

3. “**Because a (narrower or wider) universal community widely prevails among the Earth’s peoples, a transgression of rights in one place in the world is felt everywhere [...].**”

Immanuel Kant, *To Perpetual Peace. A philosophical Sketch (AK VIII,360*
Translated, with Introduction, by Ted Humphrey. Indianapolis, IN: Hackett,2003 [1795], p.18.

I shall start this essay by offering some thoughts about a few concepts mentioned in this quote. Though they might seem self-understandable, I hold a view that even if universal truth exists, language remains a highly subjective tool (and weapon) where it is possible to infinitely play with combinations of words and their various meanings to create statements which configure in different power games. Thus I offer these subjective definitions:

1. **Transgression** holds a negative connotation, for something which was true becomes false, in process harming an entity for whom/which it was an element of existence (empirical examples will be offered later, for I will be writing about not-so-abstract concept of rights).
2. **Community** (of people – which prevails) refers to a state in which people are, not to a collective subject. This offers us space to discuss about different worldviews instead of falling into universal dogmatism where all is one even on the material level and where the presence of any real conflict does not exist.
3. **Rights** are, as it was previously mentioned, not something which is only present on an ideal level, but something that has a direct impact on minds and bodies (as containers) of those who exercise (or cannot exercise) them.

One could try to restrict himself to holding onto the idea of Kant’s categorical imperative when analyzing Kant’s quote, but rights themselves are not morality, they are a social product, and we need a social organism for rights to take place. The idea of rights could stem from every individual’s ability to differentiate right from wrong by leaving a state of ignorance which rejects rationality. However, one can also ask – are rights themselves always connected to morality, or maybe they can be immoral too? For example, if everyone has freedom of speech, will not that lead to a state which is more prone to erupt into a rejection of categorical imperative as the absolute truth? I do not aim to answer this specific question, but I aim to divide my essay from

Kant for what interests me is not morality, but rights, statements different from the essence of morality.

For example: “Do not kill” is a moral statement, for it is something deemed universal in Eurocentric culture – it is a warning and prohibition, and its basis is in a belief, that an act of killing is immoral, and morality is a cohesive force that connects humanity. However, when it is written that “Every human being has a right to live”, it is in a domain of law which uses ethics, but which does not discuss ethics, yet uses them for its own ends. I am using a pronoun “its” for I bind law to the Earth and humanity. Law is people, those who create it, those who practice it, and those who are objects of law. Kant states that moral compass is located inside each of us – but rights are born in(to) a society.

Creation, transgression and destruction of rights cannot be divided from each other. If a right is to be transgressed, it must exist at the first place. In order to exist, a certain level of power must be present in the hands of a subject (and individual, or a collective entity) which will proclaim that right. If there is enough power, that right will be followed and reproduced by other subjects. An important question which the quote problematizes is if the transgression of a right somewhere is felt everywhere. For example, the subject A (a monarch of one state), denies the subject B (denizens of territories he conquered) a right to meet in groups. That might seem as a simple exchange between two subjects (albeit one is on the receiving end), but such a transgression will directly influence the other subjects, e.g. potential settlers from the first country to the other who will gain more power for they have possibility and ability to unite, a ruler of a country for whom it will be harder to regain his throne, for merchants who might try to sell their products on now nonexistent markets. No matter how simple are both a transgression and a right transgressed, a concept of community mentioned at the beginning disallows isolation when the matters of law are present.

Such a theory seems viable, but is there even a possibility to come to any sort of conclusion if one generates hundreds of subjects for every specific situation which refers to narrower universal community? Without an universal concept, one is unable to grasp the ever-important *ever*, as in *everywhere* as the central part of Kant’s statement. If we look at it from the perspective of ethics, it might seem simple enough – transgression of rights (which in that case equals immorality) disregards categorical imperative, and thus a new, improper maxim is given birth to, influencing

the whole of humanity. Yet, as it was already written, morality and rights are separate categories, and this would be an inconvenient and illogical conclusion if that lead is followed. Is there another solution, another view which might offer a terrain for discussion?

A few decades after Kant, Karl Marx has given birth to the class theory, which states that there are only two classes of humans in material existence – those who live from their work, and those who live from the work of the first group. In such a world, the first class is an object of tyranny coming from the second class, which exists in a constant fear, for it will cease to exist if not upheld by the overworking of the first class. However, one should not imagine a world-wide plantation, yet a system more discreet and even more strict when it comes to controlling bodies and minds of those in a submissive position. One of the main tools is, logically, law, and so are rights, as an aspect of law.

At the beginning of essay I tried to separate idea of rights from morality, but now I would like to offer a new solution – rights (and law) are contrary to morality - if morality is viewed as something universal for all of the humanity, no matter if it should stem from the individual, from the collective being and/or from the God. Rights as we know them are always created by a subject in the different position from the quasi-collective entity on which they are prescribed. By using a word *everyone*, rights are coated into a fake layer of cosmopolitanism and given a position in the domain of ethics. However, is not the idea that somebody must create those rights in language - and that rights differentiate, and that they can change and, the most important, *can be transgressed* - completely different from the universality of Kantian conception of morality? Rights are statements, and statements are prone to language games, thus they are relative. Transgression of rights is a product of power relationships in which those who hold more power can write, transgress and destroy rights. Thus, we reach *everywhere*. If the class theory is looked upon as relevant, transgression at one place is automatically born in language, which means that the same method of transgression is enabled to take place anywhere else, for then it exists in knowledge. We do not need to imagine an absolute oligarchy where a group of people creates, and afterwards transgresses rights – it might even seem absurd (though an entity can rationally choose to act in opposition to previous acts, for it might reap benefits from it – e.g. a merciless war can be followed by merciful sets of regulations and then by merciless transgression of those rights if there exists a threat of retaliation). What we do need to present to ourselves is a

possibility that there are only two subjects – one dominant, one submissive. Hence, if the dominant subject commits transgression of rights at one place, the whole body of the submissive subject receives a wound, for it loses power which needs to be generated if there is to be a change in that power system. It does not refer only to place, but time as well – transgressions of rights committed a hundreds of years ago can be, felt in this moment, at other places too (e.g. (neo) colonialism and ever-present power play when it comes to the (“former”) colonies as a limb of a hitherto mentioned submissive subject).

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I shall conclude this essay with an attempt to sum up everything hitherto written through a logical sequence. Morality might or might not be absolute, yet in Kantian sense it is absolute and universal. I differentiate it from rights for rights are in the domain of law, and morality is outside the law, even though interpretation of it plays a crucial role in the creation of it. Law – as the subject – creates rights, but it also transgresses them, for, if a subject outside the law changes rights, it becomes law because it deals with prescriptions which are in its domain. For the transgression of right to exist, at least two subjects need to exist, one to transgress rights and one to previously possess rights that are being transgressed. The concept of community refers to a state of interconnection, but guided by theories of conflict, I deem it that community as a term does not expel the possibility of conflict inside the humanity – it merely offers us a view of universality. One could stop here, and create a theory which supports the view that there are many subjects which change positions of power and influence each other, but it would still not help in analyzing the quote, incomplete and incoherent as it (theory) is. Thus, I have called upon a class theory, which introduces idea of two subjects that are in a constant conflict and where one (at the moment) holds a dominant position. Law, as an entity, is a product of that dominant subject which uses law to effectively control minds and bodies of the submissive subject. If we are able to name the whole of humanity as either the dominant or the submissive subject, a statement that transgression of rights in one place is felt everywhere is, for the transgression of rights than reveals itself as a process in which one subjects collectively oppresses another subject. At the end, I also introduce a dimension of time, which would support idea that transgression of rights is not just felt everywhere. It also changes history of everywhere.