EDITORIAL

YVANKA B. RAYNOVA (Sofia/Vienna)

On the Relationship between Values, Rights, Norms and Feelings

The following special issue is dedicated to the 20th anniversary of the founding of the Institute for Axiological Research and its journal *Labyrinth*. The title "Current philosophical debates on values" may seem very broad at first sight, but it is not the impossible aim to present and discuss all, or "the most important", contemporary debates on values, but only a few that are at the core of contemporary philosophy.

Before going into details, I would like to recall that the interest in values has undergone quite a socio-political and, to some extent, philosophical transformation in the last 50 years. Whereas during the Cold War the struggle and competition between the capitalist and communist systems took place at all levels, and it was specifically a matter of proving that one's own system of values was the better one, after 1990 there was a re-evaluation of values, in which the question of the fundamental values of the European Union and their embodiment in a charter became paramount. This gave rise to a discussion about whether Europe should be a community of values or a legal order, and some philosophers, such as Robert Spaemann and Krzysztof Michalski, began to speak of a "terror of values".

In his article "Europa – Wertegemeinschaft oder Rechtsordnung?" (Spaeman 2001), Spaemann emphasizes that the discourse on values is both trivial and dangerous. It is dangerous because of its ambiguity, and it is trivial because we know very well that every society is based on certain common values, and that even pluralistic societies require some common values and value judgments that underlie fundamental rights. Against the Idea of Europe as a community of values, Spaemann argues that values are used in the European Union in order to legitimize different kinds of discrimination and to hoodwink existing laws. This happens with help of a strange dialectic between the dominating subjectivist

relativism of values and the absolutist pretensions of the valuations made. On the one hand, the term "community of values" is a relativistic and voluntaristic one. It is based on the fact that the Good is something relative, e.g., on the belief that we are the community of the good ones. On the other hand, this community of values reclaims an absolute validity, but this validity is a voluntaristic one. In fact, the values of each community are set by those who have power, and their fight for values is nothing other than a masked fight for power. Therefore, in a community of values, one must ask about the hidden interests: Who benefits from a certain value order? Who is the interpreter and the trustee of the highest values? The legal order of modern states is based on value insight, e.g., on the insight of the constitutive value of internal peace and tolerance. These values were derived from the nature of the person and lie at the basis of fundamental rights. In this sense Spaemann concludes that: "The future Europe should be a legal community that accepts and protects smaller communities with their own values, but refrains from being itself a community of values." (Spaemann 2001, 179)

A similar position, but elaborated with the help of other arguments, has been presented by Krzysztof Michalski in his article "Politics and Values." Michalski claims that nothing which we do is morally neutral, but the moral meaning of our acts is ambiguous and there are no clear indications of how to attain the good in this world. Politics and values are always closely connected because politics has to do with moral values, which cannot simply be reduced to material interests. Politics operates in a space of moral customs and expectations, of concepts of good and bad, of values. "Because society is defined by historically developed values, no community, no society – and this applies also to 'Europe' and to 'Austria' – can renounce the exclusion of other societies with other 'values'; only by this exclusion ... does each human community become what it is and get its specific character. Only when we are able to defend a certain way of life and its rules (our 'values') against this of others (…) do we become who we are. This is the reason for the existence of the explosive tension in the culture in which we live: modern European culture." Thus, the idea of harmony is utopian because, in a world of values which are set by someone, there can never be an identity of all subjective desires and representations, but rather a conflict between the subjects of different value sys-

tems. Therefore, the task of politics today is "the solution of conflicts in an incurably hetero-geneous human world," i.e., that our pluralistic world needs "something other than a morality, understood as valuation; it needs a politics in the sense of the art to resolve conflicts or at least to limit them. We do not decrease the conflict and the danger of a heterogeneous world by referring to values, because values do not connect, values separate. This belief leads Michal-ski to the following conclusion: in order to solve conflicts, one must try to contemplate all values (which Michalski identifies with preferences, representations and desires) from a cer-tain distance, instead taking a moral point of view: "Our common life must be regulated not by values, but by norms, which (…) are recognized as objective. If we grasp conflicts in mor-al categories, thus as value conflicts, we grasp them from the perspective of those involved (...) The value perspective on conflicts makes them still more dangerous." In order to under-pin this opinion, Michalski quotes Carl Schmitt's statement that the imposition of one's own values devalues the values of the opponent as non-values and operates without any respect, and concludes: "Values can become regulators of social life and its conflicts only if they are changed into objective norms. Legal norms allow us to view social conflicts (...) from a dis-tance." (Michalski 2001, 217)

The whole problem with the position of Spaemann and Michalski is, in my opinion, that legal norms are not value neutral but always based or/and legitimazed by values. So the discussion goes around in circles. Just as values are set and abused by those in power to discriminate against others, laws are made by those in power to enforce their position and value order. Not only the Nazi regime, but other totalitarian regimes have used the legal system for repressions. As I have already shown elsewhere (see Raynova 2015), it would be much more productive if the value community and the legal system were not played off against each other, but thought together in order to find solutions for a more just social and political coexistence.

The debate over whether Europe should be a community of values or a legal order seems to be gradually exhausted in socio-political and philosophical terms. The remaining focus in the humanities is on research projects and sociological surveys examining the

prevailing values and attitudes across different age groups and professions in the various EU states (see Moser 2013). However, in the field of philosophy, new areas of interest have emerged. These topics are generally concerned with the relationship between values and rights, including fundamental rights and human rights, with the connection between values and norms, as well as with the relationship between values and feelings. These are also the topics that have been chosen for special consideration in this issue of Labyrinth. So, let us take a brief look at what the main points of view on these axiological subjects are.

The first essay examines the dominant conception of human rights, which assumes that human beings have an objective intrinsic value. However, the authors – Víctor Cantero-Flores and Roberto Parra-Dorantes – argue that this view is problematic and unjustified because it shifts from a non-evaluative to an evaluative statement, claiming that a particular entity has intrinsic value due to certain non-evaluative characteristics. Consequently, they propose a reinterpretation that entails a commitment to value human beings intrinsically without the need to appeal to the existence of an objective intrinsic value.

Laurent Balagué argues quite differently, defending the view that human rights should be seen as a value in itself that must fight against other values. Since human rights have become a value through history, it is important to know the course of this history and the philosophical theories associated with it. In this context, the views on human rights of Leo Strauss and Michel Foucault are reexamined and compared, which helps to reveal two conflicting conceptions of the essence of the human being contained in human rights.

Christophe Premat, for his part, relies on the philosophy of values developed by Cornelius Castoriadis and shows that the representation of values does not reflect a moral project, but rather a socio-political construction that must be carefully described in order to identify the transformation of values over time. Attention is drawn to the risk of dependence on established norms, which hardly allow for change, and to the fundamental value of autonomy, which alone is capable of challenging existing imaginaries.

The complex cognitive and axiological context of emotions is a special object of research in the essays of Frédéric Minner, Dina Mendonça and Susana Cadilha, and Bertille

De Vlieger. Frédéric Minner explores the relationship between emotions, values and social norms, arguing that emotions play a key role in understanding the rationality of human action and reaction in relation to values and norms. Thus, emotions seem to bridge the gap between rationality and normativity by articulating the rational recognition and production of values in relation to epistemic and action norms, both of which can be regulated by social norms. Dina Mendonça and Susana Cadilha adopt a similar approach, arguing in line with the ideas of Bernard Williams that emotions and sentiments are an integral part of rationality. In addition, Bertille De Vlieger illustrates the significance of emotional knowledge as a tool for regulating one's emotions in a manner that contributes to a fulfilling life.

The proposed essays in this issue do not claim to provide a definitive answer to the questions posed, but they do offer us new perspectives and readings that can serve as an impetus for new research on the interrelationships between values and human rights, norms and emotions.

Prof. Dr. Yvanka B. Raynova,
Institute of Philosophy and Sociology - Bulgarian Academy of Sciences,
Institut für Axiologische Forschungen, Wien, raynova [at]iaf.ac.at

References

Michalski, Krzysztof . 2001. "Politik und Werte," *Transit. Europäische Revue* 21, 208-217.

Moser, Susanne. 2013. "Europäische Werte auf dem Prüfstand". Rezension zu Regina Polak (Hg.), Zukunft.Werte.Europa, in: Polylog. *Zeitschrift für interkulturelles Philosophieren*, Nr. 29, 85-87.

Spaeman, Robert. *"2001. Europa – Wertegemeinschaft oder Rechtsordnung?" Transit. Europäische Revue* 21, 172-185.

Raynova, Yvanka B. 2015. "The European Values: A 'Dicatatorship' or a Chance for Union?" In Yvanka B. Raynova (ed.) *Community, Praxis, and Values in a Postmetaphysical Age. Studies on Exclusion and Social Integration in Feminist Theory and Contemporary Philosophy.* Vienna: Axia Academic Publishers, 333-35.