

# 1

## HAVING RIGHTS

**I**n this book, when I speak of rights what I shall be referring to is rights as they are actually operative in social life, and by 'having rights' I shall mean participating in operative rights. Individuals are often said to have rights, even in societies in which no such rights are operative. I prefer to distinguish between operative rights—those that prevail in a given social context—and those that ought to be operative, and to say that the only rights anyone has are those actually operative for him or her. To claim to have a right that is not operative is to mean that it ought to be so. In a subsequent chapter, I plan to show why certain fundamental rights ought to be operative for every member of every human community. I should add that, in saying that no one has rights unless they are operative, I do not mean to suggest that for anyone to have a right this right must be conferred by a state or government. On the contrary, it follows from the analysis I shall propose that rights become operative not when formally conferred or enacted, but when members of a community respect them. A right may be operative in this sense and not be law, or it may be law and yet not operative.

This book is a theory of human rights, and the limitation calls for justification. Isn't it possible for nonhuman animals to

have rights? The issue is not whether we are or ought to be morally obligated to treat other animals humanely or whether it is wrong to kill them. Rather, it is the question whether moral issues concerning members of other animal species are properly treated as issues involving rights.

One way to approach the question of animal rights is to ask what qualifies any being as one that *can* have rights. Joel Feinberg, for example, asks whether the beings in question are capable of having interests. Tom Regan asks whether they have “inherent value,” the value, according to him, of beings with beliefs, desires, the faculties of perception and memory, an emotional life, a sense of the future, preferences, the capacity for suffering.<sup>1</sup> But any answer to the question of what qualifies a being to have rights presupposes a concept of the nature of rights and of what is involved in having them. I propose to reexamine this concept within a theoretical framework derived largely from George Herbert Mead and to show the implications of this analysis of rights, first for the question of animal rights and, then, for unborn human beings and for those who either never will be or are no longer able to participate in social intercourse. In the final chapters of the book, I shall apply the same analysis to the question of group or community rights or, as they are sometimes called, “collective rights.”

While he writes explicitly on the subject of rights and on the issue of natural rights, his treatment of the nature of rights as such is articulated primarily in *Mind, Self, and Society*, where rights are used to illustrate his theory of organized social interaction.<sup>2</sup> The same analysis is summarized in “The Genesis of the Self and Social Control.”<sup>3</sup> The view of rights I shall present is grounded in Mead’s analysis, but it is not identical with his and goes beyond it in several respects. Therefore, while I hope this book will contribute to a greater understanding and appreciation of Mead’s work in this area, it should be read as an essay on the concept of rights rather than as one on Mead’s thought.

In developing my view, I shall not always use Mead’s terminology. For example, one of Mead’s key words is “attitude,” and I shall use it frequently. But Mead sometimes speaks of what he elsewhere calls an attitude as a “perspective,” using this word in a sense that is consonant with that which I have employed else-

where, a sense derived from the writings of Justus Buchler.<sup>4</sup> For the most part, I shall use 'perspective' instead of 'attitude'. Mead also uses the names "community" and "society" interchangeably, to refer to any organized social entity, from a small face-to-face group to one as wide as a nation. In general, I shall use the word 'community' to convey this sense. With a generic sense of community in mind, for which I have used the name 'perspectival community', I shall distinguish the kind of community Mead is talking about as a normative community.<sup>5</sup> The word 'norm' is not used at all by Mead, but it is employed in social science, and the attitudes of which Mead speaks function normatively in governing the behavior of the members of a community.

I shall be primarily concerned with Mead's theory of social institutions and social control. It is the mechanism of social control, as he analyzes it, which Mead believes makes organized social behavior possible and enables individuals to be members of communities. He shows this mechanism to be at the heart of the social institution of rights. The same mechanism is involved in the development of the individual self and of mind. Mead is as much concerned with self and mind as he is with society, for both evolve together as an organism learns to participate in organized social interaction, and he conceives the self as a self-conscious process. What I have to say does not require any discussion of mind, but it should be noted that Mead's functional treatment of this concept, that of a "social behaviorist," is designed to avoid the philosophic problems of introspectionist psychology. Mead conceives experience, self, and mind in terms of the process of communication rather than in terms of subjective awareness. He does not deny that experience has an "inner phase," but his focus is on the "social act," that is, "the class of acts which involve the co-operation of more than one individual, and whose object is . . . found in the life-process of the group, not in those of the separate individuals alone."<sup>6</sup> Thus, utilizing his theory will not involve us in issues concerning the privacy of experience or the existence of minds as entities.

What, exactly, is a right? A common and much-discussed way of defining it is to say that it is a claim or, in some versions, a justified, justifiable, or valid claim. To review all the arguments and

counterarguments concerning this conception of a right would take far too much space and would divert me from my main objective, which is to present an analysis of a right that differs from those that are prominent in recent discussions. I shall confine my treatment of the idea that rights are claims to a few points that are directly relevant to the view I shall propose.

One can claim a right, that is, make or voice the claim that one has or ought to have it; but if the right is itself a claim, it is the kind of claim that is had rather than one that is uttered. A right to fair treatment, for example, is conceived as a claim one has on (some would say "against") the community. Concerning claims in this sense, I would concede Alan R. White's point that the expression, 'to have a justified (or justifiable or valid) claim', is redundant, for if a purported claim were not justified or valid we could say that its supposed possessor had no claim.<sup>7</sup> But not every claim that is had is a right. For example, to have a claim on someone's affections is to have the power to inspire affection in that person, not to have any sort of right. The kind of claim that is a right is an entitlement. A being that has such a claim is entitled to act or be treated in a certain way, or to possess some good. Yet not all entitlements are rights. One may be entitled to credit or praise for doing a job well, but entitlement in this case is desert, not right. The credit or praise is warranted but not obligatory or owed. To be a right, a claim must be an entitlement that it is not only appropriate but obligatory to honor, as is the entitlement under the United States Constitution to equal protection by the laws. Respect for an entitlement of this sort is owed to the one who has it, and we would hold failure to respect it, whether on the part of individuals or of the community, to be morally wrong. If there were no obligation to respect or honor it, the entitlement would not be of the sort we call a right.<sup>8</sup>

Whether or not every obligation is associated with a reciprocal entitlement, an entitlement that qualifies as a right carries with it a correlative obligation to respect it. There is a logically necessary connection between the concept of a right and that of the obligation to respect it; each is defined, and is only intelligible with reference to, the other. To say that there is an entitlement that we would call a right means that respect for it is obligatory. That there is such an obligation means that the enti-

tlement is a right. Part of what I hope to show here is that the necessary connection between entitlement and obligation in the concept of a right reflects a connection that is not merely logical but sociopsychological, a function of the nature of social institutions and the mechanisms involved in the social control of behavior.

I have spoken thus far, in the conventional way, of having rights, and have suggested that a right is a kind of entitlement. But to speak of rights as entitlements is elliptical. What we are referring to when we do so is an entitlement together with the correlative obligation to respect it. To identify the right with the entitlement alone is to omit the specification that makes it a rights-entitlement. Rather than identifying a right with the entitlement it confers, we should understand it as a relation between the entitlement and the obligation inherent in its being a right, a relation that has the form,  $e R o$ . Where a right exists, where this relation is embodied in social practice, there is a relation between a being (or beings) that is (are) entitled and beings that are obligated to respect that entitlement. Rather than having rights, we should be said to "participate in" them. To say, colloquially, "S has a right," is to mean that S is a participant in a rights-relation and occupies the position of  $e$ , the party with a rights-entitlement. Alternatively, we may say that S "plays the role" of  $e$  in this relation. The same being, S, may also be involved, whether in this or other rights-relations, in the position of  $o$ , the party obliged to show respect for the entitlement. To avoid awkwardness, we may continue to speak of having rights, provided we recognize that we are using this expression to designate the having of rights-entitlements, and I shall sometimes employ this locution. And where it would be confusing to call the relation itself a right, I shall refer to it as a 'rights-relation'.

A rights-relation is a social relation, one in which individuals must be jointly involved. It is also a normative relation, one that serves to regulate the behavior of the participants. An important feature of this relation is its formal asymmetry. It involves two different positions or roles, and while these can only be understood in relation to one another, it would seem that a being could play one of the roles without playing the other: A being could be obligated to respect an entitlement it did not possess, or possess an entitlement without being obligated to respect similar entitle-

ments. If this is the case, it is possible that a being that is not eligible for one of the roles or not capable of fulfilling it could yet have the other role. This is an important consideration in connection with the issue of animal rights, since we do not hold other animals obligated to respect rights, and they cannot do so. We may have a moral obligation not to kill them, for instance, but even if we do, and even if we hold this obligation to rest on animals' right to life, they have, and can have, no such obligation toward us or toward one another. The killing of a human being by a tiger or a pit bull is horrifying but not morally wrong.

In what follows I shall show that the rights-relation is only apparently asymmetrical: first of all, that when and where a right is operative, even though its implementation gives or allows one party something to which she or he is entitled and rests on others' doing what is necessary to fulfill the obligation to respect it, both the entitlement and the obligation are in principle conferred upon all members of the community alike; second, that having a rights-entitlement and respecting it are functionally inseparable.

Most theorists ground eligibility for rights-entitlements in some characteristic of human individuals as such. A. I. Melden is one who sees rights, as Kantians do, to be tied to moral agency, but he takes the latter to be inseparable from membership in "the moral community" and his position is empirically based. The marks of both moral agency and membership in the moral community are

those general and familiar features of the lives of persons which are accessible to all of us: the fact that they have interests in the pursuit of which they seek to achieve a variety of goods for themselves and for others; the fact that these interests are intelligible to us and that they and the goods they define are in large measure similar to our own; the fact that their lives like our own are bound by love and affection with those of others within the circle of their own family and friends; the fact that like ourselves they are beings who carry on their affairs with others to whom they are not bound by love and affection but with whose

well-being they are concerned, adjusting their desires and their concerns to theirs, and in joining their lives with them give them the support they need and require for the successful pursuit of their endeavors.<sup>9</sup>

This is the form of life of the moral community and, Melden says, “The philosophical understanding of the rights of human beings must come to rest on nothing less, and on nothing else than, this enormously complicated and moral form of human life itself” (ibid.). To articulate it would be to describe “the most familiar of the endlessly varied and complicated ways in which in thoughts, actions, and feelings persons reveal themselves as the moral beings they are” (pp. 199–200).

As an argument regarding the ground of rights, this would be circular, since participation in the moral life of the community includes relating to others in ways that express respect for their rights. Melden seems to be accepting moral agency as the ground for rights but, rather than providing an argument regarding the basis of rights, he says, the detailed description of moral life would only show us more clearly and in detail “just what it is for persons to have the rights they have as human beings” (p. 200).

My objection to this is that such a description would not distinguish between rights and other moral principles and relations. Melden contends that rights obtain only among members of the moral community, with the latter defined as the community of moral agents. In addition, he points out that “rights and obligations . . . exist only where there is a community of understanding of the complex array of moral concepts within which the concepts of a right and an obligation have their place, and, paradigmatically, when the setting appropriate for the enjoyment and exercise of rights is present” (p. 144). Appropriately, he conceives rights as moral relations and stresses the fact that the lives of those who have entitlements and obligations to one another are joined.

But recognition of moral agency or of joint membership in the moral community does not differentiate respect for rights-entitlements from respect for individuals as being, in general, moral equals; it does not differentiate, for instance, between having respect for someone’s moral authority and having respect for that person’s rights-entitlements. Melden points out that “the re-

spect . . . for the right of a promisee to the performance of the promised action is a respect that occurs only if there is a respect for the promiser as a moral agent” (p. 167). This may be true, but it is also true of other moral relations in which rights do not feature. For instance, the belief that others should be considerate of our feelings and our sense of obligation to be considerate of theirs, even though there is no special right to such consideration, exists only because we are all members of the moral community, which means that we regard and respect them as moral agents in Melden’s sense and expect them to do likewise. Similarly, we believe that parents ought to love their children because we consider those parents to be moral agents but, tempting as it is to say that there is, there can be no right to love.

Moreover, even if rights can only obtain in a moral community, and even if only moral agents who exhibit the traits of moral behavior can be members of a moral community and, hence, beings with rights, could we not have moral respect for nonhuman animals who exhibit some of the traits of moral agency and, hence, of belonging to the moral community, as field studies indicate that they do? There are species in which care and protection of the young are shared by a group of adults, species in which individuals—exposing themselves to danger thereby—utter cries of warning upon sighting predators, and so forth. According to Melden, the resemblance of their behavior to that involved in participating in a fully developed moral life is the ground of our moral respect for infants and the disabled, who, “despite their differences from the normal cases, are sufficiently similar to the latter to enable us to count them as persons with whom, albeit in more restricted ways, it is possible for those normally endowed to conduct themselves with such individuals, attending to their interests and the goods they seek to achieve and receiving in return a like treatment in the course of their commerce with them” (p. 208). Referring both to our treatment of infants and the tendency of some people to anthropomorphize their pets, Melden states, “the point remains that where we attribute to individuals even to a limited degree those features present in normal [moral] agents, we do ascribe rights to them” (p. 209). (The two, for him, are inseparable.) By the criterion he has provided, this ascription is justified, and Melden would accord these



beings what he takes to be the “basic” right (entitlement) to pursue their own individual and collective interest.

Could we not, comparably, grant nonhuman animals such rights-entitlements as that to be spared the wanton destruction of their natural habitat? What is required in answering such questions, it seems to me, is not simply the more detailed description, called for by Melden, of the ways these beings reveal themselves to be—or not to be—moral agents, but a more detailed analysis of the rights-relation itself in order to determine what is involved in both constituent roles. Is there some intrinsic connection between being entitled, in the way we call “having a right,” and being obligated to respect such an entitlement? This is a distinct question from that concerning the necessary connection between the two concepts, a question about a social relation rather than a logical one. As I shall show, Mead sheds a unique light on this issue. Like Melden’s, Mead’s approach is empirical, but rather than treating rights as moral relations, he treats them as communicative relations, instances of meaningful social interaction.

For Mead, as for Melden, rights obtain only within a community. This community, however, is not one of moral agents. It is a community of selves, beings who regulate their joint behavior and their mutual relations by the same organized set of social norms, the social institutions of that community. The existence of rights is such an institution. As I shall show, it follows from Mead’s general analysis of social institutions, that is, his analysis of norm-governed social interaction, that to take the role of entitlement in a rights-relation is at the same time to take the role of one who is obligated to respect that entitlement, so that a being incapable of respect for rights is also incapable of having them.

The model for Mead’s analysis is that of a game.<sup>10</sup> For the sake of clarity, let us first think of a game such as checkers, in which two players have identical roles, objectives, and options. To play the game, two individuals must both regulate their conduct by the same set of rules. Each must make moves defined as legitimate by the rules and use them in prescribed ways in response to the moves of the other and as means to the appropriate end. Such behavior differs, on the one hand, from an exchange of instinctive or biologically determined reactions and, on the other, from mere imitation of the sort in which a solitary child engages

when walking about in its parent's shoes. In the game, each move is a gesture to which the other player responds in a way provided for by the rules. By giving both players the same repertoire of responses to every pertinent gesture, the rules not only guide each of them individually but insure that their play is reciprocally coordinated. That is, the rules give each gesture the same meaning to both players, converting it into what Mead calls a "significant symbol." Both players use these symbols in the same ways in determining their responses to one another. Linguistic gestures are said by Mead to be the most important significant symbols, but not the only ones. Nonlinguistic gestures play a more important part in social interaction (and in Mead's analysis of it), however, than Mead formally acknowledges.

The rules of a game comprise an organized set of norms in accordance with which the players regulate their participation. Internalized by both, this set of norms constitutes a common perspective or "attitude," as Mead calls it. Having this "general" or "generalized" attitude, each player can anticipate what the other is likely to do in response to any legitimate move and, conversely, can view her own moves as the other would, and can utilize both these understandings in plotting her strategy. That is, each player can play because he can "put himself in the place of the other"—in Mead's language, he can "take the attitude of the other."

Mead speaks both of "taking" and of "having" the attitude of the other, but does not make a clear distinction between the two. As will become apparent in what follows, I take the distinction to be important and, moreover, I think we must distinguish two senses of having an attitude. In behaviorist terms, an attitude can be defined as the disposition of an agent to control or direct his or her behavior in a particular way. Mead speculates about the neurological basis of the ability to do this.<sup>11</sup> Trying, characteristically, to define an attitude as a way in which an organism functions, he states, "by 'attitude' I refer to the adjustment of the organism involved in an impulse ready for expression" (p. 362). To *take* an attitude, then, would be for the organism to make this "adjustment" and hence be ready to behaviorally express the impulse it embodies. It would then seem that to *have* an attitude would be for the organism to be ready to make this adjustment in the appropriate circumstances. A being that has an attitude, how-

ever, may fail or omit or even refuse to adopt it in a situation in which it would be appropriate. An example of the latter would be when a law-abiding individual decides nevertheless to engage in civil disobedience. Another would be when someone declines to return a proffered handshake, even while recognizing it as calling for the reciprocal gesture. Thus we need to distinguish between having an attitude in the strong sense of having a disposition to take it in the appropriate circumstances, and having it in the weaker sense of *knowing* it, being able to take it appropriately whether or not one is disposed to do so. To have an attitude in the latter sense would be to have it in one's repertoire of adjustments, whether or not one were actually ready or willing to make the adjustment.<sup>12</sup>

An attitude may also be conceived as a kind of perspective, a kind of outlook or orientation, namely, one that determines selected complexes to call for responses of a determinate sort. "We are," Mead says, "especially through the use of the vocal gestures, continually arousing in ourselves those responses which we call out in other persons, so that we are taking the attitudes of the other persons into our own conduct."<sup>13</sup> That which calls out the same responses in both—or, as I would prefer to put it, calls *for* the same responses *from* both—has the same meaning to both parties. "Meaning," Mead says, "arises in experience through the individual stimulating himself to take the attitude of the other in his reaction toward the object." And in indicating the meaning of an object to another, the individual is "occupying his perspective" (p. 89).

If an attitude is a perspective in which selected complexes call for certain responses, to *take* an attitude (adopt a perspective) is to recognize or judge the complexes to which it applies *as* calling for those responses, and to be ready so to respond. To *have* the attitude, on this view, is at least (i.e., in the weaker sense) to know the perspective as one that is applicable, to know how to respond in terms of it to those complexes to which it applies. It is thus to recognize selected complexes as subject to the imperatives embodied in the perspective. To have an attitude in the stronger sense is both to know it and to be ready to adopt it in the appropriate circumstances.

In defining the system of mutually responsive gestures that constitute a game, the rules of the game define the role of player

and the relation between players (in checkers, a relation between opponents). This is to say that the perspective or attitude by which the game is governed, and which both players share, determines the reciprocal attitudes taken by the players vis-à-vis one another. Having the general attitude enables any player to take the specific attitude proper to each role, and to take each of these attitudes toward both oneself and one's opponent. This is not because the roles are identical. Not all games are symmetrical as checkers is: Take hide-and-seek, for example. Here, just as in a symmetrical game, by defining all the moves proper to each role and the ways in which the moves are to be employed in response to one another, the rules give each move the same meaning to any player and enable anyone who knows them to play both roles. To play by the rules is to regulate one's moves by the attitude—the set of norms—governing the game. This attitude encompasses the attitudes of both roles in their mutual relatedness. That is, it encompasses the norms governing the ways in which the player of each role can respond to the moves of the other. This enables each player to regulate his or her play in terms of the expectations of the other—to take the attitude of the other toward him- or herself. To have the general attitude governing the game of hide-and-seek, therefore, is to be able to play either role, and to do so because it is to be able to play the other role as well.

No matter how complicated the game, the same principle applies: To play it one must be able to take the attitude proper to any of the roles in the game, and to view one's own play and that of all the other players as they would. This is made possible by having the generalized attitude governing them all.

In so far as they share in this generalized attitude, Mead holds, the players of a game constitute a community. Having this attitude, which is something over and above those of the roles it defines, the members of the community collectively function as an "other" in relation to each member individually. Mead therefore calls the community as such a "generalized other." The player of a game, he says,

must have the attitude of all the others involved in the game. The attitudes of the other players which the participant assumes organize into a sort of unit, and it is

that organization which controls the response of the individual. The illustration used was of a person playing baseball. Each one of his own acts is determined by his assumption of the action of the others who are playing the game. What he does is controlled by his being everyone else on that team, at least in so far as those attitudes affect his particular response. We get then an "other" which is an organization of the attitudes of those involved in the same process.

The organized community or social group . . . may be called "the generalized other." The attitude of the generalized other is the attitude of the whole community. Thus, for example, in the case of such a social group as a ball team, the team is the generalized other in so far as it enters—as an organized process or social activity—into the experience of any one of the individual members of it. (p. 154)

As Mead portrays it, the structure of any community, that is, of all norm-governed social interactions and all social institutions, is essentially that of a game. The members of any group or society are bound together in an organized system of social relations by a common attitude, the attitude of a generalized other. This is also true, he holds, of the participants in "abstract" social organizations such as the system of economic exchange, which transcend particular structured social entities (pp. 289–90). Having the attitude of the generalized other, the members of any community share a system of responses—meanings—in virtue of which they are able to take one another's attitudes and so to communicate and interact in an organized manner. In a paper, "The Objective Reality of Perspectives," Mead remarks that "it is only insofar as the individual acts not only in his own perspective but also in the perspective of others . . . that a society arises."<sup>14</sup>

In an actual human group or society, we need to remember, there may be individual members who either have not fully assimilated the perspective of the generalized other and do not share all its constituent attitudes, or who have other attitudes that are in some respect incompatible with that of the community. (The fact that an individual belongs to many communities makes the

latter likely.) To the extent that this is the case, we would have to say that the bonds of community are weakened. Nevertheless, wherever there is a community in Mead's sense, there is a community of attitude which, in so far as it prevails, serves to govern the conjoint activities of the members, whose participation in any of those activities is hampered if they cannot adopt the attitude of the community—the generalized other—toward it.

The concept of the generalized other is Mead's version of the concept of Rousseau's "general will"—"the universal will which could be the will of the individual and yet the will of the community."<sup>15</sup> Mead conceives this to be something like public opinion, which he characterizes as "that attitude which is itself a universal attitude, which goes to make up the character of the individual." "When there is an effective public opinion," he says, "one that really expresses the attitude of everyone in the community, one recognizes it as one that has and will have authority" (p. 20). This authority consists in the attitude's serving to control the social behavior of those who share in it.

Despite the analogy between the social process as such and a game, not all social norms are rules. Norms are institutionalized ways of responding to complexes of any kind.<sup>16</sup> They may or may not be rules, and norms that take the form of rules may or may not be promulgated as laws. Ends and goals, standards, ideals, values, understandings, tastes and preferences, may all be institutionalized in a community. Even sensory perception can be, as we know from cross-cultural studies of color perception. Norms of all kinds may be ingredients in the general attitude or perspective of a community. By establishing common meanings, the development of a system of norms enables individuals to coordinate their lives together in an organized way. "That which makes society possible," Mead states, "is such common responses, such organized attitudes."<sup>17</sup> Conversely, that which makes it possible for an individual to participate in the life of a community is the internalization of its norms, making the attitude of the generalized other a part of that individual's personal perspective or character.

This does not mean that every member of a community must agree with every other or that all must accept the norms uncritically. What it means is that to be able to respond to a social

gesture in a relevant way, even to criticize or oppose it, the individual must have (in at least the weak sense) the attitude in terms of which that gesture has the meaning it does in that community. As will be shown, Mead holds criticism to be an important factor in the life of a community and that of a self. Beyond this, he would have to acknowledge that one may be a member of a community in the sense of sharing in the general attitude that governs it and yet have or adopt particular attitudes that are in conflict with that of the community in some respect. Where this is the case, the tension between the attitudes is replicated within the self; the individual is at least potentially in a state of inner conflict. It should be noted as well that were the organizational structure of a group or society to be dissolved, to the extent that the attitude of the generalized other remained part of the perspectives of its members they would still constitute a community in the sense intended here. The same would hold true if an individual or individuals were to be formally expelled from an organization or group.

Since the perspective of a generalized other comprises a system of norms (or a system of such systems), I shall call a community governed by such a perspective a *normative community*. Not all of an individual's perspectives are shared with others, although many are bound to be; and not all shared perspectives are those of social institutions. (As examples, one may cite the perspectives that tall people and those who are color blind share to the extent that, as a result of these conditions, they respond similarly to the same complexes.) I use the term '*perspectival community*' as a name for any collectivity of individuals who share a perspective.<sup>18</sup> A normative community, then, is a species of perspectival community, one whose members are united by a common normative perspective.

Mead shows the norms that govern the life of such a community to arise out of the requirements of cooperative social interaction. (By "cooperative" interaction, he means any joint behavior having either shared or reciprocally defined objectives, so that competition, as in a game or sport, and even conflict, in the sense that the object and the terms of the conflict are mutually intelligible, rather than being totally antithetical to cooperation are forms of it. The mutual intelligibility in both cases is a function

of shared perspectives.<sup>19</sup>) Norm-governed interaction evolves among organisms whose highly developed central nervous systems enable them to perceive the responses of others toward their own actions (gestures), to make those responses to their gestures part of their own repertoire of responses to similar gestures, including their own, and to learn to regulate their behavior in those and similar circumstances in terms of their knowledge of the responses those gestures can be expected to stimulate. By thus taking one another's attitudes in the attempt to coordinate their behavior, such organisms can evolve systems of mutually responsive gestures.

In the form of habits, dispositions to respond, this system comes to govern the behavior of each of the members and thereby to regulate the ongoing social process. It is the normative attitude of a generalized other. "The complex co-operative processes and activities and institutional functionings of organized human society," Mead says, "are . . . possible only in so far as every individual involved in them . . . can take the general attitude of all other such individuals with reference to these processes and activities and institutionalized functionings, and to the organized social whole of experiential relations thereby constituted—and can direct his own behavior accordingly." This is what Mead means by "social control." "It is in the form of the generalized other that the social process influences the behavior of the individuals involved in it and carrying it on, i.e., that the community exercises control over the conduct of its members."<sup>20</sup> This control is only possible to the extent that the attitude of the generalized other of every community to which she belongs is a component of the self of each member, of that aspect of the self Mead calls the "me." The "me" is an organization of social attitudes in the perspective of the individual, comparable in some ways to Heidegger's *das man*.<sup>21</sup> It is "the self which arises through the taking of the attitudes of others."<sup>22</sup>

The process in which an organism becomes a self is the same as that in which normative communities and their institutions evolve and are perpetuated. It is the process in which cooperative social behavior and the relations embodied and expressed in that behavior come to be organized and regulated. The attitude of the generalized other, which arises in and thereafter



serves to govern this process, incorporated into the “me” of the participants, provides the link between the social institutions and the self. This linkage is central to Mead’s understanding of what is involved in the existence of rights.

In learning to respond to its own gestures as others do, an organism becomes aware of itself, self-conscious; in experiencing itself as others experience it, it experiences itself as an other. This other calls out a further response on the part of the individual, who must act. The “I” is that self, or aspect of the self, which is aware of and responds to the “me” and to the situation in which it is involved, and which initiates decision and action. Mead sometimes speaks of the “I” as a response: Like the “me,” it is a function, a phase of an interactive process, not an entity. In a situation of cooperative interaction, the acts and expressions of the individual elicit responses from that individual herself as well as from others. In so far as a gesture calls out the same response in the gesturer as in those others, and the gesturer in turn reacts to this response in herself, Mead says, “we have both those contents which go to make up the self, the ‘other’ [‘me’] and the ‘I’” (p. 194). “The ‘I,’” as Mead puts it, “both calls out the ‘me’ and responds to it. The self . . . is essentially a social process going on with these two distinguishable phases” (p. 178).

Whereas the “me” embodies the attitude of the community, the “I” is not inherently bound by this attitude and can react spontaneously. Thus there can occur the “inner dialogue” or “conversation” of reflection. Just as the “I” calls out the “me,” the “me” “call[s] for a certain sort of an ‘I’ in so far as we meet the obligations that are given in conduct itself” (p. 178). As Mead’s context makes clear, these obligations are not per se moral duties but responses called for by the social norms. (In the language suggested earlier, to have the attitude of the community is at least to know these responses *as* what is called for.) It is here that social control is exercised. “But,” Mead continues, “the ‘I’ is always something different from what the situation itself calls for” (*ibid.*). The office of the “I” is to respond, not only to the “me,” but to the situation, and it may bring to bear attitudes of the “me” derived from other situations or from other communities to which the individual belongs. Its task is to synthesize, to reorganize or reconstruct the situation within the ex-

perience of the individual (p. 198). The resulting action may therefore reflect something new, to which in turn the community and the self must respond, and which may come to be incorporated in the attitude, not only of the individual "me," but of the generalized other. Mead further maintains that the "I" can project a new, ideal, generalized other, in the light of which it can serve as critic of the "me" and of the social norms (pp. 167-68). Thus the interplay between the "I" and the "me" is at one and the same time the mechanism of social control and a source of personal growth, individuality, and independence; it is not only the means of the establishment and continuance of social norms and institutions, but also the motive force in social change and social reform.

To illustrate the function of the generalized other in social control, Mead uses the institution of property. Property differs from sheer possession in that possession is based only on power, whereas property is based on a common understanding, a collective attitude. Commenting on Thomas Hobbes, in *Movements of Thought*, he notes that an individual can lay claim to something as property "only in so far as he can present evidence that it is his property on bases that everyone else recognizes" (p. 18). Where this institution exists, he says in *Mind, Self, and Society*, "there is an organized attitude with reference to property which is common to all members of the community" (p. 161). Those who share this attitude have it both as respecters of property and as its possessors. It is not only that the attitude of the community mandates respect for the property of others; one could neither claim to have property nor treat one's own possessions as property without having the attitude that defines it as property, to be respected by all. To play the role of an owner of property is to take the attitude of the generalized other toward it, which entails taking the attitude of a respecer of property toward oneself as owner.

"A man who says 'This is my property,'" Mead asserts, "is taking the attitude of the other person" (p. 162). This is because to play any institutionalized social role is to take the attitude of the generalized other governing it, and hence to take the attitude of other participants toward oneself. The respecer of property is also taking the attitude of the other. One who says, "This is your property," is saying, "With you, I hold others, including myself,

obligated to respect your ownership.” Any statement that something is someone’s property calls out the attitude of the generalized other that determines what property is. And not only the statement, but all conduct relating to property, calls out and is governed by the same set of normative responses, which must be operative in all property-holding and all transactions pertaining to property. For example, as Mead points out, “One cannot exchange otherwise than by putting oneself in the attitude of the other party to the bargain. Property becomes a tangible object, because all essential phases of property appear in the actions of all those involved in exchange, and appear as essential features of the individual’s action.”<sup>23</sup> As in playing a game, in participating in the social institution of property it is not possible to play a role without having or knowing (being able to take) the attitudes of the coordinate roles. The normative attitude of the generalized other with regard to property governs them all and must be a component of the “me” of anyone who engages in property dealings.

But, it could be asked, what about an individual who does not have the attitude governing property, or one who repudiates that attitude or professes it insincerely? Can such a one steal with impunity? Of course not. One who did not have the requisite attitude in either of the above specified senses might go through the motions of what appears to be a genuine property transaction, but to that individual the item(s) involved would not have the (socially defined) meaning of property. The transaction would hence be faulty and its validity could be challenged. What it means for property to be institutionalized in a community is for the members, as members, to be bound by the norms governing it, so that a member who did not have the appropriate attitude would have an obligation to acquire it, analogous to the obligation of one who plays a game to obey its rules. One who professed insincerely to respect property might not understand it to be property, that is, not have the attitude defining it as such, in which case that person would be merely “putting on an act.” If that person did understand it to be property, she would *have* (that is, know) the attitude defining it as such but would only be pretending to *take* it or be governing her behavior by it. And, just like anyone who joins in a game, anyone who enters into the activities

of a normative community and engages in behavior covered by the norms is thereby bound by them.

The thief or vandal who violates the norms governing property may be presumed to do so either knowingly or unknowingly. One cannot knowingly violate a norm and reject the normative attitude without having it (in the weak sense) as a component of one's perspective as an individual. But, knowing or unknowing, the thief or vandal *is* such in virtue of being bound by the norms in any dealings concerning what the community takes to be property. One who was neither thief nor vandal but on moral grounds rejected the principle of private ownership could do so only in the light of an understanding of what ownership meant, that is, only by having, again in the weak sense earlier defined, the general attitude governing property. Such a person would be counterposing to that attitude a contrasting attitude, would have conflicting attitudes toward the same complex, but in different respects. This individual could try to change the prevailing norms, but in the perspective of the community she would still be subject to those norms in any dealings to which they were relevant.

The institution of property serves Mead as an important example of a right, and the property relation is a special case of what I am calling a rights-relation. To have property is to be entitled to use and control it, an entitlement that carries with it a concomitant obligation on the part of all members of the community, including oneself, to respect it. In terms of Mead's analysis, wherever there are rights-relations there is an organized attitude that all who participate in such relations share, and to (sincerely) play either role in such a relation is to take the attitude governing the other. Property rights are a case in point. "The man who says 'this is my property' is appealing to his rights because he is able to take the attitude which everybody else in the group has with reference to property, thus arousing in himself the attitudes of others."<sup>24</sup> And, more generally, "We cannot have rights unless we have common attitudes" (p. 164). This is to say that when a right is operative in a community the general perspective of that community has as a constituent a normative attitude that determines or defines an entitlement, and defines it as one it is obligatory to respect. If the attitude of the generalized other does not include such a norm, there is no such right in that community.