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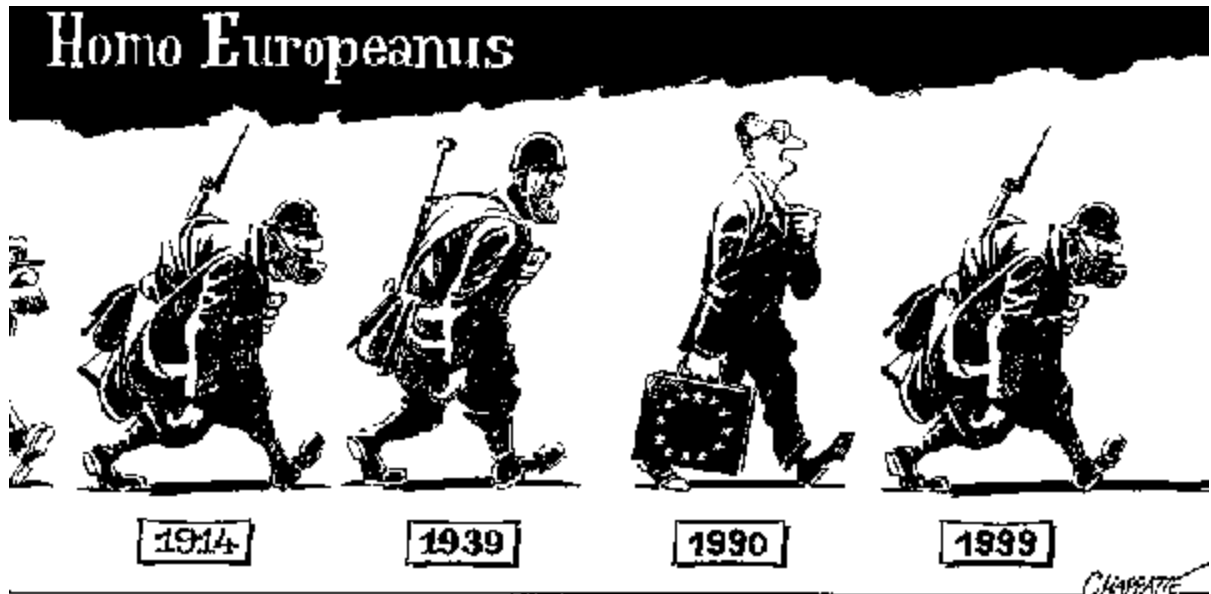
## A Structural-cyclic Model of Developments in Human Rights

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## **A Structural-cyclic Model of Developments in Human Rights**

**An Alternative Chronosophy as Base for the Formal Reconstruction of Human Rights.**

**A proposal**

**by**

**WOLFGANG DIETRICH**

My interpretation of the history of human rights in the twentieth century as precondition for any reconstruction will concentrate on debates and struggles of the centres in the capitalist world system. This is not a neglect of the post-colonial approaches in the South. The case is quite the reverse: By questioning the vectorial chronosophy of the development era I will try to investigate the supposed self-evidence of the truths and civilizatory myths in the centres exactly to open the ears and minds for the perceptions of the others. The question how to formulate the substance of human dignity will be one of my prior concerns. This is legitimate because the imposition of universalism and uniformity always has proceeded from these centres, who have disregarded the rest. Therefore this is a call for an opening of the north Atlantic perception of human dignity to a really global - neither universal nor uniform - approach. Let us invite the "others" to participate in our discussion with their words, their truths and their cosmovisions!

In this paper, I will ask the question what human dignity would mean if societal time were (or is) not linear. I will propose a structural-cyclic perception of peace and human rights and I will try to draw the consequences of such an approach for the reconstruction of these ideas. I would like

to emphasise that this paper is nothing but a proposal for further discussion and not meant as a draft of any new ideology.

At the beginning of this essay I will define my perspective on the actual construction of human rights on the level of international and constitutional law, de-construct it, introduce a structural-cyclic model and estimate the consequences of this perspective for the further discussion that I want to challenge.

## **1. The perspective**

While the UN conference on human rights in Vienna in 1993 reconfirmed the impartiality and universality of human rights and celebrated this as an immense success against the attempts of some governments of Asian and Islamic states to implement something like a regionalisation and thereby a relativisation of human rights many observers doubted if repeating the old standards could actually be considered a success. I was one of those observers and published an essay in which I tried to explain the reason for my doubts.(1) As somebody who spent ten years living and working in places as different from Europe and from each other as Central America, India, Southeast-Asia and Eastern Africa, I was convinced that there must be something like a common nucleus of values on human dignity in all cultures - an idea more or less popular since Rousseau and recently discussed when Hans Küng initiated the debate about the "world ethos".(2) I began by looking into the idea of human dignity in the history of Europe prior to the Enlightenment. I tried to find negative evidence of the universality of human dignity, arguing with Rousseau and Rorty that the methodology of humiliating people is rather similar all over the world. Beyond all formal standards, individuals and societies seem to have a common understanding of dignity and humiliation. Paraphrasing Saint Augustin I presumed that if you do not ask people the meaning of dignity, they know it, once you ask them, they do not.(3)

But the universality of the substantial meaning of dignity can be communicated in different forms such as rights, obligations, wisdom, legends or dreams. All of these diverse forms are as compulsory to their respective communities as laws and rights to citizens of the modern constitutional state. For example, the Faraid of Islam, and the Decalogue of Christianity, both of which are statements of obligations, are as compulsory to believers as laws to citizens. The right to life - just to mention the most important - is, in its substance, not different from the Christian commandment not to kill. The problem of universality, therefore, seemed to be related to the transformation of the holistic idea of human dignity into the formal framework of separated human rights in Enlightened European states. The latter, the colonial centres, spread the idea of human rights all over the world (as they did with the Good News before), linking the substantial meaning of human dignity to the law, the vehicle for social communication in Europe. Law, however, is deconstructable, and it must be deconstructable for the sake of political and social reality. Dignity or justice on the other hand is not deconstructable, but it is present, wherever deconstruction takes place. Hence there is a close relation between dignity and law, but they are never identical.

Therefore it is common wisdom that the sum total of the civil, and later human rights, was at no time equivalent to human dignity. Once it was proclaimed, every single right was nothing but societal reaction to the impositions of modernisation. It was no coincidence that the ideas of civil, social, cultural and solidarity rights followed the pace of industrialisation and modernisation all over the world. Their final and formal triumph in most constitutions and in

international law was not related in any way to the proclaimed civilizatory development, it was, instead, the simple expression of the impositions of modernity, a formal and practical attempt to put into place a balancing corrective. As different societies were in very different conditions and states of consciousness when they had to face these impositions, they felt different deprivations and longed for different solutions. But as their communities were gradually transformed into groups of citizens and the colonial, later post-colonial state, was the most powerful and at times the only remaining institutional framework that could be referred to, human rights became the only means of defence against the impositions of state, industrialisation and modernisation. Therefore, my point was, and still is, that I do not doubt the universality of human dignity and the importance of its protection but I reject the prejudice, however self-evident it may seem on its surface, that law is the only possible form to communicate and to protect this dignity.

When we talk about the reconstruction of human rights for the 21<sup>st</sup> century we have to add a second argument concerning the law as a means of protection of dignity: human rights, in the way they were developed over the last centuries, are directly related to the institutions of the constitutional state and the international law. The modern state with its institutions is a rather recent achievement of mankind and by no means an anthropological constant. At present, the state is experiencing a profound crisis and consequently a pressure for transformation both from the governing elites and from the grassroots.

Over the past few decades the elites began to transfer step by step and at an accelerating rhythm the traditional administrative and legislative power to supra-national entities. What started some time ago with treaties on economic co-operation and regional integration transcended the limits of national and international law when the *Organization for Economic Cooperation and Development* OECD negotiated the so called *Multilateral Agreement on Investment* MAI, that would have divested the state of all its traditional functions and obligations of social protection for its citizens and reduced it to a protector of the interests of transnational companies - the new central actors in the global system. While we know since the end of 1998 that this treaty will not be concluded as drafted, the dynamics and the direction have not changed. It seems certain that we will soon be confronted with a post Seattle-proposal of this kind by the *World Trade Organization* WTO. The traditional global system based on the indivisible sovereignty of the nation state has already begun to dissolve. With a view to human rights this means that we have to rethink the existing standards because the most important addressee and protector of these norms, the state, is changing its character completely.

Secondly, the dream of a global paradise of middle class citizens is fading away along with the twentieth century. Although the state as a means of law and order and as provider of social and legal security has still not reached some of the more remote areas of the globe, it is already losing control in many of its centres. In mega cities all over the world, most of them capitals, the new commons of the barrios bajos, favelas, shantee-towns or however else they might be called, have developed their own social regulation. In these places, the police is considered there as a corrupt and external enemy, and the state or the city administrations are increasingly losing their control. Although these formal and informal worlds are linked in matters of electricity, transit, and water supply this relation is not directed anymore to what once has been considered as a kind of middle-class development. These commons created new forms of social regulations on the base of their own flexible value system far beyond the standards of state and city-administration.(4)

In summarising these observations I think that any reconstruction of human rights for the 21<sup>st</sup> century has to consider the new changing and considerably weaker role of the state. And it is not very likely that the "international community" can replace the state as protector of human dignity. If we look for example at the international management of the Kosov@ crisis we see that the "family of nations" disregarded all the legal standards developed since 1945. In trying to legitimise this behaviour, it has frequently been said that "Human rights" were "more important than international law".(5) But if not the constitution of the weakened nation state and if not the international law what is the legal framework that human rights - in the form of rights - can refer to in the 21<sup>st</sup> century?

## 2. The deconstruction

The various schools of the academic discipline of International Relations, have all provided their respective answers to my question. The "idealist school" dominant in German peace research has rediscovered Immanuel Kant(6) and reinvented the state. Dieter Senghaas,(7) the most outstanding representative of this school, presented the neo-neo-Kantian model of the *civilising hexagon* as reaction to the breakdown of the USSR. This tendency restated the prejudices of the nineteenth century and based its arguments on the assumption of a linear and universal development of human civilisations within the institutionalised framework of peacefully interacting nation-states. Consequently this tendency approaches the human rights question from a positivist position.

The "realist" tendency, which is dominant in the Anglo-Saxon world, defined its position in the post-soviet system when US president George Bush proclaimed the *New World Order*, meaning by that a monocentric hegemonial project, guaranteed by strength and power. Developed from anthropological pessimism, as once formulated by Thomas Hobbes'(8) "homo hominis lupus est" the realist approach does not carry as much moralist burden as the idealist project. Realists just need to be sure that they fight for the just cause, that they are the good guys to legitimise their strikes and violence all over the world. They always believe to do it for the sake of mankind.

This is not the place for further discussion of the practical benefit of the idealist and realist approaches but we have to state that both classical dogmas of International Relations are based

- on the nation-state as central entity for social organisation,
- on a linear chronosophy of societal time, expecting the paradise at the end of history,
- on a direct relation between political action and social result in the sense of Cartesian reductionism.

In fact the recent history of world politics demonstrates to a certain extent a syncretism of these two paradigms. Marxism seemed to be a real alternative for some decades. But as time goes by we can accept more and more that at least real socialism was not so much the opposite of these two paradigms but rather a hostile variation of them.(9) At least it would fit easily with the three points mentioned before, and is it not astonishing how comfortable we get along with all the surviving norms and standards that have been agreed with communist rulers? This is also true for almost all the human rights documents!

So if we understand the USSR as a kind of short-time irritation during the combined reign of realism and idealism, we find that almost ten years after the end of this irritation neither of these schools has been able by itself or in combination with the other to provide mankind with the rational and enlightened world without war, violence, discrimination or social injustice promised for two centuries. Panama, the Gulf Wars, Chechenia, Afghanistan, Somalia, Sudan, Rwanda, the conflicts in Western Africa and in former Yugoslavia give evidence of this.

After all it is impossible to de-construct the paradigms of the twentieth century and to re-construct human rights for the 21<sup>st</sup> if we analyse the dogma by its own methodology. It follows that we have to look for more distanced and critical perspectives, such as those of David Hume, Jean Jacques Rousseau or Friedrich Nietzsche, whose positions have inspired many of our contemporary post-modern thinkers.(10)

### 3. A proposal for *cyclic perceptions of societal time*

Friedrich Nietzsche, who can help to overcome the three "truths" mentioned before, liked to call himself a *dionysian pessimist* in order to distance himself from the fading romanticism of his days, particularly from Wagner and Schopenhauer.(11) In "Die Fröhliche Wissenschaft" (Gay Science), written in 1886, Nietzsche distinguishes between artists who suffer the cultural exuberance of their generation while others suffer the cultural impoverishment of their respective time. He calls the first ones *optimists* and the second ones *pessimists* emphasising that *optimism* allows to imagine and even to create the most horrible while *pessimism* includes ardent desire for hope and therefore, according to Nietzsche, it causes moderation and deceleration.

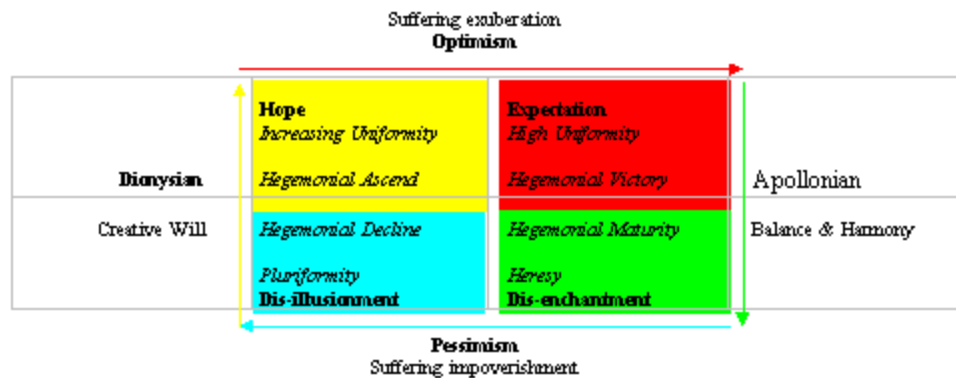
Later in the same text Nietzsche refers to the Greek deities, to *Dionysos* as symbol of the *creative will* and to *Apollo* as the symbol of *balance and harmony*. Nietzsche did not combine these ideas to a complete matrix as I will try. And he could not refer to the theories on long waves in economic life(12) and to *hegemonial cycles*(13) that were not yet developed by the economists and sociologists of his time.

The latter give us rather a good perspective on dynamics in and on human societies beyond the vectorial perceptions which project a golden age either at the beginning or at the end of history - as do Marxism as Liberalism in their anthropologically optimist (Kant, Idealism) or pessimist (Hobbes, Realism) variations. I cannot refer to or explain all the observations which serve as base for the theories on structural cycles in economy and politics in the frame of this essay. I just mention the *theory of innovations*, first developed by the liberal Austrian Joseph Schumpeter, the marxist *theory of accumulation of capital* and the oldest of them, the *theory of long waves in price development*, first published by Nikolai Kondratieff and nowadays popular as *terms of trade* approach.(14) Peter Taylor analysed hence *hegemonial cycles* in the history of the capitalist world system and described a hegemonial period composed of four phases, each of them lasting more or less 25 years. He calls these phases: *hegemonial ascent*, *hegemonial victory*, *hegemonial maturity* and *hegemonial decline*.

I suppose that the most important political and social paradigms of each epoch are related to the condition of its hegemonial centres, as only the centres possess the diagnostic power(15) to publish - therefore - public opinions according to their political interests. World economy has a cyclic nature. Politics and politicians have to fit with permanently changing economic conditions. Changing material contexts create drastical changes in the conditions of politics for

the elites who try to manipulate the system. But none of them will ever manage this system alone, so that all of them have to react to the changing cross-over situation of competence. Therefore the elites of the capitalist centres and their output are the actors, the main subjects of interest as seen from this perspective. We know for example that the prevailing opinion in the struggle about protectionism or "open door policy" is always bound on the trade conditions of the hegemonial centre(s).(16) But this is not only true for economics. Within the capitalist world system economy dominates politics and cultur.(17) Therefore the elites of the centres derive political concepts and "codes" (18) from their economic interests. Governments and elites use these codes and concepts for dealing with their clients. Human rights became rather a popular concept of that kind while the 20th century. They served as a very effective means for mobilising the public opinion whenever a new enemy or friend was needed. One of the best known examples in this regard is the redefinition of the former ally USSR as a most dangerous enemy in the published opinion of the USA between 1945 and 1947. Thus we can state that within the capitalist world system the idea and the politics of human rights will always be closely connected to the economic long waves and therefore also to the hegemonial cycles. The average political atmosphere in the centres will define the public perception of human rights, as we will see later on. For the moment I add to Taylor's scheme of phases as logical average political atmosphere: *hope to hegemonial ascent, expectation to hegemonial victory, disenchantment to hegemonial maturity and disillusionment to hegemonial decline.*

Combining these observations we might escape from the linear perception of history and we get a picture of structural cycles in material and immaterial terms. I propose this draft for discussion and further – empirical - investigation.



If we agree with Nietzsche and call him a *dionysian pessimist* we could call Kant a *dionysian optimist*, Hegel an *apollonian optimist*, Schopenhauer and even Marx *apollonian pessimists* and refer to neo-Kantianism and positivism as the beginning of a new cycle of *dionysian optimism* after Nietzsche. The same could be done with composers such as Mozart, Beethoven, Wagner and Mahler or painters such as Jacques Luis David, Caspar David Friedrich, Edouard Manet and Vincent van Gogh. It would be enlightening to try the same experiment with earlier centuries but I want to return to the twentieth century and to the question of human rights.

In doing this we have to take in account that the already well developed idea of civil rights was a heritage of earlier generations to politics and culture of this century. I call the time between the end of the "long nineteenth century" and the end of World War II (1917-1945) the phase of *dionysian optimism*. At first sight this could be interpreted as a contradiction. The area of

economic depression, of communist revolutions, fascism, the holocaust, nuclear bombs and global bloodshed as the period of hope? Nietzsche said that exactly the combination of *creative will* and *optimism* has the power and the tendency to imagine and create even the most horrible. In the twentieth century this was the time of *Sturm und Drang*, when the idealism of new ideas - most of all of social rights - shook and shattered the demoralized old order. The Russian Revolution, fascism and Maoism proclaimed the legitimacy of cruelty and violence for the sake of what they considered just causes. Remember that the communist anthem proclaimed the fight for human rights! *Hope* as a political term is not defined by experience or rationality but by idealism, uncertainty and risk. *Hope* does not automatically lead to "good" results - whatever good might be. Once combined to a proper promise of salvation idealism, uncertainty and risk can also legitimise violence and destruction in the opinions of the believers.(19) I think this is one of the lessons of the twentieth century we should remember for the present. However, World War II resulted in the hegemonial victory of the USA. The most important question of this century - whether the USA or Germany would follow England as hegemonial power - had been decided in favour of the USA. The Cold War became the expression of the new hegemonial order in the capitalist world system.

*Apollonian optimism* is the period of the presumptuous self-evidence of the meta-narrative while this period of hegemonial victory. It is conditioned by apparent prosperity in the centres of the world system, by balance and harmony provided by clear rules of the game - in our case the rules of the Cold War. At the time of *apollonian optimism* people tend to write their version of the world down, their rules and truths, for the following generations and they *expect* them to be indivisible, universal and perpetual. *Apollonian optimism* does not need the ardent idealism of the *dionysian optimism* anymore. As everything seems to be clear and regulated, there is no place for pagans. They would not be exterminated by the storms of idealism, but forbidden by the law. In the minds of this generation, pluralism is a small and practically necessary variation within the frame of the accorded and uniform norms. In fact *apollonian optimism* is carried by the one-dimensional mind of *uniformity*. In terms of human rights in the twentieth century we find this period between 1945 and 1968. This is exactly the time when the most important documents on human rights of this century have been published and signed: The Universal Declaration on Human Rights (1948), the Convention on the Prevention and Punishment of the Crime of Genocide (1950),(20) The European Convention on Human Rights (1952), the International Covenants on Civil and Political Rights (1966) and the International Covenants on Economic, Social and Cultural Rights (1966).

The standard of these documents seemed to be so self-evident after a very short time that everybody tended to refer to them while only experts studied and read them. Thus the texts and metatexts of these documents have never been adapted to the insights of the following decades so that some of them, especially the Covenants on Social Rights,(21) appeared very soon rather as an anachronistic illustration of the *optimist* mood and of the radical *uniformal* dogma of the sixties than as an applicable means for the protection of human dignity.

After the time of *Sturm und Drang* (*storm and stress*), when people thought that they could promote human rights and human dignity by violence, and after the *classical period*, when people uni-formulated an extended selection of human rights in the place of human dignity, the so called "revolution" of 1968 did not break with the old rules and traditions as their protagonists in Berlin, Berkeley, Paris or Prague would have claimed. Without really questioning the meta-



narratives they began the *romantic phase*, enjoying the gap between theory and practice of *classic* politics and flirting around with heretic ideas rather within the protected centres of the capitalist world system in the hegemonial centres than in the sense of a real call for change. While the phase of *hegemonial maturity* the Cold War was gradually transformed to a kind of global *détente* that allowed a certain quantity of citizen's heresy in the centres as long as they did not really question or threaten the persisting *classical* Cold War paradigms. The ecology movement, the third world solidarity, the second feminist movement and also the boom of human rights initiatives form part of that. To a certain extent they succeeded and they promoted their ideas in the field of international politics. The Declaration on Social Progress and Development (1969),(22) the Charter of Economic Rights and Duties of States (1974),(23) the Declaration of a New International Economic Order (1974),(24) the Convention on the Elimination of Discrimination against Women (1979),(25) the World Charter for Nature (1982),(26) the Convention against Torture (1984),(27) the Declaration on the Right of Peoples to Peace (1984)(28) and the Declaration on the Right to Development (1986)(29) are paper victories of that kind. They all have in common that they have been established within the *classical* framework of the United Nations and that they refer to goals that are far beyond any reachable limit. Thus the substance of these *romantic* documents is in reality still less compulsory to the signatory states than the *classical* human rights documents within the weak system of control that has been established by drafting them. And the governments treated them like this all the time. The *romantic* documents on ecology, peace and development, including the human rights and the feminist question, present the simulation of political goals that never were desired or accepted by those in power. And this created the particular post-myth condition where nobody in the political institutions believed in the very meaning of action anymore. The *apollonian pessimists* of the *romantic* period were more or less *disenchanted* in regard of the *classical* truths but they were still bound on the idea of a paradise on Earth at the end of history. They hated nothing more but the imagination of a world that would not lead to this paradise, as for example Jesus Christ once stated, when he promised salvation beyond the limits of this reality. Instead of accepting this, resting and reflecting the dynamics of progress and modernity this generation tended to extend the welfare-competencies of governmental and non-governmental institutions into the daily life, latrines and bedrooms of people all over the world, to accelerate the pace of social action and to improve the organisational level. Everything was allowed except demanding an end to this accelerated action.

The pagans of this phase were the ones who still asked for the meaning of action. When they could not find it, they, hated, excluded and isolated, prepared our present phase of *post-modern thinking*(30) or in Nietzsches words *dionysian pessimism*. "Post" indicates that the social value system of the time span that it circumscribes refers to a condition which, although preceding it, still has effects and remains relevant at a particular point in time. If this were not the case, the prefix "post" would be redundant. *Postmodernity*, then, describes the state of mind of the generation that has had to painfully disassociate itself from the great truths of the previous phases, without having found for itself a new unitary system of reference. This state can be described by the word *disillusionment* and it can be found as a gradually prevailing condition in the hegemonial centres of the world system since the convulsions of 1989-1991. People - not only in the so called East - have become aware of the relativity of those truths in whose absolute validity they used to believe during the previous phases. As a consequence, those truths have lost their binding character. Such a condition can be interpreted and experienced as a simple loss of values and orientation, as *anomy*.(31)

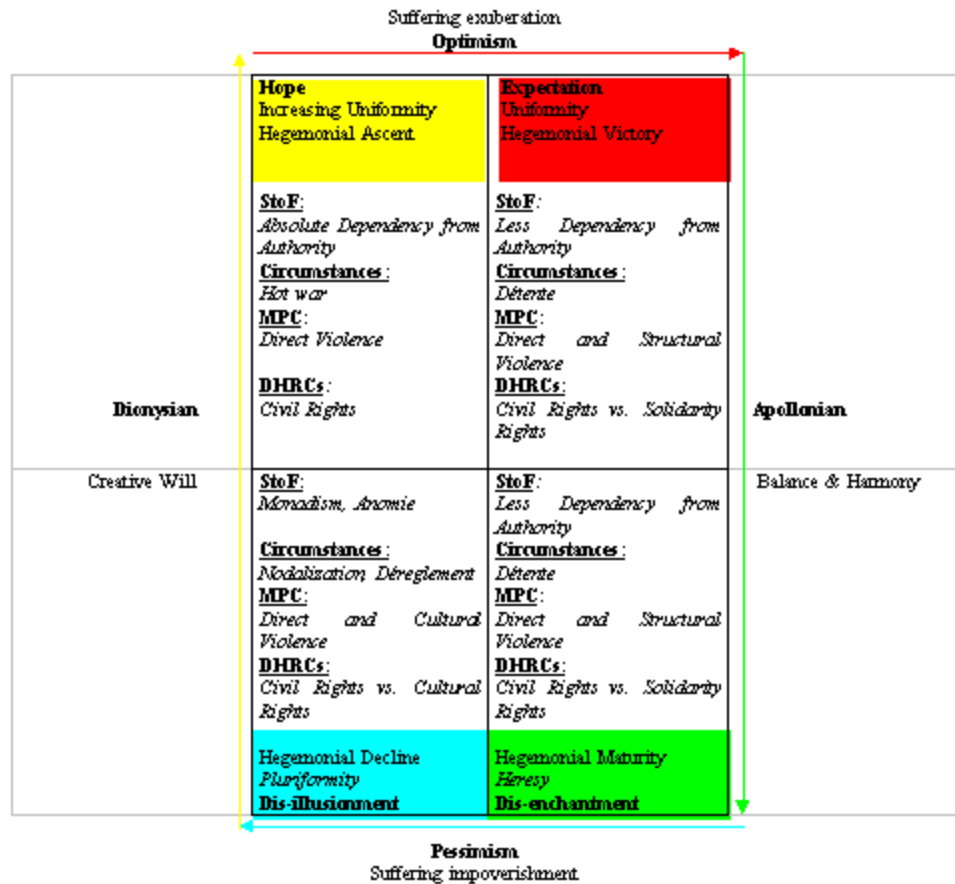
Human Rights documents of this period tend to repeat the unreachable goals of the previous periods, as most of the papers that have been produced while the mega-conferences of the UN while the nineties from Rio 1992 and Vienna 1993 to Buenos Aires 1998 and still further on or as the "agendas" for peace(32) and development(33) by the respective Secretaries-General. Another class of documents of this actual period also deals with a new perception of plurality. I refer to the UNESCO-project "Cultures of Peace" and to the UN-resolution on "Dialogue between Civilisations".(34) These documents once more demonstrate the relation between the impositions of modernising processes and human rights-thinking. The global victory of the modernising processes called the attention of people to the question of social and personal identity in a globalised world. Thus plurality and identity arise as human rights issues and create a new kind of tension within the logical framework of human rights as already stated for the famous Vienna conference 1993 at the beginning of this essay. To cut a long story short: in a gradually globalised and *disillusioned* world *pluriformity* becomes a key human rights- or at least human dignity-issue.

*Postmodern thinking* as a scholarly method is a response to the *postmodern condition* in real life of the hegemonial centres. For an issue can only become relevant to academia after becoming socially relevant and after being perceived as socially relevant.(35) The attempt to respond to the loss of the paradigms and the impositions of what is frequently called "globalization" nowadays - perceived as loss of living standard by a growing number of people - is the usual way of human communities of responding to such crises of perception. The meaning of social sciences lies in the task of elaborating new concepts for interpreting social reality which correspond to this general feeling of insecurity. There is a growing readiness now in the academic community to face up to this task and we try to do it here.

I write this lines while the NATO-air strikes against Serbia and the massacres in Kosov@ have continued for weeks. I never felt the *postmodern condition* so personally and so emotionally. The very fact that the cautiously developed international law is openly and consciously broken in the name of human rights, that extralegal but internationally accorded bombings are realised to stop an anachronistic genocide illustrates the *anomy* of the hegemonial centres,(36) which stumbled into this horrible adventure without any recognisable political concept. The very need for new perceptions and means to protect human dignity could not have been demonstrated more dramatically.

#### **4. The re-construction**

If my arguments have been accepted until here we can concentrate on the reconstruction of human rights for the 21<sup>st</sup> century. I want to apply once more the diagram used before and I add some more elements to develop the idea what the challenge could be at least at the beginning of this new period. I ask now for the *state of freedom* (StoF) while the respective periods, for the political *circumstances* as perceptible for the contemporaries, for the *main published concerns* (MPCs) and hence for the *derived human rights questions* (DHRQs). For the *state of freedom* I refer to Nietzsche's concept of the three steps to freedom,(37) furthermore I apply Galtung's(38) definitions of direct, structural and cultural violence to illustrate the *main published concerns* and I derive from there the respective discussion on *human rights* using the well-known terms.



When analysing this diagram we find that the *state of freedom* in the twentieth century followed almost exactly Nietzsche's dramaturgy. Starting from an almost absolute (*dionysian optimism*) or high (*apollonian optimism*) dependency of citizens from the authority in the centres, their conditions relaxed to less dependency during the *romantic* phase of *apollonian pessimism* due to the struggles of the civil rights-, peace- and feminist movements against the *classical* power of state. This corresponds to the condition of *hot war* and *cold war* on international level and the respective changes by the politics of *détente*. Compare this to the *main published concerns*: *direct violence* while the period of *hot war* involving a high number of citizens of the centres, again *direct violence* while the period of *Cold War* when citizens of the centres still suffered to a certain extent from the consequences of extra-regional or trench warfare (Korea, Hungary, Suez, Congo, Cuba, Vietnam). But during this phase the concerns about *direct violence* were challenged by arguments about what used to be called *structural violence*. This became even more frequent when the *heretics of modernity*(39) joined the Marxists in their attempt to oppose capitalism during the *romantic* era of *apollonian pessimism*. The human rights discussion sparked off by these experiences is well known: pure concern about *direct violence* was almost natural for the contemporaries of *hot war*, revolution and holocaust. The *Cold War* produced the ideological rivalry between *civil and social rights* and the formal contradiction within the legal framework of the two famous international covenants on human rights of 1966.(40) This problem has never been solved. It continued when the *romantic* phase formulated the unreachable apotheosis of the social rights: the international *solidarity rights*.

The last phase of the twentieth century, the *dionysian pessimism* confirms only some of Nietzsche's ideas about freedom. While he expected that the citizens condition would proceed from *absolute dependency* to a *negative freedom from* authorities and eventually to a *positive freedom* to live according to *one's own values* the last step has turned out to be more problematic than the author may have expected. Today people in the very centres of the capitalist world system live probably closer to the ideal of Nietzsche's third step of freedom than ever before, but we hardly experience it like that. Our most popular analysts rather deplore a kind of hyper-individualism in the place of the *freedom to live to one's own values*. It seems that our traditional value systems cannot stand up against this individualism as we suffer a remarkable decline of intra- and intersocietal solidarity. Neither churches nor political parties, neither states nor communities with their respective dogmas can keep their position as "emotional home" of people in the centres anymore. Many people thus float across a variety of traditional and new values without being able to embed their consciousness in a stream with a clear direction. This is nothing else but the *post-modern condition*. Galtung(41) rediscovered Leibnitz' term *monadization* to define this condition of individuals, who are becoming increasingly disconnected from the society surrounding them. By doing this, these individuals suffer more and more from personal *disorientation* in the place of the big *freedom*. Emile Durkheim,(42) the great contemporary of Nietzsche, called this individual condition *anomy* and stated that individual disorientation as the chief condition of a society produces societal *dérèglement*, a term that in Durkheim's thinking has a different and a worse meaning than in today's neo-liberal dogmas. Furthermore, the modern means of communication changed the game of power. Although the nation state is still the dominant form of organisation within the world system, it is not the only one and maybe not the most powerful one any more. Economic and military power in particular can be moved between different points on the globe within seconds and anonymously. So the centres of political power and the main actors are geographically not as clearly defined as they used to be in previous periods. But they still exist. The centres can move now but they are always present and they still dominate the world system. Paul Virilio called this phenomenon *nodalization*.(43)

All these factors make people look for new points of reference. And very often they find them in the myths of the past. So we face the paradox that nationalism reflowerishes while the nation state and the international system which are rooted in it are losing their power and control. This paradox is dangerous for it produces *direct violence* in and between societies and their disorientated people. Uncertainty and insecurity terrify people and create abstract feelings of communities of fate directed against the "others", the excluded ones, who therefore tend to be the "enemies" as soon as some substantial tensions arise. Globally increasing *cultural violence* as precondition for *direct violence* characterises therefore this present phase, while the state very often is not strong enough (anymore) to transform the animosities. In terms of human rights this means that *civil rights* continue to be an priority issue and *cultural rights* have secured a stronger position on the agenda than ever before (Rwanda, Somalia, Bosnia, Afghanistan, Sudan, Turkey, Kosov@) Yet it is hard to decide whether this is a use or an abuse of the very goal of human rights. Sending missiles and/or troops to another country to protect human rights might be rational in the terms of the realist school of international relations. But it is a horrible strike against international law, institutionalism and a remarkable structural regress into conditions that seemed to be overcome by 1945. This is the diagnosis at the seam between *postmodernity* and the likely dawn of *dionysian optimism* at the beginning of the new century. What is the notion of human rights in this context?

- a. Embarking into a new period of *hegemonial ascent* means a persisting multi-central order and decades of competition between the actual centres (USA, EU, Japan) and the new challengers on the economic, ideological and military level. It is likely that the main actors will still be organised around governments of advanced nation states but we can also imagine a new kind of competition as result of the actual *nodalisation*, that is a new world order which gradually moves beyond the nation state system. In any case this development will not bring the United Nations into the position of a more effective peace keeper, even if reforms are carried out. After the NATO-Kosov@ event the contrary is more likely.
- b. All the competing powers will try to dissolve the actual *pluriformity* and implement an *increasing uniformity* upon the people and communities under their rule. To this end - power - politics will have to break with the actual mood of *disillusionment* and attract people by convincing promises of salvation. After a certain period of *monadism* and *anomy* people are mellow and ripe for the call of the new missionaries all over the world. They long for salvation and hope - and they may get it!
- c. In terms of freedom this means a harsh tendency to new forms of authoritarianism, maybe more sophisticated than 100 years ago but still authoritarian and equipped with all skills and means of the latest technology.
- d. Regimes like that tend to dissolve the international order (again: as already happened in the Kosov@-war) and to threaten the world with "just wars". These wars will not necessarily be fought like international wars of the fading period. The global tendency to internal "civil"-wars is likely to announce the formal type of violence to come.
- e. So the *main published concern* will be again *direct violence*. Cultural arguments are likely to be replaced by a rather narrow perception of "ethnic", "tribal" or "national" interests. Once the level of *direct violence* is high enough the sectional interests overrule intellectual doubts.
- f. In regard of human dignity this can only result in a new concentration on issues that we call civil rights today.

If this pessimistic scenario - obviously inspired by a *postmodern* condition and mood - is approximately correct, then there is a threefold challenge for the human rights movement to save human dignity by counterbalancing this global tendency:

1. We have to admit that human RIGHTS is only an applicable concept as long as the *classical* nation state is the only or the chief addressee. We should be prepared for a near future where this will not be the case anymore. Thus we need a formal framework that makes transnational corporations, international organisations of any kind and private entrepreneurs as responsible for human rights as the state is now. Isolated national constitutions are not strong enough for this goal.
2. We have to admit that the law is not the appropriate form to express human dignity in many cultures. If we want to save a part of the remaining *pluriformity* and relatively high standard of *positive freedom* in the centres of this world we must open the global discussion for a variety of different forms of expressing and protecting human dignity. The number of human rights should

not be increased any more but those which already exist should be transformed into a more flexible form. This excludes every one-dimensional formal concept and unreachable goals from further discussion.

3. We have to remember that Immanuel Kant, who found himself under the impression of the *storm and stress* of his own time, stated that no unreachable political norm or goal is moral.(44) *Dionysian optimism* and *apollonian pessimism* tend to proclaim utopias and to legitimise the sacrifices of "just wars" in the name of these unreachable goals. If we really stand on the edge of such a new epoch of *storm and stress*, as we have to assume with Nietzsche, a relaxed opposition against its promises of salvation will be the best recipe for human dignity. We must be wary of political moralists who argue with abstract and utopian goals and obligations and look for moral politicians who adjust their actions to the dominant moral principles.(45)

This last point will turn out to be the most difficult one because, as we said earlier, mankind never possessed a universal moral, and does not do so now.(46) Further more law is not an appropriate means for the majority of societies who are based on energetic concepts of community, nature and cosmos.(47) So the literally globalised world will need a kind of linguistic transformator to avoid the reconstruction of assumptions that have already demonstrated their lethal power: racism, sexism, nationalism, totalitarianism, war of religions, clash of civilisations...

As long as Europeans use "peace" as keyword for such a purpose, we should clarify what we are talking about. Some months ago I had the opportunity to teach at the University of Castellón in Spain. I gave a course on peace and development where I worked with 50 students from 24 different countries all over the world and I asked each of them to define what "peace" means in his/her mother-tongue or culture of origin. I received almost as much definitions as students were there, many of these definitions incompatible with each other.(48) Ethymological research may well be enlightening in this regard and it will teach us not to talk about *peace* anymore but about *peaces*, as the one and only "peace" is already an imposition to all cosmovisions which do not cope with any onedimensional interpretation of peace. This takes us back to the question of human dignity.

Galtung tried to redefine peace as the ability to transform conflicts by *empathy*, *non-violence* and *creativity*.(49) Hence he crosses the Rubicon of *postmodernity* when he understands peace as an *attitude*, rather close to Gandhis definition of *ahimsa*.(50) and not as a *status* any more. *Creativity* has per definition to be a constitutive element of any political moral while the phase of *dionysian optimism*. *Non-violence* is a self-evident political commandment beyond the logic of the realist approach to International Relations, where it is possible to argue for bombs in the name of human rights. I suppose that especially while the time of *storm and stress non-violence* will continue to be a basic argument and means for any alternative approach. Finally *empathy* opens the eyes and the mind for the diverse possibilities to perceive the world and to organise societies. *Empathy* as a political means goes far beyond the legal limits of positivism and allows different forms and expressions of human dignity. If the idea of a global mankind, a brother/sisterhood of wo/men should ever be taken in earnest this can only be realised by an *empathic* recognition of diversity, and not under the rule of any universal truth in substance or form. There are many words in discussion to describe such an approach.(51) I prefer to call it *respect*.

*Respect* contains the insight that recognising the otherness of others must be one's own principle for peace and human dignity. Although the others are treated like members of one's own kinship, there is no intention to adapt them to one's own standards, nor are they simply tolerated as the losers in a strange world. In this way of thinking, *respect* instead of *tolerance* or assimilation is a constituent element of peace and human dignity, from where we can derive human rights as one among many possible expressions of this dignity.

Conversely, *tolerance* and assimilation are the first steps towards open conflict. *Tolerance* may help to avoid the extinction of the others, but it includes the prejudice of the superiority of one's own beliefs over the truths of the others. Thus it contains a substantial, geographical and chronological limit of recognition. And the violence of purification and ethnic cleansing is already conceivable beyond these limits. We should not forget that the horrible years of the holocaust were only a relatively short period of some years (which is exactly what made them that horrible) but most of the time the Germans *tolerated* the Jews, the Hutus *tolerated* the Tutsis, the Serbs *tolerated* the Albanians, the Catholics *tolerated* Protestants and Muslims, the Europeans *tolerated* Africans, the Malays *tolerated* the Chinese and so on. In all these cases *tolerance* went pregnant with the violence of ethnic cleansing and the massacres that followed.

Concluding this essay I cannot claim that I have developed a formal framework for human rights. Too much research still has to be done to confirm these ideas and presumptions. I rather tried to propose an alternative perspective from where we could start a common reconstruction of human rights as the big challenge of the next years. It is only consistent with what I have been trying to argue that I did not introduce this formal framework for any individual proposal, as this could have been nothing but another westernized missionary utopia. The job can only be done by the mentioned "brother/sisterhood of wo/men", *creatively, non-violently and empathetically - respectfully!*

1. Menschenrechte und Entwicklung - Plädoyer für eine Unterbrechung der Debatte in: Journal für Entwicklungspolitik X/1; Vienna, 1994. As I was president of the Austrian section of amnesty international until 1991 many activists interpreted my arguments as a kind of treachery. This was a harsh misinterpretation: As I understood the postmodern threat for the human rights achievements I investigated ways to save the substance by flexibilizing the form. The respective essay has not been translated into English yet. Therefore I repeat the most important arguments in some lines.
2. Rousseau, Jean Jacques: Über den Ursprung der Ungleichheit unter den Menschen; in. Rousseau, Jean Jacques ed.: Schriften zur Kulturkritik; 21971. Pp. 163ff. Küng, Hans: Projekt Weltethos; München, 1996.
3. Saint Augustin said this about time. Compare also Rorty, Richard: Kontingenz, Ironie und Solidarität; Frankfurt, 1992. P. 158.
4. Early investigations leading to very contradictory conclusions were made on Lima by de Soto, Hernando: El otro sendero; Lima, 1986 and on Mexico-City by Esteva, Gustavo: Fiesta; Frankfurt, 1992.
5. I just quote the Austrian newspapers Der Standard, Kurier, Die Presse. Their issues of March 24<sup>th</sup> 1999 and the following days repeated this argument in many articles.
6. Kant, Immanuel: Zum ewigen Frieden. Ein philosophischer Entwurf; (=Werkausgabe 11); Frankfurt, 1964. Pp. 195-251.
7. Senghaas, Dieter: Wohin driftet die Welt? Über die Zukunft der friedlichen Koexistenz; Frankfurt, 1994.

The author basically says that the global future of peaceful co-existence is based on the *civilizing hexagon* consisting of

- authority of state
- constitutional state
- democratic participation
- culture of conflict
- social equity
- interdependence and control of emotions

8. Hobbes, Thomas: *Leviathan*; Harmondsworth, 1981. (First published 1651)
9. As has been stated already a long time ago by Immanuel Wallerstein and the World System Theory.
10. The combination of these names may be astonishing at this stage but it will become evident when I elaborate my argument on Nietzsche's dionysian pessimism. Referring systematically to Nietzsche and his biography I rather call Schopenhauer THE apollonian pessimist, while we could also stress the more prominent work of Karl Marx at this stage, if we follow the arguments of Lyotard, Jean-Francois: *Economie libidinale*; Paris, 1974. P.124.
11. Nietzsche, Friedrich: *Die fröhliche Wissenschaft*; in: Stenzel, Gerhard ed.: *Nietzsche - Werke in vier Bänden/ 4*; Salzburg, 1983. Pp. 7-153. Nietzsche himself never combined his ideas the way I do, but at the end of his academic life he predicted much of the political developments of the 20th century on the base of an approach that can be considered a rather enlightening pre-world-system-attempt of political analyses.
12. Van Duijn, Jaap: *The Long Wave in Economic Life*; London, 1993. This book is based on the long debate about the Kondratieff-cycles.
13. Taylor, Peter J.: *Geopolitische Weltordnungen*; in: *WeltTrends 4*; Berlin, 1994. p. 25-39.
14. See e.g. Schumpeter, Joseph: *Business Cycles*; New York, London, 1939, Tylecote, Andrew: *The Long Wave in World Economy*; London, 1991, Mandel, Ernest: *Long Waves in Capitalist Development*; Cambridge, 1980 and Rostow, Walter: *Kondratieff, Schumpeter and Kuznets - Trends, Periods Revisited*; in: *The Journal of Economic History 35* (1975), P.719-753. I worked extensively on that in Dietrich, Wolfgang: *Periphere Integration und Frieden im Weltsystem. Ostafrika, Zentralamerika und Südostasien im Vergleich (= Edition Weltgeschichte/2)*; Vienna, 1998.
15. Gronemeyer, Marianne: *Die Macht der Bedürfnisse*; Reinbek, 1988. P.38.
16. I published a broad investigation on that, comparing the relations between centres and peripheries in three different areas of the world. Dietrich, Wolfgang: *Periphere Integration und Frieden im Weltsystem. Ostafrika, Zentralamerika und Südostasien im Vergleich (= Edition Weltgeschichte/2)*; Vienna, 1998. There we could find e.g. Rousseau and Hume as the dionysian pessimists of their respective centuries.
17. As far as I know Carl Polanyi was the first who worked extensively on this post-Marxist perspective. By doing this he opened the way for the better known texts of authors like Wallerstein, Immanuel: *The Politics of the World-economy*; Cambridge, 1984 or Goldstein, John: *Long Cycles - Prosperity and War in Modern Age*; New Haven, 1988. See Polanyi, Karl: *The Great Transformation*; first published in London, 1944.
18. Gaddis, John: *Strategies of Containment*; New York, 1982.
19. I agree in this point with Bauman, Zygmunt: *Post-modern Ethics*; Oxford, 1993. P. 225.
20. A/RES/260 A (III)
21. The study of e.g. articles 11-15 is highly recommended!
22. A/RES/2542 (XXIV)



23. A/RES/3281 (XXIX)
24. A/RES/3201 (S-VI)
25. A/RES/34/180
26. A/RES/37/7
27. A/RES/39/46
28. A/RES/39/11
29. A/RES/41/128
30. The key work here is probably Lyotard, Jean-Francois: *La condition postmoderne*, Paris, 1979. But see also the texts of Michel Foucault, Jacques Derrida, Jean Baudrillard, Paul Virilio, Gilles Deleuze or Félix Guattari.
31. The concept of *anomy* was introduced in the social sciences about 100 years ago by Emile Durkheim. *Anomy* denotes a condition of fear and lack of orientation of individuals, as well as a situation of lack of regulation in and among societies. It should be stated here that Durkheim (1858-1917) as a contemporary of Nietzsche shares a lot of experiences and opinions with the philosopher but Durkheim lived and worked long enough as to be able to pass from *dionysian pessimism* to *dionysian optimism* and to become one of the founders of modern sociology of the twentieth century. There is no coincidence when today authors like Peter Atteslander, Johan Galtung or myself rediscover these concepts of Durkheim. Our respective diagnoses of the "postmodern" present lead to similar results as once Durkheim's work on the "fin de siècle", and our investigations are orientated into a similar direction. For further information visit the homepage of the Swiss Academy for Development <http://www.sad.ch>. There you can find a complete panorama on the work of Peter Atteslander.
32. An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992. A/47/277-S/24111. 17 June 1992
33. A/RES/51/240
34. RES 53/22
35. Krippendorff, Ekkehard: *Internationale Politik*; Frankfurt, 1986. p.25-37.
36. Of course this frequently happened before. But all the cases that happened during the Cold War followed at least a logic of an accorded sharing of power. While the early nineties promised the definitive victory of international law and the UN system, the Kosov@ war pushed us back to at least the *preclassical* condition before the end World War II if not even worse. An evaluation of the presumably disastrous long term consequences of this case will only be possible in a few years.
37. Nietzsche, Friedrich: Also sprach Zarathustra; in: Stenzel, Gerhard ed.: *Nietzsche - Werke in vier Bänden/1*; Salzburg, 1983. Pp. 279-577.
38. Galtung, Johan: Feudal Systems, Structural Violence and the Structural Theory of Revolution; in: *Proceedings of the International Peace Research Association, Third General Conference*; Assen 1970. Galtung, Johan: Cultural Violence; in: *Journal of Peace Research* 27 (1990) 3: 291-305
39. I refer to authors such as Günter Anders, Karl Polanyi, Leopold Kohr, Ivan Illich and many more.
40. I refer to the international covenants on civil and political rights and the international covenants on economic, social and cultural rights.

41. Galtung, Johan: Von den Nomaden zum Monadensystem; in: Galtung, Johan: Der Preis der Modernisierung; Vienna, 1997. Pp. 70-79.
42. Durkheim, Emile: Über die Anomie; in: Mills, C. Wright, Klassiker der Soziologie. Eine polemische Auslese; Frankfurt, 1960. P. 394ff.
43. Virilio, Paul: Revolutionen der Geschwindigkeit; Berlin, 1993. P.32.
44. Kant, Immanuel: Zum ewigen Frieden. Ein philosophischer Entwurf (= Werkausgabe/11); Frankfurt, 1982. P.229.
45. Kant, Immanuel: Zum ewigen Frieden. Ein philosophischer Entwurf (= Werkausgabe/11); Frankfurt, 1982. P.234.
46. Therefore Habermasian concepts - against all claims - will always be bound up with the limits of the plurality of norms and never gain universal recognition.
47. I analyzed this problem in Dietrich, Wolfgang: Periphere Integration und Frieden im Weltsystem. Beispiele aus Ostafrika, Zentralamerika und Südostasien im Vergleich (=Edition Weltgeschichte/2); Vienna, 1998.
48. On this project see my essay Dietrich, Wolfgang: 22 argumentos en torno a la interpretación de paz, desarrollo y ecología en la historia europea; in: Nos, Eloisa ed.: La paz y conflictos al fin del milenio; Castellón, 2000.
49. Galtung, Johan: Der Preis der Modernisierung; Vienna, 1997. P.173
50. "Ahimsa" means the individual search for self-realization by serving the public common in a strictly non-violent way. Cf. for example: Kantowsky, Detlef: Indien - Gesellschaft und Entwicklung; Frankfurt, 1986. Pp. 128.
51. For example: Esteva, Gustavo: Fiesta; Frankfurt, 1995 proposed "hospitality", the Eastasian tradition recommends "sacrifice". Garcia-Düttmann, Alexander: Zwischen den Kulturen. Spannungen im Kampf um Anerkennung; Frankfurt, 1997 used the word "recognition" (Anerkennung) and Flatz, Christian: Kultur als neues Weltordnungsmodell; Münster, 1999 pursued Düttmanns arguments. Of course the concept of "ahimsa" could cope here and the list can be continued.

□