

# DISCRIMINATION, DEMOCRACY, AND POSTMODERN HUMAN RIGHTS

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## 1. INTRODUCTION

The question of discrimination, as far as it is considered in the field of philosophy, cannot be perceived as a problem which can be effectively combated. Even the most precise diagnosis of human nature will not restrain people from defining others as evil and inferior. The most universal and spacious conventions, declarations, cards or bills will not solve the problem either. They can be regarded as an example of applied philosophy at most. On the other hand, we should pose the question what the world would look like if political pragmatism were the main obligatory rule. Thus, the situation finds us between philosophical wishful thinking about a global order free from discrimination and macro – or micropolitical pragmatism.

Being an extension of difference as an inborn epistemological condition of every human being, the world without discrimination would involve a global consensus, which gives us a false promise but does not project a vision of how this promise could be realized. As Jean-François Lyotard saw it, nowadays consensus is a profoundly suspicious category. The reason for his thinking is that much pain and discrimination in various parts of the world was caused precisely by the need for consensus.

The only way to discuss the problem of getting rid of discrimination from everyday life would be by basing it on Jürgen Habermas' concept of ideal speech situation. It is found within communication between two or more individuals when their speech is governed by basic, but required and implied, rules. Communicative action assumes *ex definitione* reaching consensus that is a rationally motivated agreement. This kind of communication, which is opposed to the teleological and dramaturgic one, is the highest sign of rationalism. Although some are inclined to perceive the Internet as a revitalization of public sphere with its ideal speech situation, we should rather assume, with all due respect to the Internet's unquestionable significance for the issue of human rights, that it is a kind of exaggeration and consider Habermas' concept as an ideal type, hardly attainable in reality.

That is why we are doomed to the logic of irreducible difference, which should be accepted as a blessing, not as a damnation. Unless difference becomes discriminatory, there is nothing to worry about. It is a sign of the political nature of human kind in Aristotle's sense. A vision of a human being able to make a difference and to specify *ipso facto* their borders on different levels assumes in fact that she/he is able to act politically. Thus, the existential distinction between a friend and an enemy theorized by Carl Schmitt is a condition under which someone's action can be recognized as political.

Schmitt assumed that such a distinction should lead to elimination of the enemy, including murder. A question arises whether discrimination can be recognized as a sign of the political? It is worth quoting here classical Carl von Clausewitz's definition of war. In his opinion "[...] war is not merely a political act, but also a real political instrument, a continuation of political commerce, a carrying out of the same by other means"<sup>1</sup>. Despite all controversies of such a statement as well as the fact that contemporary wars have little to do with those of Clausewitz's experiences, we can put a question: if war can be the incarnation of the political, why should it be different in the case of discrimination? Inalienable human dignity ought to be the marker of borders of the political. But what is

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<sup>1</sup> C. von Clausewitz, *On War: The Complete Edition*, Rockville 2009, p. 24.

human dignity? What is it that makes a person a person? There are no answers to these questions, and even if there were some, they would not be factors explaining anything.

To some extent, it is a Derridan apocalyptic vision of apocalypse. Truth, in the name of which some wanted to put through their vision of human being as well as human dignity, was never achieved. The world of universal equality will be possible only when the apocalypse begins, since only then will we know who we are for sure. Therefore, a desire for truth, Jacques Derrida claims, is a desire for death<sup>2</sup>. This point of view has nothing to do with nihilism. We do not have to know the answer to the question about dignity, we do not have to know the inner essence of the human being in order to protect them. As Ernesto Laclau puts it, "Abandonment of the myth of foundations does not lead to nihilism, just as uncertainty as to how an enemy will attack does not lead to passivity"<sup>3</sup>. Immanuel Kant was the first to give sense to untranscendental ethics by creating his categorical imperatives. Yet, it seems that after the two world wars even such a version of ethics is unsatisfactory.

The postulate of rooting out various forms of discrimination is unattainable. Moreover, the attempts at imposing on the non-western world universal human rights created in order to avoid any discrimination were the sign of discrimination themselves. That is why we should celebrate difference. It has no power of eliminating discrimination but the acceptance of conflicts which can emerge because of someone's sex, race, or colour affects the conflict's vehemence. Elastic social structures which allow frequent clashes of opinions are firmer than structures which aim at avoiding conflicts and maintain unity. Postmodern projects of human rights should focus on elaborating effective channels of world-wide communication of equals in order not to evade conflicts but to discuss and overcome them.

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<sup>2</sup> K. Wilkoszewska, *Wariacje na postmodernizm*, Kraków 2008, p. 53–54.

<sup>3</sup> E. Laclau, *Politics and the Limits of Modernity*, [in:] *Universal Abandon?: The Politics of Postmodernism*, Andrew Ross (eds.), Minneapolis 1988, p. 79.

## 2. POSTMODERN CRITIQUE OF HUMAN RIGHTS

In order to discuss the problem of discrimination according to the general issue of human rights, one should juxtapose former deliberations with the mode of philosophy that puts emphasis on difference and plurality. This philosophy is a broadly understood postmodernism. Two French postmodern philosophers, Gilles Deleuze and Félix Guattari formulate the philosophy of difference mainly as a destruction of the idea of identity. Yet, they distinguish between two forms of destruction: one of them is typical of a poet, who affirms difference by breaking the *status quo*, whereas the other one may be attributed to a politician, who denies everything that is different<sup>4</sup>. Assuming that the postmodern philosophy constitutes a decent basis for developing the postmodern vision of human rights, what we need to do in the first place is to reformulate the shape of contemporary politics in such a way that would reflect the postmodern celebration of difference. Until a new postmodern politics is created, we are doomed to the socio-political structures, which create a false vision of a unified world.

In order to give firm ground to the postmodern human rights, we have to know what is wrong with human rights in general. Human rights are thoroughly a concept of modernity, hence, there is a need of subjecting them to the postmodern critique in its nihilistic and affirmative dimensions. Only then can we consider the issue of discrimination in the post-modern epoch.

The majority of various objections towards modernity can be applied to the idea of human rights as well. Of course, postmodernists have not been the first to express such objections. Since 1789, i.e. the year of establishing *The Declaration of the Rights of Man and Citizen*, there have been a lot of different explicit or implicit voices against the declaration, like Bentham's, Burke's or Marx's, to mention a few. Bentham's philosophical critique of human rights was conducted on a completely different level than it is today. However, to some extent the difference can come out of the positivisation of human rights, the best example of which is the *Universal Declaration of Human Rights*.

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<sup>4</sup> G. Lambert, *Who's Afraid of Deleuze and Guattari?*, London-New York 2006, p. 112.

Yet, the postmodern critique of human rights may seem to be the most radical. Still, the issue of discrimination, even if considered from the postmodern point of view, does not go beyond the limitations of philosophical discussions on the one hand, and on the other – pure political pragmatism, which is, among other factors, responsible for the suffering of millions of people throughout history.

Those who believe in the ultra-radical power of postmodern theories are right in a sense. They can refer to the nihilistic theory of Jean Baudrillard or to some selected quotations from Jean-François Lyotard. Baudrillard's post-historicity assumes, for instance, that no real social change and no political revolt is possible. We live in a world "after the orgy", which "[...] was the moment when modernity exploded upon us, the moment of liberation in every sphere. [...] This was a total orgy – an orgy of the real, the rational, the sexual, of criticism as of anti-criticism, of development as of the crisis of development"<sup>5</sup>. The world does not emerge as a result of dialectic mechanism. Sign is not opposed to its reference just as truth is not opposed to falsity. The difference between them fades away in the logic of hyper reality, which requires something truer than the truth itself: fiction. From this perspective, Baudrillard defines human rights, dissidence, and antiracism as,

"[...] soft, easy, *post coitum historicum* ideologies, 'after the orgy' ideologies for an easy going generation which has known neither hard ideologies nor radical philosophies. The ideology of a generation which is neo-sentimental in its politics too, which has rediscovered altruism, conviviality, international charity and the individual bleeding heart. Emotional outpourings, solidarity, cosmopolitan emotiveness, multi-media pathos: all soft values harshly condemned by the Nietzschean, Marxo-Freudian age [...]. A new generation, is that of the spoilt children of the crisis, whereas the preceding one was that of the accursed children of history"<sup>6</sup>.

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<sup>5</sup> J. Baudrillard, *The Transparency of Evil: Essays on Extreme Phenomena*, London-New York 1993, p. 3.

<sup>6</sup> Idem, *Cool Memories*, London–New York 1990, p. 223–224.

From Baudrillard's point of view, the idea of human rights appears as an element of postpolitics or, in terms of the philosopher himself, as an element of the transpolitical. "The era of the political was one of *anomie*; crisis, violence, madness and revolution. The era of the transpolitical is that of anomaly: an aberration of no consequence, contemporaneous with the event of no consequence"<sup>7</sup>. In the frameworks of the transpolitical there is no place for hard ideologies. That is why ideology of human rights belongs rather to the order of simulation. "I think that human rights have already been integrated into the process of globalization and therefore function as an alibi. They belong to a juridical and moral superstructure; in short, they are advertising"<sup>8</sup>. As such, human rights do not serve as moral guarantees. The point of boundlessness has been achieved, which means that history does not end but vanishes. We live in the world of *indifference*, in which the idea of human rights is more and more based on the symbolic reality. "Human rights have been won everywhere. The world is almost entirely liberated; there is nothing left to fight for"<sup>9</sup>. In a sense, today human rights are a part of a symbolic exchange system. "The universal itself is globalized: democracy, human rights, circulate precisely like any global product, like oil or capital"<sup>10</sup>.

Baudrillard seems to reject pluralism, which, among other things, makes him problematic as a postmodernist. Moreover, the thing that differs him from many postmodernists is his nihilism. Admittedly, Baudrillard's nihilism of transparency has very little to do with the nineteenth century one, but still postmodernism is also affirmative and this kind of postmodernism assumes a possibility of social change. Douglas Kellner and Steven Best write that such philosophers as Richard Rorty or Jean-François Lyotard,

"[...] reject a global politics of systemic change in favor of modifications at the local level designed to enhance individual freedom and pro-

<sup>7</sup> Idem, *Fatal Strategies*, New York 1990, p. 26.

<sup>8</sup> Idem, *This is the Fourth World War: The Der Spiegel Interview with Jean Baudrillard*, "International Journal of Baudrillard Studies" 1(1), <http://www.ubishops.ca/ baudrillard-studies/spiegel.htm> [accessed: 01.12.2010].

<sup>9</sup> Idem, *America*, London-New York 1993, p. 112.

<sup>10</sup> Idem, *Selected Writings*, Stanford 2001, p. 281.

gressive change. Foucault and Lyotard reject utopian thought and the category of 'totality' as terroristic, while searching for new 'styles' of life 'as different as possible from each other' (Foucault) and a proliferation of 'language games' in 'agonistic' opposition to one another (Lyotard). Rorty merely – and meekly – seeks 'new descriptions' of reality that pluralize the voices in the social 'conversation', as he replaces normative critique with 'irony' and retires philosophy to a limited role in private life"<sup>11</sup>.

Pauline Marie Rosenau introduced the distinction between sceptical and affirmative postmodernism. The representatives of the latter,

"[...] are either open to positive political action (struggle and resistance) or content with the recognition of visionary, celebratory personal non dogmatic projects that range from New Age religion to New Wave life-styles and include a whole spectrum of post-modern social movements. Most affirmatives seek a philosophical and ontological intellectual practice that is non dogmatic, tentative, and non ideological"<sup>12</sup>.

Affirmative postmodernism is the position from which modern concept of human rights can be subjected to criticism in a constructive way. Sometimes affirmatives are openly critical with reference to modernism, sometimes they propose to combine strong elements of modern and postmodern traditions, and sometimes their position concerning modernity or postmodernity is rather ambivalent. That is why Lyotard or Rorty's considerations may seem not as radical as Baudrillard's ones. But in contrary to Baudrillard, they both try in a sense to redefine the way of viewing the world in order to show the true joy, which comes from obeying established life rules. To some extent, Baudrillard was inclined to cross out the reasonableness of the question of human rights, whereas Lyotard or Rorty finally make it possible to answer the following question: what is really wrong with the universal human rights?

Broadly speaking, there are three basic objections towards the modern concept of human rights:

- Western centrism and universalism;

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<sup>11</sup> S. Best, D. Kellner, *Postmodern Politics and the Battle for the Future*, "New Political Science" 1998, 20(3), p. 286.

<sup>12</sup> P.M. Rosenau, *Post-modernism and the Social Sciences: Insights, Inroads, and Intrusions*, Princeton 1992, p. 15–16.

- connotation of individualism;
- abstractness<sup>13</sup>.

Western centrism of human rights is very closely related to their universalism, which suggests that human rights are in force everywhere and belong to everyone, regardless of someone's *age, sex, race/ethnicity, material or employment status, etc.* Such a statement is rather dubious, no matter whether it is considered on the level of natural rights or of declarations established in a specific context and on the basis of specific European values. "It should not be forgotten – write Adamantia Pollis and Peter Schwab – that the San Francisco Conference which established the United Nations in 1945 was dominated by the West, and that the *Universal Declaration of Human Rights* was adopted at a time when most Third World countries were still under colonial rule"<sup>14</sup>. Chantal Mouffe sympathises with the above statement. Recalling Boaventura de Sousa Santos' ruminations, she writes that as long as human rights are conceived as universal, they

"[...] will always be an instrument of [...] 'globalization from above', something imposed by the West on the rest of the world, and that this will fuel the clash of civilizations. In his view, the very question of the 'universality' of human rights indicates that it is a Western cultural, question, particular to a specific culture, and that it cannot be presented as a cultural invariant"<sup>15</sup>.

Lyotard thus asks, "Who, what *y* could have the authority to declare the rights of man? [...] Why would the affirmation of a universal normative instance have universal value if a singular instance makes the declaration?"<sup>16</sup>. Lyotard argues against any universalism, which is by definition connected with "totality". Auschwitz serves him as a symbolic end of the modern project. "Any" universalism stands also for the modern vision of human rights. It does not mean that the concept of human rights

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<sup>13</sup> Z. Wang, *Toward a Postmodern Notion of Human Rights*, "Educational Philosophy and Theory" 2002, 34(2), p. 171–183.

<sup>14</sup> Quoted after: *ibidem*, p. 173.

<sup>15</sup> C. Mouffe, *On the Political*, Abingdon–New York 2005, p. 125.

<sup>16</sup> J.-F. Lyotard, *The Postmodern Explained to Children: Correspondence 1982–1985*, Sydney 1992, p. 63.

itself is senseless. The Annihilation of the “great narratives” and multiplication of “language games” at the same time open up a wide field for elaborating a brand new concept of human rights. Neither does Sousa Santos reject the idea of human rights; he “[...] affirms that the discourse of human rights can be articulated also in the defence of the oppressed. He stresses the existence of counter-hegemonic human rights discourse, articulated around cultural specificity and different versions of human dignity, instead of restoring to false universalism”<sup>17</sup>.

One may say that postmodernism as a trend of thought with the help of which we should create a new vision of human rights is a Western concept as well. Of course, taking into account its origins it is a Western concept indeed, but at the same time it is much less exclusive than any other of the modern metanarratives. The postmodern glorification of pluralism does allow, at least in theory, for full participation of other nations and cultures in creating some normative rules on equal terms. That is why we should rather assume that, “The idea of human rights in terms of a postmodern perspective is neither the Western nor the Eastern but global human rights. At the same time, it is both the Western and the Eastern. Such an approach can successfully respond to the challenges from the East about human rights”<sup>18</sup>.

Rejecting the universality of human rights in order to adjust them to the present shape of reality does not mean disposing of responsibility and increasing anarchy. On the contrary, it means that we are more responsible for the other than ever. Deconstruction of subjectivity does not deny us responsibility and care for others; instead, it urges us to care for the part of ourselves which is present in another person. Even Baudrillard says,

“For the act we commit, it is right we should be dealt with – and indeed punished – accordingly. We are never innocent of the act in the sense of having nothing to do with it or being victims of it. But this does not mean we are answerable for ourselves, that we were invested with total power over ourselves, which is a subjective illusion. It’s good thing we don’t pos-

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<sup>17</sup> C. Mouffe, *op.cit.*, p. 125.

<sup>18</sup> Z. Wang, *op.cit.*, p. 178.

sess that power or that responsibility. A good thing we are not the causes of ourselves – that at least confers some degree of innocence on us”<sup>19</sup>.

Treating the Other as equal and as different at the same time, in a positive sense, involves more knowledge and more empathy. Only in such a case is it possible to create a new list of human rights avoiding the mistakes of modernity. Universality of the modern vision of human rights was in fact artificial since it was imposed. “[Alan John Mitchell] Milne claims that the Preamble of the Declaration<sup>20</sup> is by implication calling upon all nations to become liberal-democratic industrial societies”<sup>21</sup>. To some extent such arguments against the Western and universal character of the modern vision of human rights are pointless because of macropolitical praxis. As Arslan puts it, “None of these arguments, however, radically disturbs the actual fact that the human rights as formulated in these documents are universally accepted (even if often in their breach)”<sup>22</sup>. If one assumes that human rights are a kind of “the *lingua franca* of modern democracy”, then one should state that the *lingua* is poorly communicative, hardly understandable for Asian communities for instance, and the democracy itself is in a very bad condition. Leaving aside the democratic cultural circle, it is worth mentioning that the reason why the Chinese government contradicts the European concept of human rights is a different set of values on the basis of which declarations were set up. Patrick Hayden reporting briefly Xiaorong Li’s considerations writes that the Chinese doubts concern mainly the emphasis on individuality; “(...) some theorists and politicians in Asia have sought to characterize the human rights of individuals as being foreign to the cultural traditions of Asian communi-

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<sup>19</sup> J. Baudrillard, *The Intelligence of Evil or the Lucidity Pact*, New York 2005, p. 153–154.

<sup>20</sup> The Preamble states, “Now, therefore the General Assembly proclaims *This Universal Declaration of Human Rights* is a common standard of achievement for all peoples and all nations to the end that every individual and every organ of society keeping this declaration constantly in mind, shall strive by teaching and education to secure respect for these rights and freedoms, and by progressive measures national and international, to secure their effective recognition and observance...”.

<sup>21</sup> Z. Arslan, *Taking Rightst Less Seriously: Postmodernism and Human Rights*, “Res Publica” 1999, 5(2), p. 202.

<sup>22</sup> *Ibidem*, p. 202.

ties [...]”<sup>23</sup>. That is why in the 1990s the concept of “Asian values” came into existence. The concept is predicated on the assumption that within Asian countries a different set of values is obligatory. It is because of a unique set of institutions and political philosophies which reflected the region’s culture and history.

It is difficult to decide whether “Asian values” differ so much from the European ones or maybe they are just “[...] a rationalization on the part of authoritarian governments looking to rationalize their repression of citizens”<sup>24</sup>. We can mention here researches arguing for or against the Chinese sense of community. For instance, Keith Kenney’s research based on self-portrait photographs, which were used in order to understand the self-concepts of Chinese and American university students, presents a case of a Chinese student who took a picture of himself sitting on the beach in the middle of the symbol from the Chinese alphabet which means a “country”. He was sitting in such a way that his body constituted a part of this symbol<sup>25</sup>. It would corroborate the theory that there are significant differences between the West and the East in attitude of mind with reference to relations between individuals and the state. On the other hand, one may call a number of opinions opposed to definite dissimilarity of “Asian values”. Amartya Sen, a Nobel Prize Laureate in Economics, writes,

“The so-called Asian values that are invoked to justify authoritarianism are not especially Asian in any significant sense. Nor is it easy to see how they could be made into an Asian cause against the West, by the mere force of rhetoric. The people whose rights are being disputed are Asians, and no matter what the West’s guilt may be (there are many skeletons in many cupboards across the world), the rights of the Asians can scarcely be compromised on those grounds. The case for liberty and political rights turns ultimately on their basic importance and on their instrumental role. This case is as strong in Asia as it is elsewhere”<sup>26</sup>.

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<sup>23</sup> P. Hayden, *The Philosophy of Human Rights*, St. Paul 2001, p. 397.

<sup>24</sup> *Ibidem*, p. 397.

<sup>25</sup> K. Kenney, *Using Self Portrait Photographs to Understand Self-Concepts of Chinese and American University Students*, “Visual Anthropology” 1993, 5(3–4), p. 252.

<sup>26</sup> A. Sen, *Human Rights and Asian Values*, New York 1997, p. 30.

Moreover, Asia itself is so internally divided or even self-contradictory that it is extremely difficult, not to say impossible, to define the essence of “Asianness”. In the opinion of Xiaorong Li,

“To speak of an ‘Asian view’ of human rights that has supposedly emanated from Asian perspectives or values is itself problematic: it is impossible to defend the ‘Asianness’ of this view and its legitimacy in representing Asian culture(s). ‘Asia’ in our ordinary language designates large geographic areas that house diverse political entities (states) and their people, with drastically different cultures and religions, and unevenly developed (or undeveloped) economies and political systems. Those who assert commonly shared ‘Asian values’ cannot reconcile their claims with the immense diversity of Asia – a heterogeneity that extends to its people, their social-political practices and ethnic-cultural identities”<sup>27</sup>.

The postmodern current thought with its cultural relativism and glorification of pluralism may be regarded as quite dangerous for the concept of human rights. To some extent, it justifies such ideas as the concept of “Asian values”, which on the political level is nothing more than a pure warranty of authoritarian regimes in Asia. That is why the glorification of difference may not be enough to eliminate various forms of discrimination, and postmodernism as such may become a blind alley. The difference must not be unleashed. One must learn to play with difference in order to create a mosaic wholeness full of respect for authentic otherness.

It requires taking into consideration the last from the aforementioned objections against the modern concept of human rights. This objection concerns the abstract character of human rights as well as ignoring *ipso facto* economic rights in favour of the political ones. “Concretely, its abstractness, on the one hand, is reflected in the fact that the notion of modern human rights does not treat human rights as an interrelated whole. It puts too much attention on political rights and pays little attention to other rights, such as economic, social and cultural rights”<sup>28</sup>. The abstractness of political human rights makes them completely useless for

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<sup>27</sup> X. Li, “Asian Values” and the Universality of Human Rights, “Business and Society Review” 102–103/1998, p. 81.

<sup>28</sup> Z. Wang, *op.cit.*, p. 174.

those citizens of the world who live on the edge of starvation. An average man in the street of North Korea does not need political freedoms. Sometimes all she/he needs is the right to life or even the right to survive. Therefore,

“[...] for Deleuze the idea of ‘universal human rights’ is a meaningless abstraction. He considers the idea of the respect for the ‘right of man’ [...] to be an example of weak thinking [...]. Rather than abstract notions of justice, it is necessary to concentrate on jurisprudence, which has a historical dimension, and which acknowledges the particularity of situations”<sup>29</sup>.

Thus, aiming to reconstruct what postmodern human rights might be, it is necessary to go beyond pure theory and focus more on attempts of changing theoretical assumptions for political practice. In another case, it may turn out that postmodern human rights will be as abstract as the modern ones. Even if we take into consideration the postmodern shift of values theorized by Ronald Inglehart, which could make human rights slightly more adequate for the shape of contemporary culture, there is still a possibility that without the creation of a suitable political form of government on the level of state as well as on the level of international organisations postmodern human rights can be equally abstract.

### 3. BEYOND CRITIQUE, OR HUMAN RIGHTS AS A CHALLENGE FOR POSTMODERN DEMOCRACY

Getting back to the point, one should ask the question: if we know now what is wrong with human rights, what should we do to make them better? Only an answer to this question will allow us to elaborate a vision of human rights free of weaknesses of modernity. When we take Lyotard’s “language games” or Deleuze and Guattari’s difference for granted, we should wonder how to implement these strategies into socio-political reality. In other words, it is a question of whether postmodern human rights embodied by some conventions, declarations, forms of government,

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<sup>29</sup> J. Marks, *Gilles Deleuze: Vitalism and Multiplicity*, London-Sterling 1998, p. 28.

and postmodern *praxis* above all, will be more effective in combating any forms of discrimination than broadly understood modernity.

It seems that a great deal of contemporary theoretical propositions concerning, explicitly or implicitly, the notion of human rights is focused on wide-spreading and even radicalised democracy. Richard Rorty made out of his theory a kind of an apotheosis of democracy. “He wants us to believe in democracy, while accepting, and indeed reveling in the fact, that we cannot prove its goodness”<sup>30</sup>. Here is why Rorty’s ruminations may constitute yet another form of political theology. Nevertheless, it is difficult not to agree with the opinion that democracy provides a natural environment for protection and effective realisation of human rights. It is hard even to imagine the full implementation of human rights beyond some form of democracy.

“Linking democracy and human rights helps fill in the content of democracy and highlight its core values. It simultaneously clarifies the nature of human rights and explains something about their wide appeal, their close popular association with democracy, and their political – rather than philosophical – foundations and justification. Put concisely, human rights crystallize the democratic ethos; they tell us what it means, individually and socially, to treat others as free and equal”<sup>31</sup>.

Here is why the improvement of human rights after the postmodern fashion means *ipso facto* an attempt of improving democracy. Moreover, human rights seem to be a condition *sine qua non* of modern democracy. That is why if we wish to effectively apply human rights on a global level there is a need to create something that might be called a global democracy. In such a case, we would have to do with a shift from universal human rights to global human rights, which are obviously not the same. However, as Baudrillard noticed, “What comes with the transition from the universal to the global is both a homogenization and a fragmentation to infinity. [...] [D]iscrimination and exclusion are not accidental consequences; they

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<sup>30</sup> G. Bragues, *Richard Rorty’s Postmodern Case for Liberal Democracy: A Critique*, “Humanitas” 2006, 19(1–2), p. 160.

<sup>31</sup> M. Goodhart, *Human Rights and Global Democracy*, “Ethics and International Affairs” 2008, 22(4), p. 416.

are part of the very logic of globalization”<sup>32</sup>. Therefore, global democracy based on popular understanding of the term “globalisation” would deepen various forms of discrimination. Thus, maybe instead of “global” it would be better to use the term of “glocal” democracy, which refers to a locally specific manifestation of the global concept of democracy. Nevertheless, even glocal democracy, although apparently created from below, needs to be framed institutionally. Every manifestation needs a forum to be audible. Basically, it means establishing a kind of global democratic government. Only such institution, as Zhihe Wang puts it, “[...] can make the postmodern idea of human rights work because only the global democratic government can make knowledge and the energies of the warring nations harness to a common project. They might achieve such progress as the world has never known”<sup>33</sup>. The idea of global government in a sense diverges from a postulate of the rank-and-file initiative. That is why some regards the Internet as a renewal of the public sphere, which enables various social movements to present their interests. A current level of the media development causes disinformation rather than conditions for undisturbed communication. “Information is directly destructive of meaning and signification, or neutralizes it. The loss of meaning is directly linked to the dissolving and dissuasive action of information, the media, and the mass media”<sup>34</sup>. Nevertheless, it is hard to imagine a global democratic government without a global system of communication. Thus, Manuel Castells rightly notices that,

“The Internet offers extraordinary potential for the expression of citizens rights, and for communication of human values. Certainly, it cannot substitute for social change or political reform. However, by relatively leveling the ground of symbolic manipulation, and by broadening the sources of communication, it does contribute to democratization. The Internet brings people into contact in a public agora, to voice their concerns and share their hopes. This is why people’s control of this public

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<sup>32</sup> J. Baudrillard, *The Spirit of Terrorism and Other Essays*, London-New York 2003, p. 90.

<sup>33</sup> Z. Wang, op.cit., p. 181.

<sup>34</sup> J. Baudrillard, *In the Shadow of the Silent Majorities: Or the End of the Social and Other Essays*, New York 1983, p. 96.

agora is perhaps the most fundamental political issue raised by the development of the Internet”<sup>35</sup>.

There are a great number of various projects concerning the global vision of democracy, developed among others by: David Ray Griffin, David Held, Richard A. Falk or Antonio Negri and Michael Hardt. It seems that the main problem standing in the way of full implementation of postmodern human rights is the idea of state sovereignty as well as the question of participation and representation. The former issue is to some extent a question of definition. Some can understand sovereignty in terms of political autarchy, others in the frameworks of sovereignty allow renouncement of some state’s prerogatives for the benefit of international organisations. More important seems the problem of participation and representation. In the case of global democracy, these two notions are simply crucial. Generally affirmative postmodernists “[...] advocate direct democracy as local autonomy where every citizen can participate in political discussions because this fosters the development of subgroup identity, and with it post-modern social movements flourish [...]”<sup>36</sup>.

This corresponds precisely to the concept of “the multitude” developed by Antonio Negri and Michael Hardt or the idea of “radical democracy” by Chantal Mouffe and Ernesto Laclau. On the one hand, the former may be considered as a detailed description of the postmodern revision of the proletariat, on the other, it seems to be utopian projection, more or less. The authors demand direct democracy that would be based on communication networks, for which location and distance have very limited importance. Hardt and Negri stand for “absolute democracy” which they define as “[...] an organisation of production and political power as a biopolitical unit managed by the multitude, organised by the multitude, directed by the multitude”<sup>37</sup>. Absolute democracy is possible only when the multitude, albeit it remains multiple and internally different, is able to act in common and thus rule itself. The multitude should then be understood as a movement of movements communicating in the frameworks

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<sup>35</sup> M. Castells, *The Internet Galaxy: Reflections on the Internet, Business, and Society*, Oxford 2001, p. 164–165.

<sup>36</sup> P.M. Rosenau, *op.cit.*, p. 100.

<sup>37</sup> M. Hardt, A. Negri, *Empire*, Cambridge–London 2001, p. 410.

of horizontal political unity. This unity is a brand new political subject which has nothing to do with those already known. “The multitude is composed of innumerable internal differences that can never be reduced to a unity or a single identity – different cultures, races, ethnicities, genders, and sexual orientations; different forms of labour; different ways of living; different views of the world; and different desires. The multitude is a multiplicity of all these singular differences”<sup>38</sup>. Within the multitude, the problem of representation disappears in some measure. Its structure generates a specific method of decision-making. The authors refer to Eric S. Raymond’s considerations concerning the bazaar model of free software development<sup>39</sup>. On the basis of “the bazaar”, they conclude that the multitude can coordinate action through the autonomous input of its singularities. There is no need for centralised leadership or representation understood as a constitutional principle. The project of the multitude goes beyond the logic of traditionally understood hegemony.

„Organization in the older hegemonic politics had to come from the outside, whether it was the proletarian political party or the distanced political representation of classical parliamentarism. In post-hegemonic politics, there is organization from the inside: there is self-organization. It is no longer like *le peuple* or the proletariat-like mechanism with the brain on the outside, now the brain – or something like mind [...] – is immanent in the system itself”<sup>40</sup>.

In fact, it may easily occur that the desired lack of hegemony will become the world hegemony of one dominant power which would be able to force its vision of the world to all the rest. That is why Chantal Mouffe is the follower of other solution. She writes that, “[...] the only conceivable strategy for overcoming world dependence on a single power is to find ways to ‘pluralize’ hegemony. And this can be done only through the recognition of the multiplicity of regional powers”<sup>41</sup>. The multitude seems to

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<sup>38</sup> Eidem, *Multitude: War and Democracy in the Age of Empire*, New York 2004, p. XIV.

<sup>39</sup> See: E.S. Raymond, *The Cathedral and the Bazaar: Musings on Linux and Open Source by an Accidental Revolutionary*, Sebastopol 1999.

<sup>40</sup> S. Lash, *Power after Hegemony: Cultural Studies in Mutation?*, “Theory, Culture & Society” 2007, 24(3), p. 60.

<sup>41</sup> C. Mouffe, op.cit., p. 118.

be outlined as a “pure” postmodern answer on demand from the new shape of human rights. In fact, Hardt and Negri’s concept is, on the one hand, unreal to some measure, on the other it is not free from modern elements of thought. As Slavoj Žižek noticed,

“The authors propose to focus our political struggle on three global rights: the rights to global citizenship, a minimal income and the reappropriation of new means of production. It is a paradox that Hardt and Negri, the poets of mobility, variety, hybridization and so on, call for three demands formulated in the terminology of universal human rights. The problem with these demands is that they fluctuate between formal emptiness and impossible radicalization”<sup>42</sup>.

Considering the issue of representation, one should rather assume that there is no escape from it. It is impossible to rule the world without those who can speak on behalf of us. The problem is not the representation itself but rather the way in which it has to reflect the interests of the masses. Mouffe makes some interesting points in this matter. In her opinion, crisis of contemporary democracies lies in the lack of efficient representation. Nowadays, democratic political systems search for consensus at any price. That is why societies become dominated by central political options and those who do not identify themselves with such parties or movements are under-represented. Contemporary politics thus needs a real deepening of differences. Therefore, Laclau and Mouffe’s concept of “radical democracy” is opposed to liberal or deliberative models of democracy. “[...] [C]onception of radical democracy consists of celebrating difference in political subjectivities and identity formations; focusing on discursive formations of power; and distrusting civil society’s ability and commitment to advance democratic practices”<sup>43</sup>. A complete rejection of an idea of consensus, which stands to reason, is impossible. Any conflict requires a minimal level of consensus, which secures a discussion ground. Full implementation of agonism would lead simply to destruction. “To be a radical democrat today

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<sup>42</sup> S. Žižek, *Have Michael Hardt and Antonio Negri Rewritten the Communist Manifesto for the Twenty-First Century?*, “Rethinking Marxism” 2001, 13(3–4), p. 192.

<sup>43</sup> V.W. Pickard, *Assessing the Radical Democracy of Indymedia: Discursive, Technical, and Institutional Constructions*, “Critical Studies in Media Communication” 2006, 23(1), p. 22.

is to appreciate – and to seek to eliminate – two very different kinds of impedimenta to democratic participation. One such impedimenta is inequality; the other is the misrecognition of difference. Radical democracy [...] is the view that democracy today requires both social equality and multicultural recognition”<sup>44</sup>.

Generally speaking, a democratic form of government as resulting from the postmodern turn changes towards a political system which should be global, participatory, agonistic, and as direct as possible. However, it is not feasible to build a system which might be called postmodern democracy on the basis of a break with the tradition of modernity. The most important task for today is to combine the global and the local as well as conflict and consensus. In order to build an efficient system of protection, one must create a new synthesis in the frameworks of which various differences could coexist agonistically.

“Our contemporary situation thus finds us between the modern and the postmodern, the old and the new, tradition and the contemporary, the global and the local, the universal and the particular, and any number of other competing matrixes. Such a complex situation produces feelings of vertigo, anxiety, and panic, and contemporary theory, art, politics and everyday life exhibit signs of all of these symptoms. To deal with these tensions, we need to develop a new syntheses of modern and postmodern theory and politics to negotiate the novelties and intricacies of our current era”<sup>45</sup>.

In order to improve the protection of human rights against various forms of discrimination, one more dichotomy needs to be unified, namely individualism versus collectivism. In other words, it is a question of how to make these two categories non-contrary. It is worth referring to the philosophy of Alfred Whitehead, which attempts to go beyond the boundaries of actual entities. He emphasizes, “[...] we must say that every actual entity is present in every other actual entity. The philosophy of organism is mainly devoted to the task of making clear the notion of “being

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<sup>44</sup> N. Fraser, *Equality, Difference and Radical Democracy*, [in:] *Radical Democracy: Identity, Citizenship and the State*, David Trend (eds.), London–New York 1996, p. 198.

<sup>45</sup> S. Best, D. Kellner, op.cit., p. 298.

present in another entity”<sup>46</sup>. More important are rather relations between entities than the entity itself. Their relationship defines their identities as individuals. Quite close to such a position is a proposition theorized by Emmanuel Levinas, who exerted a considerable influence on the aforementioned Lyotard. The latter calls for the abandoning of the modern concept of subject. “Such elaboration, I believe, can only lead to an immediate abandonment of the linguistic structure of communication (I/you/he), which the moderns, whether consciously or not, held up as their ontological and political model”<sup>47</sup>. The postmodern project “[...] stands for the rights of ‘Other’ against the individual. The postmodernists seek ‘the revenge of the marginalized ‘other’ against the individual and associated selves and their capacities for quasi-autonomous, quasi-efficacious self-articulation’, a ‘revenge’ which requires nothing less than the abolition of the subject”<sup>48</sup>.

The project of such a political system that would enable making postmodern concept of human rights real has to be in some measure minimalistic as for form and maximalist as for the content. Only as such it would be able to create “differentiated unity”.

#### 4. CONCLUSIONS

Postmodernism had and still has liberating effects not only on the issue of human rights, but also on science as a whole. Although, as some say, postmodernists prefer narrow explanations or even the lack of any explanations, the strong point of this mode of philosophy has been the ability to recognise the condition of the contemporary world and to put the right questions. Even if it has not elaborated proper tools for the examination of the new reality, it forced people to redefine their *Weltanschauung*. On the other hand, postmodernism cannot give simple and coherent answers because of its “nature”. Being as it is, it is able to meet the expectations of

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<sup>46</sup> Quoted after: J.L. Nobo, *Whitehead's Metaphysics of Extension and Solidarity*, Albany 1986, p. 373.

<sup>47</sup> J.-F. Lyotard, *op.cit.*, p. 39.

<sup>48</sup> Z. Arslan, *op.cit.*, p. 208.

unlimited plurality. However, malcontents will stay unsatisfied because of the generality of some conceptions, or maybe because of their utopian character. Negri and Hardt admit it is hard to predict when the right moment for the multitude happens. "We do not have any models to offer for this event. Only the multitude through its practical experimentation will offer the models and determine when and how the possible becomes real"<sup>49</sup>. In a similar way express their opinion Steven Best and Douglas Kellner,

"Yet it is impossible to predict what forms a future postmodern politics will take. Such a postmodern politics is open and evolving, and will itself develop in response to changing and perhaps surprising conditions. Thus, it is impossible to sketch out the full parameters of a postmodern politics as the project is relatively new and open to further and unpredictable developments"<sup>50</sup>.

Still, it is important to remember that not only developing the project of postmodern human rights itself, but also developing the concept of political ground in the shape of definite political form of governments will ensure the good foundations of eliminating discrimination as well as the protection of human rights in general. Laclau and Mouffe's project of radical democracy, or Negri and Hardt's project of the multitude meets the aforementioned requirements.

Human rights have to be elaborated in a world-wide discussion, perhaps in the frameworks of radical democracy. One may say that postmodern human rights based on this model will be based on gaining hegemony, but the situation, as Mouffe writes, "[...] requires [...] recognizing the hegemonic nature of every kind of social order and the fact that every society is the product of a series of practices attempting to establish order in a context of contingency"<sup>51</sup>. Additionally, such hegemony allows us to discuss human rights as a political issue, not only the philosophical one. However, a deepened insight into the relations between hegemony as such and the notion of human rights is under-theorised in a sense. Such an

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<sup>49</sup> M. Hardt, A. Negri, *Empire*, p. 411.

<sup>50</sup> S. Best, D. Kellner, *op.cit.*, p. 298.

<sup>51</sup> C. Mouffe, *op.cit.*, p. 17.

insight would also require taking into consideration Giorgio Agamben's ruminations concerning the notion of human rights under the circumstances of pure life.

The issue of discrimination cannot be erased. Moreover, it still should be regarded as a political tool, just as violence or war. The idea of postmodern human rights should serve as a concept by means of which discrimination as a social phenomenon would be combated in a more efficient way than it is in the case of modern human rights. In contrary to them, the postmodern concept does not give a false promise of the world without discrimination. Thus, if the postmodern project of human rights may be imputed as utopian, then the same concerns the modern one. The postmodern vision of human rights is free from debates devoted to human nature and natural rights. It tries to be free from any kind of metaphysics and essentialism. As such, it does not claim to be the revealed truth. Rorty's ironist always keeps a distance from her own vision of the world; she doubts her final vocabulary. Deprived of beliefs in transcendental forces, postmodern human rights refer to each and every human being as they are: good and evil, rational and irrational, loving and hating, predictable and unpredictable.