

Against Human Rights

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Abstract

Before the pitchforks and torches are raised, this is a recapitulation of pre-existing criticisms of the idea of human rights, as well as my stance on them. If it is a philosopher's duty to examine and at times attack what is sacrosanct in order to find what has been overlooked, why, and the idea's uses and abuses, then few things are more deserving of examination than the classically liberal notion of human rights. Whether they are kept or gotten rid of, at the very least, their criticisms must be dealt with.

Keywords: human rights, rights, liberalism, criticism, unalienable rights

Against Human Rights

There is a line of philosophy, born from that of classical liberalism, which has been championed in name and has dominated throughout the world. I speak on the idea of human rights, and while the notion has its merits, it is a philosopher's duty to show the limits of an idea, its practices, and its possible meanings. This essay is not born out of an immoral objection to human rights but, nevertheless, is a criticism and objection of what they are. In this essay, I will merely attempt to revive similar arguments that come from two of the greatest philosophers of recent times, and what they stand for on the matter will be made crystal clear later. My own questions, provocations, and criticisms will be made briefly after theirs. For now, let us get an idea of what human rights are.

Based off of John Locke's (1690) unalienable rights, which included life, liberty, and property (or the word used is 'estate'), what can be called human rights are largely drawn from a modified version of Locke's ideas that come through the Declaration of Independence. A la Thomas Jefferson, they are life, liberty, and the pursuit of happiness. Notice how it is the pursuit of happiness and never happiness itself that is promised, a seed of wisdom given from the founding fathers. The stark difference between the idea of rights in Jefferson's day and in today's world cannot be emphasized enough: unalienable rights have been somewhat expanded to mean a plethora of things; for instance, there now is the widely accepted human right to clean water (as the UN once held a vote in recognizing the right, which the United States abstained from voting) and the right to food. And while these are noble sentiments in themselves, one of the problems that becomes immediately apparent is the fact that human rights, despite often coming with the label of "unalienable," meaning that they cannot be taken away, are not really clear in what they

suppose at all and are very much still subject to powers like the state (government), as well as other, more serious, covert issues and baggage.

At times it takes a critical eye to see the issues surrounding an idea so beloved, and the problems with rights are no exception. In the 20th century, the French philosopher Gilles Deleuze (1996) once said in a series of transcribed interviews that:

The reverence that people display toward human rights— it almost makes one want to defend horrible, terrible positions. It is so much a part of the softheaded thinking that marks the shabby period we were talking about. It's pure abstraction. Human rights, after all, what does that mean? It's pure abstraction, it's empty. It's exactly what we were talking about before about desire, or at least what I was trying to get across about desire. Desire is not putting something up on a pedestal and saying, hey, I desire this. We don't desire liberty and so forth, for example; that doesn't mean anything. We find ourselves in situations. (para. 1)

Taking inspiration from a thinker that will be discussed later, Deleuze continues while invoking discussion of the Armenians and the bloodshed by the Turks during the Armenian Genocide, as well as the 1988 Armenian earthquake. And what he says specifically about the violence itself is striking:

That's not a human rights issue, and it's not a justice issue. It's a matter of jurisprudence. All of the abominations through which humans have suffered are cases. They're not denials of abstract rights; they're abominable cases. One can say that these cases resemble others, have something in common, but they are situations for jurisprudence. (para. 4)

What Deleuze is doing is transforming the ball game; he is, in fact, changing the field so he can rightfully point out the common problems of human rights in general, and in particular, he says that "the Armenian problem is typical of what one might call a problem of jurisprudence. It is extraordinarily complex" (para. 5). And with the final piece of the puzzle, we can stitch together his proper attack on human rights. In the same paragraph, he adds:

To act for liberty, to become a revolutionary, this is to act on the plane of jurisprudence.

To call out to justice—justice does not exist, and human rights do not exist. What counts is jurisprudence: *that* is the invention of rights, invention of the law. So those who are content to remind us of human rights, and recite lists of human rights—they are idiots. It's not a question of applying human rights. It is one of inventing jurisprudences where, in each case, this or that will no longer be possible. And that's something quite different.

(para. 5)

Deleuze's attack on the idea of human rights is mostly straightforward, but to understand it first requires knowing what his interpretation of jurisprudence is. His jurisprudence is not synonymous with the Anglo-American one; it is not a stuffy legal theory or legal philosophy, as there is a mode of practicality within it; it means to take action and examine things case-by-case. It is highly tailored to the context of the issue, and this idea can be gleaned in Deleuze's words when he mentions that the Armenian problem, specifically, is extraordinarily complex. The French jurisprudence takes action, and Deleuze's notion encompasses both action and a deep understanding of the context—that is to say, it does not refer to what seems like a rigid body of law and accept its answer, and though it may incorporate loosely some of these elements, it still remains practical. Thus, his very first attack on human rights is that these abstract ideas have, in fact, gotten in the way of practicality, and this is because many (including odious intellectuals)

use the idea of human rights to throw a blanket on many complex topics and call it a day. It is not that helpful to ignore the specific context of a situation, mutter a list of violated human rights, and move on. Is it any wonder that Deleuze calls those that recite the lists idiots? The snake eats its own tail, as those most concerned with human rights are content to only speak of them and do no justice practically, nor do they seek to properly understand the context of highly complex issues. It, in a fashion, covers up complexity by instead prattling on about potential violations and nothing more. Deleuze believes that a right and the law are inventions from jurisprudence; jurisprudence is their source, and not the other way around. In other words, action and understanding are of the first order, and human rights never manage to break through the barrier and become practical in this setting. But Deleuze is not finished yet, as he finally says:

Human rights—what do they mean? They mean: aha, the Turks don't have the right to massacre the Armenians. Fine, so the Turks don't have the right to massacre the Armenians. And? It's really nuts. Or, worse, I think they're hypocrites, all these notions of human rights. It is zero, philosophically it is zero. (para. 10)

What does it mean to say that one doesn't have the right to take another's life? Does that somehow stop it from happening? What does that do? It seems as though, really, and in the example, it doesn't matter if the Turks did or did not have the right to take the lives of the Armenians—they would have done so regardless, and to say they do or do not have the right to do so means nothing because at a point, human rights are abstracted from reality. For Deleuze, human beings find themselves in situations, and we use jurisprudence, that is to say, both the plane of action and analysis, to deal with them as they come. Human rights almost take the wants and desires of their desirers and nearly misplace them. By that same token, how foolish would it have been to say that a Hitler or a Pol Pot did not have the right to kill millions? Or how about

the other flagrant violations of human rights done by governments around the world? To play the game of human rights in this sense is to preach moral condemnation—it does not change the past nor present—it means absolutely nothing, philosophically zero.

And the attack on human rights does not belong exclusively to Deleuze, nor is Deleuze's strongest point even his, as this is where he borrows from Max Stirner (1844/2017), perhaps the most unique *einzig* that has ever lived. Stirner might have actually been the first on record to point out the fatal flaws of human rights. For him, they were nothing more than spooks, phantasms, and abstractions—that means they were nothing more than abstract ideas opposed to the real here and now, the concrete. And he carefully noticed how the others give power away when they put such ideas above themselves. In particular, Stirner's attacks on human rights are vicious, but his critique extends well past them:

But only I have everything that I get for myself; as a human being I have nothing. One wants to let everything good flow to every human being, merely because he has the title "human being." But I place the emphasis on me, not on my being human. (p. 194)

At a certain point, human rights become divorced from the "me," the "I," and the "unique." And it is for the simple reason that these words and ideas are not you. What you are and who you are is not a "human being" or "mankind," which he felt were in the same boat of spooks—but you, a real unique existence. What happens is that when abstractions, ideas like human rights, mankind, and the human race, have such importance placed on them, the very real unique (you) is placed behind them. Why should an abstract idea come before you? What Stirner says about freedom is equally applicable here:

If you reflect on it correctly, you don't want the freedom to have all these fine things, for with this freedom you do not have them; you actually want to have these things, to call them yours and possess them as your property. What use is a freedom to you, if it contributes nothing? And if you became free from everything, you would no longer have anything; because freedom is lacking in content. (p. 170)

Stirner's words on freedom point out an obvious and terrifying hole in human rights: they are empty. The human right to clean air, water, or food, and to not be killed by authoritarian regimes—these are freedoms that are unalienable, guaranteed to every human at birth, as the classical belief goes. But when you are thirsty, you do not want the right to water; you want the water itself. What are then the uses of these freedoms and rights when they are roundabout, bureaucratic abstractions that never actually guarantee a single thing? The rights to something are not the same as possessing it, and it is worth mentioning that freedom to Max Stirner is seizing that very thing itself, thus both creating and realizing one's own freedom as a unique/egoist. It presents the opportunity of a kind of freedom that no government, institution, or anyone else can promise because it is only something you can make for yourself, and no one else.

Deleuze and Stirner do not shout into the void; their criticisms reveal the limits of what human rights are, their practice, and what they seek to be. If the goal is to leave the world a better place than one finds it, then their words on the matter cannot be ignored. The subject, nonetheless, is not finished, and there are still a great many questions connected to human rights that remain to be asked; for instance, if the domain of human rights has indubitably grown, and if we are to take them seriously, are some more legitimate than others? More importantly, what do they matter if these pretty ideas are still subject to abuse by powerful institutions that can just

ignore them and pay them no special interests? The problem is grave, as the very real danger is that human rights become novelty little trinkets that at one time helped topple kings and now sit quietly on the shelves. Still, every sacred idea is a dogma unchecked. And such a fixed idea is perhaps the one that needs to be examined most. If that is so, then human rights once again need a new pair of critical eyes, whether to be salvaged or done away with. And if one ever wishes to salvage human rights, they need to deal with their criticisms, perhaps not so that they may be torn down for nothing, but so they can be improved or replaced with something better. Thus the case against human rights stands strong, no matter how hated, because even what is devastating can be helpful for the future.

References

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Notes

For further reading on the comment regarding the UN vote and U.S. abstention:

undispatch.com/why-the-united-states-did-not-support-water-as-a-human-right-resolution

For further reading and a different translation of the statements of Deleuze on human rights:

<https://deleuze.cla.purdue.edu/lecture/lecture-recording-2-g-m/>