

NIETZSCHE AND THE HUMAN RIGHTS

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DAMLA ALTUN

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Approval of the Graduate School of Social Sciences

\_\_\_\_\_  
Prof. Dr. Sencer Ayata  
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

\_\_\_\_\_  
Prof. Dr. Feride Acar  
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

\_\_\_\_\_  
Asst. Prof. Dr. Cem Deveci  
Supervisor

**Examining Committee Members**

Asst. Prof. Dr. Cem Deveci	(METU, ADM)	_____
Asst. Prof. Dr. Elif ırakman	(METU, PHIL)	_____
Asst. Prof. Dr. Kırşad Ertuğrul	(METU, ADM)	_____

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## **ABSTRACT**

### **NIETZSCHE AND THE HUMAN RIGHTS**

Altun, Damla

MS., Department of Political Science and Public Administration

Supervisor: Asst. Prof. Dr. Cem Deveci

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Today the conception of human rights is an idea that preserves its intransitive, inalienable and indivisible quality with a cross-cultural reference. The idea of human rights, entering our lives from the 18<sup>th</sup> century onwards, has gained a worldwide recognition through the Universal Declaration of Human Rights. The idea occupies place both at the level of rules and principles as a project and at the level of our daily problem solutions, modifications and the daily course of our lives as a pragmatics. The political framework provides the idea of human rights such a justification that it constitutes a significant part of our decisions, thoughts and actions. On the other hand, the grounds of the idea has been questioned as a part of the Enlightenment project since it was first articulated and especially in recent decades certain radical criticisms originating from Nietzsche's thought became prevalent. The thesis questions this easy alliance between Nietzsche and radical attacks to human rights thought. In the first chapter, I first provided a brief historical overview of the idea of human rights. Then, I had a closer look towards the principles of universality, equality, autonomy and is-ought distinction with special reference to Kantian

formulations of these concepts and in the second chapter, I elaborate Nietzsche's perception of these same principles and our understanding of conventional morality in general, to reach an articulated answer to the question: Would Nietzsche be categorically against human rights? I conclude that his philosophical attitude to these four principles differ from each other. In this context the thesis regards Nietzschean informal structures over the Kantian formal ones as complementary for a full grasp of the idea of human rights by offering a connection of the transitionality between Kant and Nietzsche.

Keywords: Right(s), Responsibilities, (Conventional) Morality, Critical Theory, Human Rights, Universality, Autonomy, Equality, Is-Ought Distinction, Reason, Will, Moral Judgement(s), Illusion(s), (Categorical) Imperative, Kingdom of Ends, Ascetic Ideal, Will to Power, Ressentiment, Discursivity, Reciprocity, Perspectivism, Relativism.

## ÖZ

### NİETZSCHE VE İNSAN HAKLARI

Altun, Damla

Yüksek Lisans, Siyaset Bilimi ve Kamu Yönetimi

Tez Yöneticisi: Yrd. Doç. Dr. Cem Deveci

Ağustos 2006, 104 sayfa

Günümüzde insan hakları kavramı devredilemez, vazgeçilemez ve dokunulamaz niteliğini koruyan kültürler arası referansa sahip bir düşüncedir. 18.yy'dan itibaren hayatımıza girmiş olan insan hakları düşüncesinin İnsan Hakları Evrensel Beyannameesi ile uluslar arası düzeyde geçerliliği tanınmıştır. İnsan hakları düşüncesi hem kural ve prensipler düzeyinde bir *proje* olarak hem de gündelik sorun çözümleri, değişiklikler ve hayatımızın günlük akışı düzeyinde *pragmatik* olarak yer almaktadır. İnsan haklarına siyasi bir çerçeveden bakışın düşünceye getirdiği temellendirme, insan haklarını karar, düşünce ve eylemlerimizin önemli bir parçası haline getirmiştir. Öte yandan insan hakları düşüncesinin temelleri, tarih sahnesine ilk çıktığından beri Aydınlanma Projesi'nin bir parçası olarak sorgulanmaktadır. Son dönemde ise, insan hakları fikrine getirilen eleştirilerin büyük bir çoğunluğu Nietzsche kaynaklıdır. Bu tez insan hakları düşüncesine getirilen eleştiriler ile Nietzsche'nin düşüncesi arasındaki birlikteliği sorgulamaktadır. Başka bir deyişle bu çalışma, insan hakları düşüncesini temelini, anlamını ve düşünce leyhine ya da aleyhine gerekçelendiren argümanları siyaset felsefesi açısından gözden

geçirmektedir. İlk bölümde öncelikle insan hakları düşüncesinin tarihi gözden geçirilmiştir. Daha sonra bu düşüncenin temelini oluşturan evrensellik, otonomi, eşitlik ve olan ve olması gereken ayrımı açıklanmakta, Kant'ın bu kavramlara dair formülasyonları incelenmektedir. İkinci bölümde ise, Nietzsche'nin genelde gündelik ahlak anlayışımıza bakışı, insan haklarına karşı mıdır sorusuyla ele alınmıştır. Bu nedenle, evrensellik, otonomi, eşitlik ve olan ve olması gereken prensiplerine bakılmış ve Nietzsche'nin bu dört prensibe yaklaşımının birbirinden farklı olduğu görülmüştür. Bu iddiadan hareketle tez, Nietzsche'nin insan hakları düşüncesine olumsuz bir duruş sergilemediğine, Kant ve Nietzsche arasında bir bağlantının kurulabileceğine işaret etmektedir. Bu bağlamda, insan hakları düşüncesi üzerinden Nietzsche'nin informal strüktürlerini Kant'ın formel ahlak anlayışına tamamlayıcı görmekte, Kant ve Nietzsche arasında geçişlilik sağlamakta bir anlam bağı kurmaktadır.

Anahtar Kelimeler: Kant, Nietzsche, Hak(lar), Sorumluluk(lar), (Gündelik) Ahlak, Eleştirel Teori, İnsan Hakları, Evrensellik, Otonomi, Eşitlik, Olan ve Olması gereken, Akıl ,İrade, Ahlaki yargı(lar), İllüzyon(lar), (Kategorik) İmperatif, Diskursivite, Karşılıklılık, Perspektivizm, Relativizm.

*To the memory of my grandfather,*



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I particularly thank my grandfather who brought me up with the values to perceive and criticize the social reality we are in. Without him, neither I could have the encouragement to pursue what I wished from my heart, nor would I have this ceaseless desire to develop myself.

I thank Huseyin Salim Saracer for his permission to read unpublished articles and philosophical manuscripts to me throughout this study. By his enlightening critiques, and encouragements for searching a much better disposition uninterruptedly, he widened my way of life, my horizon, and granted a meaning to my existence. He showed me how to stand in this flux of living and to be free and responsible in our full limitedness as human beings. It is much because of his confidence in me I found the power to fulfill my thesis.

## **ABBREVIATIONS:**

<b>GM</b>	Zur Genealogie Der Moral	On the Genealogy of Morals
<b>JGB</b>	Jenseits von Gut und Böse	Beyond Good and Evil
<b>WM</b>	Wille zur Macht	Will to Power
<b>KRV</b>	Kritik der reinen Vernunft	Critique of Pure Reason
<b>KPV</b>	Kritik der praktischen Vernunft	Critique of Practical Reason
<b>MS</b>	Grundlegung zur Metaphysik der Sitten	Groundwork for the Metaphysics of Morals

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## **CHAPTER ONE**

### **INTRODUCTION**

The idea of human rights concerns the capacities and opportunities that human beings are entitled just as a consequence of being human. It is an idea which diffuses into every aspect of our lives from our birth to death. The Universal Declaration of Human Rights points us the international recognition the idea of human rights has among the humankind. The idea, first articulated during the French Revolution in the 18<sup>th</sup> century, gained such an importance that it constituted a significant part of our decisions, thoughts and actions. Then, one should ask why we need the idea of human rights. Once we leave aside our rights of life, liberty and property, we realise that a life without human rights would be degrading in terms of dignity. Though we will be surviving a mere life, such a life would not allow flourishing of our capacities as a human being.

From this viewpoint, I elaborate the idea of human rights after providing a brief overview of the concept's historical development. My approach includes the meaning, grounding, content and pro and contra argumentations concerning human rights. However, the comprehensiveness of the idea necessitates concentration on some of its aspects. This is the reason that I decided to focus on four principles underlying the idea of human rights, namely, universality, equality, autonomy and is-ought distinction. If these principles occupy an important place in our conventional understanding of morality, I think Kantian moral philosophy has a notable

contribution to it. Therefore, when I refer to the idea of human rights in our conventional understanding of morality, I also discuss it in the context of Kantian formulation of these four principles.

On the other hand, as the idea of human rights gained central position in our decisions, thoughts and actions, it also became a focal point of radical criticisms. Like Bentham, Burke and Marx who directed their criticisms towards the idea, Arendt, Foucault and Derrida posed radical criticisms to the foundations of the idea of human rights. They emphasized deficient and arbitrary aspects of it expressing particular interests or power relationships which are embedded behind human rights thought and practices. Therefore, a common impression was created that contemporary radical critiques of human rights thought benefited from Nietzsche's criticism of modernity. In this thesis, I question this impression.

Human rights become pertinent in our life in two levels: First, at the level of our rules and principles. Second, at the level of our problem solutions, modifications and our daily course of actions. So, to the extent Kant is regarded as immanent to the understanding of morality and human rights, Nietzsche's philosophy and his criticism of Kantian morality seems to be excluded. My major aim is to question this apparent contradiction between Nietzsche and human rights. In the thesis, I question whether a transitionality can be provided between Kant and Nietzsche on their conventional understanding of morality and the idea of human rights. To this purpose, I discuss Nietzsche's perception of human rights in general and his possible criticism of human rights in particular. At this point, his genealogical approach to morality seems relevant to human rights thought.<sup>1</sup>

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<sup>1</sup> Nietzsche in his book *On the Genealogy of Morals* examines the problems, origins and development of our conventional understanding of morality in the context of unrealized alternatives, deviations and

Therefore, I first provide a brief history of the idea of human rights, then I try to present and discuss the principles of equality, universality, autonomy and the isought distinction and Kantian formulations of these principles. Furthermore, I establish connections between Kantian understanding of human rights and the Declaration. Thus, I focus on the articles related to these principles. I gather these issues under four parts each corresponding to four principles: (I) The principle of equality is a concept that conditions our lives beginning from our birth. The fact that we grow up with this principle, makes it difficult to criticize. The concept refers to make comparison between similar decisions, actions and thoughts. However, there are various conceptions of equality. All these conceptions of equality can be represented in the Declaration, because it accepts the principle of equality as an assumption. With a similar logic, the principle of equality in Kant can not be directly derived from his philosophy but through his understanding of freedom. People are free through their equal share on freedom. Every human being carries the rights and responsibilities of himself or herself with a universal respect towards the others. Kant shapes this harmony in his idea of the Kingdom of Ends, which is a society where free and equal people treat each other as ends rather than means under the conditions of universal respect. I will try to examine to what extent the principle of equality seems plausible in our lives. (II) The idea of human rights has a significant place as possibilities to raise our standards of life. Even this condition constitutes enough ground for the idea to have universal recognition. Besides, one of the main reasons that grants human rights universal status is the rise of modern states and market

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accidental occasions. In this sense, Nietzsche's genealogy is a search for ruptures, turning points and alternative views to the history of our practices. Instead of a conventional understanding of history, genealogy offers an effective history with a critical outlook. Many years of faults lie under our understanding of history that we never questioned. Thus, it opens new horizons for the future by revealing the replacements, reversals and substitutions.

economies in the West. Therefore, the need for guaranteeing human dignity had a considerable effect on the rise of the idea of human rights. Such a compatibility has provided an empty space for humankind to maintain and declare a disposition against the bad treatment of human beings. Then, how much space do we have in Kantian philosophy for the formulation of universality? To what extent is the principle of universality valid? (III) The principle of autonomy has a central position in Kantian philosophy and it can be found directly in his moral philosophy because Kant understands freedom as autonomy. Freedom in Kant may be understood in two ways: First, as a power to initiate a spontaneous activity, and second, as will's determination by the moral laws. If we condition ourselves in a social reality that opens towards new conditionings, then our freedom should be a sense of freedom that excludes any kind of conditioning on us. If will is determined by the moral laws, then there is us behind our decisions, thoughts and actions as moral subjects. What are the reflections of these two definitions of freedom to the principle of autonomy?

At this point, to make the principle of autonomy more intelligible, I rely on Nino's work. For Nino, right is granting the holder the capacity to do the action, exclude third parties and benefit from good or retreat from evil. Because holding a right comprises of excluding third parties and some sense of good and evil, all of these parts can be gathered under the definition of a right to undertake an action. Therefore, every right includes an exercise of will. If the right is indispensable for our adoption of our plans and principles and it is valid for the humankind, then that right is called a human right. Therefore, Nino emphasizes the practical side of our decisions, thoughts and actions as he claims that our moral judgements may be derived either from an explanatory or justificatory reason. In this context, Nino



pushes Kantian principle of autonomy into a different dimension and his interpretation helps me to answer the question: What is the contribution of Kantian principle of autonomy to the idea of human rights? This also allows me to discuss the relationship between Kant and Nietzsche concerning the principle of autonomy because Nietzsche's conception of sovereign individual has certain affinities with the ideal of autonomy. (IV) Although the principles of universality, equality and autonomy arise as the grounds of the idea of human rights, the idea also needs another principle, namely *is-ought* distinction. Since the idea of human rights is not found in nature, its constructed quality distances it from present state of affairs. Either when we think about the present or when we determine the goodness or badness of a decision, thought and action, we find ourselves inevitably in another realm different from the actual reality of *is*. Thus, a distinction between *is* and *ought* is also needed for the idea of human rights to be intelligible. In other words, a moral stance necessitates a realm of *ought*. If we distinguish between what reason thinks and the will does in Kant, we reach into a distinction between *is* and *ought*. Although Kant tries to close the gap between these two realms, he is also aware of the fact that this is impossible to achieve. The distinction between *is* and *ought* in a sense makes the distinction between judgement and action possible. However, it is also very difficult to differentiate between our judgements and actions. The two may intersect any time. The realm of *ought* arises as a notion of duty in Kant. Thus, our obligations are realized through moral necessities. I will focus on the way the principle of distinguishing *is* and *ought* stand in Kantian philosophy. What kind of a relationship does this distinction have with our conventional understanding of morality, and how it is assumed to be prevalent in human rights thought will be my major questions.

After I explain the grounding and meaning of the idea of human rights, I pass to Nietzsche's perspective towards the same principles of universality, autonomy, equality and is-ought distinction. Nietzsche's stance over these four principles would be completely different because his philosophy defends the flux of life and our existence in it. We create necessary illusions in this flux and imprison ourselves into it. In other words, Nietzsche's outlook to human rights, I will agree, can be found in his criticism of necessary illusions. This flux is where we live in and define our values for a living. For us, this is an endeavor to reduce the variety of life into minimum standards and convert the flux of life into harmony and order. From Nietzsche's angle, human rights in this sense would appear as one of many ideas we employ in our lives to create the illusions of order and peace. Therefore, the idea of human rights would seem to Nietzsche a truth we establish to bring fixity to the flux of life. Here, the truth refers to what we left unquestioned, rather than Kantian understanding of formal truth. The issue is not how we establish these truths but the way we perceive truth. Yet, our perception is shaped by two endeavors: As long as we are part of a conventional understanding of morality, we try to reduce things in variety. Thus, we create cause and effect relationships as if the events in our life follow each other. We reify our decisions, thought and actions. Besides, we objectify our language. Because concepts are arbitrary abstractions from the things in variety, they limit our understanding by diffusing into every aspect of our life, namely, language, culture and morality.

I present Nietzsche's outlook towards the four principles in the following manner: (I) The Universal Declaration of Human Rights assumes the principle of equality. In this context, the Declaration aims for placing a notion of equality rather

than a specific meaning of it. Nietzsche criticizes not specific conceptions of equality but the concept itself. This criticism can be gathered under two parts: One is that the concept of equality is a part of the interpretations of slave morality which originated from the ancient Greek philosophy. Platon's emphasis on contemplation over action and inferiorizing the real world with respect to another world as the realm of forms has caused a strict separation between what we regard as real and the ideal. So, slave morality benefited from this separation in order to compensate the deficient and unsuccessful aspects of life. It created values blaming the master morality, thus the slaves revolted for their own betterment. This closure of the slave morality upon itself developed the spirit of resentment. Therefore, slave morality defers all the pain and suffering they lived to the masters through the values they created and expects them to obey its dictates. Second, for Nietzsche any concept that plays a role in our language, culture or morality is an arbitrary abstraction. Then, how does Nietzsche relate his criticism of concepts to Kant on the principle of equality? (II) While Nietzsche remains reactionary to the principle of universality, he emphasizes the arbitrariness of all abstractions and defends perspectivism instead. From this angle, human rights thought is a discourse assisting us to create a conventional consciousness about morality. For Nietzsche, this situation would lead to the anthropomorphization of nature, the price of which we pay with our eyes in the sense that we develop a very narrow vision of life as such. Indeed all of us see the social reality from our own eyes. However, this does not mean there are infinite perspectives encompassing the whole reality which means that perspectivism in Nietzsche does not open towards a relativism because relativism is possible from a perspective which is above and beyond all perspectives. Then, I argue that Nietzsche

will not ally with those who criticize human rights on the grounds of cultural relativism. (III) It is convenient to begin from Nietzschean notion of a sovereign individual in order to grasp his perception of autonomy. Sovereign individual in Nietzsche is the person who can master his perspective and will so he can open new horizons in front of himself or herself. These new horizons are only possible through will to power. Here, will to power means our ability to take decisions and follow them. Each of us have our own will like the different eyes we have. Our wills may intersect, overlap with others or totally be different from theirs. However, in all cases we may not easily draw the line between our will and reason, thus contrasting Kant and Nietzsche over the relation between will and reason is not a plausible way. Rather, the reason we have is immanent to our decisions, thoughts and actions. There may be cases when our reason diffuses into our will and there may exist choices neither of which represents the way reason or will offers. For Nietzsche, the choice would imply both reason and will at the same time. Then, where does this togetherness of will and reason in Nietzsche meet with the principle of autonomy? Where does the slave morality and the ascetic ideal stand in this framework? Can we establish a transitionality between Kant and Nietzsche over the principle of autonomy? (IV) For Nietzsche, our moral stance among others is a stance in a discursiveness that ties our existence to the others. This is achieved through language. However, the objectifying quality of concepts in language disrupts our social reality. That is to say, slave morality creates a past and a future for us through the language. The only question that slave morality has difficulty in answering is why we should be moral. Slave morality interprets the social reality in its own way and expects us to obey them. Such an artificial creation indeed conditions the social

reality and directs our actions in future. Like the medium of language slave morality uses, the conditioning of *is* in Nietzsche establishes an *ought* in front of us towards the future. In this sense, I will demonstrate that Nietzsche's philosophy presumes the distinction between *is* and *ought*.

While Nietzsche's attitude towards these four principles of equality, autonomy, universality and *is-ought* distinction are different, the situation provides us an insight about how he perceives the idea of human rights. Nietzsche regards the principle of equality as arbitrary abstractions to an equal status. Thus, the concept and its interpretation are indeed in our life through the language and ascetic ideal. In this sense, Nietzsche asks whether there is an equality that we live in. Our language and ascetic ideal also helped slave morality to come up with the principle of universality. As long as what we can know in the name of social reality is limited with what we see, we have our own perspectives. Therefore, Nietzsche is strongly critical of both the concept and its fulfillment. Nietzsche's outlook to the principle of autonomy concentrates on the notion of sovereign individual. We can talk about the freedom of the sovereign individual to the extent that he or she is able to carry rights and responsibilities. Because of our deferment of some of our ability of decision making to another world or to others, we can not live our rights and responsibilities to the fullest extent. Although the extent of our fulfillment differs in moral and legal realms, human rights mainly serves for making up the empty space in our lives. Except a seriously critical stance towards to the principle of universality, Nietzsche deems the principles of equality, universality, autonomy and *is-ought* distinction as necessary for our survival. We necessarily condition ourselves in illusions to reach order and harmony in social reality. However, the criticisms he brings towards the

idea of human rights offers us temporary and provisional imperatives to open our eyes into new horizons. This is how Nietzsche provides us an *ought* through conditioning *is*.

Overall I reach to the conclusion that if we separate human rights into these four principles, Nietzsche is not categorically against the human rights thought. Such an outcome carries significance in several dimensions. First, Nietzsche is not an immoralist who rejects our conventional understanding of morality. Second, Nietzsche conceives the idea of human rights as a part of our necessary illusions. In this sense, he does not have a categorically negative outlook towards the concept. Lastly, Nietzschean perspective of human rights provides us a fruitful insight for rethinking of the human rights thought and practice.

## CHAPTER TWO

### MAJOR PREMISES OF HUMAN RIGHTS THOUGHT AND THEIR KANTIAN ORIGINS

#### II. 1. Introduction:

The idea of human rights has for a long time been one of the aspects of the Enlightenment project which began to create controversy in recent times. The idea refers to the rights of all human beings in anywhere and anytime as a consequence of being human. The political foundations of human rights can be traced back to the French Revolution which came out to defend the principles of freedom, equality and fraternity in the late eighteenth century. The Declaration of the Rights of Man and Citizen was approved as a legal document which prescribes the rights and duties of man for the construction of a just political association, political participation and the well-being of the citizens. A reciprocal respect was assured between the people and political institutions. Thus, the demands and expectations of Enlightenment philosophers such as Voltaire, Montesquieu and Rousseau have been realised to a great extent.

The idea of human rights began to be tied gradually to the political, social and economic issues in the nineteenth century such as slavery, harsh working conditions, child labor and social welfare. Such developments while inspiring many political and revolutionary groups in their stance about violence, disorder and social change, also formed a ground on which the idea of human rights began to be severely criticized. Political philosophers like Bentham, Burke and Marx directed their criticisms to the

very foundations of human rights, namely the principles of autonomy, equality, universality and the is-ought distinction.

In general, proponents of human rights aim to provide a satisfactory social milieu for the rights and duties of individuals and groups for the sake of peace and well-being. Indeed, refusing the idea of human rights is to lose the critical outlook to the existing system, depriving human beings of their basic moral qualities and alienating humankind from itself. As the political attachment to the conception of human rights grew in time, the philosophical attachment began to decline in the twentieth century.<sup>2</sup> During this period, the idea of human rights began to gain wider acceptance because of several interdependent reasons. It can be argued that with the rise of globalization, people of the world began to realise the fact that authoritarian and totalitarian regimes which do not respect human dignity are unable to promote economic welfare. Concurrently, democratization began to gain support with the aim of ensuring peace and human well-being both in domestic and international affairs. This new shape of political and legal structure necessarily tied the ethical and practical legitimation to the idea of human rights.

The political attachment to the idea of human rights can be best illustrated by examining the Universal Declaration of Human Rights which is composed of a list of universal human rights agreed by the members of United Nations. The Declaration posits inalienable, indivisible and intransitive rights of people regardless of their race, color, language, sex, religion, birth or social status. The Declaration consists of a Preamble and thirty articles that guarantee the rights and freedoms of people against the state. Therefore, this major document reserves a room for people to adopt

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<sup>2</sup> For details, see, Susan Mendus, 1995.



their life plans and interests by prescribing seven types of rights: Personal rights are the rights which protect human beings either physically or mentally, such as free and equal right to live in dignity (Article 1), without any discrimination based on sex, color, religion, language etc. The Declaration also refuses political, jurisdictional or international discriminations upon people (Article 2) by prohibiting slavery or servitude (Article 4), torture or cruel inhuman degrading treatment (Article 5) in all their forms. While refusing any kind of sanction imposed upon people, the Declaration grants personal safeguards to individuals in return. These safeguards are the right to recognition everywhere as a person before the law (Article 6), right to a nationality and not to be arbitrarily deprived of it (Article 15) and legal protections from arbitrary arrest, detention, exile (Article 9) with the presumption of innocence (Article 15).<sup>3</sup>

Besides protecting people against the abuse of the political authorities, The Universal Declaration of Human Rights also grants civil liberties. Right to freedom, conscience and religion (Article 18), freedom of opinion and expression (Article 19) and freedom of peaceful assembly and association (Article 20) are among those which protect not only a life in dignity, but also public action and chances for political participation. These freedoms in intellectual and associational arena grant people freedom in expressing themselves. However, granting these freedoms to people are not sufficient as long as there is a lack of safeguards to protect them. Both the exercise and enjoyment of these freedoms are due to others' extent of exercising and enjoying them.

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<sup>3</sup> See, Jack Donnelly, 1989: pp. 34-37.

In the tradition of human rights, it is accepted that human beings are ends in themselves and their ends are restrained by other abstract collectivities. In order to sustain a reasonable restraint upon people without depriving them of their major rights of liberty, property and security, the Declaration sets economic and social rights for the well-being of people. To pursue a life in dignity, people should also be empowered by providing their social necessities of survival. These are the social rights like maintenance of privacy, home or correspondence (Article 12), the right to social security and preserve dignity (Article 22), the right to rest and leisure (Article 24) and the right to education for the development of human skills.(Article 26) Thus, UDHR underlines the principle that no one will be subjected to physical or moral treatment in a manner against the human dignity. This emphasis added into the Universal Declaration of Human Rights is sufficient to indicate that the idea of human rights has a cross-cultural reference.

Comprehensive studies on the question of human rights in theory of politics, for the most part, seem to have a historical perspective focusing on origins, development of the concept, debates and struggles. In this chapter, I shall try to present a brief historical overview of the question of human rights, but mainly concentrate on the so called ahistorical politico-philosophical approach. This is because the concept of human rights is justified by relying on four major principles of autonomy, universality, equality and is-ought distinction. I think without these originally Kantian principles, the modern idea of human rights can not be established upon a rational and consistent basis. These four principles will also be the grounds that I will rely on while constructing Nietzschean outlook towards the idea of human rights and moral theory. Thus, I shall avoid studying the question from the

perspective of history of philosophy in order to keep my focus on the encounter between human rights thought and Nietzsche's philosophy. Such limitation is necessary also for avoiding complication.

## **II.2. Kantian Origins of Human Rights Principles**

One may argue that the contemporary philosophical foundation of human rights can be traced back to the moral theory of the eighteenth century philosopher Immanuel Kant. The major Kantian contribution to the idea of human rights is to reserve a room for moral reasoning between what we actually do and what we ought to do. With Kant, human beings became conceived as the author of the universal laws that they themselves prescribe. Through the direction of the categorical imperative moral subjects are imagined as trying to reach an ideal society of the Kingdom of Ends where the principles of autonomy, universality, equality and is-ought distinction are realised. In this sense, our faculty of practical reason will guide us in our thoughts, decisions and actions to come up with a society where everybody have secure access to their own rights and responsibilities.

Kant in his *Critique of Pure Reason* searches for the boundaries of reason and questions to what extent reason can provide us knowledge. Pure reason, by asking itself the questions like what I can know, how I know, aims to reveal the essential laws of nature governing empirical reality. These laws of nature are transcendental and provide us limited knowledge of the empirical world since we are finite beings in the same spatio-temporal world. Through this tribunal of reason, Kant initiates a new path in terms of reaching objective knowledge. This path is called Kant's Copernican Revolution to signify the radical break with traditional philosophy. It is a

methodological shift claiming that objective knowledge governing the phenomenal reality can be achieved only if the world confirms to the *a priori* knowledge of our reason. However, our knowledge and experience are limited with these laws of nature governing experience but being independent of it. Yet, reason can not stop at the point our explanation ends because we have the tendency to learn the unconditioned behind the conditioned. Our dwellings with nature should not be understood as a mere inclination to know, but also as a desire to have knowledge of the God, freedom and the soul. This is why metaphysics persists in all of us as an almost natural disposition.<sup>4</sup>

Metaphysics deals with the objects of understanding. These objects of understanding can be any unconditioned totality apart from what we know about the world, the objects and events. Because reason fails to see beyond this knowledge, it tries to reach into a nonempirical and transcendental realm which may be called an 'empty space'. Empty space refers to the realm of 'what cannot be explained, that is, described in the language of the universal laws of nature, is empty –it cannot become knowledge...merely a chimera or thought entity.' (Booth, 1986: 29) Therefore, Kant reaches two main conclusions in the *Critique of Pure Reason*. First, our ground of activity is nature. There is purposiveness in nature for us to understand social reality and to develop our rational side. Nature supports our *advancement* of our *capabilities*. The world, objects and events in this empirical reality is chained to the *a priori* principles of our reason. Second, since we can not have the knowledge of a transcendental realm, traditional metaphysics is impossible. Kant claims that a metaphysics free from the unconditioned totalities is needed to understand the nature.

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<sup>4</sup> For details, see, Immanuel Kant, KRV, 1929: pp. 17-61.

Instead of going beyond, this metaphysics should go behind the experience with the questions: How am I to find my way in this world? What can I hope for? Answering these questions are crucial for us because our concerns and choices can not be possibly restricted by the laws of nature. Then, knowledge and experience we have and the tendency of our reason split our stance in the social reality.<sup>5</sup>

Kant's Copernican Revolution by underlining this duality, provides us a difference between what we can know and what we think. The realm of thinking that metaphysics deals with creates an empty space for us to have our own moral judgements and for our reason to shape its own decisions and thoughts spontaneously. In other words, Kantian human beings are both able to legislate laws of nature and present their viewpoints about moral practical affairs. It can be argued that Kant showed us the fact that our finiteness about the knowledge of social reality pushes us towards a moral judgement either by legislating our own laws or by believing.<sup>6</sup> The only way to set ourselves apart from the necessity of nature is realised through what we cultivate in moral judgements we make.

It is clear in Kant's work we can not justify morality by reference to nature. Rather, we all have sense of duty and moral laws in ourselves prescribed by the principles of *a priori* practical reason. These *a priori* principles command us unconditionally and necessarily. That is to say, the unconditionality and necessity of these laws can not be found in experience, but they govern the experience. This is why Kant examines the *a priori* grounds of morality in his book titled *Groundwork for the Metaphysics of Morals*.

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<sup>5</sup> See, James Booth, 1993: pp. 101-105.

<sup>6</sup> See, James Booth, 1986: pp. 3-29.

Morality is defined as self-legislating will's relation to a *universal* and *necessary* action through *legislation*. Reason legislates these moral laws because pure reason can be by itself practical. In other words, 'The practical rule is therefore unconditional and thus is thought of *a priori* as a categorically practical proposition. The practical rule, which is thus here a law, absolutely and directly determines the will objectively, for pure reason practical in itself, is here directly law-giving.' (Kant, 1993: 31) These universal and necessary laws are *categorical imperatives* that provide us direction in our lives. Regardless of the present condition we are in, what we ought to do is determined by ourselves to achieve and maintain our freedom. Therefore, a close relationship between the categorical imperative and the idea of human rights can be established, because both cultivate the universal, unconditional and practical prescriptions concerning all the members of humanity.

Today there is a tendency to abandon the understanding of foundationalism in tradition of human rights for a defense of moral constructivism. Human rights came to be regarded as a mental construction like the Kantian categorical imperative which is universal and necessary for us to live in freedom. This means to state that although the human rights have natural foundations, it is in fact created by human beings.<sup>7</sup> Both human nature and human beings *reconstruct* themselves. Kant defines categorical imperative as: 'Act as if the maxim of thy action were to become by thy will a universal law of nature.' (Kant, 1949: 38)

That is to say, acting only in accordance with the maxim which you can at the same time will to become a universal law makes us moral beings. The imperative itself justifies the principles founding the conception of human rights. This is a

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<sup>7</sup> For instance, see, Jack, Donnelly, 1989 and Carlos S., Nino, 1993.

struggle to reach the ideal of moral law where the principles of autonomy, equality, universality and is-ought distinction are found. Let me examine each of these four principles which originate from Kant's moral philosophy and which are also the underlying premises of human rights thought.

### **II. 2. 1. Equality:**

The principle of equality is one of the ideals which is disseminated throughout every aspect of our life under the conditions of modernity. It may be argued that the more we integrate ourselves into the morality embedded in a given society, the more we lose our ability to criticize the values we grow up with. The principle itself is one of the most difficult cornerstones of morality for criticism because our inclination to be treated as an equal among others has a very crucial role in our lives. Under the conditions of modernity, our forms of thinking, patterns and modes of decision are all conditioned by this principle. As we are born, society's way of thinking, patterns and modes of decisions are the models which are expected from us to confirm and obey all through our lives. Therefore, being born into an implicit social contract becomes one of our hindrances while approaching the principle of equality. The more we attach ourselves to society we live with, the more we come to defend the principles of it. Defenses of these principles may be various with reference to different segments of society. In any case such defenses are devoid of content because these principles lose their ultimate ground of existence as they are opened, unfolded and discussed. Rather, different understandings of the same principles are under construction. The content of these principles are extracted in such a way that they remain to represent ideal situations in our life worlds. The principle of equality

is one of these principles which give rise to various understandings among the members of society.

Considering our constitution of morality as a member of society, the Universal Declaration of Human Rights also defends this ideal of equality. As it states in the Preamble of the Declaration: 'Recognition of the inherent dignity and of the equal and inalienable rights of all members in the human family is the foundation of freedom, justice and peace in the world.' Thus, equality, dignity and inalienability of our rights are what lies behind the current understanding of morality, which is inherent in human rights.

The Declaration also has an implicit reference to various conceptions of equality. The Article 1 mentioning the fact that people are born 'free, equal in dignity and rights' presupposes an understanding of equality by birth, and the Article 2 supports this position by refusing the recognition of distinctions such as 'race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' There is also Article 7, about the equality of people before the law and their protection from the law, as well as the Article 10 emphasizing the 'full equality to a fair and public hearing by an independent and impartial tribunal' represents the people's equality as means for protection against the repressive or coercive apparatuses of the state. Furthermore, the Article 22 and 25 of the Declaration seem to regard the conception of equality as an end to justify the rights of people in society. The Article 22 provides this by declaring the right to social security and realization of economic, social and cultural rights of personality. The Article 25 suggests taking action towards the goal of guaranteeing 'a standard of living adequate for the health and well-being... food, clothing, housing, medical



care... unemployment, sickness, disability, widowhood, old age...' Therefore, The Universal Declaration contains articles which imply different conceptions of equality rather than a single abstract ideal.

Similarly, when we come back to Kantian philosophy, the principle of equality is still an abstract ideal derived from the only universal right Kant perceives: Freedom. Freedom originates from human beings themselves and we can derive rights of equality and independence from it. Kant claims that human beings are free to the extent that they have an equal share on freedom. Every person is attached to a range of rights and responsibilities without any exception. Therefore, their equality is guaranteed under the conditions of universal respect, and without such comprehensive conception of equality as to include every individual, freedom might easily be jeopardized.<sup>8</sup>

Due to this universality and comprehensiveness in Kantian outlook, the principle of equality is the ultimate assumption in our actions apart from the differences between human beings. Such an assumption brings symmetry into our reflections on what we can or will do. Kant's search of symmetry indeed is a general tendency of his that we realise throughout his works. Therefore, he also searches for the association between reason and will. In other words, reason teaches us what we will by relying upon the principle of symmetry. Of course this is the case if we consider ourselves as moral subjects. The principle of equality can be traced best in his book *The Groundwork for Metaphysics of Morals* under the topic of the *Kingdom of Ends*. Leaving all subjective differences aside and by abstracting from the maxims of heteronomy, unity of all human beings is an attainable goal. Kingdom of Ends is

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<sup>8</sup> See, James Booth, 1986: pp. 137.

the unity established through laws between rational human beings. Kant believes that the harmony of human beings is possible by approaching the idea of Kingdom of Ends. Because everyone obeys the moral laws legislated by themselves and the others, universal and necessary laws originate spontaneously.<sup>9</sup>

In order to live in the Kingdom of Ends peacefully, human beings should care about three qualities in the maxims they act accordingly. First, maxims should have a general form which means human beings should choose their maxims as if they are going to be universal laws. Second, human beings should treat others as ends and expect being treated as an end in return. This notion is what Kant mentions in his second formulation of his categorical imperative: 'So act as to treat humanity, whether in thire own person or in that of any other, in every case as an end withal, never as means only.' (Kant, 1949: 46) In other words, we should treat others not as a means but as an ends in themselves. Persons, in their actions, orient themselves towards an end, yet without a final purpose we do not act morally. However, human beings have intrinsic worth who can be regarded not only as means but also as ends.

Kant gives examples of situations when human beings are treated as means not ends. A person commits suicide to dispense with life because to live is to suffer for him or her. In fact, he uses himself as a means to reach an end. Another person who gives false premises to others, treats others as a means. Others also should have known that he or she could not pay the money back. Also, there may be people who refuse to develop their abilities. These abilities are given to us by nature. Refusing to develop them would be to refuse nature which is to treat ourselves as means. Last example Kant gives us is our natural motive towards the end of happiness. Since all

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<sup>9</sup> See, Immanuel Kant, MS, 1949: pp. 49-57.

of us have a motive towards being happy, harming or refusing this end would be conceiving ourselves or others as means.<sup>10</sup> What Kant tries to achieve by suggesting the ideal of the Kingdom of Ends was to establish a society where the highest good was accepted as a principle and where the basic commitments of human beings will be met. However, this idea as one of the main grounds of equality in Kant has its deficiencies.

First of all, Kantian idea of Kingdom of Ends is too abstract. In this kingdom, every human being is his own legislator acting as if what he does will become a universal and necessary moral law. Then, this principle should guide us about what to do in our decisions. However, when we think of more concrete rules such as risk taking, promises, assistance, what kind of norms society will adopt is not clear. At such issues, where the directions derived from the ideal of Kingdom of Ends remain silent, we have to depend on our independent judgements.<sup>11</sup>

Also, Kantian emphasis on impartiality should be reconsidered. For a society to reach the highest good, the motive of impartiality is not enough. Although there may be some personal contributions to the decision making, being impartial towards other human beings doesn't solve all the problems. This would be making the principle of equality immanent into the people's nature, ignoring its social basis. This means to ignore that individualization is a process of socialization.<sup>12</sup> The moral understanding, decision making, individualization of the moral subject are social processes in a discourse and embedded in language. There is no way of escaping from the sociolinguistic world for taking better moral decisions. This does not mean

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<sup>10</sup> See, Immanuel Kant, MS, 1949: pp. 38-40.

<sup>11</sup> See, Brendan E. A. Liddell, 1970: pp. 167-171.

<sup>12</sup> See, Jürgen Habermas, V2, 1992: pp. 1-112.

that main rules, moral principles and some criteria are not relevant for moral thinking or decision. There is no ultimate discourse for free thinking and good decision making either. What we can do is, I think, to accept our limited way of thinking and to criticize and remain open to critique continuously, uninterruptedly.

Although most of us agree on the existence of the idea of human rights, we draw different implications from the same idea. Therefore, the conception of human rights is oftenly used to justify a variety of dispositions. In different words, examining the validity of these dispositions is not so easy. They are not only strictly bound to the conception of human rights, but also originally differing grounding (or concept developing) strategies. We have a factual problem and need human rights. At this moment, it is easier to explain why I discuss the Kantian concept. Both the concept and the way to ground it are more sublime, complicated and fruitful to further develop and elaborate. So, whether the Kantian Copernican Revolution is actual or not in our post-mechanical life world is not the point. The point is to work upon (or on) a practical pragmatical, understandable and working concept of human rights. The tension between the sublime horizon of Kantian version of Enlightenment and horizon of our post-positivist (whether postmodern or not) makes a fruitful hermeneutic in-betweenness.<sup>13</sup>

On the other hand, if we agree upon the validity of the conception of human rights, then it would not be so inappropriate to expect that this conception be spread equally among society. Think of a society where there is no lack in the distribution of

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<sup>13</sup> I owe this conception Huseyin Salim Saracer with whom we had a conversation on the issues of Understanding, Hermeneutics, Otherness, Individuality and on Mikael Theunissen's book 'Der Andere' in the context of postmodern critics of human rights. What is meant with this hermeneutic in-betweenness is not something *methodological* but allows one to find himself or herself in a fruitful disposition of understanding between traditions, styles, horizons and life worlds. Because of the content of my thesis and its limits I shall avoid discussing this literature, namely hermeneutical conception of human rights.

rights and possibilities. No social roles attached to social positions exist. This is hardly possible, because social roles are defined through human traits and determined by social relations. While people live with rights and responsibilities, there are always people who deviate from them. To prevent these deviations, state introduces sanctions on those who deviate. It may be argued that inequality to a certain extent can be tolerated in a society because it leaves room for the development of people. As long as people do not lose their belief that one day they can promote, and improve themselves, some degree of inequality is tolerable. Thus, the principle of equality inherent in human rights is an assumption binding our treatment of each other and state's treatment of its citizens, rather than an ideal to be fully realized. This is why certain degree of inequality may be in line with human rights.<sup>14</sup>

Turning back to Kantian Kingdom of Ends, this ideal opts for a society which ultimately internalizes the rights and freedoms which were later specified by the Universal Declaration of Human Rights. Simultaneously it grants full responsibility to people as moral subjects in their decisions about moral issues. In other words, the Kantian way of justifying the principle of equality is in parallelism with the way the Declaration announces the rights of all members of humanity. They both derive the principle of equality from the idea of freedom which means our freedom is what makes the recognition of the others as equals possible. Kantian moral subjects are identically grounded and the conception of equality I mentioned above is in continuity with the understanding of equality implied in the Universal Declaration.

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<sup>14</sup> See, Bryan Turner, 1997: pp. 52-55.

## **II. 2. 2. Universality:**

Since the idea of human rights posits standards to protect life for the benefit of the people themselves, it should have a worldwide recognition. These standards empower people's lives with the possibility of struggling and realizing a goal while protecting their dignity. At this point, one should notice that considering the threats we face during our lives, losing human dignity is distinct from all other threats that may be faced by, free and equal human beings recognized as moral and legal persons. Although the understanding of human dignity differs across societies, it comprises of a perspective of life in which people are recognized with their rights as a consequence of being human as equal and autonomous members of society. Human rights are constructed because there lies the universal assumption of human dignity behind our actions.

In the theory of human rights as well as in the major documents, it is assumed that human beings carry an inherent dignity which reflects itself in actions. To lose dignity is to lose the worth of being a human. The movement of human rights presents itself as a self-fulfilling prophecy that commands: 'treat people like human beings and you'll get truly human beings.' (Donnelly, 1989: 19) Therefore, all societies can be assumed to have a conception of human rights as personal safeguards against the institutions and the state which first originated in the West with the rise of liberalism. Concurrently, the changes in other societies triggered the worldwide recognition of the idea of human rights.<sup>15</sup>

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<sup>15</sup> See, Jack Donnelly, 1989: pp. 28-34.

The idea of human rights came into the foreground in the seventeenth and eighteenth century, as a safeguard against the absolutist and authoritarian forms of political authority. Historically, claim to natural rights like liberty, property and security were mostly defended by the principles of the bourgeoisie. The bourgeoisie used the conception of natural rights as an instrument to control political opposition by the left. Therefore, human rights began to serve hindering social change rather than promoting it. It was nationalism as an ideology which used the discourse of human rights in the late nineteenth and twentieth century to settle the leftist struggle. Thus, the discontent between the capital and labor side reflected itself in the conflict between the rights of property and average man.<sup>16</sup>

The rise of liberalism had a direct effect on the development of the conception of human rights both in philosophical and political outlook of the West. The rise of modern states and capitalist market economies triggered an opening of political and cultural traditions to the idea of human rights, throughout the world. Thus, the commitment to the ideal of human dignity gained widespread acceptance. Liberalism in the West encouraged the vision of human being as an independent entity and brought a transcendental dimension to the human rights. As Donnelly suggests, such a compatibility between the conception of human rights and the liberalism in the West were what gave rise gradually to the Universal Declaration of Human Rights.<sup>17</sup>

The concept of human rights in general and the Declaration in particular gains significance in our social practices because they intervene into the realm which is left free by the law. They work for challenging or informing the existent legal rights and

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<sup>16</sup> See, Jack Donnelly, 1989: pp. 28-34.

<sup>17</sup> See, Jack Donnelly, 1989: pp. 28-34.

institutions, from a perspective of universalism and comprehensiveness. Therefore, the concept of human rights constitutes a disposition towards our understanding of morality and a stance towards an institutionalization of morality. While the concept reserves a considerably large sphere for human beings to realise social practices, it leaves the legality of our actions to the supremacy of law. This large sphere is where we can realize what we live, feel and experience unless it contradicts with the law.

Even when we get into a legal action, we may also be affected by our inclinations at some point. Because human reason has a tendency to act upon the inclinations, some standards should be set for human beings to reach truly good moral judgements. Therefore, a higher moral law has to direct our actions, for us to have morally valid judgements. Only if moral laws found upon an *a priori* foundation, they can prescribe what human beings ought to do. This is why, any kind of direction for *ought* implies an *imperative* that implies a relationship between the universal and necessary law of reason and signifies a will determined by this law because of its own nature. Therefore, an imperative is a command about an action without originating from it, and while hypothetical imperatives are partial, categorical imperative is universal.

Kantian categorical imperative by prescribing what ought to be done universally and necessarily, suggests an unconditional command to human beings. The command is unconditional in the sense that it is independent of any possible desire or inclination. The first formulation of Kantian categorical imperative also marks an emphasis on the universal law of nature: Maxims are the principles which determine our subjective choices. Some related remarks are needed to be made about this issue. What we call Nature is composed of universal laws of cause and effect in



general. It has a purpose both to explain social reality and show that there lies a realm of activity in which an action is taken.<sup>18</sup> Kant answers the question of what the purpose of nature is as 'it is in man that can be advanced by nature, what it is in man that can be advanced by nature, we discover that it can either be his happiness or his aptitude for using nature.' (Booth, 1986: 103) However, we can regard that Kant does not offer happiness as ultimate purpose of nature. Ultimate purpose is rather the development of human faculties. Nature pushes us towards using these capacities to win over man's *unsocial sociability*. Such a development is only possible by entering into society and having collective ends in it. Sociability of human beings is balanced with unsocial tendencies such as lust, avarice or greed. These tendencies stimulate individuals to go and do something in this world and contribute to civilization in return.<sup>19</sup>

The universal laws of nature under which people act have two properties while governing experience: First, every law carries the pattern of universality. Second, every universal law of nature shows compatibility with the others. Therefore, there is an imperative of duty that people attach to themselves. This is the first formulation of categorical imperative, that is, acting in line with a maxim which might operate like a universal law of nature. In other words, we should found our maxims in such a way that it does not contradict with the universal laws of nature.<sup>20</sup>

Kantian understanding of universality with categorical imperative can at best be seen in spirit and mentality cultivated in the Universal Declaration of Human Rights. The Declaration represents the ideal to help securing the inalienable,

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<sup>18</sup> See, James Booth, 1986: pp. 101-112.

<sup>19</sup> See, James Booth, 1986: pp. 101-112.

<sup>20</sup> See, Brendan E. A. Liddell, 1970: pp. 140-152.

indivisible and intransitive rights and duties of both people and institutions in the world. It commands both a social and an empirical reality where the rights and duties of people are recognized as a basis for freedom, justice and peace. There are rights people have by their being part of empirical reality such as right to life, liberty and security of the person. For instance, nature seeks to preserve the totality of human beings as an entity through their life time, then, physical integrity of a human body may end up with a complete imbalance in the ecosystem between the animals, plant and environment. With regard to social reality, any threat to the physical integrity would leave people defenseless against themselves. Such an imbalance would also result with chaos and destruction among societies. This is why the Declaration guarantees safeguards against slavery, servitude, torture, cruel or inhuman degrading treatment or punishment, arbitrary arrest, detention or exile. These are all universal protections of human dignity against a threat originating from natural or social realms. Therefore, what Universal Declaration specifies can also be conceived as to imply the first formulation of the categorical imperative to human beings as duties with the same articles. After all, the issues exemplified above work towards regulating the relationships of human beings among themselves and with nature.

As human beings' social practices change, the content of human rights changes by time. However, such change do not bypass or alter the universal quality of human rights. Rather, this universality claim arises from the historical and contingent character of human rights. It would not be very wrong to assert that the conception of human rights is conventionally valid because it assumes an independent notion.<sup>21</sup> It is this independence of the principle of universality which

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<sup>21</sup> See, Jack Donnelly, 1989: pp. 1-6, 57-73.

leaves room for people to think, decide and act in the way they choose by recognizing the freedom and equality of the others. In other words, defense of a universal conception of human rights makes the assumption of human/individual dignity possible.

### **II. 2. 3. Autonomy:**

In order to understand the principle of autonomy in Kantian morality, we should first look at its basis. The ground of the principle of autonomy is freedom. Freedom in Kant can be regarded in two ways: First, it carries the understanding of the power to initiate a spontaneous activity. He asserts that the conditions of the empirical reality we live in are in accordance with causality. Yet, every condition is conditioned with a preceding one which means there has to be another causality behind the universal laws of nature. Yet, causality in human acts is called freedom because it carries the meaning of being the cause of an act, a choice or a decision. Second, freedom has a moral aspect which refers to moral freedom, will's determination by the moral laws.<sup>22</sup> This definition implies that phenomena in empirical reality can also be interpreted within a social reality. In fact, if we had remained merely in the first definition, then Kant would have to reject the unity of experience. The events couldn't have come together and collected in our minds. This second perspective is related to the human aspect of the empirical phenomena. Kant argues for the moral basis of our actions in this manner. We may only be obliged to moral actions which carry universal and unconditional directions. The good will is the only thing which has this absolute value. Then, good will is the basis of our

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<sup>22</sup> See, James Booth, 1986: pp. 135-136.

obligations. However, if we act with our good will, it respects the commands of the moral law apart from any subjective determination.<sup>23</sup> Good will, when it orients itself towards an end, is determined by the *a priori* principles of reason.<sup>24</sup> Only through this determination can will be free. In other words, when the will chooses the right action, it preserves its quality of being free will. If the will can not possibly do the right action, then it is controlled by the dictates of reason. What we call freedom is good will's obedience to moral law in order to derive universal laws for us. These universal laws are called categorical imperatives.

Kant emphasizes the principle of autonomy in will in his third formulation of the categorical imperative: We should act as a person who can legislate universal laws. Kantian principle of autonomy is the foundation of both moral subjects and rational human beings. We are all bounded by the universal laws of nature, while prescribing our own rules in the moral realm. Even though Kant describes morality as a separate realm<sup>25</sup>, the empirical and social reality we live in are usually interlocked with each other. Thus, an act is 'the set of external, physical and mental conditions of the agent which make it true that he wants to act and knowing the presence of the conditions that he will act.' (Nino, 1993: 170) Kant claims that if we realise a moral realm where the nature and morality come together, then we can reach the idea of Kingdom of Ends. Yet, neither we act only in accordance with reason which prescribes the

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<sup>23</sup> For details, see, Immanuel Kant, MS, 1949: pp. 54-57.

<sup>24</sup> See, Brendan E. A. Liddell, 1970: pp. 45-51.

<sup>25</sup> There is a wide range disagreement on whether the realms of nature and social reality are separate in Kant. The disagreement may be summarized in two levels: That Kant refers to some particular needs and interests of the individual and therefore separated these two realms. And that Kantian differentiation between nature and social reality is not an abstraction or antagonism. Rather, I believe both of these viewpoints are misleading since Kant disseminates a moral reality into the world that covers the human beings as moral subjects extending their rights and responsibilities to all parts of their life. Out of moral subject's perception, realms of nature and social realities do not exist separately. The universal and necessary knowledge reason reveals in nature forbetters lives of moral subjects' in their social reality.

universal and necessary knowledge of the natural reality nor we are in a social reality free from the determination of such knowledge. This is why the idea of Kingdom of Ends represents our understanding of reality as moral subjects.

Here, another distinction comes to the surface: Morally acting subjects and subjects acting out of customs. Difference between custom and moral action is that the custom could be good or the end of custom can be good and reasonable but it is not necessarily good, right or moral. The moral act with necessity have not to be immoral. The moral act can not be contingent either in moral sense. It should be a self-destruction but the act out of custom can be contingent in moral sense.

An autonomous actor in moral sense can reject an imperative which is proposed by another moral subject. If we take the problem in a Kantian sense, there is no moral authority over an other autonomously acting moral actor, but there might be good, relevant, interesting, awakening arguments. The customs can be rejected, discussed or justified but who knows what the customs exactly are! Who does have total control over the plurality of the customs' world? Arguments can work in the area of customs, but the intercourse on customs needs not to be experienced in philosophical or moral reason. We can criticize a custom but it is still a custom. We can activate another custom against the criticized or disgusted one, but we can not modify or change a custom by the force of a good argument. The world of moral reason also can be complicated, uncertain and open to interpretation. The main rules and principles could be experienced as if they were contradictory. The moral rules derived from moral laws or principles can turn to be practiced as customs but morally acting is not acting out of customs. Even in this case, it is open to further argumentation. In other words, there is no definite point for Kantian heteronomy.

Acting out of one custom may activate another one. So, acting morally does not necessitate a stance independent of customs.<sup>26</sup>

The Kingdom of Ends is an idea which include two concepts directly related to the principle of autonomy. First that every member, by willing an action, determines the laws. Second, there are duties every member has to actualize. Then, in this ideal community composed of fully rational human beings the laws will point us the same moral law. While every member commands himself or herself, he or she also determines the lives of others. Ours and others' ends are fixed in such a way that there will be no need for perfection. On the other hand, any action that is willed through subjective determination is merely a maxim and has no chance to be part of the moral law.

Similarly, human rights claims imply action by our moral judgements. These claims have practical dimension in two senses: Having a right refers to 'giving the holder the right to realise or not to realise an action, exclusion of parties who may give harm to the individual's right or who may claim benefit on the holder's right, experiencing some good or refraining from evil.' (Nino, 1993: 30) As long as holding a right is due to refraining of third parties and the content of the right implies protection from evil, we may reach to the conclusion that the rights include the *exercise of will*. In other words, rights are composed of our interests not in unchanging situations but in dynamic choices between actions. With the same logic, the enjoyment of a right is under threat when third parties try to deprive individual

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<sup>26</sup> This argumentation has significance because of two main reasons: First, every decision, thought or action may be contingent and customary. Second, getting out of the conditioned reality through a good argument does not seem possible.

from the right or violate the interests of the right holder. Then, the violation of a right also implies direct exercise of will.<sup>27</sup>

Here, by following Nino we can derive a definition of human right grounded upon the principle of autonomy which was first articulated in Kant's moral philosophy. If a right is indispensable for a person's adoption of life plans and interests as being a member of humanity, this is called a human right. Therefore, the conception of human rights stands both in a relation with judgement and action. There is no meaning of human right that does not imply these two capacities of human beings together, and both the judgement and action in turn imply autonomy.<sup>28</sup>

At this point, it is necessary to define judgement as the reflection undertaken by any fully rational and impartial person before an action with reference to universal and unconditional standards of being human. The moral judgements we make in our lives inevitably depend on a morality which is a construction.<sup>29</sup> For such moral judgements, we should presuppose human beings who are able to be autonomous. Then, there is not an inconsistency between the modern idea of human rights and the Kantian conception of autonomy and understanding of right in the Kingdom of Ends. One may rather observe a continuity between the two.

If Nino defines *human right* as statements which include an *exercise of will* and have a *practical* dimension, then we should clarify the practical reasoning Nino suggests. Practical reasoning works for making logical inferences either when guiding our actions or evaluating them. There are two types of reasoning for action: First, a justificatory reason that 'serves as premises for reasoning which leads to an

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<sup>27</sup> See, Carlos S. Nino, 1993: pp. 29-37.

<sup>28</sup> See, Carlos S. Nino, 1993: pp. 29-37, 137-143.

<sup>29</sup> For instance, see, Carlos S. Nino, 1993 and Jack Donnelly, 1989.

action.’ (Nino, 1993: 18) It makes logical connections between our values and actions. In other words, it determines what is good, moral as an evaluation. Second is the explanatory reason that ‘are motives constituted by mental states which are causal antecedents of actions.’ (Nino, 1993: 17) The explanatory reason includes the fusion of our desires and beliefs towards the justificatory reason of which content provides the reason for action. The propositions are explanatory reasons that are descriptive but they can also form a reason. This issue is very significant for Nino as a Kantian moral constructivist because he opens the way for our beliefs and desires to be integrated into the current understanding of morality.<sup>30</sup> However, this emphasis on the role of beliefs and desires carries another significance with respect to my subject matter in this thesis. In terms of the tension between Nietzsche and human rights, two consequences can be derived from Nino’s work: First, Nietzsche’s understanding of morality can be complementary with this Kantian moral constructivist reasoning. Second, the is-ought distinction which I accept as one of the major principles of the human rights gains a new dimension with Nietzsche’s understanding of morality. I will be dealing with these tasks in the second chapter of my thesis under the sections of Nietzsche’s account of autonomy and Nietzsche’s outlook to is-ought distinction. The principle of autonomy has close connection with the philosophy of human rights, because being autonomous means having control on our lives. Since most of our decisions, thoughts and actions include an exercise of will, they refer to the principle of autonomy which refers to the adoption of life-plans and interests.<sup>31</sup>

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<sup>30</sup> See, Carlos S. Nino, 1993: pp. 16-25.

<sup>31</sup> This distinction made in Kantian definitions of freedom refer to each other. As we (if we) begin a new activity we ground that activity with our free will. Then, we should act with freedom as necessary



#### II. 2. 4. Is- Ought Distinction:

Kantian distinction between *is* and *ought* points out to the difference between what our reason thinks and what the will does. The evidences of this distinction can be found in the *Groundwork for the Metaphysics of Morals*. Reason should reveal not the good for a means but the good in itself. This is only possible by reason producing universal and necessary laws of morality. Since these moral laws are outside nature and natural necessities, they are not the objects of sensibility. However, moral laws gain their practical dimension because reason determines the actions of the will in an *a priori* manner and the will affects the *a posteriori* motives in response.

What will determines in an *a posteriori* motive is the form of it whereas moral laws determine the content. This is how our maxims of the will also become compatible with a universal and necessary principle of moral law. Thus, first formulation of Kantian categorical imperative that is acting in such a way that our will becomes universal law, is in fact an attempt to close the gap between reason and will, between *is* and *ought*.

Although Kant seems to be trying to bridge the gap between these two different realms of activity, he also recognizes the fact that this is almost a dream that can not be fully realised. The relation between *is* and *ought* is in a sense a relation between judgement and action. To clarify: A judgement is the act of defining what should

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precondition for action. After we begin the action, it is also the will –which Kant mentions as such– which binds itself to the principles and affects the object of possible action. As Bielefeldt mentions in ‘Autonomy and Republicanism: Immanuel Kant’s Philosophy of Freedom’: ‘The will does not confine itself to the deliberate fulfillment of given obligations, rather, it extends to the very creation of moral norms...It is thus not only subject to the law but subject in such a way that it must be regarded also as self-legislative and only for this reason as being subject to the law (of which it can regard itself as the author).’

morally be done with reference to a public principle which reflects the opinion of a fully rational, impartial person aware of the circumstances.<sup>32</sup> An action is the total conditioning of power, intellect and will in order to turn into an experience.<sup>33</sup> Thus, judgement finishes at the point action begins. However, this does not necessarily mean that the realms of *is* and *ought* are completely separate. Rather, there are certain convergences between judgement and actions.

After all, though independent from experience, but governing experience, what we refer as Kantian morality concerns the actions and attitudes of individuals. Morality is a human construction in order to have a word to say over the full abundance of nature. In this sense, in terms of artificiality, morality may not be much different from the technological devices, economic signs, socio-political symbols we develop. If morality is a human construction then, every judgement is a moral construction. Judgement and action follow each other. Thus, judgements are provisional constructions about human nature. This point is where *is* and *ought* converges.

According to Nino, Kantian understanding of *is* and *ought* also refers to the distinction between positive and ideal morality. Moral judgements we construct determine what to do with respect to positive morality by introducing the perspective of an ideal. This means there can not exist a positive morality without an ideal one and vice versa. Thus, positive and ideal morality converge to create a positive morality. Technological devices, economic indicators, socio political symbols we develop all work for making life easier, bearable and comprehensible for us. So,

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<sup>32</sup> See, Carlos S. Nino, 1993: pp. 75-81.

<sup>33</sup> See, Carlos S. Nino, 1993: pp. 168-174.

why not morality? Morality understood as a compliance to moral laws guide us in our actions to demonstrate what is morally right.<sup>34</sup>

As long as the distance between *is* and *ought* is considerable, the implementation of moral laws should be guaranteed on the individual side through duties. Duties are the limited and restrained ways of practicing the good will. For Kant, grounds of a well-established morality is due to acting in line with the moral laws, which means duties. Thus, rights should exist to protect human interests and duties should exist to protect rights, in turn.

To derive the conception of duty, we may look at the Kantian propositions concerning moral value. All human beings are endowed with reason that forms the basis of good will. One ought to act solely from duty, which only constitutes the moral worth of an action. This is the essential quality of the good will. Thus, when we act from a moral duty, it is equivalent to acting in respect for law.<sup>35</sup> Duties imply an *is-ought* distinction because only in the realm of *ought* we oblige ourselves to a moral action. Because the realm of *is* does not grant us what to do, we are in need of a realm of *ought*. Nature does not and can not provide us such kind of direction in our lives, rather our strive for reaching it provides. 'If we could exhaustively investigate all the appearances of men's wills, there would not be found a single human action which we could not predict with certainty.' (Booth, 1986: 42) In need of a realm of *ought*, our obligations are due to the moral necessity imposed on us.

Kant mentions three types of moral actions among which only one carries a quality of duty. First, are the actions which conflict with duty and do not include the good will. These are the moral actions which can not possibly be compatible with

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<sup>34</sup> See, Carlos S. Nino, 1993: pp. 64-65.

<sup>35</sup> See, Immanuel Kant, MS, 1949: pp. 11-17.

duties, thus there is no use of regarding the inclination behind these actions. Second, there are actions which conform with duty but realised in relation with an inclination, rather than a moral value in itself. The inclinations of these types of actions can either be desires or inner drives such as love, honour or pity. For instance, a nurse may be treating his or her patients well, that is to say he or she looks after them and provides medical care for those who are ill. A nurse's treatment of the patients is honest and amicable but we can not assure ourselves whether it is because his or her job necessitates so. Lastly, there are actions that carry the quality of a duty since it comprises of a direct inclination to the action. It is the limited way of good will.<sup>36</sup>

For Kant, the moral value of the actions is free from their results, rather their moral value is determined by the maxim that governs the will. The success can or can not be reached at the end, but the agent wills for that action. What we will actually is not important as long as our will contains moral value. The moral worth of our actions come from our respect and concordance with moral law because it is the moral law that prescribes our rules of actions.<sup>37</sup> *Ought*, in this sense, should be dominant over *is*, if our actions would have moral value.

One of the reasons Kant needed two separate realms in his theory is the segmented nature of Kantian theory. In his *Critique of Pure Reason* Kant sets out the ways of reaching objective knowledge which is possible when the objects conform to *a priori* categories of our reason. Thus, to reach truth neither an intelligible nor an empirical realm is enough. The former gives us the *a priori*, universal and necessary knowledge whereas the latter the *a posteriori* contingent, empirical condition of the phenomena. Thus, the truth condition is transcendental, it requires an interaction

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<sup>36</sup> See, Immanuel Kant, MS, 1949: pp. 16-21.

<sup>37</sup> See also, Brendan E. A. Liddell, 1970: pp. 39-45.

between these two realms. What limits the endless *a posteriori* judgement is the *a priori* judgements.

These remarks also constitute the reasons for the superiority of morality over the social practices. Kant, in his philosophy benefits from binaries such as *phenomenon* and *noumenon*, *a priori* and *a posteriori* judgements, *reason* and *will* and *is* and *ought*. One of these binaries is always employed to prevent the excessive activities of the other. I will make certain comments about this issue under the *is-ought* distinction of the second chapter, where I will explicate Nietzsche's criticism of this duality.

When we come to the idea of human rights one may argue that there is continuity with these binaries. Human rights depends on a similar construction which presupposes the existence of two realms, *is* and *ought*. Such distinction aims to act as *trump cards* for protecting human interests. This duty to realize the superiority of the *ought* over the *is* is solely attributed to human rights because these rights act at the last resort: 'only where legal and other long-term remedies seem unlikely to work or have already failed.' (Donnelly, 1989: 13)

Human rights arise as a distinct idea which seems to be dependent on these four principles of autonomy, equality, universality and is-ought distinction. These principles reflect the nature of human rights both as an end in itself and as a means to the end of a peaceful world society. Although these four principles serve as a sample in front of us about what we ought to do, the world society they depict and imagine can never be reached with ultimate fulfillment. The concept of human rights is claimed to be Kantian in origins because the principles Kant suggest are the highest

human ideals which are supposed to bring order and justice into our lives. For Kant, man is a being who lives under the conditions of nature. Although by using his reason, men achieve to the centre of the world as rational beings, his knowledge and experience of nature do not answer his questions of practical importance. Man's practical reason which provides guidance enables to act morally and experience to have an orientation into his future.

Men have the self-legislating will and they are able to save themselves from tutelage. This is what Kant calls Enlightenment as 'man's release from self-incurred tutelage'. Through moral actions, men can reserve another sphere of action for themselves. They decide what to do in the future. Therefore, the way men will march towards, can only be achieved by themselves. Nature wills us to advance our faculties to be benefited for this end and to overcome our selfish tendencies. Only then can we achieve a universal society in accordance with right. In other words, 'the obligating power of all rights, is to be found not in what is peculiar to the person but in the right of mankind, or humanity, that inheres in him.' (Booth, 1986: 134)

Similarly, the idea of universal civil society lies at the core of the understanding of human rights. It may be argued that any lack of commitment to this ideal brings us into a condition where social and political authorities cease to have accountability to the people. Two possible results may follow. First, there comes the danger of fixity and stagnance in the social structures and practices. Second, the notion of common humanity would decrease into a presence which does not recognize moral imperatives of people. The idea of universal civil society and the conception of human rights constitute two sides of the same coin, that is to say, the

universal recognition of the human personality on an egalitarian ground endowed with autonomy which in turn means keeping the is-ought distinction.<sup>38</sup>

As human beings bifurcate in their empirical and social state of nature, human personality can also be regarded as a civil and moral personality. Human beings deserve being treated as a human and treat other people in the same way in return. This is the ground of civil personality. However, moral personality can be reflected only when people commit themselves to the principles of autonomy, equality, universality and is-ought distinction.

Complicated as it is, these principles indicate merely the points over which we stand to orient our lives. In fact, these principles can all be derived from the notion of freedom which Kant mentions as an 'innate right'. Men always have the capacity to resist the external forces in a negative sense, but of course, they can not be sure to what extent their freedom is limited in their judgments, thoughts and actions. Kantian conception of freedom at this point connects itself to the principle of autonomy. Autonomy is the capacity of men having a self-legislative will to be an end, to reach their ends and become free in their lives in a positive sense. The moral laws men prescribe for themselves limit and direct their own actions in the moral realm in a universal and necessary way. On the other hand, they continue to know and experience about the empirical reality. Thus, Kantian conception autonomy is also tied to the principles of equality, universality and is-ought distinction.

At this point, I should note that there are alternative approaches to the Kantian foundation of the principles of human rights from the two points I have mentioned above: Relying on the notion of autonomy, Nino derives three principles of human

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<sup>38</sup> See, James Booth, 1986: pp. 95-125.

rights that replace the existing principles. The principle of autonomy, the principle of inviolability of person and the principle of dignity.<sup>39</sup> Principle of autonomy regards human beings who are able to lead themselves into universal and necessary moral judgements at the higher status of law. Through these moral laws we create moral spheres for action. This is the principle of inviolability of person which we can not impose restrictions and sacrifices on people's way of living. This would be treating those people as a means and violating their integrity. In fact, these two principles act together: Principle of Inviolability of Person protects the autonomy of the others. Only when we respect the moral judgements of others, we can have our own. There is also the principle of dignity protecting the wills of us in moral judgements about our interests and life plans. The principle of dignity, in turn, also limits the principles of autonomy and inviolability of person determining which moral judgements should be allowed so that we guarantee our life plans and interests.<sup>40</sup>

Nino by developing Kant's original views so as to combine them with human rights, explicates how Kant constructs morality as a human artefact depending on social structures and practices. The alternative approach Nino brings into the Kantian conception of human rights is significant because Nino's work concerns his conception of moral personality which refers to our ability to legislate laws for our own freedom and to construct our social reality. As long as human rights act as safeguards for the sake of people against political authorities and social structures, Kantian theory of moral law leads us to a contract theory. This theory has four components: civil personality, nature, purpose of law and legislation itself. Civil personality is strictly tied to the idea of freedom that reflects itself in the principles of

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<sup>39</sup> See, Carlos S. Nino, 1993: pp. 186-195.

<sup>40</sup> See, Carlos S. Nino, 1993: pp. 129-185.



freedom, equality and independence. Freedom here is the moral freedom as the innate capacity of humanity and independence is the minimum condition necessary for the exercise of freedom. The principle of independence in this sense implies both being free from subjective determination and conditioning of nature. The purpose of law is this way to freedom.<sup>41</sup> It is ‘the voice of right, and right as between individuals, must be reciprocal in the obligations that it imposes.’ (Booth, 1986: 138) By self-legislation, we transform our undetermined empirical nature into a predictable social one.

The contract approach to the conception of human rights imply a vision of individuals stuck in between their abilities and external laws. It is the third way between the external side of moral law and the inherent capacity of self-legislating will. Through the notion of contract, principles of freedom, equality and independence are expressed as to provide a reciprocal relationship of rights and obligations between people.<sup>42</sup> Nino’s contribution lies in demonstrating the immanence of Kantian morality in our current understanding of moral matters. His account of moral constructivism has Kantian grounds which may provide guidance in the articulation of Nietzschean understanding to the current understanding of morality.

Of most important criticisms of all is about the fact that Kantian understanding of freedom that is to say power to begin a spontaneous activity as a definition makes arbitrariness impossible. This is because when we decide to engage into a new action, we extend our decision into determining our future.<sup>43</sup> We choose a

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<sup>41</sup> See, James Booth, 1986: pp. 135-141.

<sup>42</sup> See, James Booth, 1993: pp. 135-136.

<sup>43</sup> See, Hannah Arendt, 1981: pp. 25-32.

possible project to be realized and eliminate the other ones. This is to close other possibilities for the sake of an other possibility, determining our future in a specific way. Apart from which choices are closed, there are always unrealized alternatives, accidents and unexpected consequences. Rather, I am concerned with the fact that taking a decision whether it is better or not, is a choice that excludes the other possibilities. In this sense, we believe that we determine the daily course of our lives. Train of decisions, thoughts or actions follow each other.<sup>44</sup>

The conception of human rights has a social structure in a double sense: As principles, ideas, rules etc. which already exist in or lifestyles and becomes a part of our political horizon, and in its discursively developedness and in its discursive intercourse. Therefore, application or pragmatics of human rights *first* has a character of *project*, directing from existing principles or rules towards the constructed reality. *Second*, we find them in everyday choices, modifications, problem solutions as *is-ought* relations which do not move from rules but shapening beside the rules in a modifying, or in a pragmatically limiting manner.

In Kant's formal approach we can realize a society of autonomously and rationally acting subjects. With Nietzsche we are able to *pass beyond* these formal structures and see *the other* sides of society (not only disturbances, anomalies such as madness, schizophrenia, but also social and linguistic deviations) extending into the future. This is why a Kantian distinction between *is* and *ought* and Nietzschean perspective can be used *complementarily*, in order not to reduce the social studies to some of its aspects.

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<sup>44</sup>We may derive a plurality of oughts from is in all cases in order to continue our lives. If concurring oughts can be derived from a single is or not is no the question discussed here. Rather, the theory of choice and a possibly new area, the Pragmatics of Moral Reason or the traditional Applied Ethics can be concerned with these type of problematics.

As a consequence of the resonances political and social actions reveal, we ought to realize that the conception of human rights has an intrinsic quality apart from these four principles of autonomy, universality, equality and is-ought distinction stated. What we regard as human rights are not only the issues of philosophical controversy but also issues of political and social actions. The idea of human rights points us what is valued either in national and international level. Therefore, the political or philosophical commitment we attach to these principles should not possibly be restrained with our one-sided perspective towards social reality. It has to include aspects of human personality, power and social change.<sup>45</sup> I think the principles of equality, universality, autonomy and is-ought distinction are *sine qua non* assumptions of the human rights thought. In this chapter, I particularly focused on the Kantian origins of these principles because I assumed that most articulate formulations of them are found in Kantian morality. How would Nietzsche respond to human rights in general and to these four principles in particular? In the next chapter by examining his response to these four principles, I will try to show that Nietzsche is neither an enemy of human rights thought nor he is categorically against these four principles.

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<sup>45</sup> See, Anthony Woodiwiss, 2005: pp. 1-16.

## **CHAPTER THREE**

### **ENLIGHTENING THE NIETZSCHEAN CRITIQUE OF HUMAN RIGHTS**

Having questioned and discussed the four principles underlying the idea of human rights, namely autonomy, equality, universality and the is-ought distinction with their Kantian origins, now I will turn to Nietzschean approach towards the idea of human rights and the conventional understanding of morality which supports this idea. By explicating that Nietzschean perspective on these four principles are different from each other, the way he perceives the idea of human rights can be clarified: The world we live in is a flux of life that changes permanently, we live, feel and experience in this world, thus we also change within the social reality that changes. Our decisions, thoughts and actions are also exposed to such a change where we need to depend upon an existence apart from ours. In this sense, we need others and the others need us in order to have a stance in this flux. Therefore, for Nietzsche it is morality itself in which we develop conventional consciousness to survive in an easier way. Through internal or external socialization and the acquisition of language, we take part, develop and maintain a common sense among others. It is this common sense where we attach our existence to social reality. Such a reading, I think, is the most accurate interpretation for conceiving a Nietzschean contribution to morality, because it avoids counterposing Nietzsche's morality against Kantian one. Then, how can we determine Nietzsche's contributions to moral philosophy? Should we admit that Nietzsche is against any conception of morality? Is there such an

unbridgable gap between Kant and Nietzsche? Although such contrariness appears to be a plausible comment that can be derived from Nietzsche's work, it relies on a superficial reading of his text. I believe that, the opposite can best be illustrated by examining Nietzsche's outlook to the idea of human rights in detail.

For Nietzsche, human rights would be the rights that human beings employ in order to bring order and harmony into their lives. The flux of life is a change which does not have a destination to be arrived, nor we can locate ourselves in this flux without establishing fixities. These fixities are established while we construct and reconstruct life through artistic potential. This is an activity of giving form in order to establish our truths about the world. Of course truths also change because they are integrated into the flux of life. However, we prefer some things to be *left unquestioned* in order to convert the flux of life into a form of living. In other words, our survival makes the establishment of truths necessary for securing ourselves in the flux of life.

Human rights are composed as one of the *necessary illusions* we establish for survival. Apart from the issue of truth that I am going to explain later, Nietzsche relies upon the ancient Greek history in order to demonstrate the origins of the illusionary reality we are living in. There are three reasons for Nietzsche to look at ancient Greek history: First, it provides a genealogical origin to the present condition of Europe with its culture and politics. Second, the way Greeks developed themselves in philosophical and social thought still affects the European way of contemplation. Third, our endeavor to give form to the nature is expressed in the Greek theatre with reference to the figures of Apollon and Dionysos.<sup>46</sup>

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<sup>46</sup> For details of Apollon and Dinoyosos, see, Allan, Megill, 1985.

What I mainly refer here will be the third reason because it clarifies the origins of the subject I am dealing with. The distinction between Apollon and Dionysos points us two different approaches which balance each other. Here, Apollon represents the tendency of arts to create harmony while Dionysos serves for the flux that occasionally destroys the same harmony. Both of these moments present a culture for Nietzsche that is necessary for human beings to survive in the flux of life. In other words, this distinction is the way through which people stand against the burden of reality. Apollonian forms create the illusions rendering people to pursue a harmonious life. Yet, the other strong contribution to this survival strategy comes from Dionysian forms. They are the ones which cease the Apollonian forms affirming life while carrying an *ecstatic reality*. Therefore, the distinction between the figures of Apollon and Dionysos turn out to be symbols indicating our stance in life.

All of our lives carry an Apollonian manifestation in the sense that we create necessary illusions concerning harmony and order to live with. This is exactly the purpose the concepts serve in our lives. For Nietzsche, the world comprises of singular fragments of life and no process of becoming can possibly be identical to another one. Therefore, 'Every concept originates through our equating what is unequal.' (Kaufmann, 1976: 46) In other words, every concept is derived by the *equation of unequals*. Nietzsche gives the example of a leaf as a concept which is arbitrarily formed by disregarding the different qualities found in its variety. Thus, the concept of leaf is indeed the falsification of the reality of various kinds of leaves.<sup>47</sup> This is also the way we create the moral imperatives for life. These

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<sup>47</sup> See, Kaufmann, 1976: pp. 42- 47.

imperatives are what we attribute to the nature, so that we deceive ourselves with the fact that moral laws are grounded in nature. Yet, nature goes much beyond these concepts which involve fixations imposed upon changing reality.

For this reason, art, religion and morality are the Apollonian manifestations to make life easier for human beings. More than being merely an abstraction or simplification, these constructions serve as means to take control of the nature. They are devoid of meaning like the concepts we created by means of our reason. The role of the reason in this process is indeed very disturbing for Nietzsche because the concepts and categories are used to objectify our actions and the language we use, in a manner to reduce the given reality to a constructed stability.

Nietzsche's criticism of the stability we establish in Kantian sense is multidirectional. What he severely criticizes in our life worlds are the truths we establish. He admits that we may leave some issues in life unquestioned for our survival, but the problem is not the truths we settle, but the way we *perceive* truth. As the world we live in permanently changes, how can we come up with formal arguments of truth? As I mentioned in the first chapter, Nietzsche's involvement with truth and morality goes beyond these formal structures in order to embrace life as a whole. In this sense, his attack to truth and morality is not an overall refusal but rather a trial to go beyond the existing formal structures concerning the criteria of truth and morality.

Nietzsche's criticism of Kant's *Critique of Pure Reason* begins with considering Kantian claims of universal and necessary truths about nature. These *a priori* synthetic truths which I mentioned before are also one of the cornerstones of Kantian moral theory because they both serve for explaining the social reality we live in and

establishing metaphysics as a science. If there are *a priori* synthetic judgements possible in the world, then the categorical imperative shows people the moral way to pursue their lives which also leads humankind to peace. Nietzsche's response appears in the following passage:

But is that really- an answer? An explanation? Or instead just a repetition of the question? So how does opium cause sleep? 'By virtue of a faculty,' ... But answers like this belong in comedy, and the time has come to replace the Kantian question 'How are synthetic judgements a priori possible?' with another question, 'Why is the belief in such judgements must be believed true for the purpose of preserving beings of our type. (Nietzsche, JGB, 2002: 13)

For Nietzsche, the universal and necessary truths that we bind ourselves are indeed nonexistent. When we ask how synthetic apriori judgements are possible the Kantian answer is that reason had reached these truths by criticizing itself. Then, Nietzsche would respond, reason becomes both the cause and effect of apriori synthetic judgements. If we conceive *cause* and *effect* as pure concepts, there arises a reification. This reification has two consequences: First, we wrongly attribute causality to our thoughts, which is, in fact, impossible. There are no causes, but effects in our lives. For Nietzsche, we live through many events and fall into the illusion that these events follow each other and repeat themselves in such ways that we begin to attach causes into our actions. Second, these two concepts are reified in order to serve the higher purpose of attributing responsibility to the moral subjects. As their consciousness become reified as the causes of actions, moral subjects begin to take the whole responsibility upon themselves.<sup>48</sup>

Nietzsche's general criticism of the conventional understanding of morality is indeed dependent upon his stance against Kantian moral subject and the imperative.

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<sup>48</sup> See, Friedrich Nietzsche, WM, 1967: pp. 264-265 and JGB, 2002: pp. 21.



He attacks Kant by asking the question why one should be moral. For him, the first thing we should do is to criticize the origin, development and changes in the moral values. For so long have moral values been regarded as beyond any phenomenal problems of the humankind, no one has suspected whether this understanding of morality brings humankind a hindrance. But what if we live through this conventional understanding of morality at the expense of a different future for us? It needs great courage to alter our current understanding for constructing a newer from the former one, since such a renewal means dispensing with our oppositions between good and bad, true and false etc. Such arbitrary preference for the new may bring a complete exhaustion of meaning from our lives, as well as damages to most of our current moral principles of modernity, like equality, autonomy, universality and is-ought distinction. In this sense, when we introduce Nietzsche's criticism of Kantian morality, there appears to be a change in our conception of human rights which may be drastic in two senses: First, the idea of human rights as a project shapes our rules and principles for the sake of a transformation of the current understanding of morality. So, it is one of the conceptions of truth that implies opening new horizons into a new social reality. In other words, the idea of human rights is used as an act of self-overcoming which I will explain further under Nietzschean criticism of the principle of equality. Second, the idea of human rights is disseminated into our everyday choices, modifications, problem solutions which arises as a truth that we leave unquestioned. When morality will begin to be seen in its discursively developedness and in its intercourse, a criticism of our existing values will be undertaken. The first idea of human rights grants its concepts to the second, while the second establishes ties of the first idea with the flux of life. This is

a big responsibility upon us for the sake of a better living as well as an obligation to extend into the future. That is to say, rules or principles in our life serve for the conceptual need of constructed reality. The constructed reality applies these concepts into the everyday choices, modifications and problem solutions in return.

Although Nietzsche would have a critical stance towards the existent conception of human rights, certain remarks he brings can be seen in harmony with the views of many theorists of human rights and social psychology. At certain points, I regard that his understanding of morality may be partially articulated into the current conception of human rights on the ground of a search for a better living. Such an articulation will not be a mere addition, but will serve overcoming the restrained horizons of the current understanding of morality with which the modern idea of human rights has been associated for quite long time.

### **III. 1. Nietzsche's Attack Against Equality: Ressentiment and the Ascetic Ideal**

As stated in the section of the principle of equality as one of the pillars of the idea of human rights and in its Kantian origins, equality in current understanding of morality indeed serves for various conceptions of it. This situation is apparent in the Universal Declaration of Human Rights. Like the Declaration which accepts the principle of equality as an assumption, Kantian morality presumes the principle of equality over the principle of autonomy. Therefore, in Kant people are equal to the extent that they are able to live their freedom. In this sense, there exist various conceptions of equality which can be gathered under the abstract ideal of equality.

What Nietzsche criticizes concerning the principle of equality is the idea of equality itself rather than various conceptions of it. These criticisms can be gathered

under two topics: First, the principle of equality is a part of the ideal that is constructed by slave morality. Second, the concepts we use in our language, culture or morality are the products of equation of the unequals.

Although we come a long way from Greek antiquity, the ideals constructed have preserved their validity up to the modern times. If humankind now is suspicious about the standards of morality, for Nietzsche this is mainly because Platon's philosophy prepared the grounds for an artificial differentiation between the real and the ideal. While the ideals were constituted by the forms in another world, the real world remained to be a mere reflection of the world of forms. Therefore, Platon dissociated the real from the ideal and pushed the latter into another world to be desired. It is since the antiquity that we separate between the real and ideal which also applies into the idea of human rights. While the idea represents an ideal to be reached, the content of it seems to be exhausted and filled with different perspectives. In other words, Nietzsche seems to be disturbed about the Kantian principle of equality which remains at the level of moral abstraction.

Coming back to the modern times, we owe such naturalization of the current understanding of morality to the path slave morality pushed us. According to Nietzsche, there are two kinds of morality: Master and slave morality. However, a clarification is needed before examining these two types of morality. First, master and slave moralities are to be conceived as the ideal types which do not refer to any particular worldly entity, but a particular group of events. These two moralities may not be separated from each other categorically. In other words, 'There are master and slave moralities in all higher and more mixed cultures there also appear attempts at mediation between these two moralities...at times they even occur within a single

soul.' (Strong, 2000: 239) Second is that neither type of morality corresponds to any sociological or empirical category to be realized. Thus, every person may be cultivating either and even both master or slave attitudes independent from his or her social status.

The will to power in master moralities are outward looking in the sense that they develop no sense of revenge to the others, instead the will constructs person's own image by becoming part of life. Master morality is hard to live through because one has to face with naked reality without hiding behind the notions of *guilt, responsibility or consideration*. (Strong, 2000: 242) Instead, the masters embrace the flux of life with all its negative and positive aspects. They have to confront with the hardships of life without any excuses and if they fail in the meantime, this is not because they are reactionary to the life, but because they do not know some part of reality. Therefore, a simplistic assumption of responsibility on themselves is not a way out for them, they should realize their insufficiency in confronting life with its contingencies.<sup>49</sup>

On the other hand, slave morality turns its attention to its inward nature by negating the becoming of life. Slave morality ties its own existence to such negation and founds its actions upon such negativity. Therefore, slaves do not act, but react. This reaction is, in fact, contains a definition of the good in opposition to the life they stand against.<sup>50</sup>

The person of slave morality recognizes himself as the one who does not hurt, attack anyone, who is patient and reliable, who leaves taking revenge to the God and hides from the life. People with such dispositions see themselves as the good ones, in

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<sup>49</sup> See, Friedrich Nietzsche, GM, 1994: pp. 21-24.

<sup>50</sup> See, Tracy Strong, 2000, pp. 237- 240.

contrast to the master morality. Yet, master moralities are only concerned with the slave ones as an existence. Master moralities' dictum 'I am good, therefore you are bad' arises differently in the moral self of the slave as 'You oppress me, are thus evil. I therefore am good'. Thus, slave morality transforms into 'a negation of negation, and consists of denying something that affects one from without and then asserting one's identity as opposite of that which one is afflicted.' (Strong, 2000: 242)

The closure of the slave morality upon itself brings the feeling of *ressentiment* which means attributing the responsibility and blame of all the pain and suffering lived through to the masters. Ressentiment can rarely develop in master moralities because they embrace all the discontent of life. This is why slave moralities tend to grow a bad conscience upon their moral personality towards the masters. This is definitely how the ideals are constructed. Therefore, one may argue that this is the point Nietzsche finds the origin of the human rights. Human rights turns out to be a reflection of the conversion of slaves' weaknesses to the ideals for better living. However, such a living for slave morality always means the deferral of the real life to another time in the future. If this ideal life had been achieved in the world we live in, then what would convince the master personalities to obey to the rules of that ideal? At this point, slavish morality constructs the *Kingdom of God* so that they silence and quiet themselves with the expectation that they will also be embracing a life, but a spiritual one.<sup>51</sup> This is how, 'impotence which doesn't retaliate is being turned into 'goodness'; timid baseness is being turned into 'humility'; submission to people one hates is being turned into 'obedience' (actually

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<sup>51</sup> See, Strong, 2000: pp. 245- 250.

towards someone who, they say, orders this submission- they call him God.)’  
(Nietzsche, GM, 1994: 30)

I believe, here the meaning of the *Kingdom of God* has to be specified. This ideal is represented as a spiritual realm where the hopes of the slaves come true. Therefore, it seems to be a fiction by which slave moralities defer their hope, expectation and dreams. This is not enough, there also exists an attempt to orient the lives of the master moralities into that spiritual realm after life. Slave moralities expect masters to lose their realization of the worldly affairs and devote themselves into the weakness of passive idea of hope.<sup>52</sup>

Slave moralities reflect their *bad conscience* in three ways: What is ordinary, not noble and what is against nature have to be higher in value. Thus, the struggle for replacing the values of nature with the slave ones gives rise to *will to power* in the current understanding of morality. Will to power of the slave personalities operates so as to negate the moral troubles of life for protecting a middle and ordinary way of life derived from the ascetic ideal.<sup>53</sup>

If we think of the concepts we use in our language, culture and morality, we can realise that every concept is constructed by assimilating the varieties into a standard. For instance, we speak our language through the concepts, though narrow as it is. These concepts are limited in a way to destroy our need to explain things in varieties. This issue is also the same in culture and morality. In this sense, the principle of equality we attach ourselves is a *simplification and generalization*.<sup>54</sup>

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<sup>52</sup> See, Friedrich Nietzsche, GM, 1994: pp.31-33, 97-100.

<sup>53</sup> See, Friedrich Nietzsche, WM, 1967: pp. 29-30, 216.

<sup>54</sup> See also, Friedrich Nietzsche, WM, 1967: pp. 277.

The principle of equality in our understanding of morality and in the idea of human rights seems to be floating principle which we fill ourselves. In this manner, each of us adds his or her perspective to the principle in order to attach our existence to the life, make our life bearable and survive in an easier way. Nietzsche brings two different perceptions of equality in the first chapter:

We can recall that the idea of human rights is found in two ways in our current understanding of morality: First, it is in our rules and principles as a project. Second, the idea of human rights is diffused into our modifications, problem solutions and everyday choices in social reality. This is also what we can say about the principle of equality embedded in the idea of human rights. Nietzsche's criticism of the principle would be in the same direction with these two ways the idea of human rights disseminate into our lives.

In line with the former explanation, the principle of equality as a concept serves for converting the differences into ordinary existence. Such an *arbitrary abstraction*<sup>55</sup> of the things in variety into concepts spread into every decision, thought and action of ours and reveal itself in our understanding of morality. I will mention more about the effects of this equation on the issue of language under the principle of is and ought distinction. In this way, slave moralities accomplish three interrelated things in this world. The principle of equality is derived by equating the unequal values and lives of people. For Nietzsche, each of us is different to be recognized and treated as unique, and we all have to determine and construct our own decisions, modes and attitudes rather than being tied to the current understanding of morality. Thus, the principle of equality in the idea of human rights

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<sup>55</sup> See, Walter Kaufmann, 1976: pp. 46.

is constructed by the slave morality through assimilating the things in variety into corresponding concepts. This is a standardization of the human beings in order to reach a forceful symmetry.<sup>56</sup> Standardization reflects itself especially in Kantian Categorical Imperative and in the idea of Kingdom of Ends which I explained in the previous chapter under the section on the principle of equality.

In accordance with the latter explanation of the idea of human rights, the slavish interpretation of life is diffused into our life worlds. Our life worlds become disrupted to such an extent that concepts begin to reflect the slavish way of life rather than reflecting themselves. Although Kantian understanding of morality is disrupted at many aspects, Nietzsche's approach towards morality does not try to destroy the Kantian one. Rather, he complements Kantian morality by bringing the forgotten, excluded and alienated parts of society into the picture. For instance, Nietzsche's criticism towards the Categorical Imperative demonstrates how slavish morality generalizes an ordinary way of living attached to our moral choices. In other words, while acting in a way that our maxim becomes a universal law, we eliminate the particular aspects of our lives. Most of these aspects are particular types of decisions, thoughts and actions we have to leave in the name of universality.

The reasons for slave morality to bring human rights to its current situation is no more than the results of this standardization: Simplification and universalization of our reason. If such a simplification and generalization is what goes on in our reason, we should also question the grounds of decision, thought and action. Nietzsche claims that the ascetic ideal serves for limiting our options under the Categorical Imperative, and not to ask about more. However, our actions do not have

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<sup>56</sup> See, Friedrich Nietzsche, GM, 1994: pp. 26-27.



to be the truth for every human being in similar circumstances. Such an emphasis on sameness in human rights seems to deny the plural applications of the same norm in different cultures and different contexts. The standardized human beings seem to be closed upon themselves because of the ascetic ideal and the categorical imperative which can be seen as an extension of ascetic ideal. Both of these command pursuing a life of imprisonment in the sense that, the way we make generalizations, think and behave should have a correspondence with what is dictated. However, as Nietzsche sees in moral values, what we perceive from the logics of action should not be mere standards of unconditional commands, but they should be conditional commands depending upon the situation we are in. This is why Kingdom of Ends turns out to be a Kingdom of God, by assuming the truth as a category valid for all times and all circumstances, which is an illusion for Nietzsche.

In the view of Nietzsche, the principle of equality should be criticized both as a slavish interpretation and as a concept itself. With respect to its second sense, he does not believe in the possibility of formulating any principle of equality among human beings. If such an equality had existed, both the Categorical Imperative and ascetic ideal would not be trials of clearing the particularity and differences of human beings in the name of establishing symmetry. Nietzsche's emphasis on this issue is very clear in his attack towards the principle of universality more than any other principle. As a slavish interpretation, the principle of equality forces us into an ordinary living which serves for cultivating slavish type of moralities. Now let me examine his position against the principle of universality.

### III.2. Nietzsche's Attack Towards Universality: Perspectivism and Particularity

The questions Nietzsche pose on the principle of universality are significant because his strongest criticisms towards the current understanding of morality can be derived from this principle. Nietzsche's main arguments about the principle of universality emphasizes abstractions and the issue of perspectivism. I will begin the discussion from the role of abstractions in our lives. Then, I am going to continue with the issue of perspectivism.

Recall that I have argued in the first chapter that, the idea of human rights is meaningful in its discursiveness. I believe this situation needs attention because Nietzsche narrates the birth of abstractions as stemming from the concepts for the purpose of achieving a reciprocal communication. These concepts standardize the things in variety. This is a necessity in our lives in order to communicate in an easier way and to fix our existence at the moment in becoming. Temporality and spatiality locates us into a now that stands between past and future. With the same logic, the communication places us into a moment through the concepts. When we use concepts, we speak from a moment which is spatio-temporal. Therefore, they attach us into *intercourse*. Through this intercourse, we constitute a *conventional consciousness* with our society which ties us to the others and the others to us. In this context, concepts are a part of the *necessary illusions* we live in and they serve for creating a *conventional consciousness*.

Nietzsche expands this argument to many directions, one of which is on the principle of universality. There is no way of reaching the principle of universality and the eternally valid truth claims, this is an anthropomorphization of nature, the price of which is to ignore the existence of the others and other eyes that see the

world. Therefore, Nietzsche's claims about perspectivism arise in a debate against the fixed criterion of truth and the principle of universality. From now on, I will discuss how Nietzsche defends perspectivism with reference to his understanding of truth and how his perspectivism seems to stand against the principle of universality.

Nietzsche's *perspectivism* defends the constitution of our understanding of morality in each of us as unique human beings *from different eyes*. Then, the understanding of morality differs from one eye to another, and every eye sees the reality by itself. In this sense, what we say about truth is limited with our way of perception. Although each of us regards reality in a different way, perspectivism *do not have to* end up in relativism. Nietzsche's perspectivism *does not have* a tendency to relativism. Let me explain the reason with an example. While in a language the concepts about an issue may be at plenty, they can be reduced into a fewer quantity at another language. We translate 'He' or 'She' in English, 'Er' or 'Sie' in German as neutral pronoun of third person as 'O' in Turkish. Because Nietzsche claims that they are arbitrary abstraction of the differences into a forceful sameness, it is clear that his perspectivism can not be regarded as relativism. Therefore, that Nietzsche has many perspectives do not mean that there are infinite different perspectives. What makes perspectivism is not the legitimacy of plurality of perspectives, but the fact that the knowledge arises out of specific perspectives. It is at the same time a critique of the discursively or linguistically effectedness of the knowledge, in other terms.<sup>57</sup> What does not make perspectivism relativism is that while each of us perceive truth by

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<sup>57</sup> See, H. Salim Saracer, (IV), 2006. The proposition 'The knowledge is discursive.', is not identical with 'The knowledge is discursively affected.'. While 'The knowledge is discursive', it distinguishes the public, intersubjective, linguistic character and structure of understanding and reason, the perspectively effectedness (if we shall avoid to say discursively effectedness) of the knowledge questions the legitimacy of objectivity claims. Where the methodologically secured objectivity claims are questioned, the questioning perspectives are oftenly forced to be classified as relativistic. However, what the oftenly questioned is the truth claim of a 'methodologically secured', and 'too easily captured truth'.

himself or herself, this does not mean that our perspective never overlaps with another person's. In this sense, our perspective can be thought as a *horizon* that we owe our existence in the world and our understanding of morality.

What Nietzsche is against in the principle of universality can also be tied to the concept of objectivity. How can we constitute an *objective eye* as the summation of the people? This is what Kantian Categorical Imperative tries to achieve while establishing truth valid for all times. However, for us, different perspectives are necessary not only to see the different ways of phenomena, but also to *realise* the aspects which formal structures have ignored, excluded or disregarded. At this point, Nietzsche's philosophy regards itself as *going beyond* these structures and preparing *a new horizon* to be opened.

Universality by establishing a formal structure gives harm to the particularity, even it oppresses it. In Nietzsche, they are the perspectives which attribute meaning to our understanding of morality and to our lives and makes our survival possible. If what gives meaning to our lives and makes our survival possible are our perspectives, then truth for Nietzsche preserves and supports life. In other words, 'We do not consider the falsity of a judgement as itself an objection to a judgement; this is perhaps where our new language will sound most foreign. The question is how far the judgement promotes and preserves life, how well it preserves and perhaps even cultivates the type.' (Nietzsche, JGB, 2002: 7) As long as truth *preserves* and *promotes* life, it also opens new horizons. As new horizons open in front of us, we are likely to overcome ourselves. This is what *self-overcoming* is.

One of our most significant hindrances in this way is the principle of universality which is one of the claims of slave morality. From Nietzsche's standpoint, slave

morality believes that its dictates are universal so, it expects humankind to act in line with these dictates. It tries to represent the master morality inferior through this vision. If our understanding of morality is defined by the slave morality in such a way, our possibility of criticism towards this understanding is closed.

To conclude, while Nietzsche has a seriously critical stance towards the universalizing Categorical Imperative, his understanding of morality comprises of many eyes that regard social and moral reality in different ways. His concern about the principle of universality and objectivity is, in this sense, neither a transcendental perspectivism, nor relativism, because he does not refer to an unchanging moral subject who can have all the other perspectives, nor to an epistemological position that indicates an objective permanent way of knowing the social reality under the headings of perspectivism, horizon or objectivity.<sup>58</sup> First of all, I mentioned that perspectivism stands against the principle of universality because all of us have our own horizons. Second, I added that for us to have new horizons, we should pass beyond the formal structures. Only then, we can reach into a new perspective of truth. Last, I emphasized that Kantian Categorical Imperative's call for creating an objective stance against morality is a meaningless one. Nietzsche's reaction to the principle of universality is a reaction both to the concept itself and the meanings we attribute to it. In this sense, we may talk about a counter position on the side of Nietzsche towards the principle of universality in his morality. However, this does not mean that Nietzsche disagrees with free and rational human beings who can decide, act and carry the responsibility of their actions freely. In this sense, a stance

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<sup>58</sup> See, Tracy Strong, 2000: pp. 294-310.

against the principle of universality does not necessitate a stance against the principle of autonomy. Let me now look at his outlook to the ideal of autonomy.

### **III. 3. Nietzsche's Outlook To Autonomy: Sovereignty and Responsibility**

In general, will may be defined as an 'active attitude to interfere or intervene in surrounding world.' (Rotenstreich, 1985: 37) While discussing the Categorical Imperative of Kant, I have mentioned that reaching universal moral laws can only be possible through the good will. For this good will to reveal, we should act in such a way that our actions should be in accordance with the universal moral laws our reason prescribes.

Let me remind that we can conceive the faculty of will in Kant in two ways: First, is the faculty of choice (*liberum arbitrium*). Second refers to a 'power of spontaneously beginning a series of successive things or states.'<sup>59</sup> At a closer look to the Categorical Imperative, Kant claims that a choice is possible among the possible alternatives. However, reason limits will's orientation into the future to such an extent that will can not possibly fulfill its ability of making free choices.<sup>60</sup> Instead, will undertakes what reason prescribes to itself. Then, will in Kant is subordinated to reason while its autonomy is destroyed.<sup>61</sup> In this sense, 'A will that is not free is a contradiction in terms- unless one understands the faculty of volition as a mere auxiliary executive organ for whatever either desire or reason has proposed.' (Arendt, V2, 1981: 14) If we can not make a free choice among many alternatives through our will, then how are we going to be autonomous? For instance, when we

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<sup>59</sup> See Suzanne Jacobitti, 1988: pp. 56-62.

<sup>60</sup> See also, Suzanne Jacobitti, 1988; Nathan Rotenstreich, 1985 and Dana R. Villa, 1992.

<sup>61</sup> For details, see, Hannah, Arendt, V2, 1981: pp. 19- 39, 158- 172

choose to be honest in our work, do we make this choice by our will? Or do our reason tell us that we should behave in this manner as a part of an understanding of morality? Can we know the difference between the two? At this point, what we should consider is the dichotomy between the will and reason. Is there a clear terms of difference between will and reason? This question is important to understand the problems concerning autonomy and also to conceive Nietzsche's standpoint about this duality.

In this context, reason is seen as legislative whereas will is regarded as an executive organ in Kant. I do not agree with such a differentiation since there may be occasions in which such differentiation remains superficial. As we can not abstract our decisions, thoughts or actions from our social life, there is no exact terms of difference between reason and will. Rather, they replace each other in moral dilemmas carrying us into different possible futures. To exemplify the situation, we may assume that we are a doctor. While treating a patient who suffers from a painful illness, the person we love may be brought to the hospital. Suddenly our choice becomes a choice between our job and our love. Saving the patient may cause the death of the person we love, even if he or she is not dead, it causes us to suffer from the responsibility that we had made such a choice. However, saving the person we love loads a big burden upon us because of the sentiment that we had betrayed our job. Is it such an easy situation? Not indeed, such differentiations and choices between the dictates of love and reason, reason and will are very complicated to consider under Kant's labelling of legislative (reason) and executive (will) roles. Do we cease to be a doctor after saving the person we love? Or do we cease to be human

because we preferred saving the patient? More questions can be posed but it is clear that reason and will can replace each other under various circumstances.

Therefore, this differentiation between reason and will seem to be an artificial one and does not reflect our own experience of the situation. Many kinds of decision, thought and action we undertake carry their own types of reasoning which are immanent to what we understand as reason in general. In other words, many of the actions that our will realizes are immanent to reason since they are integrated into our socialization. This is why I do not regard any harm in reserving reason a larger share without subordinating will to reason in Kantian society. I think we should understand Nietzsche and the informal structures he offers to consider in this manner. Now, I will talk about Nietzsche's emphasis on the sovereign individual and what kind of a relationship such an emphasis has with the principle of autonomy. I will explain this concept further and I will demonstrate how it is central to Nietzsche's understanding of right.

In *On the Genealogy of Morals*, Nietzsche claims how the principle of autonomy is founded in our current understanding of morality and how we grew up with it. The most important quality of the *sovereign individual* is that he or she both masters his or her existence and will. To the extent that sovereign individual has the capacity to create his or her own values and through this way he or she can bring new horizons into his or her future, the sovereign individual can *overcome* his or her past and history. In other words:

we then find the sovereign individual as the ripest fruit on its tree, like only to itself, having freed itself from the morality of custom, an autonomous, supra-ethical individual, in short we find a man with his own, independent, durable will, who has the right to make a promise- and has a proud consciousness quivering in every muscle of what he has finally achieved and incorporated,



an actual awareness of power and freedom, a feeling that man in general has reached completion. (Nietzsche, GM, 1994: 40.)

However, we do not easily exist in the surrounding world as autonomous as we think. Rather, the necessary illusions we create in language, culture and morality make us survive. We are autonomous till we are able to create our own values and able to carry the right and responsibilities of our actions.<sup>62</sup>

According to Nietzsche, we all have our own wills. These wills can overlap, intersect or differ from each other. While choosing at a moment, we already draw ourselves a past comprised of our choices, expenses and consequences of our actions. Coming from such a past and orienting ourselves into such a future determines the extent of the autonomy we have. To the extent we are autonomous, we redefine our ties with the past to open a new horizon in front of us. This horizon carries us into the future through will to power.<sup>63</sup> In this manner, will to power helps us to overcome our fragilities, deficiencies and difficulties with a new sense of freedom. The necessary illusions that condition us cause us to lose some part of our autonomy.

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<sup>62</sup> Kantian understanding of reason can be seen in parallelism with Nietzsche's understanding of will because both can replace each other at issues as I have exemplified above. I do not understand a completely different faculty of will in Nietzsche to be rigorously differentiated from Kantian reason. Kant takes our subjective determinations out of picture for the sake of establishing universal moral laws. On the other hand, Nietzsche while taking a stance against the principle of universality, claims that we can still derive autonomy. In other words, nominalities also let the derivation of autonomy in our lives. This is why Nietzsche does not found his understanding of morality upon negating the demand and spirit of the people. Instead, he brings the subjective determinations Kant negated into a central position. At this point, we can recall the differentiation between will and reason which I previously mentioned. Because Nietzsche grants much more significance to the faculty of will rather than reason, his understanding of morality appears to embrace the disregarded segments of Kantian society. However, this does not indicate that Kant refuses these determinations during the process of socialization. Therefore, Nietzsche accepts what Kant excludes in establishing universal moral law.

<sup>63</sup> Here, I interpret will to power as a means to open new horizons, which I think fits best into Nietzsche's understanding of perspectivism. What I mean by will to power does not refer to the notion of political power but the ability/capability of taking decisions and following these decisions, in the sense of creating a future for ourselves.

Nietzsche defines the right as: 'The right of others is the concession granted by my feeling of power in others.' (Warren, 1991: 73) The power Nietzsche mentions is giving some ability of us to take decisions into others.<sup>64</sup> In other words, it is the standardization of ourselves by decreasing our ability to master our own will and overcome ourselves. Under the necessary illusions we live, we carry rights and responsibilities in society of which we transfer some. Thus, rights are the power we transfer into the others. Then, we are never the one who says the last word. We continue our lives through our interactions with others as holders of rights and responsibilities. As Nietzsche claims:

The feeling of guilt, of personal obligation, to pursue our train of inquiry again, originated, as we saw, in the oldest and most primitive personal relationship there is, in the relationship of buyer and seller, creditor and debtor: here person met person for the first time, and measured himself person against person. (Nietzsche, GM, 1994: 49)

What Nietzsche mentions as creditor- debtor relationship here is the result of the society in which we grew up. Having responsibilities on the other hand, is a *moral stance* after all we lived through. It is to be open to new thoughts, developments and experiences which also necessitates being open to others in society. Even the most individual of our actions are social because we always carry a responsibility towards society.

We do not face with our rights and responsibilities in the same way in every aspect of our lives. This is because the way we are granted these rights and responsibilities and the way they are expected from us in return is determined by many rules and regulations independent from us. At this point, I prefer to emphasize our rights and responsibilities external to the legal realm because our main subject

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<sup>64</sup> See also, Friedrich Nietzsche, WM, 1967: pp. 467.

matter is the idea of human rights which is found both as a project and a discursivity in life.

As much as we can not separate our decisions, thoughts or actions from others in society, the understanding of responsibility in Nietzschean sovereign individual can not be separated from his or her relation with others. Being in relationship with the others may not be sharing their responsibilities but not forgetting our responsibilities towards them in our lives. Although we fully declare our rights and responsibilities in moral realm, our decisions, thoughts and actions can *not* possibly be *fully* reciprocal in Nietzsche. In other words, our responsibilities towards the others' rights and our rights towards others' responsibilities do not overlap with each other.<sup>65</sup> In this context, when we pursue our thoughts, decisions and actions, they do not have their correspondence in the moral realm. Of course, this does not mean that we lose the responsibility of our lives. However, we lose our responsibility in full terms to the others. At these times, we desperately leave much of our judgements, deficiencies and fragilities to the future. This future is a constructed one since it is slave morality which created another world to close up these unrealized responses (of any kind) towards our rights and responsibilities. Therefore, it is the *imposition* of another world, the place of religion in our lives is the main reason of our transfer of our judgements, deficiencies and fragilities to the other world. Nietzsche mentions such an imposition and how it turns out to be a condition of existence as follows:

The conditions and desires that are praised: -peaceable, fair, moderate, trusting, obedient, fair...- To distinguish: to what extent such qualities are conditioned as means to a definite aim and often an 'evil' end; or as natural consequences of a dominating affect (e.g. spirituality) or expression of a state

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<sup>65</sup> See, Friedrich Nietzsche, GM, 1994: pp. 49-54.

of distress, which is to say: as condition of existence (e.g. citizen, slave, woman, etc)

Summa: they are none of them felt to be 'good' for their own sake, but from the first according to the standards of 'society', 'the herd', as means to the ends of society and the herd, as necessary to their preservation and advancement. (Nietzsche, WM, 1967: 161)

Moreover, the slave morality through the *ascetic ideal* makes us believe that all these unrealized experiences will be actualized in the other world. In this sense, it is the end of the pain and suffering we live through at this moment. This is what Nietzsche defines as the *ascetic ideal* which is spread all through the moral realm, especially after Christianity.

To sum up, there is no contrast between Kant and Nietzsche on the principle of autonomy embedded in the idea of human rights. While refusing the principle of universality, Nietzsche derives the principle of autonomy from nominality. However, such a conception of autonomy remains deficient in moral realm since there is no one to one correspondence between our rights and responsibilities and what we receive in return. Nietzsche affirms autonomy under his own defense of sovereign individual, yet he denies the possibility of reciprocity in the actualization and recognition of autonomy. Kantian understanding of society that is comprised of free and equal human beings who carry full rights and responsibility over their own lives remains superficial for Nietzsche.

#### **III. 4. Nietzsche's Perception of Is-Ought Distinction:**

As I mentioned before, the idea of human rights stands upon the principles of autonomy, universality and equality. It is these principles which establish the idea of human rights on a ground both as a *project* and a *pragmatics*. However, there is one

more principle which is directly related to the ideas and practices of human rights: the is-ought distinction. This distinction is central to the idea of human rights because the idea of a human right is not a notion that can be found as itself in nature, or in socio-empirical reality. Rather, they are the totality of rights which are gathered together because each of us have our own way of deciding, thinking and acting. While the idea of human rights serves for the peace and security of the humankind, it relies on the assumption that *is* and *ought* are to be distinguished.

One of the indicators of how much central this distinction to the idea of human can be found in the Universal Declaration of Human Rights. For instance, Article 5 of the Declaration states that: 'Noone shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.' With this article, the Declaration stands against any kind of torture directed towards human beings. However, torture, cruel, inhuman or degrading treatments are facts of our life that we have to face with. When we face with these, our moral judgements and questions of morality can be possible only through an idea of *ought* either in our reason or in our will. Furthermore, the fact that there is such a treatment does not necessiate or verify its existence. In other words, 'it does not follow from the fact that a man is doing something that he ought to be doing it...it must be concluded that something that ought to be done is not identical with any matter of fact about it.'(Edwards, V2, 1967: 69) Then, the idea of human rights *presumes* the distinction between *is* and *ought* as a principle, without which the peace, for instance, may not be seen as superior to war.

This distinction which is a part of the moral realm we live in should also be presumed by the human beings located into social relationships. Because even our

individual existence is a social one. As our existence is a result of our reactionary or irreactionary, explicit or implicit, active or passive recognition of the society we live in, our recognition in society is due to the similar processes of reasoning. In this context, what makes the principle of is-ought distinction possible is that we have a moral stance towards any kind of decision, thought or action we defend to be totally ours indeed carries a part of social reality. We can continue with this argument in two directions:

If none of our moral stances is totally external to society, our loneliness in it is already a recognition of a social side. This means that we recognize some principles in society as common standards and obey them throughout our lives. Nietzsche's emphasis on such a recognition leads us to the issue of language. According to Nietzsche, one of our ways of attaching our existences into life is the standardization of our concepts in our intercourses. Then, we *objectify* our language. Every relationship of ourselves with language is an attempt to create a new framework of life and everything we narrate is both to renew ourselves and our position in society. However, *objectification* is a part of our necessary illusions for survival, thus, he does not stand against the objectification itself. Rather, his concern is the interpretation of the phenomenon that disrupts our social reality.

Establishing such an interpretation of the language we use, slave morality indeed creates a past and future in front of our lives. In parallel with language, culture and morality, slave morality also creates its own objectified and interpreted set of concepts. This is how slave morality is constituted. From the standpoint of Nietzsche, one should ask himself or herself 'Why should I be moral?'. Or why should I be just? We want to be just because our sense of justice is related to the recognition of our

existence in society. We may enlarge the same argument to the reasons to be moral but these arguments are indeed unable to give a direct answer to Nietzsche's question. This is definitely the point where slave morality has a serious deficiency in its justification of the current understanding of morality. Therefore, slave morality establishes the ascetic ideal. As I discussed before in Nietzsche's outlook to the principle of autonomy, ascetic ideal works towards *delaying* our demands and expectations to another world. In that world the deficiencies, judgements and fragilities are fulfilled, the correspondence of the rights and responsibilities are found. Then, like the language which fixes us between past and future and orients us towards the latter, for Nietzsche, the *conditioning of is* establishes an *ought* towards the future through *language* as a medium of communication.

On the other hand, in relation with the first argument that our individualization is a socialization brings us into consideration of our social aspects. Except some of our instincts immanent to ourselves, many of our instincts have a social aspect. For instance, our way of eating is realized with reference to a set of rules. We may come across these rules not only in our lives but also in different realms of social reality.<sup>66</sup> As these rules exist besides our existence, they may also arise as rules which make us survive and attach ourselves to life. While in the moral realm we may say the final word on our rights and responsibilities, we are not the final actors of decision in legal realm. Then, the rules which determine these two realms should be different from each other. While the rules in our lives have a determining role in the moral realm, the rules that bind us in legal realm not only determine, but also govern our forms of decision, thought or action. As I have mentioned before, Nietzsche talks about

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<sup>66</sup> See, H. Salim Saracer, (III), 2006.

necessary illusions existent within both moral and legal realm. These illusions enable our survival. Nietzsche's disturbance with these illusions are not because of their existence, but because they locate us into a disrupted society due to the domination of slave morality.

The moral and legal realms I emphasize are not external to each other and one can encompass the latter when necessary. Most of the actions we regard as immoral, also puts us under a sanction in the legal realm. Thus, there is a transitionality between these two realms. It is possible to pass from legal to moral, or moral to legal realm, either by our own will or by institutions. Coming back to our moral judgements: They can be in the form of evaluative or normative judgements. *Evaluative judgements* are our perception of any kinds of decision, thought or action. These judgements express how we describe and what values we carry for a situation. Thus, *only the propositional content* of these judgements can have the quality of an imperative. On the other hand, our *normative judgements* are the ones which are *already* imperatives. Since the idea of human rights is not institutionalized, what I will mention mostly will be our evaluative judgements in the moral realm. This will be an issue that I will return in the last chapter to put it into a general framework.<sup>67</sup>

Most of the evaluative judgements in legal realm are convenient to derive imperatives. Because we do not have the final word on the issues, any kind of decision, thought or action is likely to derive imperatives. But it is also possible to derive imperatives from the moral realm. The imperatives we derive can be *temporary* and *provisional* and every new situation leads to a new imperative. For instance, in the sentence 'My family needs me at the moment.' the judgement

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<sup>67</sup> See, Steven M. Cahn and Joram G. Haber, 1995.



expresses the speaker's explanation of his or her family's need. All conditions being equal, speaker puts himself or herself under an obligation by this judgement. If a person, all conditions being equal, goes under an obligation, he or she is under an obligation. The speaker tries to state that he or she ought to help his or her family. Thus, the person derives an *ought* from the *current condition*.

So, we are able to derive imperatives which are sensitive to the particular context that would not disturb Nietzsche.<sup>68</sup> Because Nietzsche is also a social psychologist, he does not refuse the social aspects of the human beings. In contrast, he criticizes a disruption from the process of socialization. His critical stance towards the moral and legal realms is due to the dominance of slave morality which cultivates a pathological attitude towards our existence. Yet, he would not be so negative towards provisional and temporary judgements we may derive from various situations. However, these imperatives should not be general and universalizing statements, but the ones that preserves and promotes life and opens new horizons in a given socio-historical context.

In general, the language itself derives the imperative. In this context, Nietzsche's emphasis on language takes our attention into language's role in creating conventional consciousness. For Nietzsche, the philosophers who replaced action with contemplation in antiquity and the dualist understanding since antiquity are responsible for our current understanding of morality. It is the main reason behind for our search for standardization, objectification and generalization. Then Nietzsche is not against the is-ought distinction because he conditions *is* in a way that we open ourselves into the future through temporary and provisional imperatives.

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<sup>68</sup> See also, Friedrich Nietzsche, JGB, 2002: pp. 22-23.

Many interpretations of Nietzsche place him upon a status that is against societal aspects of human beings and even against any conception of morality. Yet, he does not offer a life of full freedom refusing the principles of universality, autonomy and equality and the is-ought distinction that founds the idea of human rights. His stance against the principle of universality is both to the concept itself and to its particular interpretation by slave morality. Slave morality closes the development of master morality through filling the concepts of language, culture and morality. Disgusted with master morality's ability to overcome itself and embrace the life with all its aspects, slave morality defined what is good or bad, right or wrong upon its hatred towards the masters' perspective. Of most important of all, slave morality defined equality. For Nietzsche, equality is the arbitrary abstraction of differences into an equal status. Thus, he asks whether there have been an equality so that we are trying to implement one. However, Nietzsche would admit that the assumption of a constructed equality makes our life easier especially in the legal realm as one of our necessary illusions. Yet Nietzsche's refusal of the principle of universality and his disbelief that equality exists, does not make him a thinker against the idea of autonomous human beings. For him, we can be autonomous to the extent that we carry rights and responsibilities. Our fulfillment of these rights and responsibilities and expectations in return are different from each other. In the moral realm, the ascetic ideal of slave morality is the reason for our delay of these matters into an unknown world whereas our autonomy is preserved in legal realm though in an artificial way. The institutions and authorities in legal realm provide the correspondences, completes the deficiencies and judges the ones in the need of judgement. My aim in the last chapter will be to evaluate the affinities and

discrepancies between four principles of human rights thought and Nietzsche's reflections on them.

## **CHAPTER FOUR**

### **CONCLUSION**

When we think about the origins of the idea of human rights, we may realise that its origins are mostly found in natural rights theory. The three main rights of life, liberty and property are derived from this theory. However, in this study I regard Kantian understanding of morality as a foundation to the four principles underlying the idea of human rights: universality, autonomy, equality and is-ought distinction. Then, I presume the possibility of a Kantian society while I mention our rights and responsibilities in general and our experience of human rights in particular. Although I set these four principles upon the Kantian society, I have not presumed an unbridgable gap between the moral philosophies of Kant and Nietzsche. Remaining critical to common prejudice that Nietzsche would be an enemy of human rights, I tried to demonstrate that his position differs with respect to these four principles.

I preferred to take up the idea of human rights in its discursiveness diffused both into our rules and principles and our projects into the future. Especially when we emphasize this futuricity, one should not be hesitant for declaring a degree of transitionality between Kant and Nietzsche. Every society directs itself to the future in an arbitrary and contingent way which means that any choice made by society does not dominate over the other ones. In this sense, it is very natural that some decision, thought or actions of ours are left outside because we determine the daily course of our actions in the flux of life. Under such complexity of what Kant calls as plurality of ideals also undergoes a process of disruption. Nietzsche's society assists

us to see the unseen aspects of Kant as well as it questions to what extent our decisions, thoughts and actions achieve success. This is how the idea of human rights is dispersed into our discursivity and it becomes part of our communication in contemporary world.

Communication is a medium both to meet society and to confront with our past and future. In this sense, through language we face with an experience coming from past and orienting ourselves towards the future. So, language carries an accumulation of experience into the future through the concepts. Each time we communicate, we open a new framework of life or a new world to live. In this context, language helps us to understand each other as a part of our conventional consciousness. However, what we understand is limited with the concepts themselves. Because concepts had assimilated existing varieties into standards, we share a commonality with our past and future or with the humankind. As long as we exist among the others, we grow up with language, it even determines the limits of our life. We are only able to cover some part of the social reality we live in because we communicate with and through concepts. This part seems to be our conditioned social reality. It also seems the universal and necessary laws of nature and the Categorical Imperative Kant claimed all worked for our conditioning in this social reality. So, we find ourselves imprisoned in a society which has no sense of toleration towards madness, schizophrenia or any kind of illness and disorder.

We can narrate a common consciousness through the language. Although the limits of our life are determined through the concepts, our life is only possible under these limits. In this context, even when we talk about truth, we talk without being aware of its existence but it is still talking from the side of truth. In this sense, every

translation, explanation and interpretation of us is an acceptance of and a confrontation with the social reality. Language, while making us face with the social reality in such a way, it also draws the limits of our existence. To the extent our translation, explanation and interpretations are open to new ones, our understanding of each other is also open to new realities. Thus, an open language makes an open society possible. The limits of the language becomes the limits for the social and our conditioning in it.

Language standardizes us in our decision, thought and actions. It creates a nonexistent equality between us and others by dispersing into every aspect of our lives. For instance we objectify our actions and become an objective eye under the notion of equality. This is how the social reality we live in are reproduced and how we preserve equality in that social reality. Nietzsche claims that slave morality is responsible for such enclosure. Slave morality redefines our existent values and closes upon itself. So, it does not let master moralities embrace life but rather makes them obey their own way of translation, explanation and interpretations. In this context, because slave morality redefines all of our values, it also refills the concepts of universality, equality, autonomy and is-ought distinction. Slave morality places these concepts into the middle of our lives and expects us to obey these dictates. We, on the other hand, expose ourselves into these translation, explanation and interpretations by continuing our lives within the confines of such life-denying definitions.

Therefore, we prefer to fix ourselves in life, rather than coming up with new definitions or redefining ourselves with each new action we undertake. Harming our flexible and changing personalities, we try to merge existing definitions with our

own experiences. Indeed, none of these rules or universal principles overlap with our life styles, they even leave us desperate in many situations. Such situations are the ones which we resort to discursivity. The reason we direct ourselves to the language to such extent is not because we only want to share a common consciousness but because we also try to overlap, intersect or differ our wills from the others. Any kind of complexity indeed is a reflection of such difference. Therefore, I do not regard well-defined borders between will and reason as a realistic distinction and I tried to display that our experiences direct us in much more complicated ways. Thus, our faculty of reason or will also may overlap, intersect or differ from each other.

Under Nietzsche's outlook towards the principle of autonomy, I had exemplified this difficulty. How can we differentiate between our reason and will while deciding between saving the person we love or the suffering patient? Our reason may dictate us to save the latter but, would we cease to be a doctor if we saved the former? Or do we cease to be a member of the humankind when we saved the person we love? Does any other person have to make the same choices with us? In fact, there is no such an obligation. Another person's evaluation of the situation may suit or differ from ours. In this context, our choices never exclude the others. It is a response that we develop with our understanding of responsibility and reciprocity. In other words, like saving the suffering patient, saving the person we love also is an identically social action, but perhaps also with equal moral worth.

Equality preserved by society in this sense is an artificial one which Nietzsche criticizes both as a general concept and an interpretation. The life we live in may condition us necessarily due to the persistence of the definitions of slave morality.

Slave morality also employed the principle of universality in order to justify its translation, explanation and interpretations. When reason enters, it is impossible for us to fail. If we act as if we are going to be an example for the humankind, then it is possible for us to live in a society composed of free and equal people. Nietzsche regards such an understanding of society unreasonable since for him, Kant talks about an unavailable conception of equality and freedom. Moreover, many segments and structures of society are disregarded under the slogan of universality. People who are mad, schizophrenic, disabled, prisoners or hospitals are also a part of society and the universalizing attitude pretends as if such people do not exist. It excludes them or leave them outside the community. Behind the reason of universalization Nietzsche finds a will to exclude some on behalf of the insiders, because in no way, reason is completely independent from the will, nor reason in general can be reduced into the Categorical Imperative. As I have explained before, the differences between will and reason are not clear, yet reason can not be limited to our abstractions, reasoning and derivations, reason also affects the course of our lives not only as a discipline but also a quality immanent to all activities.

With the same logic, the principle of universality in the idea of human rights seems to exclude many segments, dominating over our life. It causes us to give similar responses to the different situations and to fix ourselves in the flux. The principle of universality has been developed by slave morality in this manner. Nietzsche's problem with this principle is both itself as a construction and as against the life-embracing quality of the masters. According to Nietzsche, we should stand against the principle of universality because every new accident, happening or occasion we live, needs its own way out. It is wrong to see these differences as



sameness, as much as this assimilation harms the different choices we can make. Therefore, if there would be human rights, corresponding action could only be partial and the imperatives we derive for these actions should be temporary and provisional.

Then, as being seriously critical of the principle of universality, what does Nietzsche offer? For him, to the extent that universality rejects life, our own eyes add other eyes into the flux of life. Every eye sees the social reality in its own way. In this context, every eye represents its own look, perspective and stance and opens its own horizons. If anyone were in our place, he or she would or would not behave like us. Here, the emphasis is not on which patient we choose, but it is our eye that chooses. In this sense, neither saving the person we love nor the suffering patient makes our choice universal. Because in any case, even if there is truth, we do not know about it. After all, it is our choice. In other words, although every eye sees the social reality in its own way and the social reality is limited with our perception of it, this restraint does not mean that there are infinite perspectives. Then, perspectivism in Nietzsche does not open towards relativism.

On the other hand, Nietzsche's stance against universality does not necessitate a stance towards autonomy. His emphasis upon the sovereign individual constitutes the grounds of his understanding of freedom. Sovereign individual is the person who can have a control on his or her will and can overcome the past to open into the future. However, autonomy does not only mean mastering our own will but it is also being aware of new capabilities. In this sense, it is will to power. While Nietzsche talks about our will to power over our lives, he tries to mention our capabilities for opening new horizons. This will to power is our capability to take decisions and pursue them in a decisive manner.

The reflection of Nietzsche's outlook to autonomy reveals itself in the limits a person can take decisions and pursue them. The conception of human rights is related with his definition of a right. Nietzsche defines the right as the power we grant to the other people. In this context, rights mean leaving some part of our power, the ability of taking decisions to the others, instead of governing our will in a complete way, we leave some of our will to the others by means of standardization. Recalling that the idea of human rights is dispersed in our discursiveness from our rules and principles to our projects, the idea of human rights arises as to close our deficiency in our use of the concept of right. When we transfer some of our decision making ability, we lose our complete mastering of our own decision, thought and action. In this way, some of our rights and responsibilities are transferred to society. Then, we are living a life that we do not have a full word upon. According to Nietzsche, the relationship between creditor and debtor extends to our most primitive and oldest civilizations. Our understanding of right and responsibility have always been our moral stance. Because slave morality for a long time has redefined our concepts and filled them, our rights and responsibilities seem to be disrupted. In other words, our rights and responsibilities are determined by factors outside our control. Yet, this determination differs in the areas we experience, which I distinguish as moral and legal realms.

In the world of slave morality, our limitedness in moral realm is realized through our deference of rights and responsibilities to another world. Thus, slave morality delays our judgements, deficiencies and fragilities to another world where we would be able to complete our lives. Thus, although we declare our rights and responsibilities to the fullest extent, the belief of another world takes away most of this full declaration. What Nietzsche names as ascetic ideal, in this sense, serves for

the slave morality and it hinders or delays our expectations . On the other hand, our limitedness in legal realm is due to political authorities. Even when we fully realise our rights and responsibilities, it is not us who gives the final decisions, thoughts or actions. What I mostly deal here, is the moral realm where Nietzsche's understanding of human rights is shaped.

As the idea of human rights occupies place in our projects and pragmatics in a discursive way, the significance of language in our lives increases. The standardizing quality of language through the concepts, creates a past and a future. For Nietzsche, each time we use language, we try to renew ourselves, our position in society and to open new horizons towards the future. But slave morality's interpretation, translation and explanations are what fixes us at the moment we are in. Thus, our decision, thought and actions come to be objectified. However, for Nietzsche such an objectification is a part of our necessary illusions of survival. It is the definitions of the slave morality which disrupt the social reality rather than these necessary illusions. Nietzsche mentions that here the question why one should be just or moral has to be posed. This is a question that slave morality never wants to answer because being moral is a part of complying with the others in society. Slave morality, being aware of this question, prepared the ascetic ideal, religion to control our decision, thought and actions in this life. In this sense what we must and must not do is predetermined and the other world will be the solution for our own incomplete judgement, deficiency and fragilities. This is how language conditions our lives and orients us towards the future. In the same way, Nietzsche conditions *is* through the language and presents us a plurality of *oughts* for the future.

Coming back to the idea of human rights, the idea seems not to be institutionalized. The legal realm is the area where we do not have the final word to say upon our decision, thought or actions. Rather, they are determined by the legal entities. For this reason, these authorities take the responsibility upon themselves on defending people's rights and responsibilities. However, in the moral realm the idea of human rights preserves and protects people's opportunities. These two realms I mention are not external to each other, furthermore, there is a transitionality between these two realms. Now let me clarify how Nietzsche presents us a plurality of *oughts* in the moral realm. Then, I will provide a brief overview of what I achieved in this thesis.

Our moral judgements that lie behind our decisions, thoughts and actions may be evaluative or normative in quality. While evaluative judgements are the ones that includes how we think about others' decisions, thoughts and actions, the normative judgements are the ones that carry imperative quality. However, evaluative judgements are not only judgements that we assert opinions but also judgements of which propositional content provides us an imperative. As I have mentioned before, our experience of life in Nietzsche is realised through our own eyes. Thus, knowledge comes from one specific outlook, perspective or stance. In this context, we can derive temporary and provisional imperatives from Nietzsche. These imperatives are temporary and provisional in the sense that in every new situation we face, we may come up with a new imperative. Every case opens to a new imperative.

Apart from much of Nietzsche's reading, the idea of human rights is found in Nietzsche in a conventional sense. Our rights and responsibilities in this world are incomplete, thus our decisions, thoughts and actions are not totally ours. This

incompleteness demonstrates the need for the idea of human rights. Thus, the idea of human rights is a construction that makes our survival easier. The problem of Nietzsche with the idea of human rights would be that the present conceptions of it are partly constructed on slave morality which aims to fix our existence in the flux of life. Nietzsche's perception of the idea of human rights would not be categorically negative as it is considered, but he would regard the idea as a necessary side of our struggle in the face of the challenges brought by life.

Throughout this thesis, I examined the four principles of the idea of human rights namely, equality, universality, autonomy and the is-ought distinction and their Kantian origins. Then, I examined Nietzsche's response to these principles. By the way of such examination, I demonstrated that there may exist a continuity between Kant and Nietzsche's philosophy. While Nietzsche is not totally critical of the Kantian understanding of morality, his outlook to these four principles differ from each other. For Nietzsche, we should not comply with the principle of autonomy in our actions because it is the construction of the slave morality. Universality harms the things in variety and distances us from the flux of life. This concept created by the slave morality tries to make us an objective eye through objectifying our decisions, thoughts and actions. However, every eye sees the social reality from its own perspective. Through this way, slave morality has created and preserved an artificial conception of equality that had never existed. Such conception of equality has been standardized in some common rules of conduct. Slave morality realizes this by religion. People by obeying the dictates and believing in the other world have deferred their life. Thus, indeed they harmed their rights and responsibilities which are worldly and which are pertinent to our present world. For this reason, rights and

responsibilities in Nietzsche are deficient, this is why I may argue we are in the need of the human rights. Right in Nietzsche is a transfer of our power, in another words, our ability to make decisions and follow them, to the others in society. In result of this transfer, we do not have the full control upon our rights and responsibilities. The situation differs in the moral and legal realm. In the moral realm, our rights and responsibilities come to full terms through the belief of another world and the others. But in the legal realm, an artificial sense of reciprocity is assured for our rights and responsibilities. The idea of human rights arises as a discursive phenomenon in the moral realm both as a project and pragmatics. Like the conditioning of *is* by the slave morality through ascetic ideal, the conditioning of *is* gives way to temporary and provisional imperatives in Nietzsche. Both evaluative and normative judgements lying behind our decisions, thoughts and actions orient us towards a future. Then, the understanding of morality in Kant and Nietzsche does not exclude each other, rather we may establish a new connection between them over the idea of human rights.

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