

Eusebism and the Unified Theory of Rights

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Abstract

In ancient Greece was coined the term εὐσέβεια to define a sense of respect of exceptional magnitude, as the two terms used implied "εὐ" (good) and "σέβομαι" (to respect, revere).

We live in what Bobbio described as “the age of rights” and new rights are raising everywhere, as well as the proposals to recognize new subjects of rights (e.g. nonhuman animals), but are there really so many different rights? Is it possible to identify just one common principle, of which all those “rights” are mere specifications?

Eusebism is intended to reunite any relationships, and to show how different proposals are simply shifting the discrimination’s paradigm (e.g.: from humans to nonhumans), not even trying to remove it at all, due to a misconception at the basis.

The Eusebism’s unifying element is absolute and unconditional respect for everything that exist and that, since strictly connected (humans, nonhumans, the environment), may not be artificially divided, just to consider as “good” the predominance of one over another.

Humanism, animal rights, environmentalism represent philosophical currents that, even if useful and innovative, still remain confined within objective limitations, since all consider just one element.

Eusebism incorporates all those perspectives, assimilating them inside a general comprehensive theory that, recognizing and valorizing differences and diversities, rejects any discriminations.

Eusebism’s perspective inversion is explained by the question: “Why should I deny respect?”, in contrast to classical approach that, beginning from preconceived thesis, researches proves and demonstrations to recognize rights and respect.

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Positive Law And Law Of Nature

There is a law that is the set of rules codified and incorporated into an order: we call this “positive law”.

Legal positivism states that law is a mere social construction.

Natural law theories state that laws should just transpose the principle of nature.

According to Bobbio, the persuasion of the existence of an absolute foundation of right would arise as a result of the action of persuasion. The proponents of new rights would reach to believe that their arguments are compelling and undisputed and that, therefore, they transcend the individual social contexts.

It was Bobbio’s opinion that there is an irremediable contrast between different interpretations of what is “natural” and what is not, and he assumed that as a proof of this theory’s wrongness.

I think that Bobbio was wrong, as the existence of different opinions, in itself, doesn’t imply that one may not be correct: this only proves that different people have different ideas.

The intellectual aversion that the contemporary age has developed against the natural law has led to contradictions and gimmicks, such as that of the Italian Constitution, that in order to avoid the use of the expression “inherent rights”, referred to the “unalienable rights”: where the first phrase refers to something that inevitably existed before man, the second—in the name of understatement—simply alludes to something that, pre-existing or not, cannot be denied, removed, disposed or alienated.

But why can it not be alienated, if there is not an innate principle? If everything is a source of the will of the law-maker, who is citizen of its time and its socio-cultural context, why should we consider something intangible?

Stating that there are no absolute and innate principles, of which laws are mere transposition, contradicts the daily observation: everybody, even without studying the law, feel deprived, when they suffer what they consider an injustice.

Anyone considers himself injured if, without having done anything to others, is beaten, killed, deprived of liberty, etc.: in my opinion that does not happen because there are laws, and people know that they have been violated, but because those expectations are innate and pre-judicial.

We could even not call “legal right” what is not sanctioned by the law, calling it “expectation” or “claim”, but that does not change the substance of the instances that are innate, not based on coding, and that do not cease even when laws refuse to acknowledge them.

If there was nothing “natural”, it would be unintelligible and without reason. From the dawn of the laws to date, certain contents have been constantly consolidated, and, when rejected, there have been revolutions, wars and fights to reassert them.

The history and the history of law teach that there has been an evolution towards a well-defined purpose, and that when some tried to reverse it, that was a failure: if, as dictated by legal positivism, there were no other rights than those posited, then why, for example, would the dictatorships of the '900 have disappeared under the pressure of freedom of expression instances? There are innate aspirations that push in one direction and in one only, which requires training and the adaptation of standards that reflect.

Unify The Rights

The historic route of rights was troubled and sometimes contradictory: I think that this is due to the inability of lawmakers to actually evade their own perspective, merely advocating the interests of their own or of their donors or sponsors.

For example the white law maker enslaved black people, Aryans banished Jews, men degraded women, human beings reified non-humans, etc.

For practical reasons, as well as philosophical, the only possible conclusion is that IF there are rights, then they must be up to all that is, or they cannot be recognized at all.

Of course I am not talking of civil law, which mostly comes from balancing of conflicting interests, and can only be of a conventional nature.

In short, I think that, if about civil law, the assumption of legal positivism is widely shareable, this is not possible when it comes to criminal law.

Given that we are discussing the idea of defining the limits of interference with others in relation to the fundamental aspects of existence, it is hard to consider the possible application of different criteria with regard to the same thing: as it is not “fair” to terminate the life of a human being, it cannot be fair to terminate that of a non-human, a plant, or to interrupt the flow of a river. Or, at least, we should find a principle (not arbitrary—and let me underline—NOT ARBITRARY) that justifies such discrimination.

All those law scholars who are not familiar with the animal rights theory may, of course, consider it illogical even to think about subjects of law different from humans. It is understood that in my theory animal rights are not the finishing, but the starting line.

Human animals, non-humans, plants, minerals, are all connected by a common origin, and the elements that constitute us are in constant transformation from one state to another.

What yesterday was gas in the air or mineral in the ground, tomorrow will be part of an animal body, and so on. Therefore, if I recognize the right to exist in an animal body, how can I deny it to the mineral or vegetable, which, in turn, allowed it to exist?

We should have clear the difference between shifting discriminations, and removing them at all: while today biocentrism is considered the most advanced and comprehensive theory, I also disagree with it for some reasons.

In first place: i) the definition of what is “life” is a convention, also subject to criticism and different theories (e.g.: virus), ii) not knowing the phenomenon which enables what we consider “not alive” to become “live” is not a priori possible to say that an act on the first does not afflict the second, for example preventing it to come to existence, iii) everything that human science describes as “alive” can continue to carry out its biological functions only through the use and interaction with what is “not alive”.

All the above said theories are simply trying to extend legal rights or claims, without actually giving up the subjective perspective, but they seem to miss the point that in a closed system, which on a large scale can be thought of as the whole universe, we cannot exclude a priori some elements, because all are interconnected and interdependent.

In philosophical terms, an attempt was made to limit (or, as in the minds of many, “to extend”) the ownership rights on the basis of the intellect, the ability to speak, to discernment, to feel pain, to carry out a process “vital”, but these should not be assumed to discriminate between those who can and who cannot have rights, but—if anything—useful parameters to determine “what” rights should be recognized and to whom.

Who owns an intellect that makes him capable of complex thoughts will, for example, claim the right to express those thoughts, or, who can feel pain, not to be injured, those who live not to be killed, etc.

Different beings, different characteristics, different needs means different rights.

I can even say that when we discuss about some human behaviors, we use misleading concepts: we can call “racist” anyone who is against people of different colors or from different parts of the world, as well as we can call speciesist those who eat animals. I don’t think that those people actually hate foreigners or animals: I rather think that they are just selfish and that they prefer to be in charge, or are trying to protect themselves from those they consider a menace, or simply satisfy their taste.

In short, it is clear that humans are largely affected by a problem of selfishness, and each time that we simply move the stick—for example granting rights to the slaves but not to the animals— we are not removing any and all discrimination; therefore, we are actually making a discrimination.

Conclusions

It makes no sense to talk, distinguishing them, about human rights, animal rights, environment: everything that exists is interdependent and denying the ownership of rights to some, attributing them only to others, is a short-sighted and arbitrary discrimination, which—by syllogism—does not really allow for the protection of anyone.

Nor is it necessary to speak of “right”, because the words are used only to invoke concepts based on conventions, and it is wrong to stay attached to them, so much so as to dismiss the substantial problem, staying anchored to the form: protection, right, aspiration, expectation, etc. can be used and interpreted endlessly, but the key issue is to implement those absolute moral principles and translate into behaviors and rules that guarantee them.

Should we define this system “right”, “law”, “protection”? I do not think that it is important, since the words have only the meaning that people decide to give them: for

this reason, I find useless the endless treatises on the meaning of “right”, given that it is a concept devised by man; therefore, describable in any way.

By contrast, a moral “right” is something that must pre-exist to definitions and interpretations; otherwise, it would be mere will (of peoples or individuals it does not matter): this is where the rules must tend, in an impartial and objective light, so that the author may appear to be a man as well as a woman, a human being, as well as a non-human, etc.

As long as the regulatory principles will be inspired to favoritism towards the law maker, what is “right” cannot find citizenship in laws.

As long as our concept of right will leave out the interconnection of everything that exists, it will be forced to grope in the darkness of prejudice and discrimination, as a mean of harassment of all, since there can be no respect for anyone if there is not for each.

I believe that a unified theory of rights is the only possible solution to exit the crisis, cyclical and inevitable, in which human societies have continue to lie, due to the inability to deal fairly with the fundamental questions of existence.

Once we have understood and stated the principles to define and inscribe in them all that exists, as in physics, the right can be considered perfect; that is, capable to properly govern any relationship.

To exit from the subjective perspective, my theory, the Eusebism, promotes the adoption of five basic principles, which characterize the moral theory, and that are, therefore, transferable to right:

- 1) RESPECT (for what is other than itself)
- 2) OPPORTUNITY (repeatability by an undistinguished number of subjects)
- 3) BALANCE (the interests involved must receive mutual satisfaction)
- 4) CIRCULARITY (first law of thermodynamics, nothing is created, nothing is lost: everything turns)
- 5) NON-INTERFERENCE (not to interfere with the existence, evolution or the survival of what is other than itself)

In concrete terms, the unification of rights can take place through a reformulation of the rules designed to punish all human conduct detrimental not only (directly) to other humans, and giving up the notion that those who make the laws can arbitrarily dispose of everything else.

The scope of such a change is so radical that today it is hard to imagine the practical application and it is clear that it will require a long transition for the social values to evolve to such an extent as to be fully applicable to such a regulatory system; however, we should not be discouraged by the complexity and length of time that will be needed to fully realize the change: on the contrary, it is necessary to focus on the importance of beginning it.

It is my opinion that even if we focus just on human rights, we can see that the distinctions are confusing, since they should be conceived just as mere specifications of the same principle. From a moral point of view, it should be clear that there is not anything like racism, sexism, speciesism, etc. Those are just symptoms of the innate human aptitude to prevail over others: once we have this simple fact clear, then we are free to proceed to the next step—to fight against any and all discrimination.