

What is Badiou attacking when he attacks 'human rights'?

Bill Bowring, London Metropolitan University

This paper, part of an ongoing project on international law, investigates one response to the burning question of our present conjuncture: are politics possible? And a subsidiary question: are 'human rights' a resource only for stasis and reaction?

In his *Ethics: An Essay on the Understanding of Evil*¹ Badiou declares that the "return to the old doctrine of the natural rights of man is obviously linked to the collapse of revolutionary Marxism, and of all forms of progressive engagement that it inspired."² Thus, Badiou defines 'ethics' and 'evil' radically, within a political problematic. For Badiou, "...the term 'ethics' relates above all to the domain of human rights"³. What then is the role of ethics? It is a block, "in the name of Evil and of human rights" on the event; it blocks "the positive prescription of possibilities...it accepts the play of necessity as the objective basis for all judgments of value". Badiou's diagnosis of 'ethics' is precise: "...from the beginning it confirms the absence of any project, of any emancipatory politics, or any genuinely collective cause."⁴

The possibility of politics is, for Badiou, the 'event'. What is the 'event'? Badiou identifies three major dimensions of a "truth-process" – the event, the fidelity, and the truth⁵. The 'event' is that which "brings to pass 'something other' than the situation" – Marx is, for Badiou, an event for political thought; the 'fidelity' is the "name of the process...an immanent and continuing break"; the 'truth' is "what the fidelity gathers together and produces". Later, he specifies that the Revolutions of 1792 and 1917 were "true universal events". St Paul's proclamation of the Resurrection was another.⁶

Badiou identifies two further blocks. One is Levinas' ethics of alterity" (and, for that matter, "culturalism"), for which he has no patience. Badiou says: "No light is shed on any concrete situation by the notion of the 'recognition of the other'."⁷ The other is the 'natural law' conception of Ernst Bloch's (and Costas Douzinas') "not yet" – the demand that human dignity is "not yet". For Badiou, "The Immortal exists only in and by the mortal animal... There is no History other than our own; there is no true world to come. The world as world is, and will remain beneath the true and the false."⁸

The texts in *Infinite Thought* do not address human rights as such. Does this represent a disjuncture in Badiou's thought? It should be recalled that *Infinite Thought* is a varied

¹ Badiou, Alain (2001) *Ethics: An Essay on the Understanding of Evil* (London: Verso); first published in French in 1998

² Ibid, p.4

³ Ibid, p.4

⁴ Ibid, p.31

⁵ Ibid, p.67

⁶ Badiou, Alain (2003) *Saint Paul: The Foundation of Universalism (Cultural Memory in the Present)* (Palo Alto: Stanford University Press)

⁷ *Ethics*, Ibid p.27

⁸ Ibid, p.85

collection of texts from before to shortly after *Ethics*.⁹ The ‘event’, as before, plays a crucial role – it is something in respect of which a wager is taken.¹⁰ The ‘event’ is closely linked to ‘justice’: “...once justice is conceived of as an operator of capture for egalitarian political orientations – true political orientations – then it defines an effective, axiomatic, and immediate subjective figure.”¹¹ He repeats that “politics is also a thinking” – and cites Robespierre, Saint-Just, Lenin, Che Guevara, Mao...¹², and cites Lacan’s comparison between the relation Lacan-Freud to the relation Lenin-Marx.¹³

Indeed, Badiou is one of the few contemporary philosophers to think seriously about the “collapse of revolutionary Marxism” mentioned above – and to engage with the question: what does ‘communist’ now signify?; and what is philosophy able to think under this name?. He adds in parenthesis – “philosophy under the condition of a politics.” This for Badiou is “... the tenacious militant determination, set in motion by some incalculable event, to maintain, come what may, the proposition of a singularity without predicate, an infinity without determination or immanent hierarchy...”¹⁴

Thus, in his final polemic, he asserts that the duty of philosophy is “...to rationally reconstitute the reserve of the affirmative infinity that every liberating project requires. Philosophy does not have...the effective figures of emancipation. That is the primordial task of what is concentrated in political doing-thinking. Instead, philosophy is like the attic where, in difficult times, one accumulates resources, lines up tools, and sharpens knives.”¹⁵

Badiou’s take on human rights is clarified further in an interview published in 2001¹⁶. He states: “Under the pretext of not accepting Evil, we end up making believe that we have, if not the Good, at least the best possible state of affairs...The refrain of ‘human rights’ is nothing other than the ideology of modern liberal capitalism. We won’t massacre you, we won’t torture you in caves, so keep quiet and worship the golden calf. As for those who don’t want to worship it...there’s always the American army...to make them be quiet.” He insists that nothing in the concepts of human rights or democracy leads in the direction of the real emancipation of humanity. “It is necessary to reconstruct rights, in everyday life as in politics, of truth and of the Good. Our ability to once again have real ideas and real projects depends on it.”

The ‘human rights’ which Badiou castigates are part of the block on politics. He insists that “...Politics is first the invention and the exercise of an absolutely new and concrete reality. Politics is the creation of thought.”

⁹ “Philosophy and desire” 1999; “Philosophy and politics” 1999; “Philosophy and psychoanalysis” 1999; “Philosophy and art” 1992; “Philosophy and cinema” 1999; “Philosophy and the ‘death of communism’” 1998; “Philosophy and the ‘war against terrorism’” 2001; “Ontology and politics” 1999

¹⁰ Badiou, Alain (2003, reprinting) *Infinite Thought: Truth and the Return to Philosophy* (London: Continuum), p.62

¹¹ Ibid, p.72

¹² Ibid, p.79

¹³ Ibid, p.85

¹⁴ Ibid, p.130

¹⁵ Ibid, p.163

¹⁶ Cox, Christoph and Whalen, Molly “On Evil: An Interview with Alain Badiou” *Cabinet magazine online*, Issue 5 Winter 2001/2, at <http://www.cabinetmagazine.org/issues/5/alainbadiou.php> (accessed 28 May 2005)

The question I pose, within Badiou's problematic, is whether the material effects of the theory and practice of 'human rights' could on the contrary have a political content, part of fidelity to the event.

First, however, I want to explore briefly Zizek's take on Badiou. I was through Zizek that I began to read Badiou.

Badiou and Zizek

As is well known, Badiou's writing is an essential resource for Slavoj Zizek's engagement with the possibility of politics, and with the exemplary (for him) figure of Lenin.¹⁷ Zizek affirms that: "The Leninist answer to the postmodern multiculturalist 'right to narrate' should thus be an unashamed assertion of the *right to truth*."¹⁸ This is pure Badiou! One should, however, equally note Zizek's critique of Badiou, for his Jacobinism and idealism. Thus, Zizek writes that "the 'pure politics' of Badiou, Ranciere and Balibar, more Jacobin than Marxist, shares with its great opponent, Anglo-Saxon Cultural Studies and their focus on struggles for recognition." In Zizek's view these and other French or French-orientated theorists of the Political aim at "...the reduction of the sphere of the economy (of material production) to an 'ontic' sphere deprived of 'ontological' dignity."¹⁹

In another text²⁰, Zizek asserts that Badiou "...gets caught...in the proto-Kantian trap of 'spurious infinity': a afraid of the potential 'totalitarian' terrorist consequences of asserting 'actual freedom' as *the direct inscription of the Event into the order of Being*, he emphasises the gap that separates them forever. For Badiou, fidelity to the Event involves the work of discerning its traces, the work which is by definition never done; in spite of all claims to the contrary, he thus relies on a kind of the Kantian regulative Idea, on the final end (the full conversion of the Event into Being) which one can only approach in an endless process."²¹

The important point for me is the point at which Zizek and Badiou meet, with plain consequences for a proper understanding of human rights as subversive. This can, I suggest, only mean that human rights as a scandal must always be political. Indeed, this is the only mode in which human rights can become universal. Zizek puts it this way: "Against the cliché according to which politics tears people apart...we should claim that *the only real universality is the political one*: the universal link binding together all those who experience a fundamental solidarity, all those who become aware that their struggles are part of the very struggle which cuts across the entire social edifice. To put it in Badiou's terms: universality (of the truth-procedure) can assert itself only in the guise of such a cut, of a radical division, at the very heart of the social body."²²

The question of foundations

¹⁷ Zizek, Slavoj (2004) *Revolution at the Gates: A Selection of Writings from February to October 1917 by V. I. Lenin* (London: Verso)

¹⁸ Zizek, 2004, *ibid*, p.177

¹⁹ Zizek, 2004, *ibid*, p.271

²⁰ Zizek, Slavoj (2001) *On Belief* (London: Routledge)

²¹ Zizek, 2001, p.125

²² Zizek, 2004, p.177

There is a further constellation of great interest for this paper – Spinoza, Negri, Deleuze, Balibar, Badiou. What unites them is their constant reference to first named, who was not only, in Deleuze’s words, the “Christ of philosophy”²³, but also, as Negri asserted of Spinoza in his great monograph of 1981, “His terrific metaphysical installation was quickly recognised as politics and presented itself immediately as revolutionary thought.”²⁴ Balibar in his own excellent small book on Spinoza says of freedom: “... it does not consist in the absence of causes for human action. It is neither a right that we acquire at birth nor an eschatological perspective that is indefinitely deferred.²⁵ For our *liberation has always already begun*. It is the *conatus* itself, the movement by which activity preponderates over passivity.”²⁶

One of Deleuze’s most powerful works, in my opinion is *Expressionism in Philosophy: Spinoza*²⁷, and, as already noted, Spinoza plays a central role in Deleuze’s philosophy. What Badiou establishes through a close and sympathetic reading, is that Deleuze subscribes without a trace of equivocation to Spinoza’s univocity of Being. Deleuze said in *Difference and Repetition*: “There has only ever been one ontological proposition: Being is univocal.” As Badiou notes, this is fully compatible with the existence of multiple *forms* of Being. “... this is true of Spinoza’s Substance, which is immediately expressed by an infinity of attributes.”²⁸

What does this have to tell us about foundations?

In his work on Deleuze, Badiou goes on to show that, far from repudiating the notion of ground, Deleuze has “a sort of unwavering love for the world as it is, a love that, beyond optimism and pessimism alike, signifies that it is always futile, always falling short of thought to *judge* the world.”²⁹ For Badiou, his philosophy, like Deleuze’s philosophy, is resolutely *classical*. He means any philosophy that does not submit to the critical injunctions of Kant, which considers that Kantian indictment of metaphysics as null and void, which upholds against neo-Kantianism that “... the rethinking of the univocity of ground is a necessary task for the world in which we are living today.”³⁰

Another account of human rights

In this paper, I wish to propose an alternative account, one which is already strongly implied in Badiou’s thought cited above. For surely ‘human rights’ were integral to the ‘events’ whose honour Badiou defends. One of the most revolutionary products of the French Revolution, recognised as such with horror by Burke and Bentham amongst others, was the Declaration of Rights of Man and of the Citizen. Lenin in 1917 not only proclaimed the “right of nations to self-determination”, which became to battle-cry of anti-colonial struggles, but also the rights of the working people which have since become enshrined as social and economic rights.

There is another way of putting this - as a continuation of Hegel’s critique of liberalism. As Stephen B. Smith put it: ‘Rights, then, are not simply given, but are part of a larger historical

²³ Badiou, Alain (2000) *Deleuze: The Clamour of Being* (Minneapolis: University of Minnesota Press), p.101

²⁴ Negri, Antonio (1991) *The Savage Anomaly: The Power of Spinoza’s Metaphysics and Politics* (Minneapolis: University of Minnesota Press), p.266, n.1

²⁵ pace Douzinas

²⁶ Balibar, Etienne (1998) *Spinoza and Politics* (London: Verso)

²⁷ Deleuze, Gilles (1992) *Expression in Philosophy: Spinoza* (London: Zone Books)

²⁸ Badiou (2000) p.23-24

²⁹ Badiou (2000), *ibid*, p.43

³⁰ Badiou (2000), *ibid*, p.45

struggle of human beings to achieve, or to become worthy of respect or recognition.”³¹ Žizek also proposes that it is only “... by problematising democracy – by making it clear that liberal democracy a priori, in its very notion (as Hegel would have put it), cannot survive without capitalist private property – that we can become truly anti-capitalist.”³² Thus rather than bare proceduralism (Habermas), or even political rhetoric or consensus (Loughlin), rights are shown to have a real, substantive content, which may be located temporally. This is not to relativise human rights. On my account, the concept of the universality of human rights on a foundation of natural law has no moral content. It cannot assist either in the critique of ideology or indeed actuality; nor can it provide the bridge which can indicate the actions we ought to take.

It is therefore my case that human rights are real, and provide a ground for judgment, to the extent that they are understood in their historical context, and as, and to the extent to which, they embody and define the content of real human struggles. That is also the meaning of the doctrine of the UN' sVienna World Conference on human rights in 1993, that all three generations of human rights are indivisible. This is - and in my own view will prove to be - much more subversive than at first glance it seems. This is also what Patricia Williams meant by "alchemy" in her *The Alchemy of Race and Rights*.³³ Human rights talk is often and increasingly the meaningless rhetoric of the powerful and the oppressor. But it becomes real when articulating the present, not the endlessly deferred, claims of the oppressed.

Thus, my paper will read Badiou both with him and against him.

³¹ Smith, Stephen B. *Hegel' Critique of Liberalism. Rights in Context*. (Chicago University Press, 1989), p??

³² Žizek (2004) p.273

³³ Patricia J. Williams *The Alchemy of Race and Rights* (Harvard University Press, 1992)