

# The Call for Proximity: Towards a Phenomenology of Human Rights

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The concept of human rights is increasingly accepted around the globe, and yet the question of their justification remains open. In liberal political theory, human rights are based on the dignity and autonomy of the subject, that is, the capacity to decide upon morally acceptable laws for oneself. In the posterity of Kant, “the categorical imperative would be the ultimate principle of the rights of man” as “reason yielding to reason” (Levinas 1998, 157).

According to the French philosopher Emmanuel Levinas, such a reliance on reason and knowledge must be questioned. For Levinas, morality based on reason does not capture the “childish virtue” of goodness, which is anarchical and prior to all abstraction. Such irreducible goodness is unthinkable without the irreducible alterity of the other. I am responsible for the other, I cannot do any good but for her. Sensibility towards the other precedes any formal universality. I experience human rights as “a right of the other man above all”, as “goodness for the first one who happens to come along” (158). It is not the rational sameness of the other that gives her a human right, but her irreducible alterity that allows for and, in fact, commands an ethical obligation to respect her right as a human being.

For Levinas as well as for Kant, human rights are essentially related to peace. As the argument goes in Kant’s “Perpetual Peace”, if the rights of man are respected on all levels, peace will follow necessarily. In his essay on “Peace and Proximity”, Levinas agrees that there is an intrinsic relation between peace and ethics. However, he questions the Kantian notion of peace. According to Levinas, peace cannot only be a common adherence to a universal principle. He calls this “the bourgeois peace of the man who is at home behind closed doors, rejecting that which, being exterior, negates him” (136).

Instead, he insists that my relation to the uncontrollable exteriority gives me my obligation as an ethical subject. The other, infinitely Other and close at the same time, calls for my proximity. Proximity is, then, not only a geographical but an ethical concept. It states the very paradox of an inexplicable and nevertheless infinite responsibility. “Proximity as the impossible assumption of difference, impossible definition, impossible integration. Proximity as impossible appearance. But proximity!” (138)

While Levinas criticizes Kant with respect to the abstract universality of reason, his account of a pre-political and alterity-based account of human rights needs to give an answer to the requirement of universality. If human rights are not valid for everyone and everywhere, they give up their essential characteristic. This tension is inherent in Levinas’ account of human rights. Yet, if the notion of universality is understood not as a general form, but becomes itself part of an ethical obligation, Levinas’ account does not fall behind the concept of universality. Rather, it can be read as the attempt to reverse universality into an ethical and not a formal notion. What I ought to do is

always yet to be determined by the ethical command of the other. The proximity of the other bears a concrete “‘difficult universality’ of the face-to-face” (Cohen 2007), which exists prior to the formal and abstract universality of reason. In this understanding, human rights are essentially precarious, but it is exactly this precariousness, this weakness of the other, which commands me to subscribe unconditionally to her right and commands me to be the guarantor of their universality. In this paper, Levinas’ ethics of alterity will be presented as a questioning of the widely assumed reading of Kantian ethics according to which Kant is the spokesperson of the modern autonomous subject. In a first part, Levinas’ account of anarchy and substitution is developed against the foil of a Kantian understanding of autonomy. According to Levinas, ethics cannot be founded on a principle but on an anarchical connection to the good, which is prior to reason. In a second part, the question of universality in Levinas’ alterity-based account of human rights will be addressed. The other demands to grant her right and I constantly need to universalize my responsibility in response to the other’s call.

## References

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