

The Foundations of the Universal Declaration of Human Rights from the Perspective of Kant and Rawls with a Focus on Justice

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Abstract

The ideas of Immanuel Kant in the history of legal and political philosophy over the past two centuries, as well as those of John Rawls at the end of the twentieth and the beginning of the twenty-first century in the field of justice, reflect the rise and fall of justice in modernity. Following this trajectory, Rawls' views and theories lost their effectiveness due to various challenges, after which Kantian perspectives revitalized legal and political liberalism. The outcome of this intellectual revival was the Universal Declaration of Human Rights, which emerged as a universal model for the expansion of liberalism. Although the adoption of the Universal Declaration of Human Rights is often attributed to multiple factors, particularly war, discrimination, and crimes against humanity, Kant's perspective cannot be overlooked in the normative foundation of the declaration. The central question of this article is: What are the theories of these two philosophers regarding justice, and which of their views align more closely with the Universal Declaration of Human Rights? The hypothesis examined in this study suggests that while Rawls had an impact on the epistemological and philosophical system of modernity and the foundations of the Universal Declaration, the concept of justice in the declaration is more influenced by Kantian theories. The research method employed in this study is descriptive, and data has been collected through library resources.

Keywords: Universal Declaration, Human Rights, International Law, Rawls, Justice, Kant

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1. Introduction

Justice and freedom are among the fundamental issues and necessities of human society. Justice is an intrinsic and innate demand of human beings, and every individual, by their natural disposition, abhors inequality and discrimination. The injustices that humanity has experienced over time have led to numerous concerns. As a result of these concerns, various human rights documents have been drafted and compiled, including:

- The Charter of the United Nations
- The International Covenant on Civil and Political Rights

- The International Covenant on Economic, Social, and Cultural Rights
- The Universal Declaration of Human Rights

Justice is explicitly mentioned in the preamble of the Universal Declaration of Human Rights as a supreme goal and ideal of humanity.

Similar achievements, derived from these concerns, have been the result of scientific endeavors and the theorization of various thinkers. The intellectual origins of such concerns can be traced back to philosophers such as Plato and Aristotle, who conceptualized justice as social and moral superiority. From antiquity to the present, perspectives and theories on justice have formed one of the fundamental pillars of political philosophy and legal philosophy.

2. The Concept of Justice

Throughout history, definitions of justice by both ancient and contemporary thinkers, from a philosophical standpoint, have largely revolved around "justifying and legitimizing inequality." Hence, the core debate surrounding justice is whether to defend or reject inequality. This definition is also evident in Rawls' philosophical views. In essence, Rawls sought to resolve conflicts of interest and establish a balance between duty and reward systems.

In Western political philosophy in general, and in Rawls' perspective in particular, justice is attributed to institutions rather than individuals. A just institution is one in which rights and responsibilities, power, authority, benefits, and opportunities are distributed in a manner that reflects fairness.

In Western political philosophy, two primary perspectives on justice prevail:

1. Justice as a means of securing mutual benefits based on commitments and agreements to achieve long-term individual interests.
2. Justice as impartiality, meaning that one should be able to defend justice without considering personal interests.

The first perspective, represented by thinkers such as Hobbes, Bentham, and Hume, is instrumentalist and utilitarian. According to this view, justice must be observed so that others also adhere to it, thereby recognizing one's rights and enabling long-term individual benefits. Hence, justice, in this sense, benefits both the individual and the public. The foundation of this concept of justice is contractual. In other words, thinkers of this school, particularly David Hume, did not ascribe a philosophical and theoretical framework to justice but viewed it with a degree of conservatism, considering it merely subject to tradition and custom.

The second perspective, represented by Kant, is teleological and moral. This view posits an idealist state in which individuals, without knowledge of their own interests and guided solely by morality, recognize and act upon justice. John Rawls, following this tradition, developed and theorized his own views within the Kantian framework. As previously discussed, Rawls, in line with Western political philosophy, considers justice to be an attribute of institutions rather than individuals. That is, in a situation where individuals, without precise awareness of their own interests and guided by moral principles, select principles of justice.

3. Principles of Justice

One might argue that societies universally think about justice in terms of equality and the assignment of rights to those entitled to them, leading to a unified theory and perspective on the application of justice. However, when discussing the foundations, content, and principles of justice, as well as the criteria for determining just actions and behaviors, different societies exhibit varying interpretations and criteria for justice. The fundamental question concerning the principles of justice is to determine what is just and what is unjust.

To establish an ideal and universally acceptable society, the first step is to define and select principles of justice. Within the framework of democracy, which has its roots in Western philosophy, three major perspectives—utilitarianism, contractarianism, and libertarianism—have analyzed and examined these principles. However, this article will forgo an extensive discussion of these perspectives and instead focus on the viewpoint that appears most aligned with Islamic thought.

4. Justice from Kant's Perspective

Kant was a highly influential philosopher in the modern era, shaping its intellectual landscape. His most significant work pertains to the *Critique of Pure Reason*, in which he formulated the structure of human cognition and practical reason. With his distinct view of humanity and epistemological theories, Kant introduced a novel framework for moral and political philosophy. It is necessary, therefore, to briefly outline Kant's epistemological and anthropological foundations before discussing his moral and political philosophy, as these form the basis for his conception of justice.

5. Foundations of Justice

As noted in epistemological discussions, Kant's interpretation of reason contributed to the flourishing of rationalism in the West. From Kant's perspective, what distinguishes humans from other beings is reason. Moreover, human cognition and decision-making are primarily rooted in rationality. Kant did not confine knowledge solely to empirical experience. Although he distanced himself from dogmatism due to Hume's influence, he never embraced empiricism. Instead, he identified reason as the fundamental source of human cognition. According to Kant, the foundation of human knowledge, particularly in relation to practical reason, consists of a priori rational judgments (Kant, 2004).

Based on this premise, Kant established an ethical system in which justice and freedom hold central positions. In Kant's view, non-rational elements—such as emotions, sentiments, self-interest, economic motives, religious doctrines, and theological principles—cannot serve as the foundation of an ethical system or moral values (Kant, 1938).

Accordingly, what is inherently good, independent of its outcomes, is goodwill. The moral worth of an action performed out of duty does not reside in its consequences but rather in the principle that guides it.

6. Justice from the Perspective of John Rawls

Justice is the first virtue of social institutions, just as truth is the first virtue of systems of thought. A theory, no matter how elegant and economical, must be rejected or revised if it does not meet the requirement of truth; similarly, laws and institutions, regardless of their efficiency and orderliness, must be reformed or abolished if they are unjust. Every individual, based on justice, possesses inalienable freedoms, rights, and dignity that cannot be overridden even for the sake of the overall welfare of society. Therefore, justice does not permit the deprivation of freedom from certain members of society on the grounds that doing so would yield greater benefits for others.

Justice does not accept nor validate a situation where a minority achieves its goals and gains excessive benefits at the cost of significant harm and losses to the majority. In a just society, individuals' rightful freedoms cannot be violated. The rights guaranteed by justice cannot be abolished or bargained away through political means. These rights also cannot be nullified by social considerations. The only justification for accepting a false theory is the absence of a better alternative; similarly, injustice can only be tolerated if it is necessary to prevent an even greater injustice. Truth and justice—these fundamental virtues of human conduct—are uncompromising and absolute.

According to Rawls, justice is a virtue that social and political systems exhibit when they resolve conflicts in a just manner. Although Rawls is one of the most influential political philosophers of the twentieth century, he was undoubtedly influenced by the eighteenth-century German philosopher Immanuel Kant. Rawls sought to address one of the most complex issues in political philosophy—justice—by relying on Kantian methods. Accordingly, Rawls' perspective on justice is embedded within Kant's theoretical framework. Justice, in this context, relates to the formation of society as a whole and the institutions that constitute it.

Based on Rawls' theory, access to resources is determined by social institutions. His theory also encompasses the rules that define privileges, rights, access to political power, and material capital. Rawls' concept of justice is intertwined with several fundamental concepts, including:

- The original position
- The veil of ignorance
- Fairness
- Impartiality
- The principles of justice

Rawls equates justice with fairness, a concept he elaborates on throughout his works. His objective was to develop a modern theory of the social contract based on a conception of justice rooted in the basic structure of society, which establishes its fundamental institutions—political, economic, and legal. This "basic structure" shapes the life opportunities of citizens (Akhavan Kazemi & Veisi, 2020; Rawls, 2019, 2022).

According to Rawls, this basic structure is governed by principles concerning fundamental rights and duties, which every rational self-interested individual accepts in order to maximize their benefits within a framework of social cooperation (Rawls, 2020; Vaezi, 2021). The intuitive notion here is that this structure encompasses various social positions, and individuals born into different positions have different opportunities due to the political system and socio-economic conditions prevailing in society. Social institutions favor certain starting positions over others, leading to profound inequalities. These inequalities are not only widespread but also impact individuals' initial opportunities in life. They cannot be justified by appeals to merit or entitlement. It is precisely these inequalities that principles of social justice must address first, as they are inherent in the fundamental structure of any society. Consequently, these principles guide the selection of a political structure and the core elements of the socio-economic system.

The justice of a social scheme fundamentally depends on how fundamental rights and duties, as well as economic opportunities and social conditions, are distributed across different sectors of society (Arman Mehr & Motevasseli, 2010).

Rawls considers justice to be a virtue of impartiality—not in the sense of an individual trait, but as a characteristic of the principles that are chosen. In his view, the principles of justice are human constructs. A method must be devised to determine and understand the principles of justice. Accordingly, in Rawls' original position, individuals do not recognize or endorse any predetermined principles; rather, their objective is to select the principles that are most rational and justifiable.

In Rawls' view, justice is a virtue that social systems exhibit when they correctly resolve conflicts. He argues that society should be conceptualized as a "cooperative venture for mutual advantage," in which individuals share common interests but also face significant conflicts of interest. People are not indifferent to how the benefits of their cooperation are distributed; each individual prefers to receive a larger share rather than a smaller one. They make competing claims and seek to structure social rules in a way that maximizes their advantages. This is the fundamental problem of justice. Justice is achieved when the benefits and burdens of social cooperation are distributed fairly—that is, when, in Rawls' words, the fundamental rights and duties assigned to individuals by society align with a fair distribution of social goods.

More precisely, the rules governing the major institutions of society—what Rawls calls the "basic structure"—must distribute fundamental rights, duties, and social benefits equitably among members of society. Rawls assumes that the allocation of rights, duties, and social advantages cannot be completely equal. Inequalities are an unavoidable aspect of any social structure. The central question is how to determine when such inequalities can be deemed just.

One of the remarkable features of Rawls' theory of justice is that it belongs to the tradition of social contract theories. Rawls intentionally sought to revive an intellectual tradition that had been largely forgotten before his work was published. Before Rawls, this tradition had been considered a relic of the past, belonging to the history of political philosophy. Therefore, to fully grasp Rawls' theory, one must understand the earlier versions of social contract theory. Recognizing both the differences and similarities between Rawls' theory and its predecessors is crucial, as both aspects are significant.

Clarifying these differences is particularly important because Rawls' argument relies on a revised version of social contract theory. Traditionally, social contract theorists such as Hobbes, Locke, and Rousseau attempted to answer fundamental questions by describing a hypothetical state of nature in which political authority was absent. They then argued that individuals, recognizing the deficiencies of this natural condition, would agree to establish a political authority through a social contract.

In some versions, this contract was thought to be a historical reality preceding political authority. In others, it was considered a thought experiment in which individuals hypothetically stripped away existing political authority to analyze what conditions would arise. Regardless of its formulation, the contract that established political authority was believed to bind citizens and serve as the foundation of political obligation.

This mode of reasoning encountered significant challenges, which explains why social contract theory largely disappeared from political philosophy after the eighteenth century. However, Rawls revived it in a modified form because he believed it was particularly well-suited to addressing the issue of justice at a theoretical level. His reasoning was as follows: the problem of justice arises from conflicting claims over the distribution of social goods. If a way could be found to transform these

disagreements into agreements, the problem of justice would be resolved. Thus, a social contract among interested parties (i.e., all members of society) regarding the fair distribution of social benefits—or more precisely, the principles that should govern this distribution—could serve as a criterion for justice (Vaezi, 2021).

However, it would be futile to expect people, as they are, to reach such an agreement or even to imagine what kind of agreement they might arrive at. First, it is highly unlikely that they would ever reach an agreement at all. Second, even if they did, any agreement would be heavily influenced by their varying bargaining skills and unequal bargaining power, leading to predictable and biased outcomes.

7. The Fundamental Components of Justice from the Perspective of John Rawls

Rawls' objective in formulating the theory of justice is to define and defend a particular conception of social justice and to establish a practical and systematic moral concept of justice from a liberal perspective. According to Rawls, the primary goal of social institutions is to achieve justice. In *A Theory of Justice*, he outlines the fundamental principles of his theory of justice as fairness. This theory consists of three main components:

1. Equality of individuals in rights and liberties
2. Equality of opportunities and positions for all
3. The structuring of economic inequalities in a way that maximizes benefits for the least advantaged members of society

Rawls presents the *original position* as a hypothetical construct to establish a fair perspective from which principles of justice can be agreed upon. From his viewpoint, the original position is the outcome of deliberations among a group of individuals who decide what constitutes a just distribution of primary goods. According to Rawls, these primary goods include various liberties, equalities, opportunities, and control over resources. The assumption is that these individuals are motivated by self-interest while also possessing a fundamental understanding of ethics and justice, enabling them to comprehend and evaluate moral reasoning. He further argues that by neutralizing the temptation to exploit their circumstances to strengthen their own position in society, procedural justice can be effectively implemented.

Rawls prioritizes the principles of justice through two additional fundamental principles:

1. **The Priority of Liberty:** Basic liberties can only be restricted for the sake of liberty itself. This may occur in two ways:
 - Through "enhancing the overall system of liberties shared by all."
 - If a lesser degree of equal liberty is acceptable to those subject to that lesser liberty.
2. **Inequality of Opportunity and the Priority of Efficiency and Welfare:** Economic inequalities are only permissible if:
 - They improve opportunities for those with the least advantages in society.
 - They ensure that excessive accumulation of wealth is either balanced or reduces hardship for traditionally disadvantaged groups.

8. Differences Between Rawls' and Kant's Theories of Justice

Despite the similarities between their theories, Rawls' theory of justice differs from Kant's in several key aspects:

8.1. Methodology

Kant formulates principles of justice based on pure reason, independent of empirical experience. In contrast, Rawls derives his principles within an empirical framework, using rational choice theory in the hypothetical original position.

8.2. Objective of the Theory of Justice

Kant's theory of justice is designed to ensure individual freedom and legal rights, whereas Rawls seeks to establish principles for structuring a just society that includes social and distributive justice.

8.3. *Role of Experience*

Kant entirely disregards experience in formulating principles of justice. However, Rawls argues that individuals in the original position must possess sufficient empirical knowledge of society, economics, and psychology to make rational decisions.

8.4. *Individualism vs. Deontology*

Kant emphasizes deontology, asserting that individuals should establish principles of justice purely based on moral duty. In contrast, Rawls envisions individuals in the original position as rational agents who seek to design a desirable social order.

9. **Differences in the Social Approaches of Rawls and Kant Toward Justice**

Although both Rawls and Kant emphasize moral principles and human rights in their theories of justice, their social approaches to justice differ significantly:

9.1. *Philosophical Foundations*

Kant defines justice based on moral and rational principles, insisting that individuals must be treated as ends in themselves, not as means to others' ends. This leads to a form of moral individualism in which every person possesses intrinsic dignity.

Rawls, by contrast, bases his theory on the concepts of the *original position* and the *veil of ignorance*. He argues that individuals should select principles of justice without knowledge of their personal circumstances, ensuring that their choices are fair. This approach leads to a form of social agreement on justice principles.

9.2. *Definition of Justice*

Kant defines justice as the adherence to individual rights and fundamental liberties, which must be regarded as absolute principles. He emphasizes that individuals should have full autonomy in social decision-making.

Rawls defines justice as *fairness*, focusing on the equitable distribution of resources and opportunities. He introduces two key principles: the *liberty principle* and the *difference principle*, which allows inequalities only if they benefit the least advantaged members of society.

9.3. *Role of the State*

Kant advocates for a *minimal state* whose primary role is to protect individual rights. He believes that the state should function as a neutral institution.

Rawls envisions the state as responsible for ensuring social justice and equitable resource distribution. He argues that the state must take active measures to address inequalities.

9.4. *Approach to the Common Good*

Kant subordinates the concept of the *good* to the *right*, maintaining that individuals should have full freedom to define their own concept of a good life.

Rawls views the *good* and *virtue* as subordinate to the *right and justice*. He argues that individuals are free to determine their personal objectives as long as they do not violate principles of justice.

10. **Similarities Between Rawls' and Kant's Theories of Justice**

Rawls draws upon key Kantian concepts in formulating his own principles of justice, structuring his theory within a framework similar to Kant's practical philosophy. Some notable similarities include:

10.1. Individual Autonomy and Moral Neutrality

Like Kant, Rawls emphasizes individual autonomy and moral neutrality. In his hypothetical *original position*, individuals are portrayed as being unaware of their personal interests and social circumstances, ensuring that their decisions are based on rational and impartial principles.

10.2. Objectivity of Justice Principles

Both Rawls and Kant argue that principles of justice must be objective, necessary, and universal, rather than contingent on specific historical or cultural conditions.

10.3. Primacy of the Right Over the Good

Both philosophers assert that justice and morality should be formulated independently of particular conceptions of the good life. Kant emphasizes deontology, while Rawls constructs his principles of justice without reference to any particular vision of the good.

10.4. Human Beings as Ends in Themselves

Influenced by Kant's *Formula of Humanity*, Rawls envisions individuals in the *original position* in such a way that they cannot treat others as mere instruments for their own benefit.

11. The Influence of Kant's Theory on Rawls' Theory of Justice

Rawls' theory incorporates various components and concepts that clearly reflect the influence of past philosophical doctrines. Rawls himself frequently refers to his theory as a *Kantian* theory, structured around Kant's conception of the moral individual and the categorical imperatives. The influence of Immanuel Kant, particularly his practical philosophy, appears to be more significant than that of other philosophers. The considerable portion of Rawls' writings dedicated to explaining Kant's ideas, as well as the frequent references to Kant in *A Theory of Justice*, indicate the depth of this intellectual influence. Some key aspects of this influence include:

1. **The Rational Individual in Kant and Rawls:** Kant's rational individual bears a strong resemblance to Rawls' individual in the *original position*. Rawls does not deny the substantial similarities between his concept of personhood and Kant's notion of the moral individual. These individuals are not ordinary persons; rather, they are independent and, in a specific sense, free. This independence arises from disregarding personal interests and particular advantages. However, this shared understanding of the moral individual does not mean that Rawls' concept of the moral person in the *original position* is an exact replica of Kant's transcendental moral agent.
2. **The Validity of Moral Principles:** In Kant's theory of justice, the validity of moral rules and the judgments of the moral individual are guaranteed precisely because they are conceived independently of personal inclinations and goals. There is no need for any external reference to assess their truth or legitimacy. Similarly, in Rawls' theory of justice, individuals in the *original position* engage in fair agreements and rational decision-making without external criteria for evaluation. Justice is ensured because individuals choose principles without predetermined standards for judgment.
3. **The Individual as an End:** Another shared element between the two theories is the principle that individuals must be regarded as ends in themselves. Given the conditions established in both theories regarding the moral individual, the decision-maker in justice-related matters is not positioned to use others merely as means to achieve personal objectives.
4. **The First Principle of Rawls' Justice and Kant's Principle of Right:** Rawls' first principle of justice closely aligns with Kant's *principle of right*. Rawls formulates this principle as follows: "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (Rawls, 2022). The similarity between Kant's *principle of right* and Rawls' *principle of justice* is not merely superficial. Both emphasize liberty as the fundamental element of justice and rights, asserting that freedom can only be limited by another freedom, a limitation

determined through rational consistency. Like Kant, Rawls insists that the principle of liberty cannot be excluded from the concept of justice. Any further principles of justice are only valid if they align with this foundational principle, meaning that social and economic inequalities are only permissible if they do not violate equal liberty and opportunity.

5. **The Concept of Respect in Rawls and Kant:** Perhaps the most significant influence of Kant on Rawls can be seen in Rawls' principle of respect. Rawls considers *respect* one of the primary social goods that any just government must uphold and carefully distribute in a fair manner. This perspective has its roots in Kant's doctrine of *humanity as an end in itself*. Kant articulates one of his formulations of the moral law as follows:
6. "Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means." (Kant, 1938)

12. Justice in the Light of Politics and Law

Kant's epistemological approach extends beyond ethics to law and politics. Just as moral propositions must ultimately be derived from the categorical imperative of pure reason, legal and political propositions must also be grounded in an ultimate and universal rational principle. In Kant's view, the foundations of law and politics must be established through *a priori* knowledge rather than empirical observations.

Kant classifies governments based on three fundamental elements: **freedom, law, and power**:

- **Republican Government:** A government based on individual freedom and rights, where sovereign power is derived from the law and exercised to protect personal liberties and rights.
- **Autocratic Government:** A government in which the rulers dictate the laws, disregarding the freedom and rights of the people.
- **Despotism:** A government in which one or a few individuals exercise power arbitrarily, without considering legal constraints or individual liberties.

Since Kant views justice as a means of regulating legal and political relations, he places special emphasis on liberty when discussing its role in governance. In his view, justice lacks enforceability without liberty. In other words, justice is only meaningful when all individuals in civil and political spheres are free to make decisions. Without this freedom, there is no guarantee that the decisions and actions of some individuals toward others will be just and protective of others' liberties.

From Kant's perspective, justice serves external and instrumental liberty, ensuring that individuals can freely enjoy their rights and privileges, as well as exercise their free will in civic and political affairs.

12.1. The Three Fundamental Principles of Kantian Justice

Kant's theory of justice is founded upon three core principles:

1. The liberty of every member of society as a human being
2. The equality of all before the law, rejecting legal favoritism
3. The independence and autonomy of every individual as a citizen (Vaezi, 2021)

Based on the first principle, no conception of *happiness, welfare, or the good* can serve as a justification for limiting the freedom of others. Institutions such as the state and religion have no right to interfere with individual liberty. Their role in relation to freedom is minimal. This view constitutes one of the core tenets of liberalism as expressed in Kant's philosophy.

Kant's second principle (*equality before the law*) does not imply equality in terms of needs or entitlements. Instead, Kant conceives of law as a protector of individual rights and freedoms. Consequently, the law must regard all individuals equally, without considering factors such as *merit, need, or distributive equality*. The sole criterion for justice and legal fairness, according to Kant, is liberty.

The third principle, which emphasizes the independence and freedom of the citizen, forms the basis for Kant's preference for republicanism and democracy over other forms of government. As previously mentioned, civil justice precedes political justice, meaning that political freedom and democracy cannot justify restricting the civil liberties of any group—whether it be women, economically disadvantaged individuals, or political minorities. Instead, a just government must uphold the civil liberties of all individuals, including minorities, regardless of majority rule.

12.2. Freedom and Justice in the Universal Declaration of Human Rights

The Universal Declaration of Human Rights is a legal document, making careful attention to its text particularly important. In other words, while the interpretation of legal texts by judges and practitioners plays a significant role, the interpretation must fundamentally be based on the text itself. The primary purpose of drafting legal documents, including human rights texts, is to ensure their longevity for reference, application, and interpretation in accordance with the intent of the legislator. Therefore, the best approach to explaining freedom and justice is to analyze the text of the Universal Declaration itself and its provisions, which consist of a preamble and several articles.

12.3. Justice and Freedom in the Preamble of the Declaration

Kant considers justice and freedom as inalienable rights. However, he believed that a law based purely on social agreement, aimed at transitioning from the state of nature, is neither just nor legitimate if it fails to guarantee individual rights (Kant, 1871). This crucial point highlights that justice and freedom are fundamental and inalienable rights. Kant perceives freedom as a universal and absolute principle that is independent of the legislator's will. Like other liberal thinkers who regard freedom as the supreme value, Kant views justice as subordinate to freedom (Sullivan, 2001a, 2001b). Thus, freedom cannot be revoked or transferred, a notion reflected in the Universal Declaration, demonstrating its alignment with Kant's perspective.

12.4. Justice and Freedom in the Articles of the Declaration

The articles of the Universal Declaration constitute its core content. Unlike the preamble, whose legal authority is often debated among jurists, the articles themselves form the substantive body of the document and are legally binding. Therefore, they serve as the primary reference for understanding the foundational principles of justice and freedom within the Declaration.

12.5. The Universal Nature of Freedom and Justice

According to Kant's perspective on justice and freedom, both concepts are timeless and universal. The Universal Declaration echoes this view by presenting freedom and justice as general, comprehensive, and applicable beyond temporal and spatial constraints. This universality is evident in Articles 1, 3, 13, and 19. For instance, Article 1 explicitly states that freedom and equality are inherent rights of all humanity. Similarly, Article 3 affirms that freedom is the right of all individuals. The phrases "All human beings" in Article 1 and "Everyone" in Article 3 indicate that justice and freedom are universally applicable rights for all individuals, regardless of their social status, location, or era.

12.6. Religion, Nationality, and Their Non-Impact on Freedom and Justice

Kant regarded freedom as a fundamental aspect of human life. He argued that practical reason is rooted in fundamental freedom and that freedom must be respected in all domains, including politics and law. He believed that human beings live freely due to their autonomous will, which led him to adopt a deontological ethical stance (Kant, 1993).

Kant opposed teleological perspectives that linked human well-being or happiness to external goals, rejecting any ideological, religious, or national interference in human autonomy. He asserted that "what is inherently and intrinsically good, regardless of its outcomes, is the good will." This evaluative principle extended beyond his moral philosophy to his legal philosophy as well.

12.7. The Principle of Proportionality in Crime and Punishment

The second part of Article 11 of the Universal Declaration upholds the principle of proportionality between crime and punishment, aligning with Kant's philosophy of justice. The Declaration states: "No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal

offense was committed.” This principle, which prevents retroactive criminalization and excessive punishment, reflects Kant’s commitment to ensuring that justice is governed by rational and lawful principles rather than arbitrary power.

13. Conclusion

As discussed, the Universal Declaration of Human Rights reflects the epistemological and philosophical perspectives of modernity. Its foundations are influenced by the ideas of key modern philosophers. While modernity has witnessed the contributions of numerous influential thinkers, Kant’s theories—followed by those of Rawls—represent pivotal moments in the history of contemporary legal and political philosophy. The ideas of these two philosophers, particularly concerning justice, illustrate the evolving nature of justice within modernity.

Kantian principles have become normative frameworks, culminating in the Universal Declaration as a *comprehensive document for the advancement of human rights and human dignity*. However, this does not imply that the Declaration entirely conforms to Kant’s views. One notable divergence lies in the *principle of gender equality*, where the Universal Declaration of Human Rights significantly differs from Kant’s perspectives on the rights of men and women.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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