

HUMAN RIGHTS FUNDAMENTALISM

HOW HUMAN RIGHTS BECAME THE MODERN MAN'S NEW RELIGION

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In my essay, I will be seeking the answer to the following question: Does the modern interpretation of human rights provide a solid foundation for our society? Let us consider human rights. However, please allow me to approach the subject from the direction of another concept. That of identity.

Nowadays, a lot is said about the crisis of European identity. The existence of this crisis has become rather commonplace. At the same time, for most people, this European identity that is supposedly in crisis and seems so important to many, escapes definition. Either a definition cannot be provided or it is being avoided. I will attempt to do so below.

It is of course self-evident that an identity is a collection of those factors which define an individual. But what are those factors? In my interpretation, any individual that ever lived in history defined himself in a three-part system.

The first part, and this is the basis of everything, is the relationship between the individual and the sacred, the transcendental. It is undeniable to all people of faith that man, flowing from his nature, recognizes with his mere mind the necessity and inevitability of God's existence. What follows is that the transcendental preceded God's revelation. So, the relationship between mankind and the transcendental is as old as humanity. As a result, we can say with confidence that the foundation of the identity of man, even at the dawn of time, was his relationship with the sacred. As it still is today. Religious convictions

have changed throughout history and religious convictions remain different in various parts of the world today, but the foundation for any man that ever lived or will ever live has to be his faith.

The second part is the relationship of the individual with his smallest, tightest community - his family. This relationship is naturally built on the first one, the transcendental. Marriage is and was, always and everywhere, more than merely an economic union.

The third part is the relationship of the individual with the larger communities that he is a part of. Be it cities, regions, or nation states.

Thus, through these three relationships: the transcendental, family, and state, any man anywhere can and could define himself. Allow me to illustrate this with an example: I am a Roman Catholic, married to my wife, father to my child and a proud Hungarian. This is my identity; this is how I identify.

So, when we are trying to pinpoint what constitutes European identity, we will find that, until very recently, most Europeans were Christian, based their family life on the Christian family model, and were citizens or subjects of their nation-states. This is no longer true today. European identity has changed. It has become corrupted. This corruption of European identity was a gradual process.

The first step was the deconstruction of the foundational element of identity. The relationship to the transcendental, the denial of God's existence. Everything was based on this. And once this subversion succeeded, everything else became simple. If there is no Creator, there is no creation. It cannot be true, that God created men and women who are joined together in a sacred union. Everybody is free to decide whether they want to be a man, a woman, or perhaps something entirely different. Gender studies - as they are called - distinguish between more than a hundred different genders. This nullifies the foundation of the family - the sacred union of a man and a woman. And thus fell the second bastion of identity.

The third and final stronghold of identity is the nation-state. Its deconstruction is ongoing. The details of the tools and methods used are tangential to the main purpose of this essay, so I will just mention a few. There is mass migration which undermines the homogeneity of nation-states' populations. International organizations and courts that work systematically and in harmony to undermine the authority and sovereignty of nation-states. Should they be successful and should nation states disappear, nothing will be left of European identity. Nothing will be left based on which we could call ourselves European.

Forgive this long introduction and I do realize that I haven't even touched upon the subject of human rights. But I hope you will soon understand my reasons for speaking about identity for so long.

Above I described the three-part nature of identity. The transcendental, the small community, and the larger community. This

definition applies to every human being who ever lived or will ever live. And it is my firm conviction that this applies to today's man who abandoned his faith as well. Of course, one might argue that the deconstruction of Christianity created a Europe that is atheist. And as a result, the transcendental cannot form the basis for a person's identity. But I will try to explain why, nevertheless, it still does.

In the modern identity, the principle of human rights has replaced the sacred as the first step or fundament of identity. This is the basis of everything, it is the religion of the modern man. This might sound strange at first as religion is a moral category. And human rights are rooted - in theory at least - in law. In reality, the legal norms describing human rights are different from any other legal norm. The function of legal norms is to create balance through justice. For instance, if somebody should cause material damage, he must pay a restitution. If somebody should commit a crime, he will go to prison. If somebody should avoid paying taxes, the state will not only collect them but will mete out a fine. In other words, if something "A" happens than "B" must follow. Cause and effect. This is how legal norms operate.

Human rights, however, are different. There is no cause and effect, there is no A and B. We are entitled to some things without any precondition. We have the right to vote. We have the right to express our thoughts. More recently, a man can live as a woman, a woman can live as a man, and she even has a right to kill her child. We did nothing for these prerogatives, we are entitled to them. This has nothing to do with that nature of law, which seeks balance. This is not the nature of a legal norm; this is the nature of moral rules.

We have the right to vote, because democracy is good. We can express our opinions because a multitude and variety of opinions is good. It may sound monstrous, but a woman has the right to live as a man, and man as a woman, because it is good in the eyes of the modern man. Since modernity considers these things to be good, then it follows that their opposites must be evil. And the state must counter evil. This has nothing to do with law, it is a form of morality. Grégor Puppink wrote a brilliant book on this subject¹.

The regime of human rights is a modern religion. This has replaced Christianity in Europe as the cornerstone of modern European identity. Yual Noah Harari, a contemporary Israeli author, who is one of the most popular thinkers of our day has arrived at the same conclusion. And that is despite the fact that his approach to life and mine are diametrically opposed. He is a devout atheist. And nevertheless, liberal philosophy recognizes that the humanist religion – a description used by Harari – along with human rights have replaced Christianity as the foundation of European identity.

According to my beliefs, the fact that man was created causes his profound need for some form of religion. One that is a faithfully

1 G Puppink, 'Conscientious Objection and Human Rights: A Systematic Analysis' (2017) 1(1) Brill Research Perspectives in Law and Religion 1 <<https://eclj.org/conscientious-objection/echr/objection-de-conscience-et-droits-de-lhomme-essai-danalyse-systmatique>>, DOI: <<https://doi.org/10.1163/24682993-12340001>> accessed 16 October 2020.

adopted system. Which forms a coordinate system, a universal guide for every aspect of life. Therefore, although Christianity might have been subverted, Man's need for religion remained and as a result something had to be found to replace Christianity: this is what the regime of human rights became. Just like Christianity or any other religion which carries a moral code tells its followers what is good and what is evil: human rights act in the same manner. This is the first step of the new identity. The transcendental without the sacred. Just like in the case of traditional European identity, every other element rests on the first step. Family as the tightest circle of community, in its modern interpretation is almost unrecognizable. It is a family in name only and has nothing in common with the Christian concept. For a modern humanist the sacred union of man and woman is incomprehensible. For him there is no woman, there is no man and there is no sacred. And so, the elevation of same sex marriage to the level of fundamental rights has been accomplished in most developed countries. The thought of what comes next terrifies me.

And family is not even a true defining element for the modern identity. It's relevant for them only in as much as by deconstructing and reinterpreting the family, they can subvert traditional identity. The second step of modern identity which replaces family, is a collection of mini-communities, quasi-communities which are built around some pseudo-transcendental element. One instance is environmentalism. It's important for us to see, that it springs from human rights as well. It is an extension of the right to a healthy planet.

The devotion that characterizes those people who fight with a focus on environmentalism is the same religious fanaticism that sometimes grips followers of the traditional religions. There is no profane or worldly phenomenon that engenders such fanaticism. It always has something transcendental in the background. Mother Nature or Mother Earth as it is called. Concepts that have no personality are anthropomorphized, endowed with human characteristics, so as to put them on a pedestal and bow down to them, as if it were a miniature god. We Christians have a word for this: idolatry. The most hateful sin, since ancient Christian times, and even since ancient Jewish times, was: blasphemy. This is what defines the second level of modern identity. The same adoration surrounds LGBTQ+ rights and abortion rights. All of these are idols.

The third step for modern identity is, ironically, humanity. Earlier, I mentioned that the third step of traditional European identity was the nation state. It is being replaced by global humanity for modern identity. It is still an ongoing process, so the battle has not been lost yet. In order to make the substitution, it is evident that the nation state must be deconstructed. It is important for to see that this is also based on the central element of modern identity:

2 A Pellet, '„Human rightism” and international law' (lecture delivered on 18 July 2000) <<http://pellet.actu.com/wp-content/uploads/2016/02/PELLET-2000-Human-rightism-and-international-law-G.-Amado.pdf>> accessed 16 October 2020.

human rights. Alain Pellet called it human rightism². The Center for Fundamental Rights refers to this phenomenon as “human rights fundamentalism”.

The globalization of human rights is key to this process. These rights know no borders. From a pragmatic point of view, or for the geopolitical realist, this of course means that any violation of these universal rights creates a basis in international law for military intervention – the use of force, violence. If and when one's interest so demands. From the point of view of identity, however, this means that there is no longer any need for nation states as they are irrelevant from the perspective of fundamental rights. Moreover, the nation state is actually a roadblock, as the legal frameworks of individual states and their judiciaries, may invest the universal rights with diverging substance. For the modern man, it would be much simpler to have supranational institutions empowered with a monopoly to interpret these rules.

Thus, these are the three elements of modern identity:

- The religion of human rights which has replaced Christianity, but defines the other two elements of modern identity in the same way as Christianity defined the other two elements of traditional European identity.
- The second is the redefined “family” and the communities congregating around idols, which are often unreal and only exist on the Internet.
- The third element which has replaced or is replacing the nation-state is global humanity.

All three rest on the foundation of human rights, which constitute the basis of the entire concept of modern identity.

At the beginning of this article, I promised that we will get to the question of how stable a foundation this is. Well, the answer is obvious. It is as stable as anything that is deprived of its elemental principle. It is a religion without the sacred.

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ABSTRACT:

It is said that human rights are universal. They will protect us from the state. Human rights must form the basis for any interaction of individuals with each other and with the states. Governments must always abide by them. Human rights are “enshrined” in international declarations, treaties, and agreements. Human rights touch all, guide all, and guard all. Or so it seems.

ABSTRAKT:

Fundamentalizm praw człowieka. Jak prawa człowieka stały się nową religią współczesnego człowieka

Uznaje się, że prawa człowieka są uniwersalne. Chronią nas one przed państwem. Prawa człowieka muszą być fundamentem wszelkich interakcji między jednostkami, jak również między tymi ostatnimi a państwami. Rządy muszą ich przestrzegać. Prawa człowieka są “zapisane” w międzynarodowych deklaracjach, traktatach i umowach. Prawa człowieka dotyczą wszystkich, wszystkich prowadzą i wszystkich chronią. Albo tak się wydaje.

KEYWORDS:

human rights, modernity, international law, philosophy of law

SŁOWA KLUCZOWE:

prawa człowieka, nowoczesność, prawo międzynarodowe, filozofia prawa