Europe’s Walls and Human Rights

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"loss on bitter loss
that crowded brave souls into the undergloom,
leaving so many dead men—carrion
for dogs and birds...."

*The Iliad*, lines 4-7; trans. Fitzgerald

"By the inference of what is said: ‘lo ti’ish acharai rabim l’roath’ (a man should not follow the many to do evil) [Exodus 23:2] I infer that I (Rabbi Yehudah bar Il’ai) must be with them to do good."

*Sanhedrin*, 2B:13

I

In the inner court of Europe’s second oldest university, Università di Padova, there are two walls for the *morti caduti*, the fallen dead of the Second World War: one for the fallen Fascisti and one for the fallen Partigiani. Death is an equalizer in the spirit of Sophocles’ Antigone whose wish is to bury not only her brothers fallen fighting for Thebes but those brothers that fought against Thebes and who died at the foot of its walls. The earth that greets them holds the last secret of wisdom for the sons of Oedipus. This seems a proper interpretation of the two walls. The living who memorialize the dead of their land, those who have fought against one another, may recognize a reconciliation but, nevertheless, as the living contemplate this, they also, because they are living, have the task of separating the causes of their struggle. There are thus two walls not one.

Jean Monnet asked for one Europe. The walls that mark fraternal conflict among Europeans, men and nations, must never again be erected. Solidarity, however, is more than *soldi*: the shine of a new small coin. Indeed the new coin presents a common face but varies on its underside. And how is this variance to be taken? Perhaps holding a single political structure but with different regional perspectives, like the single planet Earth projected by various cartographic topologies.
However, Europe is an image and not the planet Earth. Like the cartographer's image, it is an artifact of division, a boundary of political intention and specified determination. Is there to be likewise a mental confine, a political image projected as a siege wall of the mind and heart, an artifice imposed on river, valley, and mountain by political cartography?

If it is possible to unify European culture like the two sides of a coin then it is also possible for the face of Europe to become the underside of a coin whose face enjoins America, Asia, and Africa. Europe then would become the underside of humanity's face. The question of human rights is a fundamental condition beyond national culture!—and pointedly, in the small, posed concretely in confronting the identity of European nations in a post-colonial, guest worker dependence on *citoyen* hospitality. Can a Europe in the drift of secularization engage with humanity Islam, as it once could not engage Judaism? Can Europe provide a cosmopolitan point of view for an unwalled human solidarity? There is the ancient reverberation: Orestes and also Oedipus, a wanderer with a twisted foot, reinstated into humanity by the purification of hosts accepting them as guests.

Purification is difficult. Words and actions intertwine; their relation is confusing as Oedipus discovered, calling Antigone both daughter and sister. Is this like calling oneself a European and a German, a French, an English, etc., a relation that has an intimacy and a humiliation, a confusion because of intimacy doubled and in struggle for purification? That is a currently refurbished condition, which had left one's sons and brothers on a field of deadly struggle, food for carrion. Quite more fundamental can one call oneself a European and of the party of humanity? Are European human rights not an oxymoron, but a pious reconciliation? Like *Oedipus at Colonus*, transcending by burying perverse struggles to sanctify the ground that sustains all human beings?

Alone, in a dark night, amidst a wood of prowling beasts, a man may whistle to keep the heart of courage. Is human rights merely fashioned as such a European whistle?

But the living breath that sings away a cold shiver is not a weapon. It acts toward one's own self to sustain the capacity to act against a beast that might attack. Is the matter of human rights, like this whistle, an inward signal to move toward courage and to be ready to sustain Europe from implosive or explosive attacks? Do human rights have a universal human content or are they aspiration of culture?

Yet the whistle may seek, like Orpheus' music, to quiet the underworld creatures within. The beasts, some still alive, now broken and old in their teeth, were once in a bloody maw in Germany but also in France, Italy, Belgium, Austria, Hungary, Poland, Romania, among others. They cracked the bones of a million Jewish children and, these beasts, to show their cleverness, made lamps shades of their Jewish mothers. Is an Orpheus whistle of human
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rights the song of European repentance? It is the often longed for but not quite seen bride returning from her recent burial to warmth and light.

Are the old beasts sterile, childless?

A universal human content cannot be an artifice, a mere cultural mask. Mask on mask: even a mask of democracy hiding an oligarchic face. The European world that once, in the name of unity, believed in a God with a human face cannot now be a beast with a human face. Human rights cannot be circumstantial, thrown at our feet ever moving on the historical path. A universal human content cannot be a *poesis* masking moralistic self-righteousness. A universal human content, if fundamental to culture, must be normatively beyond but inclusive of Europe.

If Europe is to be finally ethical on the foundation of human rights beyond an isolated cultural solidarity and political unification, if Europe is finally of "the party of humanity," it must seek humanity’s betterment. But, then, in the light of a universal human rights, it must disown hegemonic allegiance to relativism, historicism, and subjectivism, which are the dark old downward paths, much worn by recent European feet, to the lairs of misshapen political beasts and the death of celebrating religious ants who toil to build pyramids of sand to mummify man as a divine icon.

European culture, you need not be proud since so much of you is a gloomy regret. If you find humanity, your cultural construction cannot use the stones that once had built chateaux and edifices of cathedra by the masonry of arrogance, greed, and stupidity, with an ever-available cement of brutality’s lust. Your triumph washed with the blood in the sand of slaves owned by emperors whose coliseums built by stolen holy gold formed to celebrated the release from slavery and the light that formed the world and allowed the darkness, which is humankind's historical struggle.

Scoured by a commitment to humanity like gold shaken separate from sands of time, Europe needs to find, beyond bureaucracies, the courage to discipline its entertainment, its family and business life, and its religions. Does this ask too much? The moralistic purveyors of human rights as pabulum to mask old beastly emotions will think so.

But what is a human right?

Universal human rights have no intellectual theory that convinces all who might work for the dignity of man. Justifications seem dogmatic, "theory light," though they seek a cultivation of the heart. Human experience is suggestive, yet withholding definite theoretical guidance.

A wise humility, arising from suffering, considers moral aspiration to avoid madness and blind selfishness. Taken without this intention human rights, as a cultural rather than a cosmopolitan morality, becomes a *jeu d’esprit* of the present historical moment, ethnocentric imperialism.

It makes for a Europe that would impose culturally projected values instead of cosmopolitan moral intention: a measure broken in circumstance mangling
a devalued humankind. The undergloom disorders of greed, superstition, and expediency lurk in its shadows.

If human rights are beyond any particular culture, then they are unconditional in response to conditions. But humankind lives necessarily in conditions; and conditions make any unconditional assertion ambiguous. Conditions, alas like the stings of wasps, often drive one in disarray, perhaps to find a protective wall. If one says education is a human right, one is stung by the question: what sort of education? If it is a right to life, one asks how is that to be understood in response to concrete social questions: abortion and the death penalty?

A right is an allowance. It can have two contexts. One context is a circumstance upon which the right may not prompt action because of subjective preference, like the allowance to marry or not. A second context is a normative demand. It is not conditional, and it implies a theory of a moral ideal. Difficult to argue, if it cannot be theoretically justified—or, if even justified, popularized—it must be asserted as a dogma, held with courage's tenacity and the depth of a good heart. This dogma is the guest, hosted by humanity.

Granted human rights to be universal and unconditional, experience shows that more or less and often much less, actual men and women are not in concert with the ideal of human dignity, sometimes because of their culture and sometimes because of the beasts within. The dogma of a human solidarity moderates this inevitable underside. The fragmentation and illusions of war at the walls of Troy are the downfall of the slippery heart's temptation.

The task for the party of humanity is both to change individual attitudes and the social order protecting them; these are stumbling blocks to a universal human dignity. Thus, if one were to grant the theoretically disputed proposition that human rights are universal and unconditional, the warped wood of concrete human beings and institutions presents a difficult challenge for straightening.

Europe, calling on human rights, needs courage and disciplined hard work to change cultural negativities. Courage and hard work, in the service of knowing oneself not merely as Europeans but as human beings, is intellectual maturity in the service of amelioration. Europe needs the courage to go beyond its own religious and political traditions, recognizing how flawed so many of them have been. It is not proper to mask despicable conflicts by celebrating the fallen warrior's misused courage.

The current patchwork of European institutions is the noise but not the melody of a benevolent future. Human rights are not to come from merely enlarged political agencies. They need the ingenuity to sustain the psychology of moral renewal; especially, social practice ought to restrain obvious matters causing malformed minds. Concretely, great inequality of wealth and consequently opportunity, the stupidity of entertainments that mold the mind and heart, and the superstitions imposed by inhuman religious dogmas hamper human solidarity.
Faced with the enormous difficulty and demanding struggle of actual tasks, it is not likely that moralistic rhetoric will effect much more than slipshod and hesitant amelioration. They often plead toleration, which Kant called a “haughty mentality,” to excuse self-interest and ineptitude to fight inhuman stupidity and posturing, of which their own excuses are an example: the idolatrous labyrinth built in truce with other such.

I return to Oedipus. Let Oedipus stand for Europe. Brilliant but arrogant in lacking intimate knowledge, he became the cause of disorder and death. For self-recognition, he blinded the eyes that had looked only outward. In the end, in blindness, after a purifying wandering, his suffering in courage and with the sympathy of strangers renews an old earth; at rest, his burial protects a happiness-seeking land. The Athens of King Theseus, the hero who saved youth sacrificed to the beast-god who inhabits the labyrinth. This hero is a proper host for Old Oedipus, since by courage, ingenuity, and prudence he found the way out of the labyrinth, the old lair of an adulterously generated creature-god.

The European wandering, like Oedipus’ wandering of purification, continues after the blinding reality of its capacity for brutality in the Second War. Is its espousal of human rights its thread to escape its cultural past? However, for now, its culture needs yet more purification to find an entrance to a humanity that brings reconciliation, and beyond it happiness and the dignity of wisdom that transcends the doubts intertwined with human limitation.

The moral person’s dignity is beyond the European or any culture, yet some culture must host a moral cosmopolitanism, like Oedipus finally found in the earth of Theseus’ Athens.

Culture is a wall. But one that can be erected on morally sanctified ground with many gates open outward to humanity. This wall cannot be expected nor should it be destroyed; nevertheless, with the tools of courage, honesty, and good will many gates in it can be open to humanity.

And let a word for the party of humanity hang over each gate. For the first gate let the word peace in all languages be hung, for the second, moderation and for the third, wisdom. And let there be ever more gates, a wall for the sake of gates. Upon which are to be hung the names of persons with human dignity: let the name of Buddha, Confucius, Socrates, and Yehudah Bar Il’ai hang over a gate and, in due course, even the name of Jean Monnet.

II

Aside from some minor revisions, this Jean Monnet Lecture was given to an audience of primarily sociologists at the Università di Trento. After the lecture, some professors asked questions. Below are some of those questions and my response.
The Questions and My Response

“You have said that your talk is poetical and rhetorical. May I ask you questions that are academic, for after all we have to play in this university condition?

Response: Why must we play a role? That sounds as if our human identity is framed and chained by the social order. The door is closed, I promise not to tell anyone if we have a poetical conversation and if we depart from a usual academic lecture.

But you may take that as too flippant. Indeed, this lecture has been an experiment for me. I have given academic lectures, dressed with the accessories of footnotes, for nearly 40 years and that may have pleased you more than this “experiment.” Nevertheless, my serious point would still be that the expected theoretical responses of academic lectures are too ambiguous and controversial to produce an agreed upon theory of human rights. Thus, from the moral perspective, this is just chatter. Instead, I have here tried to employ the poetry of an ideology to ground human rights, that is, something that would help provide a moral attitude for actual social action, as I said, I think dogmatic ideologies are “theory light.” Yet, it is the only way that one can move the majority of human beings, who after all are non-theoretical, and even theoretical persons, toward a commitment, albeit dogmatic, to a work by being led by the fundamental principle of the dignity of man. There is need to work to reconstruct personal behavior and social systems. The university has foisted the notion that it is committed to “value neutral” theoretical knowing, but honest observation shows much of that erodes in the grind of conformity qua careerism with the usual social consequence of academics playing a conventional role. One that is tangential to seriously engaging the moral concerns of humankind.

“Your have focused on a morally reconstructed and repentant Europe, but moral transformation seems necessary in other parts of the world.”

Response: Since this is a Jean Monnet Lecture I spoke about Europe. I certainly agree: moral transformation is a global matter and the beast of great human malice. My poetic reference is for the moment less visible in Europe than in some other parts of the world.

But, I assume that the aspects of European culture that had led so much of Europe, under the instigation of the Germans, to genocidal and inhuman acts in my lifetime, has not been purged. Two months ago, I heard the French Ambassador to the UN say that France has never betrayed its ideals when arguing against the U.S. position in terms of Iraq. To put it mildly, history does not seem to be the Ambassador’s strong point: he not only forgot the Vichy Government but a history of ugly colonization and religious persecution by France. This sort of self-righteousness, an actuality displacing arrogance, is
what I find dangerous. The remark of the Ambassador is both symptomatic of an arrogance that at a moment’s pause moves to hypocrisy.

Personally, I mention that my wife is Italian, my grandson is Dutch, I have taught in Helsinki for 12 years and I am a Jew. I have both a personal stake in Europe and a justifiable fear of the beastly limitations of European culture.

“It is fine to give lectures that call upon morality, but when one looks at the actual social institutions one sees complexity and struggle that involves compromise.”

Response: I agree that actual matters are complex and one must make sober evaluations for action but I believe the dogma of human dignity must guide prudence and ingenuity to transform situations, rather than one relying on merely technical political adjustment. I prefer as an attitude for social change the pragmatic program what John Dewey had in mind when he spoke of “social intelligence” via Charles Sanders Pierce’s experimental method. Additionally, I have offered the dogma of human rights: it is of the same character as Kant’s “cosmopolitan attitude” or, in an enlarged scope, by Dewey’s “Great Community.”

Otherwise, one is lost in social and political complexities and one merely accepts difficulties as inevitable and not resolvable. Morality as an energy working to transform the world is a matter rarely mentioned in academia. This implies a delinquency of a human duty; it is the mentality of the clerk. Specifically in Europe, human rights should not be only the task of the bureaucrats of the European Union. This sub-culture is unlikely to achieve anything more than a patchwork of political and legal policies, rules not in harmony with a “cosmopolitan attitude.”

“Marshall Sahlins has taught us that culture defines morality. How do your respond?”

Response: There are many theoretical positions about the relation of culture to morality none has been overwhelming convincing to theoretical people, though, here and there, a prestigious person is quoted as an authority.

Of course, culture is not a unified matter, even the most homogenous has tensions; if so, especially for pluralistic societies, one finds a kulturkampf about morality. In such a case, talk about human rights is usually reducible to the partnership of the need for social stability and the directional imposition of a cultural attitude by the strongest social group on the legal and institutional orders of the society. The result is taken to be a sort of morality; it is qua the cultural that separates persons and groups from one another. What gives this attitude special appeal to some theorists is it reflects the relativist and historicist working assumptions of the social sciences. The psychological effect is an attitude that destroys the basis of morality as a “cosmopolitan” matter.

“But do you have a view of human rights and how does it relate to your moral fundamen-tal?”
Response: The theoretical situation does not offer a consensus of whether human rights taken in a cosmopolitan or universal normative structure even exists. The intention to help others better considers man to be a natural being with obvious fundamental needs. The moral intention is, at its minimum, focused on ensuring health and safety for human beings. One must seek peace. Thus, it is necessary to avoid obviously degrading and exploitative behaviors. These degradations are rampant in the culture of Western entertainment and business practices. The stimulation of greed, lust, and arrogance as an inclination to action needs moral restraint, aided by social ideals and instrumental institutional construction. The culture that speaks of human rights needs to show willingness to obstruct the forces of exploitation and manipulation. It must attend as a sign of moral intention to those that are obvious.

Understandably, this demands prudence and intelligence but, just so, we need to invoke the power of a moral ideology for a transformation and purging of social practices and individual psychology. Further, I take it as a dogmatic principle that moral intention is expressible and properly expressible as a global or cosmopolitan task, it is not merely to be the task of one’s nation or some particular group of individuals forming some sort of community, religious or ethnic. If the principle of human dignity is the guide, through experience, one should expect intelligent responses to the new horizon of actual global conditions; nevertheless, the basic things leap out at one, as the child has seen that the Emperor is not wearing clothes. As I have reiterated, some things are obvious. Further, among things especially obvious, the circumcision of the individual heart becomes the authoritative sign in the flesh when one acts in the ambit of one’s daily life as a member of the party of humanity.

Note
1. With slight revisions, this paper is the Jean Monnet Lecture given at Universita’ di Trento, Italy, on 12 May 2003. The author can be reached via mabertman@yahoo.com