

## 2. DO THE VALUES THAT ARE CALLED 'HUMAN RIGHTS' HAVE INDEPENDENT AND UNIVERSAL VALIDITY, OR ARE THEY HISTORICALLY AND CULTURALLY RELATIVE HUMAN INVENTIONS?

Human rights significantly influence the fundamental legal, political and moral principles in the contemporary society; no doubt that its importance cannot be overestimated. However, I see the concept 'human rights' excessively vague in order to be dealt with in an analytic and logical manner. In order to tackle with this question in a clear way, therefore, I will define, for the needs of this essay, the meaning of the phrase 'human rights'. First, human rights are characteristic of being necessarily valid and similar for all humans. Second, setting aside the debates about the concept, I consider that the basis of all human rights is the idea that all humans are created equal. The idea of equality provides the fundamental background for the existence and validity of human rights. As a result of *equality*, all human beings have rights to some basic features of existence that are called the 'human rights'.

Since the issue is a public one (human rights), the main frame of reference would be that of an external observer – even if a philosophical argument will be valid from the phenomenological point of view, it will not be considered so if it is inaccessible to external observer. This is due to the lack of links between what is private (phenomenology) and what is public. The question being answered demands that we infer conclusions that can be affirmed publicly; this can only be done by an 'external observer'.

So, the big question is: are humans equal? The equality of human beings, in order to be logically acceptable, should be based on the similarity of human beings. It follows that if humans are similar (equal) in some sense, then the phenomena that are logically determined by that similarity should also be equal among those humans that are similar. For example, if two men possess a certain feature (e.g., they both have beards) and there is a corresponding treatment of a man according to that feature (e.g., shaving the beard), then the two human beings should be treated equally (i.e., they should *both* be shaved). Thus, I conclude that human equality follows logically from, and is determined by, their similarity.

### *Human rights and consciousness*

The issue of human consciousness has significant implications for human equality. If we look from the perspective of the consciousness, we might see that in the absence the consciousness, there would be no mental phenomena, no perception and cognition. And, given that those events constitute to what we perceive as human existence, there would be no existence as well. Therefore, what necessitates human existence is the human consciousness. As a result, consciousness is something that is the most essential to human existence and human nature. If all humans have the same essential existence (nature), it can be said that this is sufficient ground to claim that all humans are equal. Therefore, the question is whether the consciousness of one person similar to that of another?

Consciousness might be defined as the ‘perceiver’ of mental phenomena. We might say that there are no differences between one perceiver and another, as long as both of them perceive (i.e. exist), since there is no *accessible* criteria (for an external observer) by which we could distinguish one perceiver from another. Therefore, the question of the similarity, and thus equality, of the consciousnesses is reduced to that of the existence of the consciousnesses. In other words, there is only a ‘yes’ or ‘no’ question of existence of consciousness, since if the answer is ‘yes’, it is presumed that all the consciousnesses (perceivers) are equal. This would imply the equality of all humans who possess consciousness as well, and provide grounds for the universal validity of human rights.

So, how can the external observer know whether there exist other consciousnesses? Inductive reasoning might be used to affirm the existence of other consciousness. For example, saying that

*I experience mental phenomena, therefore, I'm conscious.*

*If other person experiences mental phenomena, it follows that he is also conscious.*

There's no problem with this claim. But then one can be tempted to infer the experience of mental phenomena of other people *indirectly* in the following way:

*I experience a mental phenomenon (e.g., a thought) that causes me to express it publicly (e.g., speaking the thought out loud).*

*If another person makes a public expression, then it follows that it was caused by a mental phenomenon.*

*Therefore, the person experiences mental phenomena, and he is conscious.*

However, the problem is, that a premise is being made that public expression is necessarily caused by mental phenomena. This premise is based on one's own, as a conscious being, self-observations (that all one's own public expressions are being caused by mental phenomena) that might not apply to other people.

It seems that inductive reasoning is not a valid one for the external observed to affirm the existence of other consciousnesses and therefore the equality of human beings. The existence of other consciousness can therefore be most validly proved by gaining a direct access to other person's consciousness. However, there are both practical and theoretical problems with this path. The practical is an obvious one: how is it possible to gain a direct access to other person's mind (consciousness)? There are simply presently no technical abilities to do so. However, setting the practical issues aside, there is a problem that *even if* one gained a direct access, how one would distinguish between one's and another's consciousnesses? In the case of *direct* experience, the mental phenomena of another consciousness that a person would experience would be identical to his own mental phenomena, and he would not be able to distinguish them; therefore, in the presence of impossibility to separate the consciousnesses, the person would not be able to prove that some mental phenomena in question is not his, but other's. As a result, he would not have any ground to claim that other consciousness exists.

Therefore, even direct access to other consciousness is unlikely to prove the existence of other consciousnesses, and therefore would fail to affirm the similar nature of all human beings

and the resulting equality of human beings. On the other hand, this is *not* to accept that humans are unequal – only that human equality cannot be proved universally and independently, on the grounds of something that is universal for all human being, namely – consciousness.

### *Human rights and mind/body relation*

In attempt to address the question of the universality/relativity of human equality further, I shall discuss two approaches to mind/body relation that might shed a light on the nature of human being that I see as the fundamental ground for the issue of equality.

The first approach is the mind/body dualism, wherefore the mind and the body are seen as separate, independent entities. The ‘body’ should be clearly be accepted as having potential to be unequal in the sense that all of us have different thoughts, feelings, physical constitution, etc. The mind, on the other hand, *might* be similar in all people. This is because an external observer doesn’t have access to any criteria that could point at the differences between minds. This is precisely for the fact that the mind is separate and independent entity from the body, whereas the external observer has access only to the bodily phenomena, and therefore can make no inferences about the mind, where he does not have any access. For this reason, the practical dimension forces the observer to assume that all minds are equal, unless proved otherwise. Therefore, the mind/body dualism implies that all humans are *essentially* equal, regarding the very essence of human – the mind. The equality, however, can be disputed where the issues involving human equality do not extend to the domains of the ‘essence’ of human – the mind – and remains within the ‘bodily’ domain (for instance, in the socioeconomic issues involving living standards, income, criminal convictions, etc. The decisions involving consideration of human rights in those domains do not require involvement of human/mind dualism, and therefore can be dealt by, for instance, behaviouristic view of existence, which is the following topic).

According to the behaviourist view, the absolute and the only determinant of human existence is externally observable phenomena, namely, behaviour. Behaviourists deny the significance of the mind. Seeing that there is nothing but the human existence itself that can provide grounds for human equality, it can be concluded that the measure of human equality is identical to the measure of human existence; the measure in question, according to behaviourists, is behaviour (actions, speech). As a result, humans are not equal, since the very fact that we have different existences (we make different actions, speak differently) signals that our existence is different. To the extent that we behave differently, therefore, human inequality might be inferred. It therefore has no universal and independent validity, since it is grounded solely in the empirical domain of human existence – the instances of behaviour. As a result, human equality, the basis for the essential human rights, seems to be indeed conditioned by historical and cultural circumstances of human civilization, according to the behaviourist approach to mind/body relation.

### *Human rights: another perspective*

Considering the less 'fundamental' aspects of human equality (and, thus, human rights), Nietzsche's account is worth consideration. Nietzsche devotedly opposed the view that humans are equal. He observed that historically, the equality of human beings has not always been accepted in societies (for instance, Romans, whom Nietzsche considers to be the 'master' moralists, did not hold the view that all are created equal. Slavery and strongly hierarchical relationships prevailed in the Roman society). Nietzsche claimed that equality is the 'invention' of the slave moralists. The democratic movement is an expression of the slave moralists' overtaking the public domain and gaining inadequate power. Nietzsche considered the 'all-equal' principle, the basis for human rights, to be perverse and unnatural. Inequality is a naturally occurring phenomenon that distributes the powers of the society and defines the hierarchy and functioning of the society. He considered the 'master' moralists to be naturally superior to the 'slave' moralists. What master moralists do, according to Nietzsche, is in itself moral; the actions of the master moralists automatically define the moral principles.

One of such moral principles can be considered to be the essential inequality of master and slave moralists. By acting in a superior way, the master moralists define the moral principle that "master moralists are superior to slave moralists". However, a contradiction is pervaded into this principle. The power of master moralists to define the moral principles by acting stems from their superiority over the slave moralists; however, the superiority itself arises from the moral principle defined by the actions of the master moralists. This is a tautology that surely cannot justify Nietzsche's view that master moralists are superior to the slave moralists, and that they have the power to define moral laws. The inequality does not seem to be logically valid and independent.

This example of logical inconsistency implies that Nietzsche's view on equality as perverse should be treated with skepticism. There is no logical ground that inequality is more reasonable than equality, and that basic human rights are a product of mutated evolution of human civilization and culture. Nevertheless, in his work "On the Genealogy of Morals", Nietzsche extensively explains how human equality was propagated by the Christian and democratic traditions in the Western society. The absence of equality in the previous, Roman, civilization, and their prevalence in the present society might illuminate the dependency of the human rights on historical and cultural context. It should be noted that ancient philosophers, in the times of prevailing suppression of basic human rights, considered inequality to be natural. Plato, for instance, categorized the citizens into Philosophers (who were the only ones to have access to the Realm of Forms), Guardians, etc., and thought of those categories of naturally determined. On the other hand, in the present society, the equality and democratic values are seen natural as well. This "naturalism" implies that in the practical sense, equality and, correspondingly, human rights have been historically-dependent, non-universal and conditioned by the prevailing societal norms.

The discussion has presented the arguments for the both sides of the universalism/relativism debate about the human rights. In order to make the question susceptible to logical and philosophical scrutiny, I have provided a more operational definition of human rights in terms of human equality. The final verdict, in my view, would be in favour of the independency and universalism of the human rights. Despite some difficulties and limitations, I hold the argument of consciousness of all human beings to be of utter importance for the human equality. Mind/body dualism can be seen as invalid due to major limitations of failing to explain the apparent examples of direct relation between mind and body (e.g., a thought about writing an essay in IPO is typical of causing the level of adrenaline to rise). Yet I see it more reasonable than the behaviourist tendency to neglect the importance of the mind. All in all, the scope of the discussion might be far-reaching, and I do not feel competent enough to provide a final decision either in favour or against the universalism of the human rights, although I'm personally in favour of it. The discussion and its development, I think, one day might bring important implications for such domains as politics, society relations, and, especially, intercultural communication that is still often shaded by the prejudices and hostility of different cultures.