

On Interests and Values

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by:

[Thin](#) in [Law](#)



The development of human rights law is part of a fundamental shift in the nature and purpose of the international legal order. Where once international law was considered to regulate purely inter-state concerns, we now talk of the existence of international community interests and a shared international system of values. On which is the legal protection of human rights and human dignity based? Is it an interest or a value? Does it matter? This blog post offers a brief terminological clarification on the definition and distinction between the two and attempts to answer these questions.

First, interests. At a basic level, 'interest' relates to the benefit or advantage that one hopes to derive from a certain outcome. It may be material (e.g. an interest in monetary gain) or moral (e.g. the interest in justice). An interest may be private or common. There is both a quantitative and qualitative difference between the two. An individual interest relates to the benefit that you hope to obtain for yourself individually. Common interests are shared by more than one actor, and they transcend the individual interests of each actor.

An interest nonetheless always attaches to a particular actor or actors. This dependence distinguishes interests from values. An interest exists only in relation to the subject to whom the benefit or advantage, moral or material, would accrue. Values, conversely, exist independently – although one may have an interest in their protection or promotion. A value is a statement, not of subjective benefit or advantage, but of objective good.

Both values and interests have a potential role in human rights discourse. The protection of human dignity can be seen as a value and/or something in which we all presumably have a moral (and often material) interest. But is human rights law based on human dignity as a value or as an interest?

It is understandable that one might want to turn to a value-based logic. Objective statements of value require less work to establish widespread agreement. They are more secure: compared to interests which change all the time, values are relatively static. However, while this changing nature *can* be negative (in that it is easier to justify the erosion of or derogation from human rights standards) it can also be positive (in that it is easier to conceptualise their evolution and development). Such a value-based logic fits squarely within natural-law approaches to human rights and, while not uncommon, such an approach is plagued by problems of identification (of substantive standards) and legitimacy (in the face of international pluralism).

The notion of an international common interest shares these flaws in part, but is at least more transparent in its quest for consensus. It does not preach objectivity. It opens conversations rather than closing them. Such a concept is, it is submitted, a more useful and appropriate one upon which to base the protection of human dignity.

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