



**ADDIS ABABA UNIVERSITY
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(GRADUATE PROGRAMME)**

**POSTMODERNISM AND HUMAN RIGHTS
DISCOURSE: EXPLORING POWER DYNAMICS**

**BY
ASSEFA MULUGETA ASSFAW**

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SCHOOL OF GRADUATE STUDIES
DEPARTMENT OF PHILOSOPHY

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ABBREVIATIONS

BC	Before Christ
ECOSOC	Economic and Social Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICC	International Criminal Court
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
UN	United Nations
UDHR	Universal Declaration of Human Rights
US	United States
WTO	World Trade Organization

Abstract

This thesis explores the tensions between postmodernism and human rights discourse through a critical analysis of underlying power dynamics. The thesis traces the philosophical evolution of human rights from classical conceptions of justice through modern individual liberty to postmodern critiques, examining how each tradition has shaped contemporary understanding of human rights. By applying postmodern theoretical frameworks, particularly those of Foucault, Lyotard, Derrida, and Butler to human rights discourse, this thesis reveals how power dynamics influence the formulation, interpretation, and implementation of supposedly universal human rights. The thesis demonstrates that while human rights discourse aspires to universality, they remain deeply embedded in historical, cultural, and political contexts that reflect existing power structures. Through analysis of specific case studies and critical examination of international human rights system, the thesis suggests a more reflexive approach to human rights that acknowledges their contextual nature while preserving their emancipatory potential. This contribution advances human rights research by bridging the gap between abstract philosophical critique and practical human rights advocacy.

Key Terms: Human Right Discourse, Postmodernism, Power Dynamics, Universality and Cultural Relativism.

Introduction

Human rights refer to the discussion and actions undertaken to protect and promote the fundamental rights and freedoms that belong to every human being. These rights are generally recognized as universal inalienable, and indivisible, meaning that are owed to every individual, regardless of their nationality, ethnicity, religion, gender, or other characteristics (Donnelly, 2013). It is a concept with deep historical roots, having aged through or rather in the context of both its philosophical, its religious and one might legal tradition over the centuries, especially as it assumes different guises in the classical, the modern and the postmodern epoch. During the classical era, human rights were widely seen through religious or philosophical terms with individual rights interpreted as being endowed by a higher power or nature. Down through time, Plato, Aristotle, and Cicero made for justice and natural law, which took the position that all people possessed (Ishay M. R., 2004).

The modern era witnessed a transition towards a more legalistic and through the rise of natural rights as well as the development of codified legal system. This idea of natural rights was adopted by Enlightenment philosophers, like Thomas Hobbes, John Locke, Thomas Paine and Immanuel Kant, who made the case that individual rights were the basis of a just society. The French Declaration of the Rights of Man and Citizen (1789) and the U.S Bill of Rights (1791) enshrined these ideas in law and set the stage for the expansion of human rights in the following centuries (Ishay M. R., 2004). However, what is human rights universality?

It means that every human being in this world regardless of their country, culture or moral values has these basic rights. This concerns the system of ideas, standards and actions intended to advance and secure human rights globally (Donnelly, 2013). The

modern international human rights law was established in 1948 upon the passing of the Universal Declaration of Human Rights (UDHR) by United Nation General Assembly at the end of World War II. Following this, several other international agreements have been developed to ensure human rights are universal, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on economic, Social, and Cultural Rights (ICCPR) have been developed (Alston, 2013).

Although there is a universal concept that encourages some standardization of human rights for all people of the world, there are of course challenges that arise, such as cultural relativism, which states that societies and cultures all perceive human rights differently. Moreover, the dynamics of power negotiation stance substantially in the construction of human rights discourse, determining the hierarch of rights as well as the methods for enforcement (Donnelly, 1984). Social critical theorists like Herkimer and post-colonialist like Frantz Fanon have attacked the recourse to universal human rights discourse.

In the postmodernism, human rights discourse came under critique for its reliance on universal principles. For the postmodernist, universal truths and objective knowledge are seen as problematic, knowledge is relative and context, perspective and power influence meaning (Donnelly, 1989). Notable thinkers include Michael Foucault, Jacques Derrida, and Jean-Francois Lyotard that tyrannized the prevailing forms and relations of society related to knowledge, power, language, etc. At the core of postmodernism is the view that power is not just held by one group but is spread out through multiple discourse and social structures. This reflects that human rights occupy an ambivalent case in the international order of today, amounting to the fact that it is both hailed as a universal moral yet condemned as a vehicle of political economy that

cedes credibility to some narratives to the neglect of others. This tension is most pronounced in the comparison of human rights with postmodern philosophical perspectives that suspicion or deconstruct fundamental ideas of objectivity, universality, and metanarrative.

In challenging human rights as an expression of power, this thesis integrates postmodern criticisms to investigate rights frameworks and their practices, although it would have been advantaged also by recognizing internal limitations to postmodern critique to afford itself a more fully rounded exploration. These limitations are not trivial, and among them is the potential for relativism in which the postmodern skeptic turned relativist, i.e. suspicion of universal norms leads to cultural and moral relativism, making it difficult for cultures, as well as a range of other entities about which we should care, to promote cross-cultural solidarity and intervene. As Seyla Benhabib argues in “The Rights of Others” (2004), some level of universalism is needed to sustain cosmopolitan justice and prevent human rights from devolving into political insignificance. Moreover, postmodern deconstructions of human rights do not provide practical solutions. In, for example, “The End of Human Rights” (2000), Costas Douzinas laments the imperialist form that human rights discourse but offers no practical resolution to its (ab)uses.

Similarly, Foucault’s analysis in “Discipline and Punish” (1975) evades normative prescriptions, creating a lacuna in policy warrants. And, by questioning the validity of human rights for everyone, postmodernism might even delegitimize the mestiza advocacy system. Subaltern movements are doing so by making strategic use of human rights to struggle against the structural forms of oppression. Boaventura de Sousa Santos, towards a “New Legal Common Sense” (2002), a total renunciation of universalism would turn these factions off and prevent them from moving forward. In

addition, we may add, such focus on discourse or representation may draw attention away from material injustice, say, economic disparity or structural violence. As Nancy Fraser points out in “Justice Interruptus” (1997), a focus on cultural recognition can fail to address the requirement of economic redistribution. As the examples below make clear, this means not only rewriting the work of history but also redrafting some of the historical materialisms by thinkers such as Antonio Gramsci, from “Selections from the Prison Notebooks” (1971), whose work remains crucial to offset discursive critique with structural analysis. The reason for this is that this thesis would argue that postmodernism is a critical tool needed to examine and critique the power dynamics found within human rights discourse.

This thesis explores these critiques to address key questions include, how do power dynamics influence human rights discourse? How does postmodernism critique the universality claim of human rights discourse? And how can these critiques form a more inclusive approach to human rights? Approaching these topics with a postmodern perspective, this thesis seeks to transcend superficial discussion universalism versus relativism to arrive at a comprehensive of human rights frameworks may adopt to recognize multiplicity of human experiences.

The main methodology of this this thesis thus philosophical analysis in nature. Instead of relying on empirical data collection, the thesis critically examines philosophical texts, international legal instruments and theories to uncover hidden assumption and power dynamics. The analysis uses a theoretical framework which draws on several philosophies, but the focus is on postmodern views. The integration of historical analysis, discourse analysis, critical theory, and postcolonial critiques within the theoretical framework exhibits its robust and interdisciplinary character, making it

particularly effective for investigating the intricate interconnections among postmodernism, human rights, and power dynamics. Each component provides a distinct yet complementary perspective. Historical analysis places the inquiry within the extensive context of the evolution of human rights discourse and the intellectual progress of postmodern thought, offering essential temporal and ideological backdrop. Discourse analysis, in alignment with postmodern epistemologies like Foucault's power/knowledge concept, examines the construction and legitimization of human rights narratives. The critical theory provides the normative instruments that can be used to unmask and contest the power relations and universalist pretensions of rights talk. Postcolonial critique reiterates the critique for Eurocentrism and enhances a reconsideration of subaltern perspectives which is particularly in line with postmodernism's suspicion of dominant meta-narratives and, at the same time, accords more emphasis to the importance of decolonial thinking in human rights analysis. By combining these approaches, the framework hopes to explore the thesis from different angles and possibly offer a nuanced understanding of power relations embedded in human rights discourses.

In this aspect this thesis topic, “Postmodernism and Human Rights Discourse: Exploring Power Dynamics”, is based on the literature that focuses on the need to move beyond the seemingly irreconcilable stance of universalism and relativism and to provide a more nuanced view of power dynamics in human rights discourse. By doing so, this thesis also aims to address the limitation of human rights, challenge the assumptions and power dynamics they sometimes reinforce, which might pave the way for more inclusive approaches that recognize the diversity of human experiences. Thus, this thesis argues that we may be able to enhance advocacy of human rights through postmodern critique and make it more reflexive, contextual, and attuned to imbalance

of power. For this purpose, the thesis develops its argument across five, interconnected chapters.

CHAPTER ONE, “Evolution of Human Rights: From Classical Justice to Modern Liberty,” traces the philosophical root of human rights through justice, natural law, and modern articulation of liberty. The chapter endorse visions that have dominated modern human rights discourse, starting with Plato ending with Mill. The chapter begins with the foundational ideas of justice found in Plato and Aristotle. Natural law theory is furthered by Cicero and Aquinas. Following, chapter address transition from natural law to natural rights in various ways with Ockham, Summenhart, and Grotius. Natural rights are related to social contract theory in Hobbes and Locke. Th chapter now turns to Bentham and Marx views which are critical. Finally, Mill’s argument for an individual’s liberty speaks to the importance of individual’s human rights growth and progress, establishing early roots for contemporary human rights discourse.

CHAPTER TWO, “Human Rights Universality: Advancement and Critiques”, traces the modern roots of human rights universality, when international human rights frameworks emerged after WWII. The chapter takes up the UDHR and other subsequent instruments, while also engaging with the critical view on them that focuses on the universality of the discourse they produce. It starts with the birth of the United Nations and the era it ushered in of collective advancement and protection of universal human rights and the eventual adoption of the UDHR in 1948. It explains how human rights move away from being concepts of intellectual thought to become political and implemented practices. The second focuses on critical views that question the universality of human rights. Fanon and other postcolonial theorists oppose the application of the norms of human rights in the Western to colonized peoples; they

argue for the promotion of the value of diverse cultures. The chapter ends with the critical theorists' view of Horkheimer and Adorno.

CHAPTER THREE, "Postmodernism and Human Rights Discourse", critically examines the postmodern critiques of objective truth and universality, as well as the ways in which Foucault, Lyotard, Derrida, and Butler's challenge basic premises of human rights discourse. The first is an examination of the ideas of Foucault about power and knowledge. It then examines Lyotard's skepticism about grand narratives. After that is the chapter on Derrida's deconstruction theory. Finally, the chapter also delves into how postmodernism affects the rhetoric of human rights and Butler's theory on gender identity/performativity.

CHAPTER FOUR, "Postmodern, Human Rights, and Power Dynamics", utilizes postmodern theoretical insights onto modern human rights practice, analyzing to what extent differences in the setting of power dynamics shape the way human rights are interpreted and implemented into the context. The discussion of cultural relativism versus universality and the chapter also discusses the role of various legal and political structures in facilitating or undermining human rights. Finally, through selected case, the chapter shows how universal principles are in fact deployed differently across cultural and political settings.

CHAPTER FIVE, "Discussion and Conclusion", reflects on the significance of the postmodern critiques to the prospects of advocating a more reflective human rights discourse. Instead of discarding rights discourse altogether, the chapter offers discussion that cut to the power dynamics of human rights while also preserving the emancipatory potential inherent in human rights. The conclusion is in a short chapter that summarizes the perspectives from the preceding chapters.

CHAPTER ONE

Evolution of Human Rights: From Classical Justice to Modern Liberty

As a relatively new concept, human rights stand on top of millennia of human speculation on the nature of justice, and human dignity, and the relationship between the individual and the political authority. This chapter maps the way through the main philosophical lines of rights thought, showing how human rights discourse contain evolution of fundamentally different intellectual genealogies. This chapter explores the different ways in which philosophical frameworks provide both complementary and sometimes conflicting accounts of rights which continue to shape the current discourse of human rights. Recognizing philosophical evolution is key for contextualizing postmodern critiques of objective human rights discourse. This foundational assumption, embedded within different views, will help guide us to analyze new understandings of human rights in current contexts and find how and where postmodern sorrow has made the most significant differences to what as before.

1.1 Justice and Political Community: Plato and Aristotle

1.1.1 Plato's Conception of Justice and Harmony

Plato (427-347 BC), a prominent ancient Greek philosopher, his conception of justice is a core element of law, can be understood through the lens of his work "Republic," where he develops a basis within which rights exist (Bloom, 1991). Plato was interested in Justice as harmony in the social order where everyone performs their role appropriately according to nature. This idea understands individuals not in terms of rights, but duties, revealing a vision of fulfillment through a commitment to collective well-being rather than the pursuit of individual entitlements (Bloom, 1991). Plato

contests cynical perspective that justice is nothing more than a tool of a stronger. Instead, he develops a vision of justice as a virtue that brings internal harmony to both individual and the state. By linking the structure of just state to the ordered soul, Plato establishes a connection between individual virtue and political authority that influences subsequent philosophical developments (Ferrari G. R., 2007).

While Plato does not articulate a modern conception of individual rights, his development establishes important principles that underline contemporary human rights discourse. His emphasis on human dignity derived from rational capacity and his concern with establishing limits on political authority both contribute to later rights developments. However, his prioritization of collective harmony over individual autonomy stands in tension with modern human rights developments that center individual entitlements.

1.1.2 Aristotle's Politics and Deliberative Justice

Aristotle (384-322 BC), a Greek philosopher, advances the discourse on justice and rights by developing a more understanding of political community and deliberative justice, in his work "Politics". Aristotle on the other hand, moves away from idealism as Plato to an empirical observation of the various political systems, providing a theoretical perspective of practical challenges with attaining justice with various political system (Barker, 1933). For Aristotle, humans are political animals whose flourishing is bound up with participation in political community. This understanding lays crucial groundwork for later notions of political rights that stress full human development to mean active participation in collective self-government. Aristotle's portrayal of political community, however, is rooted in male-biased ideology of rights

that only incorporates free men, and can thus be considered implicitly exclusionary toward women, slaves, and others (Barker, 1933).

Another important contribution to rights thinking comes from Aristotle's conception of deliberative justice. In maintaining proportional equality, it gives a structure to how we want to allocate goods through the lens of merit, the framework that Aristotle links as a context for justice (Horwitz, 2008). This nuanced view reflects modern disagreements about equality versus equity in applying human rights, it has been interpreted that his notions of justice and political participation aligns with democratic ideals, advocating equality in political participation regardless of position or wealth (Miller, 1987).

Both Plato and Aristotle establish philosophies that remain heavily influential regarding human rights, mainly toward the relationship between the individual and the political community. However, their perspectives differ significantly from modern human rights frameworks, in their focus on virtue and duty, rather than individual entitlements. This tension between collective and individual understandings continue to be a touchstone of contemporary debates around the discourse of human rights.

1.2 Natural Law Foundations: Cicero and Aquinas

1.2.1 Cicero's Universal Natural Law

Marcus T. Cicero (106–43 BC), a Roman politician, philosopher, and writer whose works contributed a normatively rich conception of natural law. Cicero, in his work, “On the Laws”, uses Greek philosophy and Roman legal traditions to delineate a vision of natural law as universal and immutable principles, knowable through human reasoning and transcending cultural and international boundaries (Zetzel, 2013). This

universalism represents a significant advance in the philosophical underpinnings of human rights.

Cicero states that natural law, which is derived from nature, is the moral basis through which justice and ethics are determined. By arguing that some justice principles are common to all people regardless of the form of political or cultural arrangement, Cicero provides the conceptual foundation for rights that belong to all humans regardless of their citizenship or social standing. The idea that natural law flows from nature and human reason, not customs or taboos, provides a basis for considering human rights to be inherent not granted by political power (Powell, 2013).

Cicero's conception of natural law emphasizes both rights and responsibilities, maintaining that humans have inherent dignity while also obligation to uphold justice. This balance between entitlements and duties continues to influence debates about nature and limits of human rights. His emphasis on the role of reason in discerning natural law also establishes an important tradition that links human dignity to rational capacity (Powell, 2013).

1.2.2 Aquinas: Synthesizing Natural and Divine Law

St. Thomas Aquinas (1225–1274) was a major philosopher and theologian of the Middle Ages and the author of *Summa Theologiae* major synthesis work on Christianity, and philosophy. In the *Summa Theologiae*, his “Treatise on Law” asserts that law is an interpretation of rational and impartial body of rules based on natural law, which cannot be changed and mirrors the eternal law of God (Grisel, 1998). Aquinas systematizes natural law within the framework of Christian teaching, setting the stage for the later rights, such that the latter became the new language after John Locke and Kant, provided the foundational structure for modern rights discourse. Aquinas lays out a

hierarchy of laws which includes Eternal Law, Natural Law, Human Law, and Divine Law that grounds natural law as a participation of rational creatures in eternal law knowable through reason not revelation (Lustig, 1978).

This synthesis maintains the universalism of Cicero's natural law while also situating it in theological concept. According to Aquinas, natural law expresses divine wisdom and is available to the human reason regardless of faith, and therefore it is trans-religious (Lustig, 1978). This framework supports the notion that some human rights arise from human nature rather than social convention or political decree. Aquinas's orientation toward the common good balances' aspects of the individual and the collective in ways that inform understandings of human rights still today. This gives rise to the premise that authentic human laws ought to conform to natural law for the sake of the common good, and a high bar for judging political arrangements that continue to reverberate through modern-day human rights (Finnis, 1998).

Through the establishment of natural law as a transcendent, universal standard for a social order, Cicero and Aquinas provide significant philosophical foundations for human rights. Their frameworks support the idea that humans have dignity and rights by nature rather than by social or political facts. But these natural law traditions also affirm duties and the common good in ways that sometimes conflict with modern individualist rights frameworks (Finnis, 1998).

1.3 From Natural law to Natural Rights: Ockham, Summenhart, and Grotius

1.3.1 Ockham's Individualism Turn

William of Ockham (1287–1347), was a medieval theologian and philosopher and is a crucial figure in the transition from natural law as a general principle to natural rights

as specific entitlements. This crucial transformation helped lay the groundwork for modern human rights systems. Ockham framed natural rights as claims that individuals possessed rather than merely general principle of natural law. Ockham argued that natural rights were distinguished from rights under human-made law in that they proceeded from God and human reason. In other words, natural rights, such as life, liberty, and property, were not creations of human law but rather inherent and inalienable and thus would form the basis for the modern idea of human rights as inalienable (Kilcullen, 1989).

Moreover, by claiming that rulers could not deny their people's natural rights, Ockham significantly restricted the scope of political authority. For these reasons and more, Ockham remains a vital figure in the history of human rights (Kilcullen, 1989).

1.3.2 Summenhart's Development of Rights Theory

Conrad Summenhart (1455–1502), helped consolidate the concept of rights with a theory of natural rights that emphasized the inherent nature of such rights. Summenhart, specifically, wrote a great deal about property rights, and his theory of natural rights sensibly claims that every person has a right to own and use property independently of social class. That duty to the other side of the balance has not just been spelled out as one taking prior precedence over the other, but, as the basis of economic rights alongside civil liberties, was a major development of rights thinking, to show the scope of natural rights beyond mere freedom (Varkemaa, 2006).

Varkema has even claimed that the successful argument made by Summenhart that natural rights should limit the political authority through the new governing rules contributed to a new tradition born out of these early philosophers, a rights-based tradition, that positioned rights as limits to legitimate governing. This framework laid

the groundwork for later social contract theories that would base political legitimacy on respect for individual rights (Varkemaa, 2006).

1.3.3 Grotius and the Secularization of Natural Rights

Hugo Grotius (1583-1645) was a key thinker in the development of rights thinking, and he provided perhaps the first articulation of a theory of natural rights that could exist outside of a theological basis. Grotius stated that natural rights flow from the rational nature of human beings as products of God. The focus then is on individual and collective rights, the rights to life, liberty and property, which are not presented as arbitrary commands, but rather frameworks to describe how the universe operates, rational principles based on self-preservation and the common good (Berman, 1983).

Natural rights, in other words, stems from the axiom of self-preservation. In addition, the pursuit of individual welfare, from which essential rights such as self-defense, property rights, and personal freedom arise, are rooted in this principle. While insisting that natural law represents divine wisdom, Grotius held that its precepts would remain valid “even if we were to concede, a concession that cannot be made without the greatest wickedness, that God (Berman, 1983).

This secularization of natural rights theory made space for conceptualization of rights that could operate over religious boundaries, which is a vital development for modern human rights conversation in pluralistic context. But seeing rights rooted in a natural law informed by human nature and rationality instead of divine command is a more grounded approach that would be compatible with Enlightenment values and modern secularism (Berman, 1983).

The next big step forward type of moment in the history of the philosophical basis of human rights came with the shift from natural law to natural rights. In focusing on specific, individual entitlements, rather than general principles or duties, thinkers like Ockham, Summenhart, and Grotius constructed conceptual platform that would later inform Enlightenment theories of rights, and modern human rights discourse.

1.4 Social Contract and Natural Rights: Hobbes, Locke and Paine

1.4.1 Hobbes's Rights in the State of Nature

Thomas Hobbes (1588-1679) was a prominent leading light of 17th century politics, and the picture is of a figure who combines some arguments for natural rights with necessity to surrender them to ensure peace. In his pivotal work "Leviathan" (1651), Hobbes begins with the premise that humans in their natural state possess broad natural rights, such as self-preservation and freedom, but lack security. This condition, compounded by mechanical materialism and the inherently egoistic nature of human beings along with resource scarcity, leads to competition, ultimately resulting in a "war of all against all," rendering life "solitary, poor, nasty, brutish, and short" (Hobbes, 1996). According to Hobbes, rational self-interest results in people giving up most natural rights to a sovereign authority that can preserve order through social contracts. This framework establishes important conceptual foundations for thinking about rights in relation to political authority, though Hobbes's emphasis on order over liberty stands in tension with modern human rights framework (Hobbes, 1996).

Despite his authoritarian conclusions, Hobbes's conception of natural rights as preceding political authority contributed significantly to human rights discourse. By positioning rights as attributes individuals possess by nature rather than privileges granted by the state, Hobbes established conceptual grounds for absolute state power in

the name of protecting rights that individuals surrender, particularly the right to self-preservation (Hobbes, 1996).

1.4.2 Locke's Natural Rights and Limited Government

John Locke (1632-1704), the 17th century thinker who most contributed to shaping the modern discourse of human rights. Locke articulated a more permissive understanding of both natural rights and political authority. Like Hobbes, Locke starts with the state of nature in which individuals enjoy natural rights, but he depicts this state as ruled by natural law rather than indiscriminate hostility. This more optimistic vision builds different grounds for the social contract and different bounds on legitimate political power (Lloyd Thomas, 1994).

Locke identifies life, liberty, and property as fundamental natural rights that individuals retain when entering civil society. Unlike Hobbes, he argues that the social contract establishes government to protect these rights rather than supersede them. This conception positions rights as constraint on legitimate political authority, establishing that governments forfeit their legitimacy when they systematically violate natural rights (Lloyd Thomas, 1994).

Locke's articulation of the rights of revolution against tyrannical governments who do not protect natural rights lays important conceptual groundwork for modern human rights discourse that view rights as standards for determining political legitimacy. This became an justification for the Glorious Britain Revolution and shaped liberal thought, arguing that governments were meant to protect the rights of the individual and suggested that such governments should be abandoned (Laslett, 1988). His emphasis on consent as the basis of political authority further strengthens the connection between rights and self-determination.

1.4.3 Paine's Rights and Revolutionary Politics

Thomas Paine (1737-1809), another leading 18th century political activist, adds to and radicalizes Lockean social contract theory by linking natural rights in a more direct way to democratic government and social justice. Paine's (1776; 1791) rights framework oriented in the revolutionary politics in America and France, presents a political structure which argues against traditional hierarchies and encourages expanded political participation and inclusion (Dietz, 1974). Paine argued that natural rights, like life, liberty, and the pursuit of happiness are inherent to all human beings and not bestowed by government. These rights are absolute and inalienable, and the basis of human existence. Governments come into existence to protect these natural rights, not to grant or violate them (Dietz, 1974).

Paine argued that individuals create governments to protect their natural rights, and that any government that doesn't is invalid. Paine then makes a distinction between natural rights, which derive from human nature itself and civil rights, whose source is existing social arrangements, with the argument that the latter should be barriers to limit the former. Paine was therefore an ardent enemy of monarchy and hereditary rule, which he believed were incompatible with natural rights and inclined to promote both inequality and tyranny (Aldridge, 1967). Monarchs, he argued, generally put their interests above that of the public good, which inevitably results in the suppression of individual liberties. Paine rejected monarchies in favor of republics in which leaders are elected from among the people and must act in the public good. This republic (consisting of a republican government) is crucial in protecting fundamental rights, including but not limited to life, liberty and property (Aldridge, 1967). This difference means that his critique of arbitrary power and his call for democracy as most in keeping with natural rights.

The social contract approach represents a great step forward in rights thinking by having rights precede political authority and imposing limits on what can be considered legitimate governance. By framing natural rights as attributes that can only properly be protected from violation, not granted by governments, Hobbes, Locke, and Paine laid a conceptual groundwork for an understanding of human rights as importantly consistent with the standards of political legitimacy.

1.5 Immanuel Kant: Humanity and Political Rights

Kant (1724–1804), an 18th-century German philosopher, his philosophy whose significance is as an important step forward in rights thinking that made human dignity an absolute value that informs universal rights (Wood A. W., 1976). One of Kant's second formulation is a categorical imperative enjoin the moral agent to treat persons as ends in themselves and not merely as means which firmly bases a human rights philosophy that is still relevant in today discourse (Wood A. W., 1976).

Kant contends that because humans are rational, autonomous beings capable of governing themselves and developing moral codes independently, they have inherent moral values. Rationality is what makes one human the ability not merely to reason but to know and abide by norms and laws that are set by one, not imposed from above (Nell, 1976). This concept establishes a universal basis for human rights that applies to all rational beings regardless of status or circumstance. Drawing dignity as innate rather than at the mercy of an external force allows Kant the conceptual room for rights that operate cross-culturally and across the political structure (Nell, 1976).

Kant applied his moral view to political rights, sets conditions on how individual freedom can exist with the freedom of everyone. This framework places rights as prerequisites for a just political order, rather than constraints on political authority

(Nell, 1976). The second claim is that Kant indeed recognizes that rightful political order must be established through procedures that respect the autonomy of citizens. If a republic is to garner consent, its machinery must work, which underlies his arguments for republican government and his belief in the rule of law as the order that contains the means of securing rights. Kant thus provides significant conceptual groundwork in arguing that rights should be tied not to interests, but to principles of public reason, laying important foundations for thinking about rights as universal norms (Kant, 1991).

Kant sketches conceptual foundations for international human rights frameworks by contending that principles of rights should adhere to interactions between states as well as within them. His vision of peaceful coexistence grounded in respect for human dignity prescience modern attempts to establish a common code of rights binding a around enemies in their political aims (Kant, 1991).

Kant's contribution to the evolution of rights thinking is to anchor human dignity as an inalienable value that underpins the discourse of universal human rights. The resulting foundations for human rights, steeped in an international custom, are focused on rational autonomy, rather than specific interests, deriving their cultural and political force from their transfigured character. His view pushes the frontiers of rights-based thinking further by bridging moral sentiment with political organization both nationally and internationally.

1.6 Critical view of Natural Rights: Bentham and Marx

1.6.1 Bentham's Utilitarian Critique

Jeremy Bentham (1748–1832) is an important critical voice in the debate on rights, rejecting the metaphysical basis of natural rights theory, and insisting that rights exist

only as legal constructs established by political authority. This criticism moves the emphasis away from principles of rights in the abstract to active considerations of utility and welfare, making it an alternative frame for justifying political arrangements (Waldron, 1983). According to the principle of utility, the rightness of an act is equal to the amount of pleasure or happiness it produces and the degree that it reduces pain or suffering. The goal of maximizing happiness for the greatest number of people should underpin a just society (Waldron, 1983). It questions the consensus definition of political arrangements as extra-legal, viewing them as vehicle for the advancement of utility as opposed to restraint on the legitimate use of power.

Although he rejects natural rights theory, Bentham's utilitarian framework significantly contributes to rights discourse because it highlights the welfare and happiness/harm of a population/individuals as a benchmark for assessing political arrangements. He emphasizes results over general doctrines and thus lays a ground for considering rights regarding their effects, not just their abstract bases (Waldron, 1983).

1.6.2 Marx's Critique of Liberal Rights

Karl Marx (1818–1883), an influential philosopher and revolutionary socialist, criticized the notion of natural rights and political emancipation in his 1843 essay "On the Jewish Question" (Howard, 1999). Marx complains that liberal rights frames focus on the formal freedom of individuals, while hiding material conditions that bind actual freedom. By emphasizing political and civil rights and ignoring economic relationships, liberal rights discourse occludes exploitative and domineering structures that compromise real equality and justice (Howard, 1999). Rather than isolate natural rights, he insists we must consider them against the wider social backdrop. True rights and freedoms can only be realized by changing the economic conditions that lead to

inequity, for Marx, changing the economy is the only way to ensure true rights and freedoms (Howard, 1999). Marx had an ambivalent attitude toward rights, which were not necessarily conducive to a fair and just society, but in a fair and just society, everyone would be entitled to true rights and freedoms (Howard, 1999). His critique is still relevant today, as contemporary rights discourse strives to embrace more diverse perspectives and to understand how social and economic structures impact people's ability to live autonomous and dignified lives. Marx's approach towards rights is simultaneously nuanced and conditional, depending on a fair and just society where everyone had real rights and liberties (Howard, 1999). To this day his critique endures, as contemporary rights discourse strives toward evaluative pluralism, aspiring to recognize more diverse perspectives along with the ways social and economic structures limit autonomy and undermine quality of life (Howard, 1999).

The critical stance taken by thinkers like Bentham and Marx also disrupts fundamental premises of traditional rights discourse, presenting significant insight regarding rights, utility, and material conditions. These critiques open the way for more nuanced accounts of rights that are given their practical effects and social embedding, as to call into question overly abstract theory of rights themselves.

1.7 Mill's Individual Liberty

1.7.1 Mill's Harm Principle and Individual Liberty

John Stuart Mill, (1806-1873) was a philosopher who can be credited with a tremendous contribution to the human rights debate by offering a firm defense of individual liberty from both utilitarian and rights-based perspectives. Of course, Mill's 'harm principle' that liberty can be limited only to prevent harm to others establishes key limits on legitimate authority that continue to shape human rights discussions (Mill,

1859). Taking much of these claims further, Mill suggests that individual liberty ultimately promotes both personal growth and social evolution, and thus freedom cannot purely be an abstract right, but is also a necessitating factor for human flourishing (Mill, 1859). This consequentialist justification of liberty allows for the preservation of human rights protections even within Mill warns against the “tyranny of the majority,” whereby the interests of the majority may infringe on the rights of minorities and individual freedoms. By arguing about protecting minority opinions and unconventional lifestyles from majority tyranny, Mill lays important ground for thinking about rights as protecting diversity rather than just setting order (Mill, 1859). This vision shapes modern human rights discourses, that advocates for individual and vulnerable groups rights, tries to support and save them from discrimination and oppression.

1.7.2 Mill’s Qualitative Utilitarianism and Rights

Mill modifies utilitarian theory in ways that create greater conceptual space for rights protections. By distinguishing between higher (intellectual and ethical) and lower (physical and sensory) pleasures and emphasizing the quality of happiness rather than merely its quantity, Mill establishes a more nuanced framework for evaluating political authority that aligns closely with rights considerations (Hurka, 2001). Mill argues that some pleasures, particularly those associated with intelligence, ethics, and aesthetics, are superior to mere physical and sensory pleasure. He famously states, “It is better to be a human dissatisfied than a satisfied pig,” highlighting the importance of higher pleasures in achieving true happiness (Hurka, 2001). This qualitative utilitarianism allows Mill to incorporate consideration of dignity and autonomy within a broad utilitarianism framework. By claiming that some sorts of happiness (Hurka, 2001), notably those related to autonomy and self-development, have special values, Mill

establishes an important conceptual bridge between utilitarian ethics and rights-based approaches stressing human dignity. Making the right as a way of transporting reference framework for the general line of utilitarianism, Mill's argument for liberty as developments for thought on rights. By bestowing intrinsic and instrumental importance to liberty, Mill makes room for rights protection that will simultaneously benefit individual dignity and social welfare.

In general, the philosophical developments that this chapter has traced encourage us to see contemporary human rights discourse as learning from different intellectual approaches. Modern human rights thinking represents a complex synthesis of various ideas classical conceptions of justice and natural law frameworks developed into theories on 'social contract' and Kantian dignity, a vision of individuals as inherently free. This is a shift that reflects contested philosophical debates around rights. The trade-offs between individual autonomy and social benefit, the case for universal applicability across cultural contexts, and the relationship between formal rights and material conditions continue to pose intellectual hurdles to human rights frameworks. Understanding these philosophical foundations is essential to understanding the context in which postmodern critiques of human rights discourse emerged.

CHAPTER TWO

Human Rights Universality: Advancement and Critiques

2.1 Historical Context: The Emergence of Human Rights Frameworks

The relationship between modernity and the universality of human rights becomes complex. Conceptions of modernity as individualistic, rationalistic, and free contributed to the formation of the modern human rights project, which adopted ideas of human autonomy and subjectivity. Another Enlightenment pushed the universality even further framing rights as ethical and political ideals (Hunt, 2007). The ultimate political revolution, as seen in America and France, politicized these ideals in documents like the U.S. Bill of Rights (1791) and the French Declaration of the Rights of Man (1789). At the same time, abolitionist campaigns, especially in Britain, initiated legislative changes such as the Slavery Abolition Act (1833) (Mazower, 2012).

Humanitarianism and international law emerged in the late 19th century, propelled by crises, wars, famines. This led to institutions such as the Red Cross and early legislation emerging in accordance with increasing global humanitarian commitments (Mazower, 2012). After World I, the league of nations promoted global cooperation, developing minority protections and early rights initiatives (Freeman, 2017). Transnational activism also increased with groups like the Fédération Internationale des Droits de l'Homme (1922) promoting a global rights bill. However, such efforts were rarely supported by the state, resulting in a delay of universal recognition and enforcement (Freeman, 2017).

After the Second World War, a pivotal transition occurred for international human rights as new international institutions, global norms and national laws emerged to

tackle an array of impinging matters (Barker et al., 1998). The exposure of Nazi atrocities offered moral impetus for the establishment of universal standards to prevent similar horrors, and the emergence of the United Nations offered the institutional scaffolding for drafting and promoting such standards (Freeman, 2017). This combination of moral imperative and institutional opportunity allowed for unprecedented international cooperation on human rights.

Four Freedoms speech of President Franklin D. Roosevelt in the year 1941 of freedom of worship, freedom from want, and freedom from fear built a key conceptual groundwork for the next human rights development (Freeman, 2017). The Atlantic Charter (1941), Declaration by the United Nations (1942) and Roosevelt's proposed "Second Bill of Rights" (1944) fleshed out the ideas, linking Allied war aims to principles of human rights and extending its frameworks to include social and economic dimensions (Freeman, 2017). These developments cast human rights at the center of the postwar international order rather than merely as domestic questions.

2.2 The United Nations and the Human Rights Advancement

Human rights were explicitly integrated into the UN Charter as a fundamental norm of the new international order, an unprecedented elevation of rights concerns in global affairs. Human rights form UN's core purpose as explicitly stated in the preamble of the charter, reaffirming "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" (UN, 1945). The UN and member states are also committed (by articles 1, 55 and 56) to promoting "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" (UN, 1945). They create institutional mechanisms for the adoption of human rights standards and

their monitoring, establishing at the same time the promotion of human rights as a key function of the organization.

However, these commitments are narrowly rendered due to Article 2(7), which prevents UN intervention “in matters which are essentially within the domestic jurisdiction of any state” (UN, 1945). This limitation highlights the tension between human rights universalism and state sovereignty that continues to vex international human rights regimes. Whether to count the violations of human as domestic jurisdiction or not is at stake of contemporary human rights debates.

2.3 The Universal Declaration of Human Rights

The UDHR was drafted by member states of the UN General Assembly and adopted on December 10, 1948, representing a watershed moment in the articulation of universal human rights standards. Developed over two years with extensive international scrutiny, the Declaration provides a far-reaching framework that still sets the tone for human rights discussions today (Freeman, 2017).

It becomes impossible to propose a drafting frame where human rights are perceived either as Western or feudal values because so many countries of Latin and Central America, Asia, and Africa contributed to the development of the definition. Representatives of newly independent nations frequently promoted racial and gender equality and the right to economic and social well-being with an intensity that underscored how human rights ideas resonated outside Western contexts (Freeman, 2017). The breadth of input is reflected in the content of the Declaration, which sets forth a comprehensive vision that included civil-political rights (Articles 1-21), economic-social (and through Articles 28-30, social) rights. This global perspective

encompassed a broader interpretation of human dignity, beyond narrowly political rights, stakes for the development of later human rights documents.

Although great from a moral perspective, the UDHR was created as a piece of non-binding declaration (and not a treaty which could be enforced by law). This refusal was in part a reflection of the political realities at the time, with great powers unwilling to accept binding obligations that might limit their sovereignty. However, the Declaration established important normative standards that would slowly gain more legal strength through later treaties and customary international law (Freeman, 2017).

2.4 From Declaration to Convection: Binding Human Rights Standards

2.4.1 The International Covenants and Their Implementation

The adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Right (ICESCR) in 1966, for instance, was a step away from mere article declarations; now, state parties were facing knitting treaty obligations. When paired with the UDHR, these two Covenants make up the International Bill of Rights, which set forth the modern human rights standards (Freeman, 2017). The division into separate Covenants mirrored the political divisions of the Cold War: Western countries prioritized civil and political rights, while socialist states focused on economic and social rights. This separation leads to a tendency to treat these rights differently, whilst the official position is that all human rights are “universal, indivisible, interdependent and interrelated (Freeman, 2017). The ICCPR creates obligations for rights such as life, liberty, fair trial, freedom of expression, religion and political participation. Its mechanisms include the Human Rights Committee, which reviews reports, provides interpretive guidance and, under the Optional Protocol, hears complaints. Freeman, 2017) in spite of course on realistic

enforcement. The ICESCR sets out obligations in terms of rights to work, education, health, living standards, and cultural participation. Its mechanisms initially included periodic reporting, reflecting reluctance to submit economic policies to oversight. The Optional Protocol of 2008 established a complaint mechanism, albeit with fewer participants than the ICCPR. These Covenants create legally binding human rights standards, but their effectiveness relies on state cooperation and political will. Mechanisms embody tensions between universal standards and state sovereignty and put a strain on human rights frameworks (Freeman, 2017).

2.4.2 Specialized Human Rights Conventions

In the decades to come, dedicated treaties have developed to cover specific rights and groups considered at-risk, articulating human rights backstories in specific scenarios and putting precise systems in a spot (Freeman, 2017). The 1965 Convention on the Elimination of All Forms of Racial Discrimination established benchmarks for tackling racial discrimination, mandating States to prohibit discriminatory practices and nurture racial equality. Its mechanisms, including periodic reporting and optional complaints, established precedents for later treaties (Freeman, 2017). The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, for instance, created a comprehensive framework to combat all forms of discrimination against women and girls in the political, economic, social and cultural domains. While the convention also speaks to more explicit forms of discrimination and systemic barriers to equality, the sheer number of reservations that many states have registered indicates a general reluctance to uphold tenets of equality (Freeman, 2017). Unlike other treaties, the 1984 Convention Against Torture imposed obligations on states to prevent and punish torture, obligations that had extraterritorial reach. These mechanisms (periodic reporting, individual complaint and investigation of systemic

harms, among others) are challenging but begin to set up accountability mechanisms (Freeman, 2017). Meanwhile, the 1989 Convention on the Rights of the Child, ratified by almost every country in the world, provides a detailed framework for protecting children's rights in many areas of daily life. Its mechanisms are periodic reports and an optional complaint procedure, but it is to effectiveness and conditional on domestic implementation (Freeman, 2017). These conventions demonstrate increasing recognition that human rights principles require elaboration where specific vulnerabilities must be considered to ensure protection. They highlight the growth and extension of rights regimes, even if there are obstacles to enacting these rights.

2.5 Critique of Human Rights Universality

Debate over the universality of human rights continues to be amongst the most contested in global ethical thought, as various culturalist, power imbalance, and epistemic exclusion arguments vie for dominance. The chapter covers three major criticisms—cultural relativism, postcolonial theory and critical theory—but gives them a more widespread character by discussing some hitherto neglected aspects from Africa and South Asia. Questing monolithic narratives and putting those of the marginalized to the fore, these responses uncover the boundaries of universalist paradigms and engage in explorations into more inclusive human rights paradigms.

2.5.1 Cultural Relativism and the Complexity of Asian Values

Cultural relativism takes on the universality of human rights asserts that moral rules are embedded within a culture themselves not in human beings as individual the individual culture is the final judge. This criticism also considers the legitimacy of the use of the human rights frameworks (whose formulations are ultimately grounded to the western world) in societies with different legacies, values, traditions and historical experiences

(Donnelly, 1984). Asian Values, as espoused by political leaders including Singapore's Lee Kuan Yew and Malaysia's Mahathir Mohamad in the 1990s, has been a disguise for a cultural relativist counterpoint to universal human rights. Advocates contended that Asian cultures value social harmony, respect for authority, and economic development and that they should not be bound by "Western" individualism and liberal democracy (Donnelly 1984). But this articulation has been widely condemned for being essentialist and reductionist in its approach, by not acknowledging the extreme complexity of difference across the continent. Asia consists of over 50 countries, which display every type of religion (Confucianism, Buddhism, Islam, Hinduism, etc.), type of government (from the authoritarian regime in Singapore to the democracy in India to the theocracy in Iran), and colonial heritage (Japanese imperialism, British colonialism in South Asia, Dutch rule in Indonesia) (Kim, 2018).

The monolithic, "Asian" sentiment erases, in the end, many things, including Japan's hybrid modernity of Shinto permeated collective mindedness combined with post-World War II democratic structures. Likewise, India's pluralist democracy (with its constitutional rights mingling with caste-based affirmative action and the coexistence of religious personal laws) and Indonesia's Pancasila ideology (a blend of Islamic tenets, indigenous traditions, and socialist-oriented economic policy) reflect the enormous complexity that is internal to the continent. these divergences discourage a single Asian ethic (Eisenstadt, 1965). Even in the more traditionally Confucian societies, South Korea's democratization in the 1980s and Taiwan's legalization of same-sex marriage in 2019 demonstrate how these societies creatively combine liberal rights and age-old cultural traditions. Impact Critics contend that the Asian Values discourse was often used strategically by political leaders to justify maintaining dictatorship; instead of reflecting real cultural norms in society (Thompson, 2004). For

example, Singapore's dominant political party, the ruling People's Action Party, has presented limitations on freedom of expression and public assembly as a necessary means of promoting economic growth and preserving social harmony. This sort of call to cultural discourse is characteristic of previous African dictators who also called themselves protectors of "traditional values," but collapsed as the economy worsened and leadership diminished (Thompson, 2004).

The Asian economic crisis in 1997 further laid bare the pitfalls behind assertions that linked authoritarian governments with economic development that coupled the internationalization backed by the IMF (International Monetary Fund) with a set of neoliberal restructuring measures across the region. Within these societies, internal discord further complicates state-sanctioned constructions of culture as universal. In Malaysia, for example, women's rights groups like Sisters in Islam interpret the Quran in efforts to promote gender equality in opposition to government claims that such rights are inconsistent with "Asian Values" (Thompson, 2004). Likewise, Hong Kong's Umbrella Movement that year laid bare the tension between Beijing's priority of political stability and local desires for democratic self-determination. They demonstrate that at the core there is an inner contestability of cultures and thus there is a contest between the nature of the value systems which are portrayed as static and monolithic, but this dichotomous portrayal of values as value systems fails to reflect the living and diverse reality of many Asian peoples (Hui, 2015). Through this lens, this critique of cultural relativism emphasizes the need to differentiate human rights as universal moral concepts versus the interpretations developed through the lens of culture.

2.5.2 Postcolonial Critiques: Fanon and Others

Postcolonial theorists have also critically engaged with the pervasive Eurocentric basis in the codification and practice of international human rights law and its complex interrelation with continuing colonial power relations. This critique is layered, along four deeply entangled lines of argument; First, Western-Centric Epistemologies that are embedded in these frameworks as one predominantly sees Western philosophical traditions. The Universal Declaration of Human Rights (UDHR, 1948), for example, is heavily grounded in Enlightenment ideas, such as the notions of individual autonomy, legal positivism and secular government (Barreto, 2014). Such models suppress non-Western views of rights, which are more strongly embedded in traditions that stress community duties such as that of Ubuntu's collective "I am because we are" philosophy of Southern Africa, spiritual duties like those of Hindu dharma or the Islamic *maqāṣid al-sharī'a*, and collective self-determination as witnessed in indigenous land rights movements across Asia and Africa (Mukharji, 2023). This hierarchy of knowledge ensures that "the waiting room of history,' as Dipesh Chakrabarty poetically puts it, remains the space for non-Western societies that are supposed to leave behind or irremediably transform their traditional values and norms to access so-called 'modern' rights frameworks" (Mukharji, 2023).

Secondly, these dimensions of colonial hypocrisies and neocolonial continuities are subjected to enduring scrutiny dealing with the contradiction of colonization in terms of Frantz Fanon and his piercing criticism of colonial powers in *The Wretched of the Earth* (1961), which is to exploit rights abroad and at the same time to assert Enlightenment values at home (Etherington, 2016). Nowadays, interventions over human rights bear a resemblance to these complicated dynamics: you get large scale

resource extraction by Western corporations within postcolonial states, that casually overlook or subvert indigenous land rights in the name of “development.” The granting of conditional aid, such as structural adjustment programs from the IMF, serves the prioritization of debt repayment to the detriment of fundamental social needs, thereby the left-wing circles point out that economic rights in Global South states are systematically violated (Dembele, 2025). Furthermore, selective outrage is on display as Western governments denounce abuses in enemy states (China’s policies in Xinjiang, for example), yet overlook or play down the violations of their allies in policies; and (Saudi Arabia in Yemen, for example) (Mutua, 2002).

Third, there are also enormous problems regarding cultural imperialism and the obliteration of other systems of justice that this involves. The establishment of a one-size-fits-all Euro-American rights model risks silencing and de-legitimizing indigenous justice systems. For instance, among Luo communities in Kenya formal human rights law works with indigenous conflict resolution processes (through *jachola*, elders’ councils). However, such composite style methods are often denigrated by some international NGOs as “old-fashioned” (Kariuki, 2007). In the same vein, Thailand’s Buddhist-based Sufficiency Economy Philosophy, which promotes “moderation” as opposed to the typical neoliberal growth paradigm, has not been given a great deal of attention within major United Nations policy dialogues, signaling a trend of cultural abstracting overall (Schaffar, 2018).

Finally, the postcolonial critique goes to the neglect of collective and economic justice in the mainstream human rights discourse. Critics say the UDHR’s emphasis on civil-political rights is a partial reflection of Western values but exclude the quest for redress

for historical injustices in the form of reparations such as instances of slavery and detailing and description of colonialism (e.g., to which Caribbean states demand \$500 trillion in reparations from former colonizers). And climate justice is, of course, also at stake, as a continent that is only responsible for 3.8% of historical CO₂ emissions but already suffers disproportionately (17%) from climate impacts can attest (Otto, 1999). The long, hard fight for food sovereignty Both are examples of a bugbear of the World Trade Organization, policies that force African countries to produce export crops, curtailing smallholding farmers and local food security. Such are the postcolonial critiques that are critical of power relations within the human rights discourse itself, and how historical patterns of domination continue to inform both human rights abuses and the responses to them.

2.5.3 Critical Theory: Horkheimer and Adorno

Critical theorists, who take extensive inspiration from the Marxian and Frankfurt School traditions, have uncloaked the profound paradox in which discourses of human rights may end up legitimating systemic domination while purporting to champion human liberation (Adorno, 2002). The dialectic of rights and oppression is brilliantly illustrated in Theodor Adorno's savage denunciation of "identity thinking" which brings out the way that formal entitlements, in practice do nothing (and worse) to veil the profound and enduring inequalities that pervade contemporary society. For example, the strains between formal and substantive equality are visible in Pakistan, where constitutional provisions that enunciate gender equality share space uneasily with orthodox tribal *jirgas* that systematically deny women's inheritance rights, thereby perpetuating an inequitable gender order (Rensmann, 2017).

Moreover, the managerialist understanding of depoliticization is rendered here in the way in which World Bank lending programs that profess to support good governance, boil complex questions of rights to technical indicators that ignore any colonial past that might help explain the deep level of institutional corruption. Dipesh Chakrabarty's classic, *Provincializing Europe*, makes a crucial intervention by asking us to denaturalize the universalizing trajectories of Western historiography and the mainstream rights talk (Chakrabarty, 2008). One of Chakrabarty's most significant contributions is in his challenge of cultural monism and a re-conceptualization of human rights titled on "Heter temporalities" which takes into consideration the fact that pathways of multiple modernities exist (Chakrabarty, 2008). This can be seen in the rather unique combined constitutionalism of India, one synthesizing British law. Such cases are obviously in the minority but they are aspects to syncretism in practically all advanced and lesser developed decolonization experiences. and the Gandhian doctrine of *Sarvodaya*, resulting in a plural legal and moral formation.

Further, Chakrabarty argues the need to acknowledge subaltern agency, suggesting that colonial archives have traditionally quashed minority voices (Chakrabarty, 2008). "Reading against the grain" is the work of retrieval and recovery of these suppressed narratives of demands for dignity that are located beyond the Eurocentric categories of rights. This method expands the conversation and allows for a more all-encompassing approach to human rights beyond Western set parameters (Chakrabarty, 2008).

This critique of instrumental rationality helps us see that ideals that appear universal can, in some way, be enlisted in the service of specific interest in some way (that robs them of their emancipatory possibility). Thus, they illustrate the critique of formal rights applied to the realm of human rights and its capacity to legitimate rather than challenge instantiations of power when not paired with the material conditions

necessary to realize them (Adorno, 2002). These kinds of critical perspectives are not necessarily against human rights as such but advocate for more critical handling of their boundaries and contradictions.

2.5.4 African Critiques of Human Rights Universalism

A thorough critique of the notion of human rights universality must, at least to an extent, confront African versions of this critique, which by far are the most effective criticism of the universalist model dominated by Western thought (Mutua, 2002). African criticisms, however, underscore that in fact there is a cultural misfit, and that universal human rights frameworks are built on a preference for individual autonomy rights such as free speech and property ownership while African societies tend to prioritize collective well-being, as seen in the Ubuntu worldview with its focus on interconnectedness and reciprocal care (Mutua, 2002).

The focus on private property in such bodies of law, for example, can paradoxically erode communal land ownership, a governing value in many African customs and cultural understandings. Moreover, arguing human rights tends to overlook the continued legacy of colonial exploitation that historically formed and still affects the substance of the African continent. Even the so-called human rights champions in the West often ignore reparation calls and fail to tackle the structural imbalances caused by eras of colonialism, thus feeding the cry of hypocrisy, in an era of neocolonialism (Mutua, 2002).

The second aspect is the epistemological exclusion in which Western legal systems have alienated African notions of justice and dignity, which are often conveyed through indigenous oral traditions, customary laws and deeply rooted spiritual practice. The introduction of formal legal institutions tends to eclipse -and may destroy-customary

practices of governance, for example rule by elders' councils, that have effectively served communities' for generations (Mutua, 2002). Beyond these considerations, there is a question of African agency and alternatives. Universalist narratives generally depict Africa as a passive victim of externally imposed norms, without drawing on the rich contributions of indigenous African thought to the human rights corpus (Mutua, 2002). For example, the African Charter on Human and Peoples' Rights (ACHPR) is underpinned by African cultural values, which are based on the idea that culture is a combined of individual and collective rights; and the Pan-African movement arguing that cultural self-determination is a fundamental human right (Mutua, 2002).

These African criticisms do not wholesale dismiss the idea of human rights, but they demand a more pluralistic and inclusive horizon that recognizes and integrates African histories, philosophical thought, and agency. Instruments such as the African Charter show how universal human rights can be given a bright new face to match global dreams while being effectively "localized," offering an example of a discourse able to be given a local edge (Mutua, 2002). By way of summary, criticisms of human rights universality from African perspectives as well as from Asian, postcolonial, and critical theory perspectives collectively indicate the need for a more nuanced, pluralistic, and context-sensitive orientation that truly respects and acknowledges the diversity of cultural, historical, and philosophical traditions that underpin diverse understanding of rights and justice across the world.

Generally, this chapter suggests that, on balance, the challenge to the universality of human rights that we have explored is better interpreted as a call to develop more reflexive strategies than to jettison all universal ideals. A reflexive approach to universality acknowledges the historical and cultural roots of articulations of human rights and is sensitive to cultural practices, differences emerge because of time,

geography and culture, remaining grounded in a set of core principles that protects human dignity. This would allow to frame the debate on human rights in such a way to recognize that universal principles of human dignity, integrity and equality in a set of rights “mercenarily use cultural frames of reference to find earthly expression without ever reducing the essence of human rights consideration to a culture” guide. Reflexive universality, on the other hand, would recognize that engaging diverse perspective in ongoing dialogue about human rights interpretation is another critical layer of the universalist dialogue. Instead of rigid definitions imposed from dominating perspectives, this framing embraces human rights as concepts that are in constant evolution, informed by multiple voices, including those who have been historically silenced in international dialogue. Examining power dynamics within human rights institutions themselves also constitutes an integral aspect of reflexive universality. If the mechanisms of implementation reflect (or twist) global power hierarchies instead of equal participation, then the claim to universality is not credible no matter how motionless the principles become. Such a more reflexive approach allows us to maintain the emancipatory potential of human rights, while remaining sensitive to their limitations and contradictions. In treating universality as something to aspire to and an ongoing project rather than an accomplished reality, it allows for continued refinement of human rights discourse in response to different experiences and viewpoints

CHAPTER THREE

Postmodernism and Human Rights Discourse

Postmodernism is a contested and complex philosophical orientation that critiques basic assumptions of modern thought that provide bridges to rationalist human rights discourse. Postmodern approaches are diverse and sometimes contradictory (Stivale, 1998), but they share an irrepressible skepticism towards grand narratives, claims to objective truth and the existence of transcendent and universal values (Jameson, 1991). This skepticism throws down deep challenges to human rights discourse, which used to rest on universal principles and objective standards.

A philosophical system that trends toward unified can better be conceptualized as a postmodernism of many approaches tied by some common themes of foundationalism distrust, view of language, attention to power relations behind knowledge claims, affirmation of multicity and difference over a common agreement of universal meaning. These themes also become apparent in different forms in the works of various thinkers, such as Michel Foucault, Jean-Francois Lyotard, Jacques Derrida, and Judith Bulter.

Postmodernist critiques of universality, objectivity, and progress, all core assumptions upon which traditional discourse has relied cut to the very heart of the human rights project as we have known it thus far. A second example is the postmodern challenge to the existence of universal moral principles without the mediation of power relations and a cultural context, which not only challenges traditional justifications for human rights but also offers new thinking about rights as historically situated practices instead of transcendent truths. Ultimately, instead of repeating familiar half-hearted arguments

against human rights, this analysis asks what insights postmodernism might hold for making rights advocacy more reflexive and politically effective in increasingly pluralistic contexts.

3.1 Michel Foucault: Power, Knowledge, and the production of Truth

Foucault (1926–1984), as French historian can be difficult to classify, but his analysis of power and knowledge represents a grave challenge to dominant understandings of truth and thus human rights discourse. Rather than viewing power as merely repressive and knowledge, determines what counts as truth, and shapes the categories through which we understand ourselves and others.

3.1.1 Power Relation and Knowledge production

In his works ‘Discipline and Punish’, Foucault shows how institutions such as prisons, schools and medical institutions are places where power and knowledge interact to create “truth” regarding human subject. These are exactly the institutions which classify, observe and normalize men, which demarcate normal from pathological, the legally acceptable from the deviant (Foucault, 1995). This approach critiques traditional views of human rights as based on objective standards independent of relations of power. Therefore, if the knowledge of human being such as the concepts of dignity, autonomy and rights emerges from power relations rather than out of them, human rights discourse cannot claim the objective, universal status with which it has historically endeavored. Rather, it is a regime of truth with a specific historical emergence and effects of power (Foucault, 1995).

Foucault’s ideas of disciplinary power and biopower further explain how the mode of modern governance moves from simply banning certain things to a system that

organizes the lives of the populace. These modalities of power operate by creating types of subjects, rather than merely repressing those that already exist, constituting the rights-bearing individual as specific historical subject rather than recognizing a pre-existing natural condition (Foucault, 1995).

3.1.2 Philosophical Genealogies as Universal Critique

The genealogical method developed by Foucault provides an important additional challenge to human rights universality by exposing the contingent historical emergence of supposedly timeless concepts. Instead of taking ideas such as human rights for granted, genealogies focus on the specific historical conditions under which ideas of human rights became possible, the power relations that have shaped the development of the ideas we take for granted (Foucault, 1988).

In books such as *Madness and civilization* and *The Birth of the clinic*, Foucault shows that even ideas that we think of as universal, such as mental illness or clinical medicine, are products of a particular historical process rather than being ageless truths (Foucault, 1988). Applying that to human rights, this perspective explains how notions of human dignity or individual rights were developed through history, instead of them being universal moral insights.

This genealogical lens does not necessarily dissolve human rights but rather it reconstructs our conception of their status. Instead of universal moral truths revealed by reason, human rights are seen as historically specific technologies of governance with power effects, sometimes if ever, constraining domination but at other times as enabling new form of regulation and control.

3.1.3 The production of the Subject

Perhaps Foucault's most profound challenge to a conventional human rights discourse lies in his analysis of subjectification, the power relation he argues produces kinds of subjects rather than simply operating on preexisting individual subjects. Human rights, as an established discourse, assume the existence of some human subjects, imbued with intrinsic dignity and autonomy, and the Foucault's analysis holds power relations produce the very subject at stake (Foucault, 1980).

In works such as *The History of Sexuality* and in later lectures, thus, Foucault reflects on how individuals learn to think of themselves, through discourses that classify, normalize and exercise power over the practices that make up identity. These subjectification processes create exactly the characters, that discourse purports to protect, the subject of dignity as inviolable autonomous possession are produced as historical arrangement and not as universal condition (Foucault, 1980).

In this light, our understanding of the relationship between rights and subject becomes radically transformed. Instead of the rights that protect elder intrinsically processes. The 'human' of human rights is a specific historical production, not a universal category. From this perspective, human rights discourse is also not seen as a neutral or universal moral truth, but rather, as a social construction and form of social control in knowledge that spread across society (Foucault, 2003)

3.2 Lyotard: Skepticism Toward Grand Narration

The most important statement about suspicion towards metanarratives as the main feature of postmodernism, was done by the influential French philosopher Jean-François Lyotard (1924–1998) in his influential work 'the postmodern Condition'.

Such skepticism regarding grand stories that claim to explain all human experience runs contrary to the founding premises upon which human rights discourse stands, which has long drawn on comprehensive moral narratives claiming general validity.

3.2.1 The postmodern Condition and Skepticism Toward Metanarratives

Lyotard's analysis is all about change of the legitimation of knowledge in the post-modern societies. Whereas modernity imbued knowledge with legitimacy through sweeping narrative like human emancipation, historical progress or universal reason, in postmodernity these totalizing frameworks splinter into innumerable, situated language games, each with its set of rules and criteria (Lyotard, 1979). Such transformation deeply unsettles human rights discourse, which can be described to rest on the grand narrations of natural law, the progressive realization of human dignity, or universal reason to legitimate its claims. If such overarching frameworks command no general assent anymore, then human rights principles must also relinquish the universal validity they have claimed until now.

In the postmodern setting, Lyotard continues, knowledge should be evaluated less by its truth, its justice than by its performativity, a term he uses to establish not the qualities of a performance but its ability to deliver results. This shift triggers a challenge the basis of human rights traditionally derived from moral principles independent of their practical consequences, indicating that human rights claims may be assessed primarily according to their strategic utility rather than their moral validity (Lyotard, 1979).

3.2.2 Language Games and the Problem of Justice

Lyotard's idea of language game has multiple discourses that each have their own rules, criteria, and forms of legitimation that would further undermine universalist

presumptions within human rights discourse. And if these diverse social and epistemological communities play their own language games with no common standards to judge between them, we can say that no one moral framework can assert its rights of universal validity in all situations (Lyotard, 1988).

In 'The Differend', Lyotard takes up situations in which conflicts between different language games give rise to fundamental impasses in communication and justice. A wrong that can't be described, it seems like the injury itself is to deny voice or impose inappropriate standards and try to articulate it in the existing discourse. Such cases highlight the powerlessness of universal frameworks that assume commensurability of different contexts (Lyotard, 1988).

This analysis is relevant to human rights claims across cultural boundaries. When rights standards that arise and take shape in one cultural language game are applied to situations structured by different conceptual frameworks, they may be unsuitable for the redress of wrongs, or they may participate in epistemic violence in imposing on those occasions irrelevant or inapplicable standards. Traditional universalist approaches that cannot translate concepts across contexts fail to address these most basic challenges (Lyotard, 1988).

Lyotard further stresses the ethical necessity of allowing incommensurable perspectives, rather than universal standards, to govern discourse. Within this framework, justice entails keeping our ears peeled for what diverse realities cannot tell themselves within hegemonic discourses instead of assuming that some universal principle is sufficient to resolve all injuries (Lyotard, 1988).

3.2.3 Cultural Specificity of Rights Language

Lyotard's analysis is particularly relevant to the contemporary debate on human rights, suggesting that claims to rights are a function of the historical situation we happen to find ourselves in rather than a reflection of a universal moral insight. The language of rights is deeply embedded within western philosophical traditions that endorse individual autonomy and abstract equality in ways that do not always translate easily into different cultural contexts (Lyotard, 1979).

This perspective undermines the assumption that human rights can apply universally, without significant translation or adaptation between cultures. Rights conceived differently and more universally than through the lens of history, its experiences, philosophies and traditions, risks reflecting a particularity, rooted-in and limited by those same contexts (Lyotard, 1979).

But Lyotard had yet to completely discredit the discourse of universality but would rather propose more reflexive interpretations that include the fact of cultural specificity and nevertheless must hold onto certain critical standards. If we understand human rights as a language game rather than universal moral truths, we may issue more contextually specific approaches to translation across frames without expecting a simple universality (Weber, 2013).

3.3 Derrida: Deconstruction and the Instability of Meaning

3.3.1 Deconstruction and Binary Oppositions

Jacques Derrida (1930–2004), a French philosopher best known for his practice of deconstruction, interrogates the epistemic foundations of Western philosophy and, as a result, the human rights framework. Instead of taking for granted binary oppositions

that structure Western thought such as nature/culture, speech/writing, or deconstruction shows that these oppositions have an internal contradictions and mutual dependencies that undermine their apparent stability (Hanafi, 2015).

Derrida shows how privileged terms in these binaries rely on their purportedly secondary opposites, producing instability that can subvert hierarchical relationships. By deconstructing human rights discourse, we unveil that key binary oppositions, like rights/duties or universal/cultural or justice/law, hold similar instabilities and dependencies (Hanafi, 2015). For example, universal human rights principles rely on cultural expressions that are precisely what they are said to transcend, operating at odds with one another between universal claims and individual expressions (Hanafi, 2015). Likewise, rights designed to serve as protections of natural human dignity must themselves be grounded in positive law which they ostensibly precede, generating circular currents between concepts of natural rights and positive rights.

Such deconstructive insights unravel the stable rationales assumed in human rights discourses. If core concepts have internally contradictory or circular dependencies, stable meanings cannot be attributed to those concepts, and rights frameworks cannot enjoy the conceptual clarity and coherence that they have traditionally lay claim to.

3.3.2 The Violence of Law and Justice

Derrida's merging of law and justice, as expressed in works such as "Force of Law," is another important challenge to existing human rights paradigms. The founding of each law necessarily encompassed (i.e., involved, enacted, etc.) violence both in the moments of its founding and in the fact that this law cannot be executed/forced full and justified by either justice or rights (Borchers, 2008). Such analysis reveals tensions in human rights approaches predicated on legal enforcement. It would argue that the first

phase of justice necessarily devolves into the second phase, the legal instantiation of rights requires force that cannot be justified purely in terms of the rights principles that it purports to enforce. This generates a circular relationship in which the forces of law define the meanings of rights, and those same rights authorize legal force.

This distinction is crucial for Derrida that law is calculable rules, justice is the incalculable ideal that goes beyond any given legal form we can imagine. This distinction reveals how human rights as legal standards inherently cannot attain the justice they seek to achieve. This form of justice, therefore, is not something to be fully institutionalized, but rather an unrealizable ideal that can drive some legal settlements (O'Connell, 2012).

These insights compel an attitude of greater humility toward rights implementation in the face of the gulf between the proliferation of justice as something without limit and the legal arrangements necessarily featuring cases of irreducible violence. Rather than treating rights frameworks as simple expressions of justice, a deconstructive approach would recognize their necessary limitations and the violence involved (O'Connell, 2012).

3.3.3 Hospitality and the Other

Derrida's explorations of hospitality and responsibility toward otherness are relevant to human rights approaches to cultural difference. In other words, hospitality is conditional if one makes rules and calculations about how to act, using a certain degree of freedom; unconditional hospitality, on the other hand, welcomes the other without rules (Borchers, 2008). This distinction sheds light on tensions within human rights approaches to cultural difference. A conditional hospitality extending alongside

normative conditions that regulate cultural diversity in finite forms characterized normative regimes over unconditional openness that normative regimes are what one can be responsible for, and it is lack of consultation that demands explanation and justification, not the responsibility itself. This conditional welcome inevitably enacts its own violence against the otherness that cannot be inscribed by a received grammar.

According to Derrida, true ethical responsibility means keeping tension between the conditional hospitality required to make practical arrangements and unconditional hospitality that remains open to radical otherness. When applied to human rights, this perspective implies that we should work to be conscious of the way in which rights frameworks are properly reductive of cultural difference, but at the same time we should be open to being changed by our encounters with the other (Borchers, 2008).

This perspective offers a critique of both uncritical universalism that imposes a common standard of conduct regardless of difference and relativism that rejects ethical responsibility in the name of appreciation for cultural difference. Rather, it advocates for a more sophisticated pragmatism that retains our practical standards but is receptive to their continual renewal from encounters with other viewpoints.

3.4 Judith Butler: Performativity and the Constructions of Identity

3.4.1 Gender Performativity and Identity Construction

Judith Butler (b. 1956), American feminist philosopher whose gender performativity theory, presented in works including “Gender Trouble and Bodies That Matter”, has deep theoretical implications for understanding identity categories in human rights discourse. According to Butler, gender identity does not refer to an inner essence; it

arises through repeated performances that give the illusion of a stable identity throughout time (Butler, 1990).

This performative understanding questions traditional ideas about identity as reflecting pre-existing inner qualities. If identities are produced through performative repetition instead of being the expression of essential traits, the categories “women” or “sexual minorities” cannot be treated as natural kinds with essential features and needs. Rather, these categories are the result of contingent productions that take place at specific historical and cultural junctures (Butler, 1990).

This perspective, when applied to human rights frameworks addressing discrimination based on identity, complicates those strategies that presuppose identity categories with certain properties that are inherent and stable. Because they inevitably preserve identity groups, even as identity-based exclusions are what the rights frameworks are aiming to reform, the focus on particular identity groups can reify rather than dissolve the very categories whose discriminatory effects they intend to combat. (Butler, 1990).

But Butler also sees the political urgency of identity categories to redress substantive wrongs, however provisional they are. This insight suggests a framework for thinking about identity-based rights that strategically deploys identity categories while working to move the dialogue away from this type of rights as their reification, rather than their transformative possibility (Butler, 1990).

3.4.2 Subversion and Resignification

And Butler’s analysis of subversion and resignification shows how these rights, to occur differently, might also be enacted in ways that exceed channeling them back

through existing frames. Rather than providing rights protections (or access) to previously marginalized groups, resignification means rethinking these foundational concepts through the lens of others' performances, revealing their contingency (Butler, 1990).

Butler's idea as performance that makes visible the imitative structure of gender lays a figure for rights approaches that are defined around the contingency of putatively natural kind. Rights advocacy might similarly operate as a sort of conceptual drag that discloses the performative quality of allegedly natural differences, creating the possibility of alternative articulations. (Butler, 1990)

This knowledge counsels more transformative directions for rights that operate not simply for inclusion but for a radical rethinking of the categories and distinctions that are the very building blocks of rights architectures. Instead of taking existing whys as given, such approaches would be using rights strategically while working toward their continuous transformation.

3.5 Postmodern and Human Rights: A Reflexive Synthesis

The thesis is set on a sensitive and indispensable crossroad in the ongoing intellectual discussions between postmodern skepticism and the traditional universalist premises of human rights discourse. Instead of siding firmly with either those who argue without qualification for the universal character of human rights as defended by foundationalists, or those who deconstruct and often discredited such universality as postmodern critics, this thesis is intentionally reflexive. This method seeks to mine and incorporate productive elements of postmodernist thinking without "throwing out the baby" of the practical and value/normative imperatives that underpin international human rights.

Normatively, it argues that the challenge of the postmodern is not to affirm the obsolescence or irrelevancy of human rights, but to take instead as an urgent opportunity the imaginative re-visioning of human rights in a way deeply observant of the dynamics of power, the importance of cultural and individual variation, and the contingent character of the self and of identity.

Philosophically speaking, the fusion between postmodern skepticism and the need for common standards for human rights can only mean a recognition that rights do not derive from eternal verities, but they are historical and power laden products, as they are sustained by cultural frameworks and underlying power relations. This thesis argues that the appropriate response, instead of begging reference to a naive universalism, is to embark upon an alternative: a pluralist, context-sensitive theory of rights. This is an approach that acknowledges their genealogy and treats universality as an ideal that is met through continued conversation rather than a given norm that is to be enforced on an unquestioning basis.

It provides a structural space for common standards without becoming fixed and exclusionary. Regarding power and institutions, international human rights institutions can do a better job at (i) integrating insights of postmodernism in a way that makes them reflexive and self-critical, that is, reflect on their own elitist genealogy and make that sit front-and-center on their personality (attitude, behavior, channels), (ii) explicitly and openly acknowledge how power shapes rights discourses, including their own (in)action, and (iii) also immerse themselves in local discussions to adapt and contest their interventions. For example, (and as demonstrated through the domestication of human rights norms through the integration of the Sustainable Development Goals in metropolitan regions, like Los Angeles), institutions can be resistant and effective if they encourage strong partnerships, endorse and include diverse voices and recognize

the ability to translate and adapt rights into community specific actions. It does not imply the repudiation of all universality so much as a recognition that the authority and legitimacy of rights frameworks is determined by their capacity to be responsive and adaptive to new, different, and pluralistic realities that remain true to their foundational commitment to dignity and justice.

Situated in the framework of postmodern ethics and subalternity, (referring to Derrida's concept of undecidability and Butler's theory of performativity) we argue that human rights frameworks need to be constructed to have elasticity to perceive identities which resist fixed identities. Identity groups should not be understood as stable, natural kinds, but rather, rights advocacy groups must call upon categories strategically to address pressing injustices, while also remaining open to their resignification and transformation. This implies that models should be cautious not to end up reifying or excluding people that do not fit easily into predetermined boxes and endeavor to promote a more inclusive, dynamic model that makes space for the emergence of new subjectivities and forms of identification.

In relation to the usability of critique, this thesis envisions postmodernism as more, not less, than pure deconstruction a source of means to improve R advocacy and defense. By critically revealing these limits, exclusions and power relations at work within rights talk postmodern critique allows for a more self-critical political advocacy which is more attuned to pluralism and difference. The thesis very happily walks the fine line of calling for a pragmatic, context-sensitive use of rights as a tool, while being aware of their limitations, and open to change. On the latter point, human rights are considered redeemable by post modernism, though not as timeless propositions but as practices which are to be perpetually re-examined and re-negotiated in the light of new challenges and viewpoints.

Generally, the thesis argues for a critical rearticulation of human rights that selectively enriches rights talk with postmodern wisdom to make it more self-reflexive, more adept at capturing inarticulable dimensions of human suffering, more attentive to difference, and more historically contingent. Instead of abandoning the concept of human rights or holding on to outmoded universals, this thesis argues for the articulation of a new discursive formation, one that remains normatively engaged and philosophically sensitive to the specificities of the postmodern situation.

CHAPTER FOUR

Postmodern, Human Rights and Power Dynamics

As detailed in previous chapters the philosophical evolution of ideas about human rights, and the ways in which postmodern approaches call into question the universality and objectivity of human rights discourse. On the back of this, the present chapter embeds post-modernist insights to analyses how dynamics of power inflects the interpretation of human rights and their application in diverse contexts. This scrutiny goes beyond discussions of theory to emphasize power within human rights practices, institutions, and legal frameworks. Challenging these frameworks, postmodern critiques enable us to identify and deconstruct power relations that are masked in neutral human rights discourses. Foucault's notion of power/knowledge; Lyotard's rejection of meta-narratives; Derrida's destabilization of binary oppositions; and Butler's lens of performativity all present tools for understanding the dynamics of power at work in a discourse on human rights.

The focus here is three interrelated dimensions of power within the context of human rights. It does this first by analyzing how power relations shape debates over cultural relativism and universality, showing how rights' interpretation across cultures reflects geopolitical power. Second, it analyzes the ways legal and political structures enact power dynamics that facilitate and constrain rights implementation often reinforcing hierarchies. Finally, it examines the politics of rights realization, interrogating power within the quotidian practices of human rights institutions, organizations, and movements.

4.1 Postmodern and Power Dynamic in Human Right Context

Discussion of the theoretical guidance should begin by outlining theoretical frameworks that explain the functioning of power within the context of rights before addressing specific ways of practice. This part uses basic postmodern observations to develop analytical tools to examine human rights practices and institutions.

4.1.1 Foucault's Analysis of Power Production and Human Rights

Michel Foucault argues that power is productive, rather than simply repressive, and teaches us how to analyse (among other things) social institutions. Foucault teaches us to see past reading power simply as the negation of rights and instead as a productive, and constitutive force, with the human rights discursive field constructing subjects, knowledge, and practices (Foucault, 1980). This is evident in how these institutions categorize populations, classify victims and perpetrators, and develop monitoring techniques. Human rights entities like UN treaty bodies, international courts, and monitoring mechanisms are "disciplinary institutions" that supervise, categorize, and standardize. Through reporting, monitoring, and rulings, these institutions establish norms, evaluating and classifying state actions. Through observation, classification, and normalization, this process produces the subject, rights-bearing individuals, obedient states, and legitimate actors (Foucault, 1995). Regimes of truth through knowledge from these practices, statistical analyses, reports, opinions, and assessments construct frameworks for understanding human rights. Such practices privilege certain forms of knowledge (legal, technical, scientific) while marginalizing others (experiential, traditional, non-Western), mirroring the dynamics of power rather than providing objective assessments. The concept of governmentality developed by Foucault describes the human rights discourse as a governance technology (Foucault,

1995). Human rights frameworks invite states and individuals to internalize norms, to self-regulate their social behavior. These methods (reporting, commitments, and peer evaluation) encourage self-governance, going beyond direct coercion. Such power works through freedom, urging subjects to comply themselves to international standards.

4.1.2 Lyotard's Exploration of Legitimation and Human Rights

The way processes of legitimation are wielded across different contexts of legitimation, as elaborated by Jean-François Lyotard, is an insightful analytical resource for understanding how human rights discourse legitimizes itself. Lyotard questioned metanarratives, which eventually leads to uncovering the foundation of human rights frameworks on metanarratives of something like human progress, universal reason, global consensus narratives, it collapses under the postmodern conditions of dispersed knowledges and divergent language games (Lyotard, 1979). The legitimacy of human rights discourse has relied on appeals to universal reason, natural law, or the great narratives of consensus worldwide all of which, Lyotard contends, have been discredited in a postmodern world. Most human rights discourses do not take into consideration that it now confronts diverse cultural contexts with their own legitimating ideas, which means that the establishment of authority is highly contested (Lyotard, 1979). This contestation reveals how power operates by stipulating which forms of crossing, legitimation, are recognized as legitimate and which are judged as particularistic or regressive. Lyotard's notion of the differend that is, instances when conflicting parties cannot reach a fair resolution because no common language/framework exists is instructive for especially vexing human rights cases. But when different legal or philosophical traditions necessarily operate within incommensurable frameworks regarding the understanding of rights, then simple

appeals to the universal standard will often only silence one side or the other rather than lead to genuine resolution (Lyotard, 1988). These are examples of how power works, by creating the conditions under which any of the conceptual frameworks are the terms of the debate.

4.1.3 Derrida's Deconstruction of Binary Oppositions and Human Rights

To illustrate, Jacques Derrida's deconstruction of binary oppositions can be useful in analyzing how hierarchical thinking manifests through human rights discourse, mirroring power dynamics in relationships between individuals or societies. We are trained on universal/cultural, rights/traditions, modern/traditional, West/non-West, and developed/developing binaries (Hanafi, 2015) that human rights frameworks often rely on. The process of deconstructing them shows how power privileges one term and subordinates its other. The universal/cultural binary is a central dichotomy in human rights discourse. This binary hierarchy contrasts universal rights with cultural specificity, elevating universal perspectives (as relevant to Western traditions) while homogenizing and marginalizing cultural perspectives as specific or regressive (Hanafi, 2015). This perspective masks how all rights emerge from cultural and historical circumstances rather than universal insights. Likewise, the rights-respecting/rights-violating binary draws hierarchical lines in relation to the dynamics of geopolitics. Rights-respecting states (typically Western democracies) obtain legitimate authority to judge rights-violating states (usually non-Western, developing countries) (Hanafi, 2015). This obscures that all states are a mixture of respecting and violating rights, reinforcing geopolitical hierarchies. Derrida's way of thinking is to destabilize binary thinking itself. Perhaps, instead of as an opposition between universal rights and cultural traditions, we could see principles of rights emerge as we express ourselves through cultures, and traditions evolve to interact with wider principles. This enables a

more subtle grasp of how power delineates the site of universal principles and cultural specifics.

4.1.4 Butler's Performativity and Rights Identities

Judith Butler's conception of performativity provides insight into the construction of identity categories in human rights as emergent from performative acts, rather than as essences. This framework exposes the power relations that dictate the relevant identities for rights claims and which identity enactments are acceptable (Butler, 1990). Several human rights frameworks, for example, ground protections in identity-based categories allegedly representing inherent types of human beings, women, children, indigenous peoples, persons with disabilities, and racial or ethnic minorities. For Butler, these categories do not merely classify existing groups, they help to constitute the identities they describe. By identifying legal definitions, classification systems, and verification processes within broader human rights frameworks, this illustrates how certain identity expressions are recognized and protected, and others are not (Butler, 1990). This analysis sharpens our attention to the role of power in determining what identity performances are deemed authentic. To get rights protections under certain categories, people must perform these identities in recognizable ways to rights bodies. This authentication process serves to privilege performances that conform to accepted norms, relegating other expressions to the margins. Performing trauma or victimhood in recognizable manners for authorities may be necessary for achieving refugee status; similarly, native rights may implicate certain "traditional" cultural expressions that align with outside expectations (Butler, 1990). So rather than writing off identity-based rights protections, Butler's move is toward a more reflexive engagement with these categories. By understanding the political economy of identity categories, we can design frameworks that would embed protection without hardening permanent

categories of identity or requiring in advance specific performances for progressive recognition.

Such postmodern theoretical insights afford frameworks through which to consider exactly how power operates in specificities of human rights practice. The rest of this chapter uses these analytical tools to examine the way that power relations structure debates over cultural relativism versus universality, the way that legal and political structures reflect power relations, and the way that political practices shape the translation of rights at local levels.

4.2 Cultural Relativism and Universality: The Politics of Interpretation

The debate over the universalist claims in the context of human rights can be a contentious dimension of human rights discourse. Using postmodern analysis, this section elucidates how power struggles between relativism and universalism function to determine the power relations of rights interpretation across cultural contexts, mirroring larger power relations between geopolitical actors.

4.2.1 Power Dynamics and Universal Standard of Human Rights

The universality of human rights raises questions about whose interpretations of dignity and freedom are deemed global norms. Postmodern critique says that power defines universal rights gain recognition versus what cultural traditions will be accepted. This is not blunt enforcement, but complex mechanisms through which a landscape of knowledge production, institutional practices, and discursive frames are moved into policy. As we have seen in chapter two, the historical development of human rights norms, diverse as this may be, is primarily rooted in the Western liberal philosophies and political institution (Donnelly, 1984)s. While it was hardly driven by one single

tradition, successfully drawing in elements of traditions such as socialism and communitarianism as well as its individual centric focus on the relationship between the state and the citizen resonates with liberal democratic principles. Such a match is due to the disproportionate effect of traditions on international law since 1945 (Freeman, 2017). The authority to set norms persists through institutions that determine which rights are incorporated in international law. Which rights get picked as priority issues, reflected in binding treaties, optional protocols and enforcement mechanisms, reflect geopolitical power more than moral assessment. According to liberal traditions, enforcement of civil and political rights is greater than for economic and social rights (O'Connell, 2012), which reflects the dominance of Western states in human rights law development. Knowledge production practices reinforce these power dynamics in defining universal standards. Human rights discourse, mostly based in Western institutions, often uses frameworks favoring certain rights while neglecting others. These priorities are reflected in authoritative interpretations produced through peer-reviewed journals, journal articles and academic conferences and expert consultations. These practices reflect and delineate which interpretations are recognized as authoritative standards and which are dismissed as mere perspectives (Donnelly, 1984).

4.2.2 The Cultural Relativism Response and Its Limitations

Cultural relativism partly arose in reaction to the perceived power imbalances of those defining universal standards for human rights. This interpretation reinforces the idea that different societies create their own ethical principles which are influenced by their history, religious values and social systems (Donnelly, 1984). Cultural relativism fundamentally calls into question the widely taken for granted notion that Western liberal understandings of rights represent universal moral truths, rather these ideas are

seen as culturally bounded developments (Donnelly, 1984). However, a postmodern analysis reveals that power dynamics are also present within cultural relativist arguments, potentially perpetuating rather than challenging domination. Invocations of cultural traditions often prioritize interpretations of culture while sidelining internal diversity and contestation (Donnelly, 1989). When state representatives assert that certain human rights conflict with cultural traditions, these claims typically elevate specific viewpoints that align with elite interests, while alternative interpretations from marginalized groups within those societies are suppressed. The politics of cultural authenticity involve power dynamics that determine which cultural interpretations are acknowledged as legitimate (Donnelly, 1989). Government officials, religious authorities, and traditional leaders frequently assert exclusive rights to define cultural traditions, thereby marginalizing feminist, youth, or minority perspectives that might better align with certain human rights principles. These struggles over authenticity involve power contests within cultures rather than merely between cultures and universal standards (Donnelly, 1989). Additionally, essentialist views of culture as static, bounded, and homogeneous often underpin cultural relativist arguments, obscuring the dynamic, contested, and hybrid nature of all cultural traditions. Such essentialist ideas may embody political ends propping up authority structures, maintaining social hierarchies, or resisting outside forces, rather than true accounts of the ways cultures work. This type of analysis shows how these visions of the culture reveal power relations rather than objective representations of social experience (Donnelly, 1989).

4.2.3 Case Studies in the Politics of Interpretation

Specific case studies usefully help to illustrate how the balance of power mediates the terms of the debate between cultural relativism and universalism in the realization of

human rights. In the context of women's rights, these dynamics have particularly clear manifestations, since cultural traditions are often invoked aggressively against gender hierarchies (Creegan, 2002) female genital mutilation has been a prime example of the conflict between cultural relativism and universality. These practices have increasingly been categorized by international human rights bodies as violations of rights under conventions against gender discrimination and protection of children's rights (Collins, 2000). Cultural relativists are quick to point out that such evaluations are grounded in Western metrics and overlook the cultural significance of such practices as they relate to group identity and social cohesion. Postmodern analysis reminds us of the complex structuring of power at multiple levels in this conversation. Narrative frameworks used by international efforts to help rid the world of these practices often depict Western actors as tawny saviors and the communities that partake in these traditions as backwards or savage (Butler, 1990). These narratives are reminiscent of colonial power structures and can silence the voices of women in these communities. Simultaneously, the blog, the cultural rationale for such practices often fails to consider the varying perspectives of the women being put through the procedures and instead focuses on the perspectives of male religious and traditional leaders (Butler, 1990). Both positions hold the potential to sustain, rather than disrupt, power dynamics. More nuanced approaches recognize these multiple relations of power without abandoning a critical view. Women's groups in those contexts developed strategies and approaches to contest destructive practices while engaging constructively with cultural paradigms instead of rejecting them outright (Butler, 1990). These strategies to try to capture the possibility of culture changing from within rather than being imposed externally, considering issues of power while remaining committed to positive respect for women's bodily autonomy. Similar dynamics can be observed in debates concerning LGBTQ+

rights, religious freedom and cultural minorities (Donnelly, 1984). In all cases, a postmodern critique shows how both universalist and relativist positions can reify rather than redress power disparities. The consensus among these papers is that we need to overcome simplistic notions of universality versus cultural context in the direction of approaches that are sensitive to diverse forms of power while also remaining critical.

4.2.4 Postmodern and More Reflexive Approaches

Postmodern analysis calls for more reflexive approaches to navigating these tensions between universal canons and cultural contexts. Rather than treating these as mutually exclusive options, we are invited to take stock of the inextricable relationship between the two and develop ways of knowing that builds in power relations but that still retains a critical edge. That is that universal principles are expressed through cultural contexts, rather than existing outside of culture. An acknowledgment opens the possibility of a more explicit acknowledgement of the traditions that inform human rights discourses as it would be difficult to represent these as divorced from culture. Recognizing the cultural situatedness of dominant rights narratives opens the possibility of more generative conversations across local traditions. As a second reason, this approach has the advantage of recognizing that there is internal diversity and dissent in all cultural traditions, rather than representing cultures as homogeneous wholes represented only by their traditional authorities. This recognition opens a loophole for voices from the underrepresented in cultures to offer different interpretations to cultural practices that may otherwise align more with certain values of rights. Third, it demonstrates that all cultural traditions are dynamic and hybrid, emerging from internal developments and external engagements but never fixed in time. This helps frame the cultural changes in a sense of tradition and universalities. This framework also maintains a commitment to

critical evaluation, understanding the influence of power on the lenses through which we view the world. Instead of subordinating normative judgments to cultural respect only to come back to them under the pretext of imposing supposedly neutral standards that indeed are determined by specific worldviews, this approach represents genuine dialogue across differences and a commitment to opposing domination in all its forms. And these more critical modes also recognize the power dynamics that undergird both universalism and relativism, while maintaining the promise of critique across cultural frameworks. They recognize the unbalanced groups and structures that resist the lines of domination, enabling real conversation across divisions, defending forces to resist domination.

4.3 Legal and Political Structure and Power Relation

Another critical dimension of how power works in human rights contexts is through legal and political structures. This section employs postmodern analytical frameworks to explore how such structures manifest power relations that enable and restrict the implementation of rights in ways that frequently reproduce established hierarchies.

4.3.1 Deconstructing Legal Frameworks

Legal frameworks ostensibly designed to protect human rights invariably enshrine power relations through their conceptual architecture, institutional arrangements, and implementation mechanisms. From a postmodern perspective, it is then possible to uncover how these seemingly neutral paradigms favor certain views and exclude others in a manner that mirrors other power relations (Borchers, 2008). As many authors have argued, international human rights law has both conceptual foundations rooted in specific philosophical traditions and historical contexts. As foreshadowed in Chapter One, concepts like individual autonomy (or state sovereignty or legal rights) have

historical roots, rather than being universal categories (Anghie, 2005). These ideas mainly emanated from political struggles and philosophical developments in Western quarters, and their prominence in human rights law indicates their influence as guiding traditions within international legal development. The structural arrangement of international human rights law itself, with its division into different generations of rights, the distinction made between binding and non-binding instruments, and the assignment of monitoring and enforcement mechanisms reflects power relations overshadowing objective verdicts on moral significance (Anghie, 2005). Civil and political rights, rooted in liberal democratic traditions, typically enjoy stronger protection mechanisms compared to economic and social rights, reflecting the dominant influence of Western liberal states during pivotal periods of international legal development. Furthermore, implementation mechanisms reveal power relations through institutional structures that favor certain actors and forms of knowledge (Barnett, Michael, and Martha Finnemore, 2004). Judicial and quasi-judicial bodies depend on legal expertise requiring specialized training mostly accessible at privileged educational institutions. Reporting procedures necessitate technical capacities more commonly available to affluent states and large NGOs. Monitoring systems require statistical expertise and data collection capabilities that are unevenly dispersed globally (Barnett, Michael, and Martha Finnemore, 2004). These structural elements reflect and perpetuate power imbalances rather than constituting neutral prerequisites for effective implementation.

4.3.2 International Institutional Power Dynamics

International institutions, ostensibly established to advance human rights, often reflect power dynamics through their governance frameworks, operational methods, and inherent hierarchies. These dynamics influence the interpretation of rights, determine

which violations receive prominence, and guide implementation in varied contexts (Barnett, Michael, and Martha Finnemore, 2004). The United Nations human rights system serves as an example of these dynamics within its institutional arrangements. The composition and voting processes of the Human Rights Council are influenced by geopolitical power rather than a selection of states based on their human rights records (Freeman, 2017). The intersection of expertise, ways of operating, and resource constraints creates hierarchies between distinct rights monitoring mechanisms rather than facilitating their functions. The special procedures mandate-holders have considerable interpretive authority, yet insufficient reflection of marginalized regions and perspectives. These structural mechanisms affect the meaning and application of rights in ways that often reinforce existing power dynamics. This pattern of funding creates power inequalities within international human rights institutions (Freeman, 2017). It also allows for implicit influence over institutional priorities, through dependency on contributions from wealthy states and private donors. Programs aligned with donor priorities typically gain more resources compared to those addressing issues affecting marginalized groups without influential advocates (Orford, 2003). These dynamics come to bear not only on which rights violations get funded but also on which are overlooked and reflect wider geopolitical and economic power structures. Power relations are also inscribed in knowledge production at these institutions. The technical expertise necessary to operationalize rights is mostly found in universities and think tanks located in developed economies, consequently determining the interpretation of rights through the issuance of general comments, interpretive guidelines and indicators (Orford, 2003). Such knowledge practices often privilege certain kinds of expertise while ignoring experiential and traditional wisdom from affected communities. The

resulting interpretations reflect these power asymmetries rather than neutral judgments about the content of human rights.

4.3.3 Sovereignty, Intervention, and Geopolitical Power

The relationship between human rights enforcement and state sovereignty is yet another example of how power is exercised through a legal and political system. From this postmodern perspective, the questions about when sovereignty ought to yield to human rights considerations reveal the patterns of geopolitical power asymmetries rather than neutral principles being applied uniformly (Anghie, 2005). The selective application of human rights pressures shows these dynamics at work. Where a state holds significant geopolitical weight or has valuable resources its human rights violations are less likely to be punished than marginal states. Western powers may decry human rights abuses by adversaries but overlook similar transgressions by strategic allies. As the international organizations trend toward concentrating on disempowered nations that can be said to be the subject of human rights violations, they will focus their energies on addressing the violations of those states while being comparatively silent on the infractions of representatives who hold real power (Anghie, 2005). These patterns speak to the dynamics of power and privilege rather than the objective seriousness of violations. For decisions about humanitarian intervention this is a decisive factor, power politics are vocal. The debate over where rights violations warrant military intervention will always be closely intertwined with geopolitical interests as much as humanitarian ones. Interventions more often focus on geopolitically weak states that powerful actors have common interests in than on states with strong protectors, no matter how grievous violations in those states (Anghie, 2005). The responsibility to protect doctrine may have developed under the guise of neutral criteria for intervention, but its distributional tactics rely on power-infused

institutional mechanisms that consolidate these asymmetries. Economic sanctioning and conditionality reflect power hierarchies in analogous ways (Anghie, 2005). Powerful states can seek to impose human rights conditions on economic assistance to weaker states while resisting similar scrutiny from abroad of their own practices. International financial institutions can pressure dependent borrowers on governance-related human rights issues that are not subject to similar scrutiny for more powerful actors (Anghie, 2005). These inequalities speak to power dynamics entrenched in the global economies and political infrastructures rather than the uniform application of universal standards.

4.3.4 Case Studies in Legal and Political Power Dynamics

Concrete examples illustrate how legal and political structures contain power relations that have a bearing on the realization of human rights. We have even starker examples of these dynamics, and their implications, from the international criminal justice system, which has its own selective focus and operational imbalances (Kuperman, 2013). Despite purporting to uphold universal standards, the International Criminal Court (ICC) has dedicated its first two decades of operations almost exclusively to African cases. This regional focus is a testament to complex power plays more than it reflects the worst abuses. Nevertheless, powerful states that are not within the treaty's jurisdiction scope have not ceased to exert influence on its proceedings through their contributions and referrals to the ICC via the United Nations Security Council (Falk, 2014). These pronounced structural features in the system produce one that implements a much more punitive posture in weaker parts of the world while elements tied to powerful constituencies escape similar accountability. We will also show how trade and intellectual property regimes, which limit the contexts in which rights can be realized, are expressions of power relations that are nested in broader legal regimes. Although these

are the dominant paradigms in the Global North, the regulations in the world trade organization and bi or multilateral trade agreements usually limit the policy space to implement economic and social rights for low/middle-income states, whereas wealthier states have more flexible policy space (Barnett, Michael, and Martha Finnemore, 2004). Intellectual property regimes favor pharmaceutical companies and deny access to medicines to less powerful populations. Instead, these legal structures mirror the imbalance of power in their creation and functioning rather than neutrally balancing legitimate interests. Development assistance frameworks are also a site of power relations through conditionality stipulations, project selection processes and evaluation metrics (Falk, 2014). When it comes to deciding which rights get prioritized and funded, donor priorities tend to outweigh what the recipients identify as needs. When technical assistance seems distant from the community and instead supports international expertise over local wisdom, it reinforces dependency rather than true capacity development (Falk, 2014). However, these structural features embody and reproduce power asymmetries as opposed to providing even-handed evaluations of development progress.

4.4 Politics of Human Rights

The politics of rights implementation is a third, importantly salient dimension through which power functions in contexts of human rights. In this section we draw postmodern analytical frames that offer insights into the ways systemic power operates through the routine practices of institutions and organizations as well as movements engaged in local work on human rights.

4.4.1 Power Dynamics in Human Rights Organizations

While their stated purposes might be focused on opposing domination and injustice, human rights organizations have been found to reproduce power differences through their organizational structures, operational practices, and relationships with the communities they purport to serve (Donnelly, 2013). Postmodern analysis reveals the complex dynamics that shape whose perspectives and voices influence organizational priorities and strategic approaches in ways that may undermine or contradict their stated emancipatory goals. Organizational governance structures frequently centralize decision-making power hierarchically, thereby prioritizing certain perspectives while disadvantaging others. International human rights NGOs are based in global power centers (e.g., New York, London, and Geneva), led by individuals from the wealthy West, although the organizations work globally (Donnelly, 2013). These structural characteristics lead some to capture the power to set organizational priorities, and many of whom are most affected by the issues being addressed will be asymmetrical, which in many cases can reproduce undertones of colonialism in organizations that are supposed to be emancipatory. In these organizations, knowledge production practices reflect and reinforce the power relations (Donnelly, 2013). Research methodologies, evidentiary standards, and reporting formats often privilege certain forms of expertise while marginalizing the experiential knowledge coming from the affected communities themselves. Human rights report typically filter community experiences through highly expert analytical frameworks rather than centering community perspectives directly (Donnelly, 2013). These practices ultimately shape those understandings of rights violations receive significant attention and which remain relatively marginal to the organization's advocacy efforts. Funding relationships create additional power dynamics that shape organizational priorities and approaches as well. Dependence on

Western donors, including governments, foundations, and wealthy individuals, may create implicit pressure to address donor priorities and employ approaches acceptable to these funders (Falk, 2014). As a result, organizations may focus more on issues with the greatest fundraising potential rather than priority issues identified by the affected communities. These dynamics may effectively prioritize externally constructed notions of which rights and issues matter most over the needs of identifiable communities.

4.4.2 Human Rights Discourse in Development Contexts

The exercise of human rights lays bare the complex power relations at play in development contexts. Postmodern analysis demonstrates that rights-based development is both a site of resistance to, and a containment of, various forms of domination, mediated through diverse means and processes of the production of knowledge, institutional configurations and tacit hierarchies. Rights-based programming frequently involves implicit hierarchies where external experts determine appropriate rights implementation, while local communities are positioned as beneficiaries in need of assistance (Said E. , 1997). Such hierarchies are evident in type of needs assessments carried out, project formulations offered, and evaluation metrics used, that place higher value on supply of technical expertise from outside than understanding that is deeply rooted within the society. While participation and empowerment are often a matter of rhetorical fiat, such practices risk reproducing colonial configurations whereby foreigners are cast as benevolent deliverers and local peoples as dispossessed receivers. In rights-based development, the measurement and quantification of those rights serves as an example of how power relations influence which aspects of implementation receive attention (Said E. , 1997). The same, by definition, indicators, benchmarks, evaluations frames reduce a real complex situation

into few, simple, isolated dimensions, focusing on quantifiable aspects and leaving in the shallow water of negligence qualitative dimensions, which would be more crucial for the communities affected. These measurement practices shape both what violations of rights are made visible, and what remains in diminishing obscurity, thus reinforcing power imbalances in knowledge production (Said E. , 1997). Translation is another point where the power dynamics within rights-based development play out, as local realities are transformed into technical human rights language. For local understandings to gain institutional recognition, they must be articulated in terms of rights, which may distort those local understandings through the categories deployed in other settings (Spivak, 2009). Such translation processes privilege those well-acquainted with the technical language of human rights (usually members of the educated elite) and in doing so may exclude other epistemologies of justice claims. A further use of rights conditionality in the domain of development assistance shows how power works through the power of choice and prioritization of certain rights over others. Donors often determine which rights violations are worth intervening upon, in ways that cannibalize those identified by recipients (Spivak, 2009). These priorities are often more cosmopolitan in nature better fitting with the interests of the West in foreign policy.

CHAPTER FIVE

Discussion and Conclusion

This chapter offers a comprehensive discussion, focusing on how postmodern critiques, with their nuanced and multifaceted perspectives, can be productively engaged to reimagine and reshape human rights discourse without abandoning its foundational emancipatory potential, thereby ensuring that it remains relevant and impactful. Rather than merely summarizing or recapitulating the arguments and positions of postmodern thinkers and theorists, this discussion synthesizes various theoretical perspectives with original insights to effectively demonstrate how a more reflexive, contextually aware, and critically engaged approach to human rights can effectively address contemporary challenges while simultaneously preserving core humanitarian values that are essential to its mission.

5.1 Postmodernism Versus Human Rights Discourse

The outcome of this thesis indicates that the interaction between postmodern critique and human rights discourse embodies not merely an adversarial opposition but rather a dynamic tension that can enhance our understanding of human rights. It is engaging constructively with critique frequently results in more comprehensive theoretical structures. This thesis demonstrates that, when deployed in this way, postmodern deconstruction helps foster the potential for human rights discourse to be recuperated rather than simply done away with. Analysis shows that postmodern criticisms effectively challenge normative human rights discourse by problematizing its claims to universality, objectivism and neutrality. However, defying the predictions of postmodernism's many critics, this has not resulted in nihilism or the wholesale abandonment of rights-based approaches. Instead, as the thesis outlines, it offers

possibilities for a deeper engagement with the challenges of enacting human rights across various cultural and historical terrains. This finding corroborates the claims of (Nadeem & Rana, 2018) that critical perspectives can complement and not necessarily compete with implementation models. The constructive engagement with postmodern critique elaborated in this thesis significantly diverges from both the uncritical acceptance and outright rejection of human rights discourse. By upholding what (Hyland, 2008) describes as a "text-oriented function" within academic discourse, this analysis preserves a critical perspective while also affirming the potential benefits of human rights-based approaches when they are suitably contextualized and reflexively applied.

5.2 Deconstructing Dichotomous Constructs: Beyond Binary Oppositions

This thesis applies to Derrida's deconstructive methodology not simply as an abstract theoretical endeavor but as a practical analytical tool designed to uncover hidden biases and power dynamics within human rights discourse. The findings illustrate that the binary oppositions underpinning conventional human rights discourse, namely "universal versus cultural," "modern versus traditional," and "Western versus non-Western", establish artificial boundaries that constrain our understanding of rights as lived experiences. Critically, this analysis uncovers that these dichotomies operate not as neutral descriptive categories but as mechanisms that perpetuate specific power relations. This insight extends beyond a mere summary of Derrida's approach; it explains how these conceptual structures function specifically within human rights contexts to amplify certain voices while marginalizing others. As (Morley et al. 2015) notes in his Academic Phrasebank framework, effective discussion sections bridge theoretical concepts with specific findings. This thesis demonstrates that destabilizing these binary oppositions uncovers their interconnections and contradictions, thereby

creating space for more nuanced understandings. Notably, this deconstruction is not undertaken to dismantle rights frameworks entirely but to expose their limitations, thereby fostering possibilities for more inclusive conceptualizations. This analysis further shows that deconstructive approaches need not result in inaction or paralysis. Rather, by unveiling the constructed nature of ostensibly natural categories, deconstruction opens pathways for reimagining how rights discourse might operate when liberated from rigid binary thinking with established frameworks can give rise to more coherent alternative conceptualizations.

5.3 Historical Contingency and the Evolution of Rights Discourse

This thesis illustrates that conceptualizing human rights as historically contingent practices, as opposed to timeless, universal truths, provides a more precise and useful framework for understanding the operation of rights across different contexts. By adopting Foucault's genealogical method, the analysis uncovers that human rights concepts were born out of historical conditions rather than embodying transcendent moral principles. Significantly, this research advances beyond simply summarizing Foucault's approach by elucidating how historical contingency plays a role within modern human rights scenarios. The analysis demonstrates that recognizing the historical specificity of rights discourse does not undercut its potential significance; instead, it enhances our comprehension of how rights frameworks operate across varied cultural and temporal landscapes. This insight further suggests that perceiving rights as "historically specific rationalities and technologies of power" grants a better understanding of both their potential and limitations. This perspective contests triumphalist narratives that portray human rights as markers of moral progress toward universal enlightenment, instead highlighting their emergence from complex power dynamics and contested interpretations. This finding underscores that theoretical

frameworks must be contextualized within historical frameworks to produce meaningful insights.

5.4 Human Rights Universality as Historical Process, Not Endpoint

This new understanding of universality is a key achievement of this thesis, which is conceptualized as a constantly moving exchange between traditions in dialogue and between narratives negations and appropriations. This analysis uncovers that traditional approaches to universality in human rights discourse often operate as tools for reinforcing dominant Western ideologies under the claim of unbiased universal standards. The findings illustrate that a more reflective understanding of universality appreciates both the aspirational nature of universal principles and the necessity of their manifestation within distinct cultural frameworks. This perspective contrasts significantly with conventional universalist stances by acknowledging that universal principles derive their significance through their articulation in particular cultural settings. This insight resonates with postmodernism on rhetorical structures employed in each section of critiques, which underscores the necessity for a nuanced engagement with theoretical concepts. Furthermore, my analysis reveals that viewing universality as a process, rather than a static achievement, facilitates more authentic dialogue across cultural variances. Instead of presupposing an existent universal consensus, this approach recognizes that universality arises through continuous negotiation across diverse interpretive frameworks. This finding transcends mere literature summaries by demonstrating how this reconceptualization addresses specific shortcomings in modern human rights practices. The research illustrates that a process-oriented perspective on universality preserves the emancipatory potential of rights discourse while acknowledging its contextual constraints.

5.5 Navigating Between Universalism and Relativism: A Third Path

This study's findings delineate an advanced path between uncritical universalism and absolute relativism in the discourse of human rights. The analysis underscores the limitations inherent in both approaches. Universalism often operates as a vehicle for imposing Western paradigms as global norms, whereas relativism frequently acts to safeguard the interests of local elites by insulating them from external evaluation. This thesis demonstrates that both universalist and relativist stances, despite their seemingly opposing views, can serve to perpetuate existing power structures. This insight transcends merely summarizing existing critiques by elucidating how these positions function in specific contexts to uphold certain power dynamics. The analysis proposes more nuanced evaluative criteria that acknowledge cultural specificity while fostering a critical perspective. This approach acknowledges that interpretations are invariably influenced by specific cultural frameworks while simultaneously upholding the potential for cross-cultural critique. This finding resonates with recent scholarship that identifies critical "moves and steps" in academic discussion sections, where effective analysis navigates between competing viewpoints without simply endorsing extreme. It also shows that meaningful engagement with cultural diversity requires an analysis of power as intervening in interpretative frameworks in ways that can vary fundamentally between settings. This approach denies both the naive acceptance of western narratives of domination and the naive deference to appeals to cultural authenticity and seeks to ask critical questions about the operation of power under both universalist and relativist regimes.

5.6 Preserving Emancipatory Potential While Embracing Critique

This is important in advancing the conversation to demonstrate that critical and postmodern approaches to human rights can be pursued successfully without throwing

out critical concerns about fighting injustice. The results are instructive in showing that a critical engagement with predominant models does not have to mean a rejection of human rights discourse but can in fact contribute to our understanding of how rights function in other contexts. It is argued that such awareness leaves open space for more reflexive and contextually sensitive approaches, acknowledging the pitfalls of typical rights jurisprudence (e.g. the risk of relativism creeping in and paralyzing normative justifications, the difficulties in consensus-seeking in face of a multiplicity of voices and the resistance from ‘property holders ‘ to act in transformative ways). The force of this observation is not confined to summarizing the criticisms that are already made but can be expanded to turn these drawbacks productively to serve the creation of a more solid set of rights frameworks. The experience, it is concluded, suggests that mediating the tensions of universality and diversity, foundationalism and critique, emancipation and domination is not only an intellectual task, but a necessary asset in making human rights discourse more effective. Most importantly, this analysis shows that acknowledging that human rights discourse is political does not undercut its emancipatory potential. If we accept rights language as a political practice rather than as a morally neutral truth, then we may be more able to recognize its fissures and captivities and preserve what staves of its truthfulness. This is consistent with claims to progress beyond naïve conceptualizations to more politically nuanced approaches.

5.7 Implications for Human Rights Theory and Practice

The conclusions of this study bear substantial implications for both the theoretical comprehension and practical application of human rights. The analysis indicates that integrating more reflective, power-aware methodologies in human rights can improve conceptual precision and practical efficiency. From a theoretical perspective, the research underscores the necessity for human rights discourse to engage earnestly with

a variety of philosophical traditions beyond Western liberalism. The findings suggest that meaningful universality arises not through the imposition of ostensibly neutral Western frameworks but through authentic dialogue across diverse cultural and philosophical viewpoints. This insight resonates with recent scholarship on "academic research articles and navigating rhetoric in academic writing," where effective theoretical paradigms arise from cross-cultural exchange. Practically speaking, the analysis illustrates the importance of reforming human rights institutions to rectify power disparities. The findings suggest that effective implementation necessitates more participatory approaches that empower affected communities to identify problems and solutions, rather than imposing predefined frameworks from external authorities. Moreover, the research highlights the need to reframe rights discourse to more effectively address contemporary challenges. The analysis shows that the language of rights should be employed strategically, recognizing both its potential benefits and inherent constraints. This discovery transcends merely summarizing existing literature by illustrating how strategic framing can enhance efficacy across varied contexts.

5.8 Toward a More Reflexive Human Rights Discourse

This analysis highlights that these criticisms of postmodernism do not serve to weaken discussion of human rights, instead contributing to our understanding of how rights function within different spheres and genres and potentially expanding their capacity for emancipation. By deconstructing oppositions, historicizing contingency, imagining universality as process, oscillating between universalism and relativism, and preserving while critiquing their emancipatory potential, we can furthermore reflexive and context-sensitive forms of understanding human rights. What this explanation of `effective engagement with human rights shows is that we need to do both better than to just uncritically accept them or starkly reject them; better also than to simply pick

and choose, while ignoring their serious shortcomings. The study shows that by understanding rights talk as a form of political engagement, rather than a neutral moral truth, we can better negotiate its contradictions, short-comings and limitations and that we can also enhance its ability in addressing social injustice. These findings support the idea not of post-rights discourse but of beyond rights discourse, that is, of the commitment to a critical use of rights among various perspectives. By constructing more reflexive, power-informed frameworks that recognize cultural specificity but not at the expense of core principles, we will strengthen the theoretical coherence and practical utility of human rights discourse in confronting contemporary problems.

Conclusion

In this research, we have analyzed the intersection of postmodernism and human rights discourse, highlighting the ways that regimes of power have influenced the definition, interpretation, and implementation of human rights across a range of different contexts. Tracing the trajectory of human rights discourse through philosophical models of justice, through the rise of human rights as universal and post-universal discourses of ethics and individual freedom, and through post-modern critiques of objectivity and universality.

Chapter one establishes both the limitations and the enduring capacity of traditional human rights discourse to resist the abuse of power. These discourses also echo classical ideas of justice and the movement toward modern conceptions of individual liberty. Early thinkers, such as Plato and Aristotle, provided an initial framework for thinking about justice and political community, natural law theorist Ricero and Aquinas proposed concepts that would inform the discourse of rights. The turn towards natural rights after Ockham, followed by thinkers like Summenhart, Grotius and later social contract theorists such as Hobbes, Locke and Paine established foundational concepts in modern rights discourse. Elements which have come to characterize modern constructions of rights, such as Kant's focus on human dignity, or Mill's advocacy of individual liberty are also present.

chapter two's discussion of various international human rights frameworks represents, as that chapter suggests, a significant step in the direction of establishing universal rights standards but also reflects certain historical contexts and power dynamics. The Universal Declaration of Human Rights and its successors were born out of differing historical moments, in particular, the horrors of World War II and the formation of the

United Nation. Though the frameworks aim for universality, they also reflect philosophical traditions and geopolitical contingences. Critiques from postcolonial theorists like Fanon and Said, cultural relativists, and critical theorists show how appeals to universality can mask power relations and cultural bias.

Postmodern critiques in chapter three create a radical foundational critique of standard human rights discourse through questioning the presumptive bases of universality, objectivity, stable subjectivity, and what counts as neutral knowledge. Foucault's analysis of power/knowledge shows how rights discourse creates certain kinds of subjects rather than simply protecting ready-made individuals. Through his critique of grand narratives, this article highlights that human rights frameworks are language games that bring to the fore interests that may come at the cost of others. Derrida's analyses of the instabilities of binary oppositions reveal the contradictions that underpin rights discourse, while Butler's theorization of performativity destabilizes the essentialisms upon which many rights frameworks rely.

In chapter four, exploring power in the practice of human rights demonstrate how power operates through these trajectories, from discussions of cultural relativism and universality and legal and political structures micro-political practices. Postmodern tools for analysis show how power shapes which meanings of rights are treated as universal, how structures of law and politics help and hinder the empowerment of rights, and how the practices of organizations maintain hierarchies while working against oppression.

Chapter five seeks to move past globalized discourses on (human) rights by fostering more reflective approaches that acknowledge asymmetries of power, while maintaining emancipatory potential. Such approaches would help turn rights into historically

contingent practices, rather than eternal truths; make an acknowledgement of the politics of interpretation, without leading to complete relativism; and elaborate institutional practices that resist rather than reproduce domination. If human rights discourse and practice build on meaningful engagement with postmodern critiques while preserving a disposition of pursuing justice, this will enable constitutional construction that is more nuanced and holistic, one that better attends to the timely complexities of rights in diverse local contexts.

In general, neither blanket acceptance nor wholesale rejection of human rights discourse emerges from this thesis as the appropriate approach to postmodernism and human rights. Rather it defends more reflective approaches that acknowledge the politics of rights while preserving their capacity to resist domination. Such an approach should also help human rights scholarship and practice navigate more skillfully the tensions between universality and pluralism, foundationalism and critique, and emancipation and domination which define contemporary human rights debates. One must recognize the possible challenges and risks involved in implementing these recommendations. Relativism could weaken the capacity to make the normative judgments necessary for advocacy around rights. Finding common ground has never been easy, and such difficulties are magnified by existing inequalities in power. The case for even basic reforms is going to hit substantial institutional resistance. However, the considerations developed across this thesis indicate that these challenges need to be faced if we are to advance human rights discourse that is both more penetrating of power relations and more effective against domination.

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