

Topic 2: Do the values that are called “human rights” have independent and universal validity, or are they historically and culturally relative human inventions?

### General introduction

Especially today, in the epoch and age of globalization, when in our everyday life we are directly confronted with the Other, with so many divergences, people from different ethnic group, various societies and from divergent cultural and historical backgrounds, the fact of universality, previously taken for granted, is questioned, doubted. It seems as if Marx in 19<sup>th</sup> century had right, when he suggested that universal human rights, especially the right to private property, are just a product of bourgeoisie, a new middle class that had just taken power in its hands. By the middle of the 20<sup>th</sup> century, when the greatest anthropologists and ethnologists had already finished most of the important explorations, it seemed as if there is no solution to any kind of universal morality and ethics, as if there is no universal ground, fundament on which previously the most sacred norms and values, for instance the right to be treated like a person with its own dignity, combined with the right to freedom and the rejection of any kind of enslavement, the non-violability of human life (the right to live, the prohibition of murder, the right to choose your own life, etcetera).

Nevertheless, philosophy almost always stood as an opposition to such approaches: it suffices to think of the greatest and most renowned projects of its history. Firstly, there is Plato with his allegory of the cave, which is followed by Kant and his answer to the problem of enlightenment, and last but not least, in 20<sup>th</sup> century Foucault tried to provide a solution to the same question, although in different and tough era of postmodernism, when it seemed like everybody renounced and denounced any kind of “universal” idea, the latter being dismissed as a meaningless or even superfluous “Great Narrative” – the time of which, as indicated by Lyotard, should have passed. On the one hand, the backgrounds and theories of the three philosophers mentioned are of course quite distinct and unlike, but on the other hand, there is a common denominator: the tenacious emphasizing of the idea of freedom, either in the form of liberation from the material world, full of appearances and different ideological manipulations (Plato), from authorities and different “dispositives of power” (Foucault), or just the liberation (especially Kant, but also Plato), followed by a courageous use of reason.

However, there is still a certain tension between the two approaches mentioned previously: science (anthropology, ethnology) and philosophy. Is there any hope for them to reconcile? Does the diversity of different tribes and civilizations, followed by the quite distinct practices, customs and values, really mean a kind of a final surrender of the ethical project of enlightenment, based on reason? And if not, what are the consequences of the “enlightenment approach”, based on reason? Is the project of above mentioned philosophers reasonable and well argued? My suggestion, further explored and supported in this essay, is that we cannot “redeem” the standard ethical projects, that there is no such thing as an universal value, objectively defined ground and foundation. Nevertheless, there is an important twist to be emphasized

here: this “ethical melancholy” does not imply any kind of a return to a state before the introduction of law, before the “social contract”, the state of *homo homini lupus*, and so forth. Quite the opposite: the only way of acknowledging the actual “otherness of the Other”, of accepting him as a fundamentally different, non-symbolizable kernel of the neighbor, lies exactly in the abandonment of any form of ethical conviction, “Ten Commandments” option, etcetera. The true and sincere respect of/for the other is really grounded not in the usual recognition of common norms and convictions, but in the confession of the radical – ontological, not only epistemological – impossibility of such a project.

The case of the anthropological equation “normality = ethics”: philosophy on the duck?

Firstly, let me quickly examine the standard “anthropological” argument, provided by Ruth Benedict and many others. They argue that there isn’t any ground, any foundation of morality, and that this fact accounts for the impossibility of any kind of a “useless” philosophizing about Meaning, Cause, End, etcetera, in the field of ethics. Let us take for example the fashionable presentation of some Polynesian tribes, where it is customary to murder the relative or a member of the society if she or he reaches the age of sixty. This means that there aren’t any people above this age. At first glance, it inevitably seems that this is the proof for moral relativism we were searching for. They murder other members of the society and that is why their tribe should be considered as an exception to the “universal rights” proposal. Their moral values seem to exclude any convergences with, for example, our Christian civilization, hence the refutation of moral universalism is easily supported. However, we should bear in mind the falsity of such an argument. Why? It is because they *do* respect the other, they *do* respect the universal rights, it is just due to their *conviction*, their perception of reality that they commit such a murder. They actually want to help to other people, namely, they believe that you continue the existence in afterlife in a state in which you left the life on the Earth. So: if you are old, the possibility of troubles with health is much bigger, you also become senile, etcetera, and thus it is more convenient to be killed before the “emergency” age of sixty. That is not the only fashionable case. Every single situation in which it first seems as if the historical and cultural relativity arguments prevail, in the end turns out to be a winner for the “human rights” supporters. Let us examine the case of leaving, escaping the primal, nuclear cell (in our culture called “family”), and a consequent achievement of the condition of freedom, of the state of being capable to choose on your own, to make your own decisions. This is usually called – especially in psychoanalysis and ethnology – the resolution of Oedipal complex: there is a Mother, combined with the child longing for the state of unity with his primal object, and the Father, the one who prohibits such a case. Malinowski tried to show how in certain Trobriand tribes this is not the case: there is no father, there is only mother with a child and his uncle, who from time to time gets involved in relationship, teaches the child about the values, customs, religious practices, etcetera. Due to this situation, Malinowski tried to show how Freud and Levi-Strauss were simply wrong, when they tried to argue that the case of “exchanging your primal cell for a personal freedom” is universal: in the example of Trobriand tribe, there is no father and apparently there is no resolution of the Oedipal complex as well. However, this is not the proof for the moral relativism:

father is not a “personage of bones and flesh”, just the opposite, he is the symbolic function: the function of the father could be taken by “the fountain, the ghost, or a certain token,” as Lacan had aptly put it. This implies that the child who is subjected to his uncle instead to the biological father leaves his primal soil on which he was raised as well: so the idea of moral relativism is simply false, there are certain universal human rights, for instance the right of the freedom of the child (usually denoted as simply “the prohibition of the incest”), and so forth. Hence, anthropologists are simply mistaken here: they do not take their job seriously enough to come to the right conclusions. “Ontological constellation” of the human being is thus proved to be universal, there are certain values and ethical rules (injunctions) that simply have to be followed, no matter what the historical and the cultural backgrounds are.

Universal and objective human rights, or just the randomly, aleatorily selected contingent universal truths and ethical positions, which are condemned to be “mere everyday habits”?

Still we have to discern and to point out what are the consequences of such ontology. What exactly are the conclusions to be drawn from it? To put it more succinctly and exactly: if there is an universal human nature, universal norms, which can be observed in every single civilization, tribe, or simply a social formation, what is the basis and foundation (explanation) for such an occurrence? Is it just random, is its existence just “apropos of nothing”, or can it be explained by some other means? Let us start from where it all began: the Greece and its philosophers. Aristotle distinguished between three general and fundamental forms of life. First, there is a totally vegetative form, cognizable in living beings such as trees and vegetables, for which it is normal to proliferate and reproduce. However, this form doesn't have the access to the more sophisticated way of living, represented by “aesthetic” living beings, such as animals. They are a kind of an upgrade of the previous entities: they proliferate as well, but they also have the access to reality, although it is a bit truncated – as Heidegger had put it, they are more of a “*In-der-Welt-sein*” than plants, but less involved in the world than human beings. Hence, we are the third form: the entity which can reason, because it also has great tools at its disposal – one of the most useful is of course language, the point which was also emphasized by Aristotle. We have the language, we have the reason, and thus we are rational beings, *animal rationale*. So we have just arrived to the explanation which suffices for the rationalization and support of the above mentioned universal character of human rights: it is because of the intellect that human beings have the access to such a great realm, the realm of ethical universalities. As Plato would have it, we are the only living creature who has the privilege of cognizing and getting knowledge of the field of universal Forms (or Ideas). Ontology is thus from the very beginning of philosophy combined with ethics: the one who succeeded in getting out of the cave, and hence has the access to essences of every single thing, let it be an “abstract idea” or a “material thing”, has also succeeded in realizing his or her ethical potential. For Plato and Aristotle, the field of ethics is an objective reality, consisting of universal truths and beings, the very essences, “Ones”, supported by the great Cause of the *epekeina tes ousias*, pure being, “embodied” “is”.

This great tradition was also supported and furthered by Immanuel Kant, German Idealist, who pleaded exactly for the approach of his Ancient predecessors. For him, there are two modes of existence, which both correspond to the idea, previously elaborated in his work *Critique of Pure Reason*. He argues that the human existence is divided into a pathological self, submitted to hypothetical imperative which only follows some kind of a personal interest, intrinsic happiness and satisfaction. Opposed to it, there is an *a priori* categorical imperative which follows only the imperative of Reason. The main one – throughout his work Kant listed many of them, approximately twenty – can be summarized in the following maxime: “Act so that every law you follow could be changed into the universal law”. Law has to be universalizable, it should not imply any of the contradictions. For example, if we wanted to lie or steal in a certain situation, this should not be allowed, for the act of lying and stealing is not universalizable, is not without contradictions. These are so called “negative actions”: if you performed them, they would lose their meaning, because they are based on their opposition. So lying can solely exist in the opposition to truth, and the same is with stealing, which – in its universalized character – is senseless, would lose its potential, because it is based on the notion of the private property. Following from these arguments, we could say that all of human rights are submitted to such universal law, if not to the first version, they are consistent with the second one, which is of course only somehow altered version of the first: “Treat a person always as an end in itself, not as the object of some other intentions, goals or aims”. So the freedom, for instance, included in the universal rights, is of course consistent with this imperative.

Kant – teleologist or still deontologist? Let’s ask Hume and why is the Lacanian ethics ultimate proof of its own impossibility

The question to be explored is now of course the one of teleology. Why do these philosophers mention and base their research and the whole project of Reason? Why, for instance, is for Kant Reason the ultimate ground of the ethical judgments? For knowledge is “justified belief” (Plato), so we have to explore this topic quite carefully, because if it turns out that there is no justification for the morality, the whole project collapses. There are two possible approaches of interpretation of Kantian project. First focuses on the inherent teleology and consequentialism of Kant. The representative of such an approach is for example Barbara Herman. She argues, among other things, that Kant secretly presupposes some end and justification of moral imperative, which means that it is not solely the law “for and in itself”, that we should not act only according to it, but solely because of it. She suggests that Kant secretly, implicitly presupposes several other ends and the aims of following a moral injunction: these are “humanity” or “human dignity”, “autonomy”, and the most prominent one, reason itself as a kind of a *telos*. If she is right, and if Kant is just Aristotle in another suit, then we unfortunately have to put him under the so-called Hume’s guillotine. The famous Scottish philosopher argued that no “ought” can follow from a mere “is”. We cannot support the ethics with the field of ontology, both exclude each other. Philosophers often tried to argue in the following way: “If man

has an intellect, and he is the only being that can reason, then he should do it without any hesitation”. This kind of arguing is simply a mistake, for there is no rightly and adequately justified premise which could account for such a conclusion.

However, there is also another interpretation of Kant, found in the seminar of French psychoanalyst Jacques Lacan, namely *Ethics of psychoanalysis*. He suggests that we should read Kant strictly as a deontologist. His symbolic law, argues Lacan, overlaps with the Real: this is for him the realm of non-symbolizable object, object which has no form, which actually does not exist in the traditional sense of being a “substance”. It is pure formlessness, no-thing. So, the point goes, the moral Law should be acknowledged as such only in case if there is no ground, no reason, no purpose. Quite the opposite: in case for the subject to be recognized as moral and ethical, his behavior should be caused by a pure absence of the cause. The only Cause worthy of its name is the Absent Cause, the lack, gap, breach at the place of traditional Good, Happiness (Aristotle), Enjoyment (Bentham, Mill), Reason (Kant), Selfishness (Rand), etcetera. Hence, for Lacan, the moral Law basically overlaps with desire in its pure state, desire, which is actually a desire for and of nothing: it is a pure drive, senseless circulation, and its only *raison d’être*, so to speak, is its very continuation and duration: the object as nothing and nothing as the object, it is desire for the “desire itself”, a kind of a vicious circle, reminding us of the proverbial baron Munchhausen who wanted to jump out of the swamp by his own means, pulling himself out by his own hands. However, Lacan’s argumentation is nevertheless fueled by a certain “heteronomous” assumption, namely that only this kind of a moral Law, which is a desire in its pure state, suffices and meets the criteria of autonomous subject. And is not the supposition of “nothing as a cause” also a certain kind of relying on the same hypothetical ends and aims as previous philosophers? So that is why he should not be only refuted but beheaded in the same way as Kant and Aristotle, with the persecutor being of course famous Hume.

Arriving at the conclusion: “What one cannot speak about, one must pass over in silence”

The general contra-argument to the apologists of universal human rights and objective reality, based on a certain feature or a trait of human nature (Reason, Emotions, etcetera), could be easily summarized by using the Wittgenstein’s doctrine. However, before that, we should make some premises and establish certain facts. The most important one is that any form of ethics, morality, and so forth, is in its very essence of the judgmental nature. We pass over our evaluations and criticizing, all the ethical judgments, in *statements*. This means that we should not look for a kind of an objective guarantee, but quite the opposite, we should examine the status of language as such. And Wittgenstein did it, although he arrived at quite terrible conclusions. His main point is that the language and its rules are essentially *arbitrary*, there is no ground, no foundation which could be ascribed to them. Let us list the arguments/premises and the conclusion:

- 1) If we want to speak about the nature of ethics (and of language, as it is its essential part), its ground and fundament (which is also the fundament of the rules of language) – to paraphrase: about the “logic of language and

ethics” –, we should do it with statements, which are by definition “descriptions” of reality.

- 2) Any description of reality must be capable of truth and falsehood
- 3) The statement about the nature (and ground, justification) of ethics and language cannot be false. If it were, it would have to be spoken and enunciated in some other language with different rules and grammar. However, no such meta-language exists (for the sake of time and space, I won't go into the matter of the Russell's objection), and thus the statement about the origin and consistency, if it were false, could be only a nonsense: for to fail to conform to the rules of language, it means to fail to speak anything at all, because only by the means of rules we can establish if something “makes sense or not”

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Thus the *conclusion*: there is not such statement which could express the foundation of ethics and the language itself. Language is arbitrary and words can mean anything we want (or the rules) want them to mean. Hence the whole idea of accomplishing the task of exploring some eternal and objective reality, Forms, universal human rights, and so forth, is doomed to fail – because such entities do not exist at all!

This conclusion thus expresses not the epistemological incapacity of the subject (we cannot discover the pure ethical truths, because we are limited with our space and time, with the categories of understanding – synthetic *a priori* judgments -, and all these “impossible *Ding-an-Sich*” stuff), but the ontological lack as such, the breach, gap, and a rupture in the middle of reality: the absent cause, the fact that there is no such thing as Plato's “essence of all essences”, no such space as *epekeina tes ousias*. The impossibility of attaining an everlasting definition of morality, of ethics, and the impossibility of discerning and differentiating different forms of behavior or acting as either false, right one, etcetera, is thus ontologically prohibited. This could be demonstrated also by the famous Godel's theorem which states that that consistent theory cannot be complete, and that there is no proof for the “consistency of the consistency of the system itself”, or with the modern structuralist linguistics, which states that because of the differential nature of the sign, there is no such thing called Fundament, or the Prime Mover, but that the system is running precisely due to the internal inconsistency, due to the lack at the place of guarantee (meta-language), Origin and the Cause. As Lacan said: “*There is cause only in something that doesn't work*”, the cause can be only called *cause beance*, nothingness as a form of foundation.

## Conclusion

However, as I have also already pointed out in the introduction, there is no need for the melancholy, despair, or other existentialist feelings (such) as forlornness, and so forth. The great idea of Enlightenment *can* be saved: human beings can act in a free, autonomous *and* ethical way , but only on one condition – that they have abandoned any kind of the ethical idea, any kind of “independent and universal validity” of the ethical standards and statements, on condition that they have faced the

lack and the abyss of nothingness, the pure *angoisse* as their own identity and the identity of the world as such. This means that we should come to terms not only with the arbitrariness of the existing elements (notions such as “ethically valid”, etcetera), but with our own identity as a *pour-soi*, nothingness, which is the only universal thing on the world: only nihilism, to put it provocatively, leads to equality.

Experiences prove again and again that only those who acknowledged the lack in their own functioning, the fact that there is no ethical standards which could reconcile us with our fellows and other members of society, which could help us to narcissistically confirm ourselves, can lead to a peaceful and calm society, where people are respected, as Kant would have it, not as means but as ends in themselves. This was, for instance, empirically proved by the Flemish psychoanalytical group. They examined quite some social workers, people who are considered as quite charitable, who like to help to others, who somehow devote the whole life to the Great Ethical Idea, et cetera. This people were of course considered as the altruistic topic of the society. However, they also often suffered from “burnout syndrome”, combined with aggression related to others and also to themselves (in form of self-mutilation, self-criticism, and so forth). Paul Verhaeghe and other members thus showed that these people practically *weren't* altruistic at all: all they were trying to do is to help the others in order to gain recognition, in order to be loved, accepted – in one word, in order to affirm their own narcissistical superiority. Altruism is thus in most cases just the disguised form of egoism. These people weren't actually caring for the Other: they cared for themselves. At the moment they didn't receive the confirmation expected, they resigned, and also, above all, physically attacked the people whom they took care of.

The conclusion to be drawn from these facts is thus the following. The only way to save the realm of ethical – I mean in *practice* – , to establish a peaceful society, where it is not only the difference that is respected, but also – and especially! – real Otherness – meaning the standard Goffman's definition of “real difference” as a “unexpected and non-desirable, repulsive” difference –, is to suspend, to undermine the notion of the ethical, and to pay attention to its arbitrary character. Only those people, who are actually acquainted with and have the experience of Kundera's *unbearable lightness of being*, can act as the real citizens of the world, acknowledging not only the equality, but also otherness as such. Only these people can actually live freely, without any guarantee and external authority which would have to decide instead of them, and also devote themselves to others without expecting anything in exchange. Hence the paradoxical conclusion: there is not such thing as universal human rights, it is true that every ethical statement is contingent and arbitrary, however, on the other hand, only with acknowledging these facts we can actually come to the “*existence worthy of man's dignity*”, the aim of all ethical projects. Quite contradictory, only the suspension of ethics can lead us to all the goals, projected and expected by great philosophers, such as happiness, internal *ataraxia*, ethical life, and Kant's idea of the eternal peace. Perhaps this is where Sartre stood on his highest intellectual stand-point: freedom, meaning absence of any Go(o)d, is itself the solution to the problem, which reminds us of Kazantzakis and his concluding paragraph from *Report to Greco*: the only solution to the human race is the solution of the solution from the very idea of solution itself; a statement, which can be perfectly and/or especially applied to the field of Ethics.

