Human Rights and Enlightenment

by Peter Gerdsen

The history of the idea

The idea of a human being is grounded in the image of man. An image that entails a number of ethical requirements. Core is the human community and its common educational ground, as well as how authorities behave towards the people. To culturally ground these ethical requirements is naturally dependent upon the human image and its cultural surroundings. Special standards have been evolving over ages.

The chronology of declarations for an ethical behavior among humans as well as authorities’ behavior towards the community reaches back to more than thousands of years. Yousefi speaks of the Persian great King Kyros as such, who grants every human being a right to life and freedom of scope.¹

A human being is as a person, who is connected with his neighbor, through the community with all living beings and also with the whole of the universe. The ideals of order, righteousness and harmony evolve from the community, from traditions, social bindings and also from the entire reality. Such cultures are devoid of subjective rights. Hence, universal rights that are based on responsibilities and mutuality are more present. Instead of claiming his rights, a human being must make an effort to create those conditional surroundings in the world and ...in society..., which will grant him the best opportunities to fulfill his natural needs and which will lead to the enlightenment of his being. Asian thinking methods ….most frequently expresses in the language of commitments. The ethical term, the basis of Chinese thinking, is a concept of one’s commitments towards others, and not of rights that could be claimed towards others... The Confucian tradition accentuates the harmony among the people and between humans and nature. Accordingly, the individual cannot achieve higher rights than the society he belongs to. The people are, by mutual rights and obligations, bound to each other. And, the obligations reach farther than rights.² Therefore, the rights of a person exist since time immemorial and so do the commitments of a person, which result from his responsibilities towards the communities he belongs to.

Redefinition during the Age of Enlightenment

The cultural region ‘Europe’ experiences the development of a movement during the 17th and 18th century, which calls itself ›Enlightenment‹. This movement draws back to and from the idea of ancient cultures’ rights and obligations that resolve from the responsibilities one has towards the family and towards the people, in order to radically redefine these ideas.

This redefinition executes in various dimensions. Firstly, the idea is cut short to the extent that the aspect of man being a bearer of commitments is left out. Secondly, a human being is seen as an isolated individual free from all bondages, and bears rights since he is a human being. This resolves from the distinct individualism of the movement, a thinking concept and value system, in which the autonomy of the individual is the center of observations and values. Individualism rather suppresses common aims and supports personal ambitions and besides autonomy and self-responsibility underlines competing thinking habits. Thirdly, a strong ethical charge follows, since, due to the spreading atheism, the former existing worship of God is transformed into the worship of man. Fourthly, the idea in the form of codified rights, which actually are legal demands, are proclaimed to be a catalogue of so-called »human rights«. These human rights are modified by a legal form into ethical requirements; they represent a legal method that grasps and expresses these ethics. Politics receive the task to implement these requirements. In this way, the modern concept of human rights

taken out of the Enlightenment movement evolves, and referring to them every human being gains certain rights simply because he is a human being. In this context, the term ›universality‹ of human rights is used. In addition to the basic term of the ›universality‹ of human rights the claim of their ›impartiality‹ is being upheld, which understands human rights as achievable only from their totality. Normally the catalogue of human rights is divided into groups. There are personal rights: e.g. the right to life and physical integrity, freedom rights: e.g. the right of liberty, property and security, judicial rights: e.g. no punishment without law and social rights: e.g. the right to work and education.

In the US Declaration of Independence of July 1776 the human rights are upheld as the ›obvious truth‹; it says: »We hold these truths to be self-evident.« Such a truth compared to a dogma, which leaves no room for discussions, applies the character of a secular religion onto human rights. Its construction mantled in an ethical disguise depicts every critical question as an attack onto the principles of humanity. The declaration of human and civil rights took place on the 26th of August in 1789 in the National Assembly of France. Two years later, on December 15, 1791, the ›Bill of Rights‹ were declared in the United States of America. On December 10, 1948, the ›Universal Declaration of Human Rights‹ was announced by the General Assembly of the United Nations.

Human Being and Person

Often the human rights’ term is connected with the majestic term of human dignity, which shows the condition and also the foundation of human rights. Human dignity is applied to a person simply because he is a human being. This contradicts to the old and traditional term, in which a person perceives a dignifying status according to his more or less special features and deeds.

In order to clearly accept this concept, it is necessary to take a look at the terms ›human being‹ and ›person‹, which both belong to different categories; whereas ›human being‹ is the generic term. Adjusting to Hegel’s method of thinking\(^3\) we shall take a look at the evolvement of a generic term. Starting point is the individually existing being. Hegel denotes the ›individual‹, which means the ›inseparable‹, who becomes an individual through his deduction from other individuals. The term of the individual therefore assumes the existence of another individual. Then, we may look at the diversity of every individual, who all show different features. If they all accord to a certain feature, they are then considered as the same in this context. This consistency presupposes the inconsistency regarding other features; otherwise the accordance would be applied to all features. Hence, the individuals would not be distinguishable and only one individual would exist. So, if the diversity of individuals is regarded, certain features of these individuals may be regarded as essential and the others as irrelevant. The individuals may hence be gathered to one art through the same essential features, in order to outline a relevant universality.

The individuals of the category ›human being‹ are real persons and differ in irrelevant features affiliated to the category ›human being‹. All individuals that gather under a certain concept are equated as samples of the concept. The term denies differences; it excludes a certain amount of individuals and confronts them with individuals that fall under another concept.

The categorical mistake reflects in the concept of human rights and in the concept of human dignity. It grounds on a default differentiation between the term ›human being‹ and ›person‹. The freedom rights that are outlined in the Declaration of the Human Rights are personal rights and denote a personal property, which every individual is authorized to command over as a person. The features defined irrelevant during the evolvement of the generic term human, are those that characterize the individual being as a person and so the human beings that are considered being persons are not the same as the concept of ›human rights‹ assumes, but are all different.

Inconsistencies

The question of a universality of human rights is of special importance. Because, if the term ›human rights‹ is a Western term a global generalization would be a form of cultural imperialism. The advocates of the ideology of human rights have put a lot of effort into establishing its universality.

\(^{3}\) Hegel, Georg Wilhelm Friedrich: Die Lehre vom Begriff (1816), Hamburg 2003.
ideology of human rights clearly defines, that the focus lies on the rights of a human being as such, so
to say of a human being that is free from all bondages. From this it follows, that they can never be
dependent upon belonging to a group. Humanity yet is a form of group. So, the question arises why
exactly this group has a special status. To say that which group one belongs to is of no importance, in
order to then specify the affiliation to a group as relevant, is contradictory.

Often evidently proven that human rights can claim universal validity proceeds as follows. At first
it is declared that everywhere in the world there is a desire to fulfill bodily needs. This is then used as
an argument to legitimize the human rights which seem to answer to these desires. Yet, this
conclusion is totally wrong. Because, neither has anybody ever denied that every human being follows
the same goal, nor that a consensus is provided to at least regard some things as good and some as
bad.

Everywhere in the world the people are rather healthy than sick, rather free than bound, there is no
where people will like to be beaten, tortured, willingly imprisoned and killed. But that the people
have the same desires, does not mean that human rights are valid, much less universal. There are
various possibilities to react to the universality of desires not to underlie any force.4

If one starts analyzing the term of human rights, a profound category mistake becomes apparent.
The declaration of human rights uses the term of a human being in an ambiguous connotation.
Thereby, aspects of the human existence are illegal and confound. This confusion can be traced back to
the first famous declarations of human rights. As it is said in the Declaration of Independence of the
United States from 1776, »that all man are created equal and that they are endowed by their Creator
with certain unalienable rights« and almost identical in the Declaration of Human and Civil Rights
through the French Republic of 1789, that »all human beings are free and born free with equal rights.«
But what both declarations consider as »equal« and »free«, cannot be connected logically.5

Of course, all human beings can be gathered under one category especially through their
differentiation from animals; because beyond all differences there are common features among all.
The human rights declaration claims the affiliation to the category of man to be the only condition for
human rights. Through the postulated equality which evolves from the affiliation with the category
‘human being’ follows that human beings may use these rights only in the same way.

Hence, a contradiction towards the principle of freedom develops; since the human rights are
generally seen as individual freedom rights. Freedom rights, which should not result in an equality-
socialistic consensus seen in the light of the premise of equality, yet presuppose the variety of human
beings as a basic fact.

Possibilities of Instrumentalization

The redefinition of the idea of man as a bearer of rights and obligations on the basis of responsibilities
towards the community he belongs to in the temporary effective human rights’ term makes it eligible
for instrumentalizations, as if redefinition happened only in respect of this matter. These
instrumentalizations aim at the cancellation of peoples’ borders, which deem transgression. Such a
transgression starts from a country whose borders are progressively being exceeded until it embraces
the whole of humanity. And secondly, the ethical charge of the term of human rights offers a proper
setting for interventions of any kind also military art. Naturally every intervention is called
‘humanitarian’.

Generally a human being belongs to a folk, which is educated by a speech community. In order to
live together, a national order constitutes the laws and obligations for the members of the people. If all
members subdue to the laws we speak of a constitutional state. If these rights are offended through
others the member cannot justify a new law by himself. All members of the community abdicate to
use force in preference of the state institutions like body of public prosecutors and the tribunals, who

5 Becker, Werner: Sind alle Menschen gleich oder frei? - Warum es so schwierig ist, Grundrechte weltweit
durchzusetzen, Die Welt vom 1.2.2008.
are responsible of implementing the laws. The monopoly of violence is a basic subsistence of a constitutional state.

What does the declaration of »human rights« mean in this context? In a community, that has given itself a constitutional state of order, such human rights are invalid, since the order will help every living being in the community to gain his right. Of course, human rights may only be claimed where they have been acknowledged, in cultures and states that have internalized their conventions, where they do not need to be prevailed.⁶

But about the Declaration of the United Nations the human rights as such have been raised to a supranational status. In this supranational space, where the main focus lies on international law that regulates the mutuality of the people, the human rights unfold their actual dynamics. To upraise a human rights’ declaration onto a supranational status, in which the living together of the people is regulated, includes the inconsistency of a hierarchical system; since the national order will help every living being in the community to gain his right.

The declaration of human rights presented in a supranational status, suggests the right of intervention. If human rights abuse becomes obvious in any state, this could be taken as occasion by another state to intervene diplomatically and then militarily. Such an intervention is in a way justified and happens in the name of the »good«; who should ever say something against the implementation of human rights?

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The declaration of human rights by the General Assembly of the United Nations leads the way to a supranational legal supremacy and therefore the way to the cancellation of borders, whose decay in the economical area is already taking place through globalization. This situation rather deserves the term of a »world supremacy«. What does »world supremacy« in the 21st century mean? This term may not be understood seeing itself implemented according to the Roman Empire or methods of colonialism. It also excludes the supposition that from one country the rest of the world will be militarily overthrown. World supremacy is gained at present if somebody is capable of forcing his laws onto the world and the whole of humanity. Primarily it is all about »mental supremacy«.

This genius artificial construction of an ideology of human rights shows the disguise of a strategy, which leads to the cancellation of peoples borders and on the way into supranational law supremacy, in an ethical disguise, through which the ideology appears in the sparkling aura of the good. Therefore an argumentative disarmament occurs nipping every critical analysis in the bud. The idea of human rights is constructed in such a way, that their critical analysis appears like an attack onto the principles of humanity, which happens in an ethical disguise.

Human rights according to Huntington belong – together with democracy, constitutional legality, separation of State and Church, market economy and other features – to a cultural code of the Western civilization, whereas non-Western civilizations are devoid of original applications. The worldwide enforcement is therefore only thinkable on the scope of a global hegemony of the West.

This becomes very clear when the ideology of human rights is being implemented as a form of cultural imperialism, if one keeps the origin of the ideology from the Age of Enlightenment in mind. The ideology of human rights represents the law of the West, also titled »Western community of values«, and the ethical disguise of this ideology legitimizes its implementation by military means.

**Conclusion**

The right of a human being has existed for ages, and complementarily does the commitment of man exist, which results from his responsibilities towards the communities he is connected with. A fact which naturally exists since the beginning of time. Suddenly the European Movement of enlightenment shows up and presents a term of »human rights«, which obviously ties to the ideas of rights and responsibilities from time immemorial. In order to understand what happens, the discrimination of word and term is important. A word is the name of a term and stands for

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ingredients of thoughts. One may realize that the introduction to the term ›human rights‹ includes a far reaching redefinition. At this point two important components of the redefinition should be outlined. Firstly, the complementary concept of ›responsibilities‹, which had always existed naturally, is being eliminated and secondly, the concept of human rights from the Age of Enlightenment applies to the individual, who is free from all bondages.

The supremacy of the European-Western civilization, influenced by the Movement of Enlightenment has brought the term of human rights into the consciousness of the people in such a powerful manner, that the ancient idea of ›rights and responsibilities of human beings‹ begin to lack. Therewith the representative of the old, not yet overthrown by the supremacy of the West and hence not secularized, cultures are confronted with a problem. Should they refuse to accept the ›human rights‹? Regarding the ethical charge of the term this is impossible. This situation leads in the Islamic world to the Cairo Declaration of Human Rights, which was accepted on the 5th of August 1990 by 45 Foreign Ministers from 57 members of the existing organization of the Islamic Conference. This declaration naturally opposes to the declaration of the United Nations in many ways.

Further literature of the author: