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HUMAN RIGHTS: POLITICAL TOOL OR UNIVERSAL ETHICS?

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Abstract:

Recent developments in the Arab world reopen one of the most fertile debate topics in international relations theory: the universal nature of the concept “fundamental human rights” and their content.

The perspectives are different, being influenced by an ideological background, especially theological, apparently contradictory, affecting the positions of major international actors, stimulating the revival of controversies on major differences between Western world and the developing societies.

Through a balanced analysis, specific to critical postmodernism, of the way each civilization (according to Samuel Huntington) relates to the human being and to its place within its own legal architecture, one can notice that, beyond any differences, joint elements can be identified for further integration into a common fundamental text conferring the consensual universality indispensable to such an important principle.

Key Words: Buddhism, Confucianism, moral cosmopolitanism, Christianity, democracy, universal human rights, ethics, Islam, critical postmodernism, international relations.

Introduction. Is there a human rights ethics?

Human rights language has become one of the key elements in state and society contemporary philosophy. The proliferation of international/regional instruments regarding the individual in relation with state authority or any other type of intrusion, as well as international key actors proclaiming 'ethically'-oriented foreign policies are just a few examples of the way human rights rhetoric affects the dynamics of international relations. As frequently highlighted in a synthetic way, we are currently faced with a "human rights global emerging culture", a kind of new "religion for the third millennium"¹. Besides, this human rights ethics projected in international relations is a legitimacy universally claimed both by Western democracies, organizations such as the European Union, and the new revolutions in the Muslim world.

Democratization as a phenomenon of the 21st century differs in a certain extent from previous democratization waves, as conceptualized by Huntington, by being a de-ideologized phenomenon, which does not refer anymore to the communism liberation and the Western world victory. The revolts in Tunisia, Egypt, Libya, Syria are not marked by their alignment to a block, to a certain ideology, but by claiming individual rights that dictatorships in these states have violated in the last decades.

Paradoxically, the more de-ideologized these movements are (the youth in the streets are neither Socialist, Islamist, nor pro-Western, anti-Western by vocation), the more ideologized the concepts "democracy", as well as "human rights" remain. The first time when democratization became a policy in international relations, explicitly assumed by a state actor, was George W. Bush Administration launching its new approach on the "Extended Middle East" connected to the "*hearts and minds*" strategy conceptualized by John J. Mearsheimer².

Thus, democratization became an export of the Western or American way to manage state affairs, a mentality export – utopian, of course, but not less fascinating as a post-Communist ideology. The same way Voice of America exported the democratic thought for citizens in the Communist bloc states, it also exported democracy in the Eastern world.

There are two different ways to relate to human rights – as a creation of the Western ideology or as a generally valid value. Apparently, the two are different, irreconcilable, the same way nowadays revolutions in Arab states seem to be placed – by aspirations and consequences – beyond what the American neoconservatorism could have ever planned and besides, these revolutions could turn against America that supported several autocracies in the Muslim world.

Does this phenomenon reflect a tendency to recognize the crystallization of a global or universal ethics or is it just another variable in the power dynamics, a kind of fight for the Authority legitimacy in

exerting its power? Is the human rights concept a Western product that has the inherent capacity of universal transgression or is it just a local notion that cannot “represent a universal symbol strong enough to generate concord and agreement”³?

A potential support in affirming the universal nature of the right and the right ethics concepts may come from the antiquity.

Socrates’,⁴ Plato’s,⁵ and not least, Aristotle’s visions⁶ have offered an extremely solid foundation to the whole further edifice on these topics. According to the ethics, the ultimate pursuit of the human existence is to rationally generate good, the individual serving a supreme authority that can guarantee reaching this goal. The theoretical soundness was so obvious that the ancient Greeks’ vision was the ethical reference point of the major legal codes, more or less correlated with the Jewish-Christian heritage of the Western world.

Since the supreme authority, namely the state, be it democratic or of any other nature, is not only an abstract concept and is not made up of altruist entities, always objective and well-meant, the individual needs rights to allow him censor his excesses.

Differences arise the moment when human rights nature is up for debate, given this concept was formulated as such in early modern times, the essence of these rights consisting in limiting the discretionary behavior of power over the individual.

If we analyze the enunciation and content of certain tools such as The Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights and especially the states’ participation to such systems, the universal nature of human rights seems to be guaranteed, at least regulatorily. A significant majority of the international community is engaged in implementing the regulatory and institutional framework guaranteed by these tools. States like China or Great Britain, Russia or Turkey are parties to these documents. However, it is debatable if the reflection of their content and specific provisions has the same relevance in the above-mentioned states. This is not an assertion highlighting only the observance or non-observance of the relevant regulatory provisions. It is rather a question regarding the essence of nature or purpose of such regulatory concepts. Let’s take, for example, the meaning of the right to religious freedom. It is obvious that a certain meaning will be associated to this notion in a country like Sweden, as compared to Iran or China. This applies also to other classical concepts of major human rights such as the freedom of speech, the right to privacy, property etc..

The debate universalism versus relativism

“No concept as such is universal. Each concept is first of all valid in the context it was conceived. If we want to extend its validity beyond its own

context we'll have to justify the extrapolation... Accepting the fact that the human rights notion is not universal does not mean that it shouldn't become universal. For a concept to become generally valid it should meet at least two requirements... It should be the universal reference point for any question related to human dignity. In other words, it should replace all the homeomorphic equivalents and represent a fulcrum of a fair social order. Also, the culture that gave birth to the human rights concept should become universal..."⁷.

The above-mentioned culture is obviously the Western one. One can hardly deny the fact that human rights are the product of a "rationally" and "contractually" "organized modernity", known to the industrialized Western world. Although the human rights regulatory universality is thoroughly embedded in such a strong idea, namely "a universal nature common to all people" (otherwise, as appositely noticed, why a Human Rights Universal Declaration should be adopted?)⁸, such a faith, such a credo, despite its moral power and inherent ethical reverberations, generates significant difficulties as regards its epistemological resources.

This vulnerability represented one of the fundamentals of the relativist critics against the pretences to continuous universalism used by human rights advocates in "anyone's" support and backed up by the related movements.

The debate universalist versus relativist has a long history in the sociology of culture, linguistics or anthropology and implies multiple dimensions and faces. Paradoxically, this has affected the philosophy of international law and international relations only in the last decades⁹. From this perspective, one of its undeniable merits is debating the elements belonging to the human rights religious fundamentals, the culture anthropology and sociology issues in relation with international legitimacy or the historical and philosophical development issue. Unfortunately, even if a fertile debate on the origins and development of a universal phenomenon - the human rights paradigm - was considered, this has been frequently altered by a politically-motivated confrontation between different groups of interests, sometimes slightly visible, other times difficult to identify. Thus, the universalist rhetoric has been often labeled by relativism supporters or even by objective observers, as a political attempt to impose a regulatory set specific to non-European cultures or, in other words, as a tool for promoting a type of "cultural imperialism" outside a cohesive cultural and ideological space, bounded by a particular religion - Christianity - and a specific political ideology - liberalism¹⁰. On the other hand, relativism tended to legitimize the

resistance to modernity and a rational preoccupation on the treatment of individuals and communities within a state borders, a fact that prevented the adherence to government forms close to the basic democratic principles. In the international political arena, the debate universalism vs. relativism externalized in different types of political and ideological confrontation, such as the Eastern-Western debate on human rights relevance during the Cold War (Western civil and political rights vs. Eastern social and economic rights) or the ongoing North-South polemic that brings up a certain opposition (or more precisely tension) between the right to development and the classical range of civil and political rights and freedoms specific to the Western culture.

In order to support the current paper objectives, we will try to study the significant theoretical and empirical arguments promoted by several thinking trends in anthropology, political philosophy and religion and focused on the debate universalist versus relativist, trying to insist not only on the polemical issues, but also on the joint and integrative elements that might turn antagonic concepts to a more balanced and unified approach on this issue. In our vision, the far-fetched approach of the universalist-relativist debate in radical terms is one of the key ingredients for the issue politization. That is why a re-orientation of the debate to a constructive, postmodernist-style approach, is necessary in order to highlight the viable and sustainable notions identifiable in both theories.

Universalism and relativism in world religions

A central element of the ongoing debate universalist versus relativist regards the inter-dependencies between human rights and religious traditions concepts specific to different civilizations. The religious dimension of the issue is considered to be fundamental for the debate due to the religion inherent capacity to establish the parameters of a certain culture/civilization elements, their basic ethical and social representations on morality, justice, rights etc.. Actually, the religious element has been re-activated as a central factor of the political debate with the end of the Cold War and the further disappearance of the ideological confrontation accompanying this conflict. The famous phrase “the clash of civilizations”¹¹ (a civilization concept deeply connected, if not equivalent with the religious areal) has entered the political vocabulary as a kind of new political paradigm in order to replace obsolete ideological terms as socialism and capitalism.

Given the human rights phenomenon is claimed to be a product of the Western civilization, a significant emphasis as regards the occurrence and development of the human rights concept is put on the Christian and Jewish tradition and values that underlie the whole evolution of the Western civilization.

In the Christian tradition, the concept of freedom is understood as belonging “entirely to the individual” (which actually lies, as already mentioned, at the basis of modern human rights). Similarly, “the fundamental assumption that in Judaism people human rights have to do with faith in the absolute and uncompromised value of human life”¹², a component based on “the individual unique value within the Creation divine matrix.”¹³. As such, the individualist ethos reflected in the Christian-Hebrew tradition could be seen as the driving force in the modern paradigm development of human rights which characterizes the Western political tradition. Consequently, such a political tradition reflected in the organization manner of society in connection with the governance liberal systems and supported by “the explicit action of using reason in the reality transmutation”¹⁴ is considered to be a direct follow-up of the Christian concept of freedom. Despite the beliefs of Jellinek and Max Weber who were talking about a modern society that could exempt from the sense of religiousness, there could be highlighted that:

“Secularization as rationalization means a way of expressing the Christian concepts of freedom and responsibility in non-theological language, thus offering an universal shape to human freedom. That process targets conferring a structural form to the individual that could admit the existence of something more inside him than his fragile empirical nature. That represents the continuity of the Christian doctrine into the modern concepts of human rights”¹⁵.

But is such a specific assertion of the human rights modern concept compatible with the fundamental premises of other major religions, that also intend to propose an universal perspective on human nature in relation with Divinity, society and nature? That is another key-question in the unfolding “universalist-relativistic” debate on human rights.

Islamic religion and human rights

According to the Muslim doctrine, “human rights represent obligations connected to Divinity”¹⁶, meaning that legislation is tightly correlated with Sharia, sovereignty standing for Divinity exclusive attribute (Muslim legislation derived from Quran – the text of Divinity – and from *Sunna* – the Prophet’s appreciations on Quran meaning). One fundamental aspect of Islam, regarding the human rights concept, is that the idea of right is less clear compared to the Christian Western tradition thus falling into a terminology of “moral duties” based, primarily on

religion, and not on legality. That particular philosophy is *ab initio* greatly different, as compared to the contemporary paradigm fundamentals of human rights. But there are also other differences that could be highlighted in a comparative analysis regarding Muslim precepts and human rights standards. One example could be the apostasy law, which stipulates the capital punishment for Muslims who reject Islam (in contradiction with the principle of religious and expression freedom), respectively purposely discrimination of *Sharia* regarding the civil and political status of Muslims and non-Muslims or even among Muslims as such, in the case of bringing under regulation women status in public life.

Yet, unilateral insistence or highlighting such incompatibilities could complicate, as some authors remarked, the real potential of Muslim sources to adapt to the human rights modern paradigm, from a philosophical and pragmatic point of view. That is not just about a largely debated issue regarding progressive infusion of what the Islamic world accepts as up-to-dateness, reflected by adopting European laws and rules in the commercial and economic fields from the 19th century (with all the conservative reactions of the religious state and other social forces to such a phenomenon) and a possible pursuit of such a trend, despite a permanent and intense structural opposition. It is about the fact that from “a theoretical perspective, Muslim doctrines can be greatly interpreted in the spirit of the Universal Declaration text”¹⁷.

In a very popular study, Khaled el Fadl¹⁸ attempts to compare Quran precepts and European democratic principles. Thus, the popular consultation (*shura*) corresponds to modern parliamentarism, while the five fundamental Muslim values, as they are included in *Sharia*, namely religion, life, intellect, honour and property can be imagined as Muslim, cultural transcription of the fundamental human rights. Many Muslim authors actually invoke the *Sharia* perversion by *fiqh* (Muslim jurisprudence) and the fact that, Quran, at its core, can be read as a liberal Constitution perverted only by the imposed practice of some Muslim scholars' (*ulama*) approach. A significant example to that end is precisely the previously mentioned issue of a major divergence between the Muslim and the Christian way of thinking – religious freedom and apostasy. The apostasy is not explicitly mentioned in the Quran, but it was subsequently introduced as a reaction to certain periods of instability in the Muslim world. The Medina community of the Prophet Muhammad was characterized by a great religious tolerance – for the peoples of the Book (the three monotheistic religions) – because the Prophet was politically and equally supported by Christians and Hebrews who were living in the city together with the Quraish tribe.

Understanding the equivalent meaning of the Muslim and Christian terminology and concepts can contribute to a clearer decryption of the common patterns, of those inflection points where the principles are the same even if the language seems to be or is different.

The best way to integrate a phenomenon into another culture is to support its legitimacy by pointing to codes and symbols already offered by that respective culture. Regarding Islam, as already mentioned, the efficiency of the human rights promoters is conditioned by observing the precepts of this religion.

At the same time, it was already mentioned that any major culture/religion develops a moral code and ethical principles based on fundamental distinctions between good and evil. Such a reality proves that a particular world representation can be related to another one for a common purpose, if equivalent concepts are meant to legitimize the relationship in a specific culture. Sometimes, those “equivalences” are being complicated by sentences, mythically encoded precepts etc., that have to be re-interpreted, decoded using different hermeneutics or adapted to the specific social and historical conditions, in order to achieve a larger goal.

Duty and right in Hindu and Buddhist doctrines

In Hinduism and Buddhism, the focus on duty – a common *dharma* of fundamental obligations – lies at the heart of a cultural matrix built on a cosmological representation of the universe and human nature. The rights, which actually stand for the request to observe duty, are part of the legacy opposing the Western world. That is the reason why, in a culture where the individual self is rather subordinated to the community and absorbed within a cosmic order, the Western concept of justice-equity – *jus-jus naturale* – that lies at the basis of the modern international paradigm of human rights has been replaced by a larger concept, implying precisely that cosmic order. Would that be an antagonical perspective to the anthropocentric worldview of Western philosophy, or is it a perspective that goes beyond man’s central position in the universe, seen as a whole and where the human being and not only is just a component? Logically, the answer would be no, as we aren’t talking about contradictory representations of reality, but of its different constructions. Consequently, different religious worldvisions generate different types of ethics. That could explain the divergences regarding the justice process and the prevailing rights categories. Singularizing, one can highlight the Buddhist ethics doesn’t establish human rights in Western terms, but indirectly protects them through the five fundamental precepts (the *Pancasila* ethical code), that prohibit murder, robbery, infidelity, falsehood and drugs, so that one can assert that:

“ (...) though there is not even a word to denote the ideal of human rights in Pali, the principle of human rights is very much the core of the Buddhist code of ethics. Rights have not been emphasised in

Buddhism for the simple reason that they tend to be divisive rather than cohesive in social action”.¹⁹

Confucianism: human rights within the rituals pattern

In the Confucian philosophy and tradition, similarly to other major non-Western cultures, the term rights has, in principle, no equivalent. Confucianism, with its values system and world representation, is based on the concept of “humanity”; “there the focus is placed on love, emotional relationships, and not on the impersonal, legal relationships”²⁰.

Confucianism considered contractual formal relationships as an external interference over a self-regularized sphere by natural and more profound factors. That particular natural order or the real values system regarding “humanity, justice, sincerity and honest-mindedness” (Mencius) derives from paradise and prevails over the imperfect social and political organizations.

Thus, according to the Confucian thinking, human rights are rather expressed as rituals. The term “Ritual” (Li), which lies at the heart of the Confucian knowledge, is far from highlighting the formal pejorative meaning, that can be found in the Western vocabulary²¹. Instead, it refers to “social practices that influence relationships through prescribed forms”; or, according to Confucius, to a continuous pursuit of harmony, that highlights the ritual practices: “The exemplary person pursues harmony rather than agreement.”²². In other words, the values for a ritual-based order are creativity and love as the community’s integrant components, which represent more than a passive fusion, “an open aesthetic accomplishment, conditioned by particular ingredients and inspiration, like a work of art, not like the result of a formula or scheme”²³.

Such a definition of the social universe goes beyond the standard perspective which places the dichotomy government/ authority-community at the center of social and political action. Apart from such an organization manner, based on a clear layering of the social dynamics, the vision on nature according to the Confucian rituals allows the establishment of a communitary structure that is immanent and self-sufficient in terms of governance: “the leaders don’t lead” and that “unity of personal integrity and social integration eliminate the means/ the distinction, transforming each person equally into a model and a means meant to help the other community members be what they are”²⁴. Eloquently speaking, “the pattern is that of reciprocity”²⁵.

Beyond Universalism and Liberalism. The choice to interpret Critical Postmodernism On human rights A historical and transcultural perspective

It is difficult to advocate the idea that rights, respectively human rights concept, institute an universal ethics *per se*. Actually, some of the different processes and ways to support that idea could be by themselves part of the issue, bringing even more the rights phenomenon into the political scene. At the same time, one can assert that human rights have some correspondence with the ethics sprung from the great world traditions, representing an important part of ethical constructions. The focus upon that common point, rather than the attention on insurmountable conceptual and philosophical differences particular to the major debated cultures (despite their extended incidence on social attitudes regarding the individual and the state) could ensure the most proper formula to give a real meaning to the human rights term globally. In such a context, the focus will shift from standardization actions, that cannot be organically assimilated by other cultures, to the attempt to adapt the phenomenon to different cultural patterns that interfere with, without curtailing them of their fundamental features. Certainly, such a target is always exposed to dynamics and the inherent subjectiveness of politics and political confrontation. That doesn't necessarily represent a negative expression in the human rights evolution. Even in the Western world, the actual concrete development of human rights within the state and civilization wasn't a linear and uniform process, exempt from political fight and fixed somewhere above it, representing instead a major dimension of that fight. The French Revolution, the 1848 democratic and liberal revolutions, the civil movements in this century are eloquent examples to that end.

On the other hand, while accepting the difficulties we meet in exploiting the human rights universality as a trans-cultural norm, it shouldn't be used as a pretext to "give up imposing" the human rights norms globally.

As it has been correctly emphasized:

"should an authentic life be possible in the modern world mega-machinery, human rights are imperative. For as much as the development of the human rights concept is attached and conferred a meaning by the slow development of this mega-machinery... in the contemporary arena, as it is defined by the actual socio-economical and ideological trends, defending human rights is a sacred duty..."²⁶

Theoretical basis

If universality derives from positivism and liberal theories on international relations, and relativism is the postmodernism and poststructuralism appanage of authors, such as Michel Foucault, Shapiro, Smith or Vasquez, who promote the existence of a multitude of “narratives” as opposed to universally enlightenment rationalism, then the middle course cannot be but a mixture of the two, apparently impossible at first sight. It is what they call the critical postmodernism.

Basically, the critical postmodernism eludes the absolute relativism trap through which everything unfolds independently, on different and unparalleled paradigms, a trap seizing lots of postmodern authors (of the “anti-fundamentalism”) and it suggests the existence of a joint conceptual basis, of an unique foundation meant to grow and graft particularities, social and political forms of expression. Yet, what would be the foundation to allow a transcendent step centered on eternal and generally valid nature of human rights?

As an example, Chris Brown²⁷ suggests the solution of a global order based on an association of communities meant to gather round a joint project, globally based, not on a pre-established global order, but on setting a “minimal and universal moral code”. Essentially, such a code can be defined relying on an adjusted concept of human rights – starting from ideas of equality, social justice, free will and individual or community well. Actually, Brown suggests dropping the dichotomy between global order and cosmopolitanism, respectively communitarism, between the “Western” globalization apologists and “local” cultures defenders, starting from a mere observation: as democracy and human rights claim an universal value, such varied “localisms” as Islam-Islamism, Buddhism or Confucianism are considered to be “global” forces, not local norms. As seen before, each ideology or religion proposes different versions of rights and liberties, of the social contract, generally speaking, and each claims to represent a universal rationality, not a community one.

A joint ethical code to support the rule of law, as well as the respect for the individual, do not offer an absolute model, but an appeal to “the lowest denominator”, equally considering various particularities and communitarisms.

Realism versus moral

Another author, Nick Rengger²⁸, promotes the project of a moral cosmopolitanism, as opposed to the institutional one. What does it consist of? Recognising the existence of an immutable, transcendental value which needs to be accustomed and adjusted to each of the local particularities, without claiming to replace it. Automatically, every cultural tradition plays a role in the way it transposes these values into

social and political practice, being offered the chance to be both universal – as it includes these values – and maintain its specificity.

Rengger goes further by proposing the complete rewriting of the debates from the international relations theory by replacing the old explanatory dichotomies between peace and war with the return to classical political philosophy and fundamental questions about human existence. He gives the example of the Socratic question: “how should we live?” which human rights theorists, international relations analysts, as well as political scientists and sociologists have forgotten to answer to. The current sophistication of theories, Rengger opposes the relevance of the old debates on human being, whose actual resumption would allow thinking reconceptualization of postmodern societies’ rights and functioning. What he promotes is an “international political theory” based on the ethical dimension of human existence.

These are two mere examples of new “foundations” for a universal theory of human rights. Others may derive from anthropological analysis, from religious speech and practice analyses or from evaluations on the way actual political concepts in Christianity, Islam, Confucianism and Buddhism emerged and got defined (which I have briefly sketched in the previous pages).

Yet, the need for this new type of moral universalism is more acute as, today more than ever, we live in a world of competing ideologies. If we observe the international events and their way of expression, we can see we find ourselves on the minefield of opposing concepts, of a “race” of speeches and similar political legitimization, perhaps through the effects of “an arms race”. One’s terrorist is another’s fighter for freedom; for some people, the political opposition from Arab states is the expression of democracy, for others, it means the infiltration of Al Qaeda radicalism. The quicksand of reality becomes ever more ideological, more difficult to grasp in a purely realistic approach of international relations. As Derrida points out, it isn’t about “conceptual chaos or a random turbulence area in the public and political speech (...), yet we ought to recognize strategies and relations of forces in them.”²⁹

The crisis of exacerbated particularities

In the absence of a new conceptual initiative, such an evolution may lead to that barren relativism in which all actual *-isms* (Islamism, Marxism, regionalism, globalism, radicalism etc.) seem to equally and legitimately become ways of expressing certain independent “narratives”, all equally true and ethically justifiable, at a cultural level. At the extreme, such a relativism may get to axiologically equate the Western concept of “human rights” and the concept of Al Qaeda’s “total jihad”: therefore each has its own cultural, social and historical justifications. Essentially, in such a case, alterity becomes a rule, not a source of change, of adjusting the existing

rules. Thus, we get to witness monstrous alterities created within one's own civilization, as Andreas Breivik's case, in Norway.

Returning to Jacques Derrida, the discourse and the concept are inevitably determined by the political aspect, by the existing relations of forces, at a certain time. The strategy of "souls and minds" symbolically represents the way the U.S. interventionism in the Arab world has been "wrapped" – a war in which the Western concepts of human rights and democracy will finally prevail.

Yet, if we have a comparative look, on one hand, at U.S. intervention in Iraq and Bush Administration's democratization process in the Extended Middle East, and on the other hand, at the current riots and revolutions in the Arab world, we can understand that, as Stephen Walt was writing on his blog, changes cannot be imposed from outside, yet, they ought to emerge from within societies and this conclusion "should be engraved on the frontispiece of the State Department, the Pentagon and the American Enterprise Institute"³⁰. As I had mentioned before, in case of an extreme intervention, human rights may be considered as a symbol of the "oppressor", a form of liberal speech which hides back a realistic approach in terms of power policy, finally a freedom limitation in the name of freedom.

Furthermore, the present war in Libya may also be circumscribed to the same theoretical disproof – Walt and other realists wonder about the rights an international coalition intervenes on behalf of, having the obvious purpose of overthrowing Qaddafi's regime, considering these rights are being constantly violated in many monarchies in the Gulf, where no "crusader" of the West questions any intervention at all. To what extent do human rights remain a universal reference standard – as it legally, regulatory and conceptually should be – and to what extent can they be increasingly perceived as a discourse, as a "narrative" of the Western power, a form some Muslim fundamentalists might label as neocolonialism?

A William Easterly, Daniel Berger and Shanker Satzanath study³¹ pointed out that both U.S. and U.S.S.R. interventions during the Cold War led to "significant declines of democracy" in countries where they occurred. Many current sociological analyses have allowed the extension of this observation – in most cases, the interventionism contributes to instability, destruction of its existing state infrastructure, but not necessarily – or in fact, rarely – its replacement with a functional democracy. In an article entitled *Forced to be Free ...* Alexander Downes from Duke University also argues that democratic interventionism does not lead to the expansion of democracy as it might seem obvious at a first glance, yet, it may contribute to civil resistance to democracy, seen as a form of political expression of foreign occupation.³² Automatically, the democratic political system and the human rights discourse become an imposed particularity, yet, not assumed, a victory of a "narrative" of the

Western Christianity over another “narrative” in postmodern terminology.

The return to origins – a solution for the future?

In counterbalance, rethinking, reconceptualizing fundamental rights in the language, symbolism and semantics of other civilizations and cultures is not necessarily an approach of relativizing the discourse, but of its transcription in order to restore a universality which, unfortunately, has gradually been lost. Globalization is inevitable, not only the triumph of the Western model, but also the rematch, the particularities and regionalisms replica, of the counter-models: if the Western model ought to remain or, rather, try to effectively become a universal paradigm, not only to the normative level, by means of the Charter of Human Rights, then it must wear the garment of these particularities, yet retaining its essence.

Beyond interventions and wars, an Arab or Asian, Islamic or Confucian democracy, however we call it, must start from the internalization of certain concepts, from the assumption of the nucleus of “public welfare” existing in any civilization and religion, as we had demonstrated, from Brown’s “moral code”. As Jacques Derrida stated, each religion has its own rationality, insomuch as rationality relies on a religion of reason. Accepting a process of deconstruction of the basic concepts of individual rights, we can aspire to their reconstruction which should allow the insertion of particularities and culturalisms in a new kind of moral universalism.

Mircea Cartarescu wrote in the *Romanian Postmodernism* that, from an ethical standpoint, postmodernism is based on a new humanism, built on the myth of a return to human existential code (impossible, actually) so as to provide a unified picture of human existence into the chaos of an irrational history. In fact, we speak about a plurality of humanisms or about a humanism of plurality: “The detachment from reality (and even the failure to achieve it), the values perspectivism, the end of history as the triumphant progress of humanity towards a human ideal or another, and especially the pluralism, are the new premises which the human personality can be structured upon.”³³

Conclusions

A strictly ideologized interpretation of the nature and principles which guide the current theory of human rights lacks finality. Being a landmark of legal and organizational universe in the contemporary society, the human, as a judicial entity, hasn’t ceased to hold a portfolio of rights and duties (slightly different, indeed), attentively registered by all known codes and norms.

Thus, despite being ardently disputed in many communities outside Christian area, the major part of international norms which, ever since the end of World War II, have set forth the manifestation limits of the subjects of international war, as well as the major role of the human rights in this context, can be frequently found, in various forms and relevance degrees, in the cultural inheritance of most nations of the world.

Additionally, there is no doubt that globalization has produced a multitude of transformations that resulted in the need to review the general and specific legal framework, one of the most relevant debate lines being the relationship between individual and community in this context.

The merits of the new generation of international relationships theorists reside in the judiciously argued appeal to identify a common fund, existing in the joint cultural inheritance of humanity, and to build a legislative architecture, globally valid, upon it.

The basis of this approach lies on abandoning the preeminence premises issued by the Western culture, as well as on overcoming the perspective centered upon differences and particularities of emerging nations.

The comparative and future-oriented reading promoted by the critical postmodernism school has all the prerequisites of a unifying approach, expected and desirable, considering the need for the international law reshaping appears highly pressing, being adjusted to the increasingly complex realities of the 21st century.

Notes:

¹ Rather a metaphor, used in the title of a book written by a former minister of Foreign Affairs, Adrian Nastase. Adrian Nastase, *Human rights: - religion of the end of the century* (Bucharest: The Romanian Institute for Human Rights, 1992).

² John J. Mearsheimer, "Hearts and Minds", *The National Interest* (Fall 2002): 15 – 16.

³ Raimon Panikkar, "Is the Notion of Human Rights a Western Concept?" *Diogenes* 30 no. 120 (December 1982): 75, quoted in Henry J. Steiner and Phillip Alston, *International Human Rights in Context: Law, Politics, Morals* (New York: Oxford University Press, 1996), 201.

⁴ Reflected in Plato's *Dialogues*, Plato, *The Collected Dialogues of Plato: Including the Letters* (Princeton: Princeton University Press, 2005).

⁵ Especially in *Gorgias*, Plato, *The Collected Dialogues of Plato: Including the Letters* (Princeton: Princeton University Press, 2005).

⁶ Aristotle, *Nichomachean Ethics* (New York: Oxford University Press Inc., 2009).

⁷ Aristotle, 204.

⁸ Aristotle, 203.

⁹ General elements on the issue in Adamantia Pollis and Peter Schwab, eds., *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger Publishers, 1979), Elvin Hatch, *Culture and Morality: the Relativity of Values in Anthropology* (Chicago:

Columbia University Press, 1981), Antonio Cassese, *Human Rights in a Changing World* (John Wiley & Sons, Incorporated: New York, 1990).

¹⁰ Henry J. Steiner and Phillip Alston, *International Human Rights in Context: Law, Politics, Morals* (New York: Oxford University Press, 1996), 192.

¹¹ Samuel Huntington, "The Clash of Civilizations?", *Foreign Affairs*, 72 no. 3 (Summer 1993).

¹² Michael Fishbane, "The Image of the Human and the Rights of The Individual in Jewish Tradition", in *Human Rights and the World's Religions*, ed. Leroy S. Rouner (Notre Dame: University of Notre Dame Press, 1988), 17.

¹³ Michael Fishbane, 17.

¹⁴ Trutz Rendtorff, "Christian Concepts of the Responsible Self", in *Human Rights and the World's Religions*, ed. Rouner, 43.

¹⁵ Trutz Rendtorff, 43.

¹⁶ Mansour Farhang, "Fundamentalism and Civil Rights in Contemporary Middle Eastern Politics", in *Human Rights and the World's Religions*, ed. Rouner, 64.

¹⁷ Mansour Farhang, 64.

¹⁸ Khaled Abou el Fadl, *Islam and the Challenge of Democracy* (Princeton: Princeton University Press, 2004).

¹⁹ "Promoting Justice and Peace in the Modern World", *Voice of Buddhism* 28, no. 1 (June 1987): 4.

http://docs.google.com/file/d/0BxNRdXXc_II_QVVjzadLXy1CaTQ/edit?pli=1 (accessed June 26, 2013).

²⁰ William Theodore de Barry, "Neo-Confucianism and Human Rights", in *Human Rights and the World's Religions*, ed. Rouner, 185.

²¹ Roger T. Ames, "Rites and Rights: The Confucian Alternative", in *Human Rights and the World's Religions*, ed. Rouner, 200.

²² Roger T. Ames, 201.

²³ Roger T. Ames, 201.

²⁴ Roger T. Ames, 201.

²⁵ Roger T. Ames, 201.

²⁶ Raimon. Panikkar, "Is the Notion of Human Rights a Western Concept?", *Diogenes* 30, no. 120 (December 1982): 75, quoted in Henry J. Steiner and Phillip Alston, *International Human Rights in Context: Law, Politics, Morals* (New York: Oxford University Press, 1996).

²⁷ Chris Brown, "International Political Theory and the Idea of World Community", in *International Relations Theory Today*, eds. Ken Booth and Steve Smith (Cambridge: Polity, 1995).

²⁸ Nicholas J. Rengger, *International Relations, Political Theory and the Problem of Order. Beyond International Relations Theory?* (London: Routledge, 2000).

²⁹ Jacques Derrida, *Policy Deconstruction. Political writings* (Cluj-Napoca: Idea Design & Print, 2005), 115.

³⁰ Stephen M. Walt, "10 Reasons Americans Should Care about the Egyptian Revolution", *Foreign Policy* (February 10, 2011),

http://www.foreignpolicy.com/articles/2011/02/10/10_10_reasons_americans_should_care_about_the_Egyptian_Revolution (accessed June 26, 2013).

³¹ William Easterly et al., "Superpower Interventions and their Consequences for Democracy. An Empirical Inquiry" (Cambridge: National Bureau of Economic Research, May 2008), www.nber.org/papers/w13992 (accessed June 26, 2013).

³² Alexander B. Downes and Jonathan Monten, "Forced to be Free?: Why Foreign-Imposed Regime Change Rarely Leads to Democratization", *International Security* 37, no. 4 (Spring 2013),

www.duke.edu/~downes/documents/FIRCedTOBEFREE_MAY28.pdf.

³³ Mircea Cărtărescu, *Romanian Postmodernism* (Bucharest: Humanitas, 1999), 59.

References:

Adamantia, Pollis, and Peter Schwap. Eds. *Human Rights: Cultural and Ideological Perspectives*. New York: Praeger Publishers, 1979.

Ames, Roger T. "Rites as Rights: The Confucian Alternative". In *Human Rights and the World's Religions*, edited by Leroy S. Rouner. Notre Dame: University of Notre Dame Press, 1988, 199-216.

Aristotle. *Nichomachean Ethics*. New York: Oxford University Press Inc., 2009.

Brown, Chris. „International Political Theory and the Idea of World Community". In *International Relations Theory Today*, edited by Ken Booth and Steve Smith. Cambridge: Polity, 1995, 90-109.

Cassese, Antonio. *Human Rights in a Changing World*. New York: John Wiley & Sons, Incorporated, 1990.

Cărtărescu, Mircea. *Romanian Postmodernism./ Postmodernismul românesc*. Bucharest: Humanitas, 1999.

Cooper, Robert. *The Breaking of Nations: Order and Chaos in the Twenty-First Century*. London: Atlantic Monthly Press, 2003.

de Bary, William Theodore. "Neo-Confucianism and Human Rights". In *Human Rights and the World's Religions*, edited by Leroy S. Rouner. Notre Dame: University of Notre Dame Press, 1988, 183-98.

Derrida, Jacques. *Deconstructing policy. Political writings./Deconstrucția Politicii. Scrieri politice*. Cluj-Napoca: Idea Design & Print, 2005.

Donnelly, Jack. *Universal Human Rights in Theory and Practice*, 2nd ed. Ithaca and London: Cornell University Press, 2003.

Downes, Alexander B, and Jonathan Monten. "Forced to be Free?: Why Foreign-Imposed Regime Change Rarely Leads to Democratization". *International Security*. 37, no. 4 (Spring 2013),

www.duke.edu/~downes/documents/FIRCedTOBEFREE_MAY28.pdf.

Easterly, William, Shanker Satyanath, and Daniel Berger. "Superpower Interventions and their Consequences for Democracy. An Empirical Inquiry". Cambridge: National Bureau of Economic Research, May 2008, www.nber.org/papers/w13992.

el Fadl, Khaled Abou. *Islam and the Challenge of Democracy*. Princeton: Princeton University Press, 2004.

Farhang, Mansour. "Fundamentalism and Civil Rights in Contemporary Middle Eastern Politics". In *Human Rights and the World's Religions*, edited by Leroy S. Rouner. Notre Dame: University of Notre Dame Press, 1988, 63-75.

Fishbane, Michael. "The Image of the Human and the Rights of The Individual in Jewish Tradition." In *Human Rights and the World's Religions*, edited by Leroy S. Rouner. Notre Dame: University of Notre Dame Press, 1988, 17-32.

Forsythe, David P. Ed. *Encyclopedia on Human Rights*. 2nd ed. New York: Oxford University Press, 2009.

Forsythe, David P. *Human Rights in International Relations*, 3rd ed. Cambridge: Cambridge University Press, 2012.

Fukuyama, Francis. *The End of History and the Last Man*. New York: Free Press, 1992.

Goodhart, Michael. *Human Rights: Politics and Practice*, 2nd ed. New York: Oxford University Press, 2009.

Hatch, Elvin. *Culture and Morality: the Relativity of Values in Anthropology*. Chicago: Columbia University Press, 1981.

Huntington, Samuel. "The Clash of Civilizations?". *Foreign Affairs*. 72, no. 3 (Summer 1993).

Mearsheimer, John J. "Hearts and Minds". *The National Interest*. (Fall 2002): 13-16.

Năstase, Adrian. *Human rights: religion of the end of the century/ Drepturile omului: religie a sfârșitului de secol*. Bucharest: Romanian Institute for Human Rights, 1992.

Panikkar, Raimon. "Is the Notion of Human Rights a Western Concept?". *Diogenes*. 30, no. 120 (December 1982): 75-102. Quoted in Henry J. Steiner and Phillip Alston. *International Human Rights in Context: Law, Politics, Morals*. New York: Oxford University Press, 1996: 201.

Plato. *The Collected Dialogues of Plato: Including the Letters*. Princeton: Princeton University Press, 2005.

"Promoting Justice and Peace in the Modern World." *Voice of Buddhism*. 28 no. 1 (June 1987),
http://docs.google.com/file/d/0BxNRdXXc_II_QVVjazdLXy1CaTQ/edit?pli=1 (accessed June 26, 2013): 3-9.

Rendtorff, Trutz. "Christian Concepts of the Responsible Self". In *Human Rights and the World's Religions*, edited by Leroy S. Rouner. Notre Dame: University of Notre Dame Press, 1988, 33-45.

Rengger, Nicholas J. *International Relations, Political Theory and the Problem of Order. Beyond International Relations Theory?* London: Routledge, 2000.

Steiner, Henry J., and Phillip Alston. *International Human Rights in Context: Law, Politics, Morals*. New York: Oxford University Press, 1996.

Walt, Stephen M. "10 Reasons Americans Should Care about the Egyptian Revolution". *Foreign Policy*. (February 10, 2011),
http://www.foreignpolicy.com/articles/2011/02/10/10_10_reasons_americans_should_care_about_the_Egyptian_Revolution.

Zakaria, Fareed. "The End of the End of History". *Newsweek*. September 23, 2001.