

## Human Rights and Patočka's „Negative Platonism“ [2003]

The problem of universal and inalienable human rights is not only a social and political one, but it has – if we want it or not – certain not only historical preconditions, but especially theoretical and conceptual presuppositions, too. But these later ones are presuppositions of the validity of such ideas and conceptions, only, not of the universal validity of those rights themselves. We have to distinguish between human rights themselves which should be universally accepted and under all possible circumstances respected and executed, on the one hand, and more or less truthful way how we are respecting and executing them, and of course also, how we understand them theoretically by our thoughts, on the other. It is one of the most important tasks for actual philosophers to understand this distinction in a time when many of our conceptual means and traditions seem to disintegrate before our eyes.

Our solution of the philosophical problem of the so called „human rights“ seems to depend on our understanding of their ontological status, i. e. if we observe their objective „being“ as a positive or as a negative one. Since the very beginning of our western conceptual thinking in ancient Greece, one of the main and really fundamental questions has been posed, if something „is“ or if it „is not“. If we use the words „to exist“ and „existence“ as in days before Kierkegaard (and before philosophers of existence etc.) in their meaning of „to be“ or „being“ respectively, then we can formulate that basic question as follows: do human rights exist or do they not exist? By existence of any laws we obviously understand their consistent formulation and publication within the body of laws. But all laws formulated and published in such a form are made by men and their validity depends on a consent and acceptance of the majority of citizens. The basic idea of human rights, nevertheless, from its first historical beginning (in America and in France) should convince us as well as all others to observe these rights not only as universal, but as independent of men and of any of their decisions, even political and juridical decisions. These universal human rights should retain their validity even in societies which do not accept them and even if the laws of which are considerably incompatible with them. So we are interested in the „nature“ of these inalienable rights of every human person, which is born on the Earth. What a problem for generations of modern men who did not want to accept as „existing“ anything which cannot be experienced by our senses or recorded by our scientific equipment as really and objectively given to us, because they only are representing the so called „objective reality“. But this tendency had to be overcome after distinguishing and by accepting the fact of a quite different situation in the realm of the world of culture and of history: human „things“ and especially „events“ should be understood in a special way. Wilhelm Dilthey asked therefore for a different approach to humanities, too, in comparison with all sciences. Nevertheless, the necessary foundation for humanities was not found till our days because of a fatal fail or even absence of a new metaphysical thinking basically different from the traditional one, namely that of the Greek origin.

Patočka starts, in one of his texts about the so called „negative Platonism“, with a short reconstruction and analysis of the beginning, the history, and the end of metaphysics, in our formulation of course: of the old, traditional metaphysics. And then, he asks if philosophy is able (and perhaps already furnished with necessary means) to overcome the death of metaphysics, for till now, metaphysics was not separable from philosophy with which it coexisted through centuries. But it is not only a philosophical problem, but a really fundamental problem for all sciences. Patočka sees that the basic problem of metaphysics is the problem of truth, of ALÉTHEIA, as uncovering the given being things. We cannot know, it means: by our inner sight, but what actually is. But Socrates discovered something quite surprising: we can acknowledge and know, what we do not know. Such a knowledge of our unknown is necessarily posed behind every our question (giving sense). If we do not know anything about an object, we are unable to ask; but if we ask, if we are able to pose a question (giving sense), then we necessarily know something about what we want to know, but do not know. In application to our theme, we can say, that we know even many things about human rights, but that we do not know what they „are“, i. e. we do not know how it is with their „ontological being“. with their ontological status. That is something shocking: is it really so – or have we not sufficiently enough thought over all that we really know about them? And of course, we cannot be blind enough not to see many analogies: we do not know the „ontological status“ of the fundamentals of righteousness in general, of truth and of being true in general, etc. So, should we try to find something illuminating, or better: explaining this problem?

First, we have to see that the (human, american and european) idea of universal human rights arose historically under conditions of the so called „modern“ era, i. e. in the time of a depreciation of all values, even the highest ones, as we know from Nietzsche (Entwertung aller Werte). This historical origin of our human thoughts about human rights does not necessarily mean that the human rights themselves have been produced or fabricated by our subjectivity, subjective activity, i. e. that they are pure fiction. Any way, they were thought as being given to everybody by nature, i. e. in the very moment of their nativity. It seems to me to be very important that this American and European idea started to exist and to be progressively more and more influential just in a „late time“, if we use Nietzsche’s words, which means in a time when all values, even the highest ones, become invalid, „deprived of any value“. Against the most common trend to relativism and subjectivism of modernity, a new important value was discovered, although conceived in a considerably problematic way. Nevertheless, it cannot be understood as a relic of some old metaphysical forms of thinking, only, like Plato’s ideas e. g. or something similar. We could not properly understand the very meaning of „human rights“, if we would not take in earnest that historical fact that, towards the end of the 18. century, some people were motivated strongly enough to stress a new „value“ which has far deeper fundamentals than any historical event or change (and, of course, than any movement of human minds). If we understand that, we can understand, too, that the so much frequently expressed term „post-modern“ could be reappraised and reinterpreted as „overcoming the so called modernity“. And if modernity – according to Nietzsche means nihilism, then any actual post-nihilism must mean something like overcoming of nihilism. And any true overcoming of nihilism means a new metaphysics – of course which has to be fundamentally different from the old one.

And that is what Patočka means with his conception of the so called „negative platonism“: Plato’s ideas retaining their functions but deprived of any character of anything „being yet“, of anything being already given, of anything factual, done, achieved or executed. But what remains? we may ask. Patočka’s concept was inspired by a small booklet written by Emanuel Rádl, another Czech philosopher, in the last months of his life (he died 1942) and published first after the War. Really, Rádl writes about the Truth, which is prior to all our thinking, even prior to our life, so that we are born into this Truth, into the realm of Truth, into the World of Truth. In an analogy, we can speak about human rights which are prior to men and all their thoughts, and that we all are born into our human rights which precede all our conceptions, theories, social and political structures etc. and also all national laws and international covenants. They are nevertheless not objectively given, but they are somelike speaking to us, addressing us and challenging our freedom to decide; only our decisions and activities can become something real as our human responses to them. They are challenging us in our own historical conditions and circumstances, but also in our human freedom and therefore many times even very individually. And it is very similar with the Truth: it is a true appeal to us, and all our true ideas and theories, all our true knowledge is representing a certain response to such not-given, not-existing but fundamentally important appeals which we are sometimes able to hear and to understand, but which we need not hear and understand, if we don’t want, too.

What can we then say about the so called „ontological status“ of such an un-given challenge or appeal? As I see it, the only one way we can go is a long-termed elaboration of a special approach of our thoughts to „things“ which are no things at all, which are not and cannot be any „objects“ in a traditional meaning. I mean a new philosophical discipline, perhaps even a new philosophy, a new metaphysics which could deal with non-objectifying connotations of our thinking and speaking for which we had no thematical interest and no exact understanding, but which all the time were nevertheless inevitable for all our human communication. It is nothing really alien for our daily life and thinking, but it is complete alien for our ability to reflect what we do, if we are acting and thinking. The only way, I see, is a thoroughful elaboration of a philosophy of not-given no-things which are more important for us than all objects and just given things.

For such an elaboration of a new philosophical approach we can use other themes and problems, e. g. the problem of the „reality“ (or better: „ontological status“) of works of art, especially of literature and music. But it would be another task.

## Summary

For a current but superficial view, the decay of any metaphysics of „substance“ and the victory of the idea of history and evolution as an essential (positive) meaning of „change“ may seem to have shattered every possibility of accepting any conception of a valid order of values. If there don't exist fixed, general and everlasting norms for human activities, all evaluations depend on changing historical occasions. Nevertheless, since its very beginning, the idea of human rights is conceived as intending to something meta-historical and meta-physical. Should we really accept the relativism and subjectivism of contemporary post-modern thinking and understand this idea as conditioned not only in its form, but in its profound meaning?

In the concept – or even not completely developed „programme“ – of „negative platonism“, Patočka wanted to solve the problem of philosophical foundations of „values“ by reinterpreting Plato's „ideas“ as neither objectively nor subjectively „given“ things, as „non-beings“, i. e. as „no things“, but not „nothing“. He was partly inspired by the philosophy of Emanuel Rádl, who spoke about what „should be“ apart from what only „is“, but he wanted to conceive the issue more precisely. Our aim is to examine the possibility of a broader conceiving the „reality“ so that it could involve „human rights“ as objectively, „really“, historically not given, but being in operation through history and in history.

(Písek, 20. 2. 2003)