Political Virtue’ 50 *Political Studies* (2002) p. 531.

²⁷ Cates, Diana Fritz, ‘Conceiving Emotions: Martha Nussbaum’s *Upheavals of Thought*’ 31:2 *Journal of Religious Ethics* (2003) pp. 336. (See also: Weber, M., (2004), p. 495).

²⁸ Cates, Diana Fritz, ‘Conceiving Emotions: Martha Nussbaum’s *Upheavals of Thought*’ 31:2 *Journal of Religious Ethics* (2003) pp. 338.

²⁹ Whitebrook, Maureen, ‘Compassion as a Political Virtue’ 50 *Political Studies* (2002) p. 534.

³⁰ von Dietze, Erich and Orb, Angelica, ‘Compassionate care: a moral dimension of nursing’ 7 *Nursing Inquiry* (2000) p. 166.

³¹ Carr, Brian, ‘Pity and Compassion as Social Virtues’ 13:1 *Social Philosophy and Policy* (1996) p. 428.

³² Cates, Diana Fritz, ‘Conceiving Emotions: Martha Nussbaum’s *Upheavals of Thought*’ 31:2 *Journal of Religious Ethics* (2003) pp. 338.

us to act.³³ According to von Dietze and Orb, compassion is based not only on sentiment, but on rational thoughts and evaluation. Similarly, Pedro Ortega Ruiz and Ramón Mínguez explain that compassion as a feeling becomes moral when reason intervenes.³⁴ In this context, Porter emphasizes the interplay between the universality of justice and the particularity of compassion. According to Bubeck, in Porter, compassion “helps us recognize our justice obligations to those distant from us”. Moreover, according to Porter, the defence of the need for compassion is as much a defence for justice. In respect to this, Porter agrees with Nussbaum, that compassion is intimately related to justice and rights.³⁵

Nussbaum further refers to for example Homer’s *Odyssey* and Rousseau’s *Emile* in order to point at that compassion requires the recognition of a shared humanity³⁶ This point is commonly noted in the literature, exemplified by Carr, who states that, “The sense of ‘shared humanity’ is a very broad sense of being ‘equally human’.”³⁷ Furthermore, Bunch, in Porter emphasizes the equal worth of every person’s humanity as crucial to compassion.³⁸ One last example of this is found in von Dietze and Orb who refer to Nouwen and others, making the point that “on one level compassion seems to be such an obvious reaction to human suffering, that being accused of lacking compassion is almost synonymous with being accused of lacking humanity. This assumes link between compassion and humanity” and that compassion requires us to transcend traditional distinctions and boundaries. Thus, compassion is a deep sense of solidarity with those who are suffering.³⁹

Who then, decides for the case of true compassion? “Nussbaum is clear as to ‘who decides’ on what constitutes occasions for compassion: not ‘the actual point of view of each and every sufferer’ but that of a reflective spectator” “equipped with ‘a notion of the good, of flourishing’, ‘who asks which reversals are of true importance and which are not’⁴⁰” Carr refers to Lawrence Blum as one who has offered an undermining of Nussbaum’s case for the

³³ von Dietze, Erich and Orb, Angelica, ‘Compassionate care: a moral dimension of nursing’ 7 Nursing Inquiry (2000) p. 168.

³⁴ Ortega Ruiz, Pedro and Mínguez, Ramón, ‘Global Inequality and the Need for Compassion: issues in moral and political education’ 30:2 Journal of Moral Education p. 163.

³⁵ Porter, Elisabeth, ‘Can Politics Practice Compassion?’ 21:4 Hypatia (2006) pp. 106-107.

³⁶ Nussbaum, Martha C., ‘Human Functioning and Social Justice: In Defense of Aristotelian Essentialism’ 20:2 Political Theory (1992) pp. 238-239.

³⁷ Carr, Brian, ‘Pity and Compassion as Social Virtues’ 13:1 Social Philosophy and Policy (1996) p. 424.

³⁸ Porter, Elisabeth, ‘Can Politics Practice Compassion?’ 21:4 Hypatia (2006) p. 102.

³⁹ von Dietze, Erich and Orb, Angelica, ‘Compassionate care: a moral dimension of nursing’ 7 Nursing Inquiry (2000) p. 169.

⁴⁰ Whitebrook, Maureen, ‘Compassion as a Political Virtue’ 50 Political Studies (2002) p. 532.

onlooker's authority to determine compassion. To Blum, it is enough with an appreciation of beliefs and values to give sense to the suffering and call up the response of compassion.⁴¹

According to von Dietz and Orb, compassion does not require us to immerse ourselves in the others suffering, so that we suffer too. This thought is also found in Bartky in von Dietze and Orb. "To stand with others is to work actively to eliminate their misery, not to arrange one's life so as to share it'. Compassion holds us in the balance between working in solidarity with the sufferer to eliminate the suffering while not making the mistake of simply transferring that suffering onto ourselves."⁴² Carr states that the capacity to feel compassion depends on the capacity of entering another person's heart and mind. According to Carr, the imagination required to feel compassion for those like us is little, whereas, much imagination required feeling for those very different from ourselves.⁴³

2.1.1 Pity, Empathy and Sympathy

Out of pity, empathy and sympathy, pity is maybe the most often used in close connection or as equivalent to compassion. Further equivalents to pity are clemency and mercy.⁴⁴ In what follows, there will be a few examples on the scope of theories on pity and compassion. First, just like compassion, pity expresses direct feelings towards another and is concerned with the person in the situation, rather than with how to deal with the situation per se.⁴⁵ Second, compassion and pity are often distinguished in terms of 'fellow-feeling for', or 'fellow-feeling with'. The former refers to pity, and the latter to compassion. The distinction between the two is often claimed to be that pity has nuances of superiority which compassion lacks.⁴⁶ This is shown by for example Kathleen Woodward, who claims that pity has come to incorporate this sense of the superiority of the spectator over time. Third, Nussbaum used the meaning of pity in the original Aristotelian sense when defining compassion. That is; pity entails the spectator's sense that she or he can suffer similarly.⁴⁷ Compassion is in this Aristotelian sense

⁴¹ Carr, Brian, 'Pity and Compassion as Social Virtues' 13:1 *Social Philosophy and Policy* (1996) p. 422.

⁴² von Dietze, Erich and Orb, Angelica, 'Compassionate care: a moral dimension of nursing' 7 *Nursing Inquiry* (2000) p. 170.

⁴³ Carr, Brian, 'Pity and Compassion as Social Virtues' 13:1 *Social Philosophy and Policy* (1996) pp. 425-426.

⁴⁴ Onions, C. T. (ed.), *The Oxford Dictionary of English Etymology*, p. 684.

⁴⁵ Whitebrook, Maureen, 'Compassion as a Political Virtue' 50 *Political Studies* (2002) p. 530.

⁴⁶ Carr, Brian, 'Pity and Compassion as Social Virtues' 13:1 *Social Philosophy and Policy* (1996) p. 429.

⁴⁷ Woodward, Kathleen, 'Calculating Compassion' in Berlant, Lauren (ed.) *Compassion The Culture and Politics of an Emotion* p. 67. (See also: Carr (1996) p. 418.)

seen as a painful emotion that is directed at someone else's suffering of misfortune.⁴⁸ Fourth, according to Carr, "Compassion rests upon an appreciation of the suffering as conceived by the one who suffers, whereas pity involves a grasp of the misfortune of which the sufferer is unaware."⁴⁹ Finally, a different way of using pity and compassion is argued for by Maureen Whitebrook. In her analysis of compassion, pity denotes the feeling as such, whereas compassion refers to feeling accompanied by action. In other words, compassion denotes action on the basis of feeling pity. Whitebrook, thus, uses pity for the feeling that suffering invokes, and, compassion for the action, if any, following such feelings.⁵⁰

The word empathy has its roots in the Greek *empátheia*, which means "power of understanding things outside ourselves"⁵¹. However, this word is a modern word and has its translation from German 'Einführung' (literally in-feeling) back in the beginning of the twentieth century.⁵² Fierke refers to the difference between compassion and empathy found in Nussbaum's theory on compassion. Here, empathy involves an awareness of being separate from the one suffering. What differs it from compassion, is that the empathetic person can reconstruct the experience of another, but that is in itself sufficient for compassion.⁵³ Empathy, thus, works out of a detached relationship or an objective. Hence, empathy can put a distance between oneself and another, whereas compassion implies a deeper participation in another person's suffering.⁵⁴

Sympathy has its roots in Greek and Latin and is literally translated as 'suffering together' or 'having a fellow feeling'. Marjorie Garber writes, on the case of sympathy in relation to compassion, that, sympathy historically has remained a condition of affinity or equality and that there was a sense of sympathy as analogues with compassion, especially distinguished in the late eighteenth and nineteenth centuries.⁵⁵

⁴⁸ Weber, M., 'Compassion and Pity: An Evaluation of Nussbaum's Analysis and Defense' 7 *Ethical Theory and Moral Practice* (2004) p. 489.

⁴⁹ Carr, Brian, 'Pity and Compassion as Social Virtues' 13:1 *Social Philosophy and Policy* (1996) p. 428.

⁵⁰ Whitebrook, Maureen, 'Compassion as a Political Virtue' 50 *Political Studies* (2002) p. 530.

⁵¹ Onions, C. T. (ed.), *The Oxford Dictionary of English Etymology*, p. 310.

⁵² Garber, Marjorie, 'Compassion' in Berlant, Lauren (ed.) *Compassion: The Culture and Politics of an Emotion*, p. 24.

⁵³ Fierke, K. M., 'Whereof we can speak, thereof we must not be silent: trauma, political solipsism and war' 30 *Review of International Studies* (2004) p. 474.

⁵⁴ von Dietze, Erich and Orb, Angelica, 'Compassionate care: a moral dimension of nursing' 7 *Nursing Inquiry* (2000) p. 169. See also: Porter, Elisabeth, 'Can Politics Practice Compassion?' 21:4 *Hypatia* (2006) p. 101.

⁵⁵ Garber, Marjorie, 'Compassion' in Berlant, Lauren (ed.) *Compassion: The Culture and Politics of an Emotion*, p. 23.

A prominent scholar on the subject of sympathy and compassion is C. Taylor. His work on sympathy builds on Schopenhauer's work of compassion. Taylor defines sympathy as a primitive response to someone else's suffering. This notion is founded on the claims that we respond to the suffering of another in specific ways without thinking, and, these responses are basic characteristics of human life. In the article 'Sympathy', Taylor gives an account of Schopenhauer's theory of compassion, where it is said that we are moved by another person suffering. It is clear that it is the other who suffers, not we, and we feel the other's pain as his, not as our own. This, however, requires identification with the one suffering. That is to say, that the egoism of the spectator is at least to some extent eliminated. Schopenhauer's conclusion is that compassion does not in the end have an empirical explanation and can only be arrived at metaphysically. Taylor criticizes, amongst other, Schopenhauer for abandoning the empirical explanation of compassion, but also that we, in the case of compassion, are moved by somehow directly feeling another person's pain. Further, in the case of compassion, Taylor replaces, Schopenhauer's suggestion that, the acting on a desire is automatic or immediate, with the suggestion that it is the response itself that is automatic or immediate. However, according to Taylor, every single instance of sympathetic responses will not necessarily count as sympathy. Responses are determined as genuinely sympathetic when looking at the single response in connection to a larger pattern of responses in a person's life.⁵⁶

2.2 The History of Compassion

The idea of compassion can be traced back to ancient religious traditions, or even further. The religious virtue of compassion found in for example ancient Judaism and Christianity has, according to Gertrude Himmelfarb and others, been transformed into a secular one, where the private duty of compassion has become a communal responsibility. Himmelfarb ascribes this change to the British Enlightenment, wherein some of the key concepts discussed throughout the eighteenth century were those of 'social virtues', 'fellow-feeling', 'sympathy', 'benevolence' and 'compassion'.⁵⁷ The word and idea of compassion has been claimed by the

⁵⁶ Taylor, C., 'Sympathy' 3 *The Journal of Ethics* (1999) pp. 75-86.

⁵⁷ Himmelfarb, Gertrude, 'The idea of compassion: The British vs. the French Enlightenment' 145 *Public Interest* (2001) pp. 3-4.

French, although, it was first introduced in the British Enlightenment.⁵⁸ The leading English moral philosophers of that time agreed that the ‘social virtues’ originate from a sense that is inherent in human nature. Hume, for example, who otherwise held an unsentimental view of the nature of human kind, believed that “There is some benevolence, however small, infused into our bosom; some spark of friendship for human kind;”⁵⁹ and included compassion among the natural virtues. Natural virtues, in contrast to artificial virtues are, according to Hume, expected to be reasonably invariant across cultures.⁶⁰ Another example is the central principle of Adam Smith’s *Theory of Moral Sentiments*, namely the idea of compassion.⁶¹

As noted previously, compassion has a long tradition in most religious and spiritual traditions, including prescriptions for living that involves the cultivation of altruism and compassion.⁶² While compassion has a rational or cognitive element, in philosophical thought, it is, for example in Buddhist theory, considered to stem from the heart, from a sense of generosity, serenity, concern, and caring for another. Further, it involves both feeling and action, sharing in someone else’s suffering and reaching out and giving to this other. When drawing on several prominent scholars in the field of compassion in Buddhist theory, Judith White summarizes compassion as heartfelt. It further “implies an opening of the heart to others, acting upon an authentic deep caring for others, stemming from a sense of an undoubtable connectedness to all living beings.”⁶³ This foundation of compassion in Buddhism, and other religions, is used in a variety of studies⁶⁴ aiming at evaluating the extent to which people are compassionate.

2.3 Politics and Compassion

In the article ‘Can Politics Practice Compassion’, Elisabeth Porter argues that a politics of compassion is both necessary and possible. Porter develops a politics of compassion when

⁵⁸ Ibid., p. 15.

⁵⁹ Himmelfarb, Gertrude, ‘The idea of compassion: The British vs. the French Enlightenment’ 145 *Public Interest* (2001) pp. 5-6

⁶⁰ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 4 p. 551.

⁶¹ Himmelfarb, Gertrude, ‘The idea of compassion: The British vs. the French Enlightenment’ 145 *Public Interest* (2001) p. 6.

⁶² Vieten, Cassandra, Amorok, Tina and Schlitz, Mandala Marilyn, ‘I to We: The Role of Consciousness Transformation in Compassion and Altruism’ 41:4 *Zygon* (2006) p. 916.

⁶³ White, Judith, ‘Ethical Comportment in Organizations: A Synthesis of The Feminist Ethic of Care and the Buddhist Ethic of Compassion’ 12 *International Journal of Value-Based Management* (1999) p. 115.

⁶⁴ See for example; Batson, C. Daniel, Eidelman, Schott H., Higley, Seanna L. and Russel, Sarah A., “‘And Who Is My Neighbor?’ II: Quest Religion as a Source of Universal Compassion’ *Journal for the Scientific Study of Religion* pp. 39-50; Brooks, Arthur C., ‘Compassion, religion, and politics’ 157 *Public Interest* (2004) pp. 57-66.

extending debates on feminist care ethics to the political realm. Her aim is to argue that “a focus on compassion fosters a more thorough ethical response to politics”. To Porter’s politics of compassion, which extends to a political domain in which we do not personally know the people suffering, there is a moral requirement of compassion included. Further, it assumes a shared humanity of vulnerable, interconnected people. A politics of compassion requires emotions and particular, practical responses to various expressions of vulnerability. Moreover, Porter seeks to show how the politics of compassion is premised on a common humanity.⁶⁵

The term compassion organizing, in the process where individuals in an organization feel, notice and respond to human pain in a coordinated way, Jane E. Dutton and others have conducted studies in order to predict the patterns of organizational response. The theory of this process specifies five mechanisms, including enabling of attention, trust and emotion, symbolic enrichment, and agents improvising structures. In a study Dutton and others define compassion organizing as “a collective response to a particular incident of human suffering that entails the coordination of individual compassion in a particular organizational context.” Further, they do not assume that there are compassionate organizations per se. Instead they examine how compassion organizing unfolds and develops an induced theory of compassion organizing.⁶⁶ However, since it is not the scope of this study to look at the emergence of compassion, compassion organizing will not be further investigated.

“In all organizations individuals have the opportunity to be kind, compassionate, and caring to others, treating others with respect and helping them.”⁶⁷ “To practice care and compassion in everyday organizational life, while perhaps natural to some, for many seems difficult if not impossible.”⁶⁸

Habermas’ theory on deliberative democracy reflects a notion of interconnectedness between people. This theory consists out of the ideal community of communication. In this communicational situation, every individual is on its own, and, at the same time embedded in a context.⁶⁹ Stepehn Hobden and Richard Wyn Jones give an account on Habermas’ theory on democracy in ‘Marxist Theories of International Relations’. According to Hobden and Jones,

⁶⁵ Porter, Elisabeth, ‘Can Politics Practice Compassion?’ 21:4 *Hypatia* (2006) pp. 97-99.

⁶⁶ Dutton, Jane E., Worline, Monica C., Frost., Peter J. and Lilius, Jacoba, ‘Explaining Compassion Organizing’ 51 *Administrative Science Quarterly* p. 61.

⁶⁷ White, Judith, ‘Ethical Comportment in Organizations: A Synthesis of The Feminist Ethic of Care and the Buddhist Ethic of Compassion’ 12 *International Journal of Value-Based Management* (1999) p. 120.

⁶⁸ *Ibid.*, p. 122.

⁶⁹ Outhwaite, William (ed.) *The Habermas Reader*, pp. 198-199.

the central point regarding political practice in Habermas' thought is found in radical democracy. In this theory, participation in democracy is not confined within state borders. Both rights and obligations, therefore, extend beyond these borders.⁷⁰ Justice, in this theory is reached between rational, equal and free human beings and seeks the universality of interests. Moreover, consensus on a matter is produced through argumentation, not by power politics.⁷¹

⁷⁰ Hobden, Stephen and Jones, Richard Wyn, 'Marxist Theories of International Relations' in Baylis, John and Smith, Steve (eds.) *The Globalization of World Politics An introduction to international relations*, Second Edition p. 215.

⁷¹ Kapoor, Ilan 'Deliberative democracy and the WTO' *11:3 Review of International Political Economy* (2002) pp. 523-525.

3 Human Rights

In the English language ‘right’ has two principle political and moral senses; rectitude and entitlement. The former refers to something *being* right and impose the duty-bearer with an obligation to do the right thing. On the other hand, entitlement is the narrower sense of right and refers to someone *having* a right. As for the latter, one is “armed with claims that have a special force. The focus is on the relationship between right-holder and duty-bearer.”⁷² It is widely held that rights give a person something to stand on in that they provide protection of interests against other persons and against the state. More specifically, they are rights to something that is rather determined and can be distributed to all right-holders alike.⁷³

Human rights are rights that individuals enjoy simply by virtue of being human.⁷⁴ These are inherently universal, non-conditional rights, concerned with protecting the worth and dignity of all human beings.⁷⁵ Further, human rights are equal and inalienable rights⁷⁶ and do not depend on the moral and legal practices inherent in different communities.⁷⁷ Nevertheless, the universality of both the nature and the notion of human rights remain highly contested.⁷⁸

The various types of human rights are generally categorised in three generations, where the first generation rights refer to civil and political rights, the second generation rights refer to economic, social and cultural rights and the third generation rights refer to solidarity rights. Out of these, the human rights regime is centred primarily on the first generation rights.⁷⁹ The three generation rights are founded in wide scale regional and global treaties. The single universal international organization in the international system,⁸⁰ the United Nations (UN), has since the start drafted and adopted some 100 international instruments on human rights.⁸¹

⁷² Donnelly, Jack, ‘Social construction of international human rights’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 78.

⁷³ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 8 p. 326.

⁷⁴ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 167.

⁷⁵ Hurrell, Andrew, ‘Power, principles and prudence’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* pp. 291-292.

⁷⁶ Donnelly, Jack, ‘Social construction of international human rights’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 80.

⁷⁷ Dunne, Tim and Nicholas J. Wheeler (eds.), ‘Introduction: human rights and the fifty years crisis’ in *Human Rights in Global Politics* p. 4.

⁷⁸ Hurrell, Andrew, ‘Power, principles and prudence’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 292.

⁷⁹ Brown, Chris, ‘Universal human rights: a critique’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 115.

⁸⁰ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 232.

⁸¹ Osmanczyk, Edmund Jan, *Encyclopedia of the United Nations and International Agreements* 2 p. 926.

However, unless the treaties represent customary international law, they are only binding on the parties that have ratified them.⁸²

When the UN General Assembly first adopted the Universal Declaration of Human Rights in 1948, “a decisive step in codifying the emerging view that the way in which states treat their own citizens” ... as ... “not only a legitimate international concern but subject to international standards” was undertaken.⁸³ “The human rights strategy of control has had two principal dimensions. Negatively, it prohibits a wide range of state interferences in the personal, social and political lives of citizens, acting both individually and collectively. But beyond carving out zones of state exclusion, human rights place the people above and in positive control of their government. Political authority is vested in a free citizenry endowed with extensive rights of political participation.”⁸⁴

Human rights are rights that private actors, states and governments are required to respect.⁸⁵ Further, these rights are assisted by moral norms implying that human rights only can exist when substantive moral norms exist in some sense. The consequence drawn hereof is, that, if human rights are to serve their role in international politics they have to comprise norms that are acknowledged worldwide.⁸⁶

3.1 The History of Human Rights

The human rights regime, in the discourse of international relations, is a product of the conclusion of the Second World War. Even though, as a philosophical matter, the notion of human rights is ancient.⁸⁷ The idea of human rights first entered the main stream of political practice and theory in seventeenth-century Europe. Many societies and cultures have shared principles such as compassion, fairness, equity and respect for one’s fellow human beings. Not often, however, have these values been realized through equal and inalienable universal rights.⁸⁸

⁸² Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 169.

⁸³ Donnelly, Jack, ‘Social construction of international human rights’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 73.

⁸⁴ *Ibid.*, pp. 86-87.

⁸⁵ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 167.

⁸⁶ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 8 p. 326.

⁸⁷ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 4 p. 832.

⁸⁸ Donnelly, Jack, ‘Social construction of international human rights’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* pp. 81-82.

As noted previously, it was in the aftermath of the Second World War that the first international documents for the protection of human rights were adopted by the United Nations.⁸⁹ The adoption of both the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948) mark what has been said to be the beginning of a global human rights regime. Throughout the post-war period, the human rights agenda evolved and expanded considerably, a process which accelerated during the post-Cold War period.⁹⁰ A fundamental role in this development of new international human rights instruments is played by the United Nations,⁹¹ but also by various regional actors. However, the state, given its political dominance in international relations, remains the central institution for effectively implementing international human rights.⁹²

3.2 The Sovereign State

As presented in the previous, the international human rights treaties establish rights for individuals. However, the obligations they create are for states, and for *their* own nationals. Consequently, the international human rights regime monitors the relations between the state and its citizens. As for foreign states, they have no obligation, in terms of human rights, to protect foreign citizens abroad.⁹³ These principles spring from the time of the drafting of the UN Charter, when the underlying notion of human rights principles was the conviction that there was “a clear link between good governance and the maintenance of international peace and security.” The structure of a world of nation-states is based on the Westphalian conception of authority, where the sovereignty of a state claimed by its government was not interrelated with the treatment of its own citizens. However, later on as “a consequence of the experiences of totalitarianism, governments recognized that there was a need to challenge the Westphalian model of unlimited sovereignty.” It was in these rising human rights norms, that the accord that states must be held responsible for their behaviour emerged.⁹⁴ Even though

⁸⁹ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 pp.168-169.

⁹⁰ Hurrell, Andrew, ‘Power, principles and prudence’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 278.

⁹¹ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 170.

⁹² Donnelly, Jack, ‘Social construction of international human rights’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 87.

⁹³ *Ibid.*, pp. 85-87.

⁹⁴ Dunne, Tim and Nicholas J. Wheeler (eds.), ‘Introduction: human rights and the fifty years crisis’ in *Human Rights in Global Politics* p. 1.

sovereignty remained at the core of the society of states, its meaning was modified⁹⁵ and an important example, as the first attempt in the world order to set out fairly strict limits of what was to be tolerated by the various internal regimes, was imposed. It has been suggested that due to the raft of the international and regional treaties that followed, “virtually all areas of the domestic structure of states are covered by some kind of international standard-setting.”⁹⁶ However, the fact that nation-states dominate the international order and that the state plays a dual role of both the violator and the protector of human rights makes it difficult for individuals to challenge.⁹⁷

⁹⁵ Ibid., p. 2.

⁹⁶ Brown, Chris, ‘Universal human rights: a critique’ in Dunne, Tim and Nicholas J. Wheeler (eds.), *Human Rights in Global Politics* p. 114.

⁹⁷ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 170.

4 The Liberal State

4.1 The State

The state⁹⁸, or the nation-state, developed out of the sixteenth and seventeenth centuries, and is today the basic unit of organization in the international system with the greatest influence over the organisation and functions of the system.⁹⁹ There are principle characteristics to the modern state agreed upon by most philosophers, lawyers, historians and others. These are; (1) There is territory, (2) there is a single effective and legitimate government, (3) there is a population, and, (4) the state is politically and legally independent from other states by which its sovereignty is recognized. For example, a state without a long term territory is inconceivable, as is a state without a population. Thus, the conditions of the state are both necessary and sufficient, there is vagueness about what counts as fulfilling these conditions. Moreover, the future of the state, in the light of increasing moral cosmopolitanism and globalisation, is challenged, as is the value of the state.

The state conduct a wide range of activities where imposing punishments, defending its members from aggression, protecting the rights of its members and providing essential social services, are a few.¹⁰⁰ Still, there is a controversy over the role of the state. This will not be examined further in this sequence. However, in what follows on the description of the liberal state, more specifically.

There is a variety of categorisations used to classify states. This can be exemplified with some political classifications such as; ‘weak’/‘powerful’, ‘radical’/‘conservative’, ‘patron’/‘client’, ‘modern’/‘traditional’ and ‘developed’/‘developing’.¹⁰¹ The politics of states are founded on various ideologies, intertwined and applied to different extent in different states. Three dominant approaches in our times are liberalism, realism and an updated form of idealism labelled as constructivism. Liberalism focuses on the turbulence of democratic transitions and the rising numbers of democracies. The focus of realism is on the shifting of power amongst states that compete for power and security, and, idealism is the ideology which illuminates the changing norms of human rights, sovereignty and international justice

⁹⁸ ‘State’ is sometimes used in terms of any independent political organization. However, in this paper, ‘state’ is equivalent with a particular type of a political organization, namely, the modern state.

⁹⁹ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 pp. 231-233.

¹⁰⁰ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 9 pp. 120-121.

¹⁰¹ Kamrava, Mehran, *Understanding Comparative Politics A Framework for Analysis* p. 78.

in politics.¹⁰² The conventional label of states, are for instance democratic, communist and authoritarian. Since the end of the Second World War and even more so, over recent years, in global events, these conventional labels of states are to a much lesser extent applicable. During this new political order, new patterns of relationships, between states and societies, have emerged. Mehran Kamrava distinguishes between four distinct types of states in this 'New World Order' based on the nexus with society and their component institutions. These are; (1) First World democracies with historical longevity, (2) more recent democracies born out of the democratisation processes of the 1970s and 1980s, (3) proto- or quasidemocracies using democratic mechanisms and political parties, but, lacking the spirit of democracy, and, (4) non-democratic states, constituted either of bureaucratic-authoritarian or inclusionary populist regimes.¹⁰³ The liberal state is, in this paper, equivalent with one of the first two types of states that Kamrava distinguishes between. These are, according to Kamrava, democratic states "marked by open and consensual patterns of interaction with their respective societies", whereas the state-society interactions in quasi-democracies are minimal and do not extend beyond certain elites. As for the authoritarian and inclusionary states, these are non-democratic in the sense that the flow of influence is strictly from state to society.¹⁰⁴ There is a high level of tolerance of differences between states in the international order.¹⁰⁵ There are no particular principles of legitimacy or restrictions of constitutional form. Although, there is an expectation that the states should, in some sense, be democratic.¹⁰⁶

Generally, states are not responsible for the circumstances of outsiders of the state. Adding to this, the state is entitled to advance the wellbeing of its citizens in preference to the wellbeing of others. The role of the decision makers in a state is to fulfil their nation's interests. Thus, the interests in a domestic political system are then projected as the country's foreign policy.¹⁰⁷

Moreover, it should be noted, that the state is not the same as its government or its society. The government is the state's administrative organ acting in its name, whereas, the state is the political aspect of the society. The state constitutes society alongside with other social institutions, such as religious and economic groups. The degree to which the state

¹⁰² Snyder, Jack, 'One World, Rival Theories' 145 *Foreign Policy* (2004) pp. 53-54.

¹⁰³ Kamrava, Mehran, *Understanding Comparative Politics A Framework for Analysis* pp. 77-78.

¹⁰⁴ *Ibid.*, p. 78.

¹⁰⁵ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 232.

¹⁰⁶ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 9 p. 121.

¹⁰⁷ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 232.

permits independence to, these and other, social institutions is part of what distinguishes the liberal state from the totalitarian state.¹⁰⁸

4.2 The Liberal Concept of the State

As noted in the previous, the liberal state is, in this paper, equivalent to the democratic liberal state. The implication of the liberal state as democratic ¹⁰⁹ is widely undertaken.¹¹⁰ The debate, on the relationship between democracy, citizenship and the nation-state, was first innated in the nineteenth century.¹¹¹

In a formal sense, liberal democracy “is a system of representative government by majority rule in which some individual rights are nonetheless protected from interference by the state and cannot be restricted even by an electoral majority.” Notably, liberal democracy is not equivalent to just any system of majority rule. As we have seen in the previous, there are states that operate in an *illiberal* fashion.¹¹²

In modern liberal states, both individual rights and popular sovereignty are the doctrines that found the state¹¹³ and it is the relationship between the state and the individual that defines its legitimacy.¹¹⁴ Furthermore, the function of the state government is to facilitate the interests of individuals, not to judge or try to replace them.¹¹⁵ Neither is it the task of the state to craft virtuous citizens. The state has to remain neutral and not promote virtue,¹¹⁶ but, rather to protect the diversity of social interests.¹¹⁷

The source of the natural rights theory of the liberal state derives from Locke. In the context of this paper, Locke is, in terms of defining the state, highly interesting. John Scott

¹⁰⁸ Craig, Edward (ed.), Routledge Encyclopedia of Philosophy 9 p. 120.

¹⁰⁹ The meaning of democracy is rule by the people. The democratic system is a system of decision making where everyone belonging to the political system are actually or potentially involved in making the decisions. All are in position of equal power. (Craig, Edward (ed.), Routledge Encyclopedia of Philosophy 2 p. 867.)

¹¹⁰ For example, it is the task of Roland Axtmann’s book *Liberal democracy into the twenty-first century Globalization, integration and the nation-state*.

¹¹¹ Axtmann, Roland, *Liberal democracy into the twenty-frist century Globalization, integration and the nation-state* p. 5.

¹¹² Dunleavy, Patrick and O’Leary, Brendan, *Theories of the State The Politics of Liberal Democracy* pp. 5-6.

¹¹³ Scott, John T., ‘The Sovereignless State and Locke’s Language of Obligation’ 94:3 *American Political Science Review* (2000) p. 547.

¹¹⁴ Williams, John, ‘Nothing Succeeds Like Success? Legitimacy and International Relations’ in in Holden, Barry (ed.), *The Ethical Dimensions of Global Change* p. 49.

¹¹⁵ Craig, Edward (ed.), Routledge Encyclopedia of Philosophy 5 p. 602.

¹¹⁶ Axtmann, Roland, *Liberal democracy into the twenty-frist century Globalization, integration and the nation-state* p. 5.

¹¹⁷ *Ibid.*, p. 19.

discusses the terms on which Locke defines the state, which is not solemnly in terms of a single sovereign authority, but rather, constructing a sovereignless commonwealth where several claimants to supreme authority coexist. These are the society or the people, the naturally free individual, the executive, and the legislative^{118,119}

Another theorist who has made significant contributions to the theory of the liberal state is Immanuel Kant. In the Kantian spirit, Matthias Mahlmann argues, that a system of freedoms only is a legitimate system of freedoms, when it is universally realisable. Implicit in this doctrine is that every single human being counts and only when the distribution of liberties is equal, it is justified.¹²⁰

In recent years, a new generation of liberal theorist have emerged challenging the classical concept of the liberal state. In a book review of Peter Berkowitz's 'Virtue and the Making of Modern Liberalism', Kenneth L. Grasso, brings up thinkers such as William Galston and Stephen Macedo, who are amongst those who acknowledge that liberal states depend upon a particular set of virtues, which they do not produce automatically. Their work is directed towards dependence of liberal societies on nongovernmental and extra liberal sources of virtue found in the civil society. They further insist, that, the liberal state should pursue liberal purposes, allowing fostering of virtues that serve these purposes. Grasso refers to Berkowitz, who examines the thought of Locke, Hobbes, Kant and Mill. In the context of virtue of the liberal state, Berkowitz finds that they all in due course recognize that liberal states cannot flourish without statesmen and citizens "capable of exercising a range of basic virtues". However, the fear in the context of virtues is that they represent a potential threat to limited government and individual freedom.¹²¹ The development of the previous discussion inevitably leads to the subject of the morality of the liberal state.

¹¹⁸ Locke's idea of the state is found in modern political theory. One example is found in Kamrava, where the functions of the state can be classified in four different, yet intertwined categories including regulation, enforcement, extraction and setting of the public agenda (Kamrava, Mehran, Understanding Comparative Politics A Framework for Analysis p. 35.).

¹¹⁹ Scott, John T., 'The Sovereignless State and Locke's Language of Obligation' 94:3 American Political Science Review (2000) p. 547.

¹²⁰ Mahlmann, Matthias, 'Heidegger's Political Philosophy and the Theory of the Liberal State' 14 Law and Critique (2003) p. 248.

¹²¹ Grasso, Kenneth L., 'Virtue and the Making of Modern Liberalism' 95:1 American Political Science Review (2001) p. 201.

4.2.1 *The Morality of the Liberal State*

A moral judgement is an act either, good or bad, right or wrong¹²² and usually has a moral object or a beneficiary¹²³. There are many obvious sources of moral choices. For example, we should do what is expected of us. This notion can derive from a group tradition or the majority viewpoint, amongst other.¹²⁴

The fundamental difference between states and individuals, in respect to morality, is that states lack the capacity of moral personality and the unity of consciousness that individual moral persons are presumed to possess.¹²⁵ Moreover, the problem of morality of states is found in the variety of leading normative issues in the international system; for example in the basis and content of human rights, the meaning of sovereignty and the obligations of states and their citizens to provide material assistance to others.¹²⁶

In the discourse of moral standards in the liberal state, and other states in the international system, a dual moral standard is often discussed. This standard implies that one moral standard is applied to the citizens within the state, and another standard is applied for the external relations with other states.¹²⁷ The political philosophy of international relations, reflecting the morality of states, cover a continuum ranging from political realism on the one side to cosmopolitan views on the other side.¹²⁸ Since the end of the Cold War, and the emerging 'New World Order', the basic question regarding the role of morality in international politics is, according to Peter M. Jones, whether this new order will affect the way in which states determine policy and behave, or if it will only reflect a rising awareness of a need to appear to be even more moral.¹²⁹ In the conclusion of *Is there any Moral Basis to the 'New World Order'?* Jones notes that it is much easier for states to propose general moral principles than it is to put them into effect.¹³⁰

¹²² Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 517.

¹²³ "The beneficiary is the person, persons, or entity for whose benefit the act is undertaken, or who benefits from it." (Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 522.)

¹²⁴ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 pp. 520-522.

¹²⁵ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 4 p. 829.

¹²⁶ Kurtz, Lester (ed.), *Encyclopedia of Violence, Peace & Conflict* 2 p. 232.

¹²⁷ Dunne, Tim and Schmidt, Brian, C., 'Realism' in Baylis, John and Smith, Steve, *The Globalization of World Politics An Introduction to International Relations* Second Edition, p. 143.

¹²⁸ Craig, Edward (ed.), *Routledge Encyclopedia of Philosophy* 4 p. 827.

¹²⁹ Jones, Peter M., 'Is there Any Moral Basis to 'New World Order'?' in Holden, Barry (ed.), *The Ethical Dimensions of Global Change* p. 71.

¹³⁰ *Ibid.*, p. 91.

In order to increase the freedom of citizens in liberal states, law and morality are in principle regarded as dissociated.¹³¹ In political theories on the liberal state, it is said that each citizen owe obligation to the state. Herein lays, the obligation between citizens which accounts as the obligation to the state. This is because the state, in this fashion, is the kind of association, embodying the everyday life of its members. Thus, the state is seen as more than an external umpire, where it becomes more likely to see it as the kind of association where political obligation is assumed.¹³²

Notably, there are many differentiating ways to which the concept of the liberal state can be understood. For example, Mahlmann, in *Heidegger's Political Philosophy and the Theory of the Liberal State*, argues that substantial freedom can only be achieved where there is a strong concern for the wellbeing of others.¹³³

4.2.2 Feminism and Multiculturalism – A Critique on the Liberal State

A critique on the liberal state is found in for example deliberative democracy, feminism, socialism, communitarianism and multiculturalism. However, the most frequent critique on the liberal state, relevant in the context of this paper, is found in feminism and multiculturalism. Both challenge the liberal ideal of political universalism.¹³⁴ In this critique it is argued that liberal states tend to promote liberal principles to such an extent, that other principles and considerations are ignored.¹³⁵ Similarly, the liberal state is not at all neutral, but rather uses the term to legitimate, promote and defend a way of life built upon gender, class and race inequality. Further, the critique is directed towards the neutrality of the state as a false political ideal.¹³⁶ Advocating a politics of identity, both demand that concrete differences of cultural communities and women must be given a place in modern democratic states. They further demand that individual rights must be complemented by group rights.

¹³¹ Mahlmann, Matthias, 'Heidegger's Political Philosophy and the Theory of the Liberal State' 14 *Law and Critique* (2003) p. 250.

¹³² Pateman, Carole, *The Problem of Political Obligation A Critique of Liberal Theory* pp. 172-174.

¹³³ Mahlmann, Matthias, 'Heidegger's Political Philosophy and the Theory of the Liberal State' 14 *Law and Critique* (2003) p. 248.

¹³⁴ Axtmann, Roland, *Liberal democracy into the twenty-first century Globalization, integration and the nation-state* pp. 7-8. (See also: Schwartzman, Lisa, 'Liberal Rights Theory and Social Inequality: A Feminist Critique' *Hypatia* 14:2 p. 42.)

¹³⁵ Grosso, Kenneth L., 'Virtue and the Making of Modern Liberalism' 95:1 *American Political Science Review* (2001) p. 201.

¹³⁶ Gardbaum, Stephen A., 'Why the Liberal State Can Promote Moral Ideals after All' 104:6 *Harvard Law Review* (1991) p. 1352.

This demand is made in order to give way for the representation of difference without entrenching or upholding oppression and inequality.¹³⁷

¹³⁷ Axtmann, Roland, *Liberal democracy into the twenty-first century Globalization, integration and the nation-state* pp. 7-8, 91-92. (See also: Schwartzman, Lisa, 'Liberal Rights Theory and Social Inequality: A Feminist Critique' *Hypatia* 14:2 p. 42.)

5 Conclusion

In short, the theoretical framework on compassion reflects on compassion as sympathy, empathy and pity, amongst others. The detangling of these terms and their practical applicability leads us to an understanding of compassion as a fellow-feeling with another suffering. Further on, genuine compassion brings us to respond or, at a minimum awakes an attempt to respond, in order to relieve another from suffering. This understanding of compassion, in context of human rights, is translated into a foundation for human rights. Since it does not lay within the scope of this paper, to look at how compassion arises, it is easy to argue that where there is compassion, human rights have an imperative place. Since the foundation for both universal human rights and compassion, in its most used meaning, both imply a shared humanity, there is an applicability of compassion to the field of human rights. In the literature on the two topics, overlapping discussions on justice, virtue and morality is found. For example, human rights are assisted by moral norms, which imply that they exist where there are substantive moral norms. This is the realm in which compassion as a virtue appears and is directly transferable from an emotion in the personal to the political realm of moral virtues. Another example is found in that compassion is in its particular sense an emotion in the personal, however it changes to the universal, since compassion does not know limitations. Similarly, human rights, are rights that individuals hold, however they are equally held by all human beings.

When adding the liberal state to the above analysis, the modern liberal democratic state, seen as a political organization reflecting its citizens, thus, has the capacity of a compassionate politics in regard of human rights. Since the function of the liberal state and its government is to facilitate the interests of the citizens as individuals, Habermas' theory of deliberative democracy is of interest to discuss. In this model of democracy, human beings are interconnected individuals. This results in that both rights and obligations extend beyond borders. In this aspect the three subjects of this paper can be discussed in a context exemplifying the relevance of compassion, regarding human rights in liberal states.

In the outline of the study for this paper, a variety of possible research questions close to the question asked, can lead to further research. For example; *How does compassion organizing and other organizational theories of compassion be understood in liberal states? What is the relevance of compassion regarding implementing human rights in liberal states?*

What is the role of compassion regarding implementing human rights in quasidemocratic of authoritarian states? What is the relevance of compassion in international relations?

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