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HUMAN RIGHTS

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In this paper I propose a version of human rights theory based on an interpretation of the ethics of international relations. This interpretation is built around the idea of responsible development and around the recognition of different ways of constructing local identities. Such a formulation –in my opinion- can be considered intellectually tenable and practically useful in order to obtain a more stable peace in an age characterized by numerous ethnic and religious conflicts. Everything considered, the consistency of the cultural and the legal interpretations with an ethical reading of human rights would seem to be, if not fully evident, quite acceptable today. On the other hand, the relation between this legal and cultural approach to human rights and the treatment of human rights as economic-social rights is more likely to give rise to problems. Indeed, I maintain that an ethical interpretation of sustainable development could provide this missing element of the general construction. I may say that, somehow, in the proposed theory, I am trying to combine into a single conceptual framework the three historical or classical - whichever you prefer – versions of human rights, meant as personal liberty, economic-social rights and protection of cultural minorities, respectively

     1. A major survey dealing with the relations among the inhabitants of our planet – a 1999 Gallup survey that contacted nearly 57,000 persons in sixty countries – stressed that two globalization problems were viewed as having the utmost significance. These were, on the one hand, the economic-social relations between rich countries and poor countries and, on the other, the ethical-political defense of a few conditions relating to the protection of the dignity of the individual. Both problems, that may be reformulated under the old but still respectable labels of equality and liberty, are being incontrovertibly filtered in the light of a third problem which, indeed, is the problem of cultural identity. The latter depends on the diversified manner in which different traditions, religions or civilizations interpret income and status unbalances, as well as the protection of rights, as the more or less successful outcome, depending on viewpoints, of the modernization and internationalization processes. No wonder that different scholars insisted on one or the other of these three critical globalization problems to the point of turning it, by itself, as the only and true keystone likely to solve them with any hope of success. Hence, there are those who stressed that a world with such deep and permanent economic-social unbalances as today's world is not and may not be stable. At the same time, there are those who laid emphasis on the centrality of political ethicalness if we are to create an international system of long-lasting respect among the peoples and, in so doing, attain in perspective the Kantian dream of a "perpetual peace", based on a planet-wide dissemination of the liberal-democracy and a universal protection of individual rights. Finally, there are also those who preferred to review the traditional legacy of equality and liberty connected with the two earlier proposals in the light of a renewed interest in cultural identity; indeed, just now its hot structure could be assumed to be the real motive power of history, as we have unfortunately witnessed in the recent tragic events in the former Republic of Yugoslavia, Rwanda, Burundi, Angola, not to mention Afghanistan and, generally, the popular reactions in a number of Islamic countries.

In all sincerity, and at the cost of disappointing those anticipating resounding interpretative innovations, I believe there are much good sense and sound doctrine in these three proposed readings of the globalization-related problems. After all, how can we doubt that utmost misery engenders unfortunate and perverse life stories, often linked to extreme and fatal destinies for the peoples or the individuals that are its direct victims, as well as then for those who, for a variety of reasons, risk to be involved by it. To-date, the number of world inhabitants who live below the absolute poverty threshold is still huge, and data coming from organizations that defy any charge of radicalism – as those included in the *Human Development Report* of the United Nations (1997) – point to unacceptable realities, a definite source of instability. Suffice it to consider that nearly 1.5 billion individuals live with an income of a dollar a day and nearly 2.8 billion individuals with less than two (44 per cent of the world population), close to 160 million children are seriously undernourished, nearly 20 per cent of the world population has a life expectancy that is still down to forty years, while nearly 18 million individuals die from malnutrition every year. It is also hardly questionable that the autocratic regimes are potential exporters of war and systemic instability at a worldwide level while, at the same time, the liberal democracies hold a record and show a tendency to maintain less conflicting relations among themselves and with others. Therefore, no wonder that a number of interpreters rank liberal democracy above peace and international security, viewing it as a sort of required condition. Finally, we are bound to note how the increase in economic interdependences and the opening of real world-wide technological highways are engendering identity-based reactions of cultural resistance, reactions centered on a fiery revival of ancient mysticisms that, quite often, herald losses and tragedies. This is the reason why, according to a few, the future of humanity will depend increasingly more on a permanent "clash of civilizations" - as Samuel Huntington happened to call it – that in the end would be the logic consequence of this planetary cultural conflict.

No, there is really nothing mysterious or wrong in endeavoring to understand in these ways the dramatic turbulences of the new globalized world. Rather, if I am allowed to have my say, what is actually wrong in all this is the attempt, typical of the theoreticians who mostly want to catch the fancy of their audience, or merely the fruit of the growing academic and scientific specialization, to use these three explanations in a unilateral manner. In short, I want to criticize the idea whereby only one of the three explanations referred to above is the right one, and that - by selecting this preferred explanation and ruling out the others - one gets to a sharper and more acute reading of the related phenomena. By sticking to this way of reasoning - which I reject - the economic-social equality, the ethical-political protection of rights, and the entrenchment of different cultural identities become, according to the preferences of an author, the ultimate causes or the original premises on which all the rest of the globalization-related difficulties are supposed to depend.

To be quite frank, I do not believe in this hasty, specialist and awe-inspiring reductionism (you may well choose the suitable adjective!). I don't believe in it on the grounds – in my opinion just as trivial as profound – that the three types of reasons outlined above are all extremely important, and I would also say non-dismissible, if we are to understand the issues brought forth by the globalization process. At the same time, I do not believe that one should be satisfied – in a sort of theoretical weakness – with drawing an explanation near another, that is to say juxtaposing from time to time the results of a complex analysis carried out at the three levels referred to above. Indeed,

I consider it indispensable to accept this complex analysis as a starting point, to see later on to a recomposition of the *disiecta membra* within the context of a more general theory that is likely to connect them according to a reliable and reasonably precise normative sense.

In fact, in the following pages I shall take as a starting point a similar hypothesis assuming - as we might say getting to a simplification – that equality, liberty and identity represent all together the indispensable elements for a proper analysis of the human rights. Within this paradigm, I conceive an economic-social proposal order based on the notion of sustainable development and an interpretation of public reason as a basis of legality and legitimacy. Both hypotheses are presented with a genuinely multicultural approach in order to keep into account the cultural identity issue.

The result is a complex normative model of human rights, whose outcome may be summarized in just a few words. In the current age of globalization, the integration of those parts of the planet facing a potential conflict does not depend on the imposition from above of a winning model of production-distribution and ethical-political legality. Quite to the contrary, it reflects the local and peripheral experiences of complex subjects, looking into their mutual points of convergence or clash. In an attempt to find a name for this model, I came up with "pluralist integration from below", a name that unquestionably sacrifices elegance, hopefully in exchange for some clarity in its fundamental intents. The latter are outlined below:

(i)   this model identifies a corrective to the allocation of resources through the market in an equalitarian distribution safeguarding the sustainability of the system in a manner specifically linked to the peculiar cultures of the populations involved;

(ii)   likewise, public reason expands to the point of conceiving rights in tune with different identities;

(iii)   finally, this comprehensive setup is confounded by further difficulties arising from the identity issues as such. The latter cause the model to be proposed in an "inside-out" fashion, thereby causing the normative features to emerge from within the various cultures.

2. The general problem taken as my starting point is a problem in respect of which states, international organizations (starting from the United Nations), major economic corporations, NGOs, trans-national corporations, peoples and individuals may all be considered to be the actors of a single major collective drama that, as stated beforehand, deals with the governance - meaning the political and cultural control – of globalization. We are offered the latter as an opportunity, from the point of view of both a fairer allocation of resources in our planet, and the safeguard of personal liberties (which is by no means less important), as well as from the point of view of the invariably delicate and difficult relations among different cultural traditions. This means from the points of view of equality, liberty and identity. However, as we know all too well, and as the recent tragedies of 2001 and 2002 have unequivocally shown, it is not at all sure that we are going to succeed in seizing this opportunity.

The opening words of the Report entitled *We the Peoples,* used by the UN Secretary General to address the heads of state convened in the headquarters of the General Assembly for the "Millennium Round", on the occasion of the end of the second millennium and the beginning of the third, offer not only an official standpoint, but also what amounts to a balanced comprehensive view of globalization. "There is much to be grateful for. Most people today can expect to live longer than their parents, let alone

their more remote ancestors. They are better nourished, enjoy better health, are better educated, and on the whole face more favorable economic prospects. There are also many things to deplore, and to correct. The century just ended was disfigured, time and again, by ruthless conflict. Grinding poverty and striking inequality persist within and among countries even amidst unprecedented wealth. Diseases, old and new, threaten to undo painstaking progress. Nature's life-sustaining services, on which our species depends for its survival, are being seriously disrupted and degraded by our everyday activity".

Hence – says Kofi Annan – we are faced with a tremendous challenge, something that may be unhesitatingly defined as the greatest problem of our times. The feeling shared by many of us is that such a problem depends on the fact that the very globalization process proceeds so to say with a dual speed. I mean to refer – as many will have already realized – to the economic and technological globalization on the one hand, and its social support infrastructure on the other. By social support infrastructure, I mean first of all those cultural and institutional instruments taken as a whole that give plausibility from a human point of view, and legitimate from a democratic point of view, that international trade system that is already actively operating on its own. In a spirit not too different from mine, Michael Ignatieff talked about the present-day intersection of two opposite and potentially conflicting narratives, in his words the "narratives of globalization" and the "narratives of chaos" where, everything considered, the term chaos shows the identity-related local resistances to globalization taken as a whole.

Indeed, the more or less appropriate term of "glocalism" reproduces with some effectiveness the fundamental contrast between the more or less automatic progress of the large economic, financial, and technological highways on the one hand, and the symmetrical cultural, traditional and institutional resistances on the other. Quite naturally, this contrast represents the principle of distinction among the collective subjects involved on the international scenario. On the one hand, we have the techno-structure of the major international organizations and the state apparatus; on the other, we have the groups offering ecological, cultural, and anti-utilitarian resistance. While the recent events in Seattle, Washington and Genoa have laid sensational emphasis on the latter, perhaps they have also disclosed that the former are unable to manage complex phenomena in a suitable manner since, owing to the interests they represent and the culture they express, they have no full awareness of them. The same dualism of cultures and functions was highlighted by the contemporaneousness of the meetings in Davos and Porto Alegre.

In any event, this phenomenon may also be interpreted in a more general manner, just as a structural conflict between modernization and cultural resistance. I know no other Islamic thinker who expressed with greater clarity than Mohammad Khatami did the difficulties that this dual-track development implies. The latter wrote: "…Tradition is embodiment and manifestation of yesterday's culture in today's life, notwithstanding the sweeping changes that affected civilization. When a new civilization arises…on the one hand, life realities are affected by the needs and conquests of the new civilization; on the other, the souls bring along beliefs and values that, at least at first sight, clash with the values and beliefs of the new civilization. Today, peoples and nations like our own need to cope with all the difficulties that such a contradiction implies…"

Khatami speaks of course about his own specific tradition, but it is clear that what he says applies to everybody, starting from us. The need for governance – an exquisitely

political need – consists in putting to good use this structural difficulty of the world as a system, in order to look later on for those initially intellectual and subsequently institutional instruments that are likely to recompose the system itself. If we consider the complexity of the issue in all seriousness, then it is also clear that such a governance needs to be the outcome of a mediation between the different cultural forces standing their ground and the contraposed collective subjects that, somehow, represent them.

This is the reason why I endeavor to apply the public ethics model -I am familiar with-in order to propound a version of sustainable global development based on human rights in a multicultural perspective.. Later on, this will allow me to propose a peculiar interpretation, in terms of normative political philosophy, of such a theoretical background. The latter is inspired by the theses included in a book of mine, *Etica pubblica,* although such theses have been obviously modified in order to cope with the new type of problems considered within the context of international relations.

It would seem reasonable to attempt at once a definition of the major terms of my argument, meaning globalization, governance and public ethics. Let's start with the concept of globalization. In fact, at least judging from the relevant literature, the nature of this concept is much more controversial than generally thought. However, given also the type of argument that I mean to propose, I believe it possible to find a preliminary agreement on the concept being examined that, after all, I am interpreting in a reductive manner, as I substantially consider it the factual premise on which the main theoretical thesis depends. Hence, from now on, by globalization I shall merely mean the exponential increase in economic-social relations at a planetary level. During the last fifty years, world exports – net of inflation – increased in excess of ten times and their rate of increase is proceeding faster that the rate of increase of the total world product. Investments abroad have increased tremendously, while sales from multinational companies represent an increasingly wider share of international trade. Likewise, as both the physical and the virtual communications among individuals and groups become faster and easier, they are growing at a rate that was but unthinkable just a few years back. Indeed, quite a few point to the very speed of the transactions – in this case contraposed to their amount – as the fundamental element of the change currently under way. Whatever the case may be, international movements of persons, capitals, and technologies are therefore furthered to a great extent, being promoted by but also promoting the elimination of the legal, economic and cultural barriers that used to hinder human contacts. Besides, from the Internet to the major telecommunications groups, up to contemporary art, all our information-related needs witness this new global reality, and the outcome of our individual existences depends more and more on it.

As a matter of fact, not even for the meaning of governance I have any intention of proposing ambitious or innovative definitions. In my opinion, governance is merely the way through which we acknowledge, when considering alternatives to traditional solutions, a deeply altered political panorama, a panorama where the ways and forms of the traditional political power of the state have been transformed and scaled down. Owing to a number of reasons, the state-centered image of politics is on the wane or, in any event, undergoing a sweeping transformation. In his latest book, the French thinker Edgar Morin meant to present this phenomenon as a replacement of what he calls the Leviathan-inspired "mega-machine" with a much more agile, pluralist, and polycentric mechanism. In his terms, this change results from the passage from models featuring a low complexity (in the past) to models featuring a high complexity (in the present).

Typically, the latter are acentric, based on multiple communications and multiple specialist competences, and characterized by weak hierarchies and a considerable decision-making autonomy of the individuals.

It turns out that the very capacity of the state to impose itself on society is cut down to a considerable extent, starting from the general budgetary control requirements that make the traditional legitimation of the state, through a welfare-connected allocation of resources, increasingly more difficult. Considering the complex reasons that brought about this weakening of the institutional strength of the state, the globalization-related ones are unquestionably quite relevant. The deregulation of the financial markets, and their intrinsically international nature, that consequently enables their whirling movement of capitals throughout the planet, undoubtedly represent a relevant cause of this institutional change. Likewise, the progressive entrenchment in the international scenario of multinational, supranational or non-governmental organizations makes the political control of society on the part of the state increasingly more diffused and improbable. Within this changed scenario, the problem of governance coincides with the problem of finding instruments for theoretical and practical guidance, capable of legitimating from a political point of view those changes in the economic-social structure that, no matter how, are taking place in the background.

Should we take for granted this change in the political background, ranging from statist centralism to multicentric competences, and call back to mind that dualism of functions and structures that characterizes our times – as previously pointed out - then governance turns into co-government. The international system proves intrinsically too complex and dominated by contrasting drives and, therefore, a traditional-type government becomes impossible. Consequently, what is needed is a co-government involving the forces and ideas into the field, as well as the collective subjects that represent them.

 On the other hand, it seems harder – and more important within the context of my general theoretical perspective – to get to a definition of what is usually called the point of view of public ethics on globalization. Public ethics, as I conceived it over the years, is a liberal-socialist tenet of politics, founded on the concept of equality of consideration and treatment. The need to have recourse to it stems from the aforementioned requirement of combining in a single normative framework the globalization aspects that relate to equality, liberty and identity, in an attempt to show how they are connected and in order to provide theoretical answers to the problems inevitably posed by such connections. The stages in the development of this theory (which I am going to summarize, putting off a more detailed analysis) are outlined below:

(i)   firstly the usual ones, that contrapose a liberal-normative view to a realistic view of international relations;

(ii)   secondly, the attempt to refer to a complex of subjects of the international community that, no longer represented – as by tradition – by states or individuals (according to the hypotheses preferred by Realists and Kantians, respectively), are indeed mixed entities where – as we are going to see – a special position is held by large corporations and international (governmental and non-governmental) organizations;

(iii)   thirdly, the will to reconcile in a plausible paradigm a Rawls-type individualist contractualism with the needs of a more genuinely institutionalist approach, as required by the passage from a domestic to an international scenario;

(iv)   fourthly, the need to single out a more authentic relation between the identity narratives that play a leading role for an understanding of the problem, and the

Kantian philosophical background on which my general theoretical model is nonetheless inspired.

For the sake of conciseness, a consequence of this approach is that the sustainable development thesis in the first part and the thesis relating to the multicultural construction of rights in the second are joined together by a theoretical defense of the material and formal equality, being this defense based in its turn on the peculiar ethical theory being upheld. A desirable outcome of this type of theory consists in a greater involvement of the Western mentality in the problems of the unfortunate peoples of the planet. While I believe that the economic inequality and political disorder of third world peoples do not proceed strictly from us, as the old Marxist theories on imperialism used to uphold, there is no doubt that we do much less for them than we could actually do. An ethical approach relies to a great extent on the endeavor to affect the indolence of the West from this point of view, and coincides with the activity of a few collective subjects that insist on the structural inability of both the state and the corporate techno-structure of the West to provide us with a reliable version of facts, keeping into account that a more effective action against poverty and injustice at a global level depends on it. Besides being a valuable means to recover the historical and classical versions of human rights, I believe that this approach has the merit of reformulating in an original manner a number of different claims, such as natural law (individual liberty), and socialist (equality) claims, as well as those originating from the countries of the post-colonial world (cultural identity). These claims accompanied from a historical viewpoint the times that ultimately led to what keeps on being the fundamental document on which international politics is founded, that is the Universal Declaration of the United Nations of 1948, with the subsequent pacts that related to economic-social and cultural rights.

I am also under the impression that a perspective based on public ethics, applied to the domain of international relations, should contribute to the relationship between the ethical-political content of the theory and the real subjects that are potentially able to implement it. We are dealing with a problem – as vast as it is traditional – inherent in the structure of normative theories of politics, and I have certainly no intention of solving it in just a few sentences. In any event, it would seem that my approach permits at least to account for such a problem in a clearer and more conscious manner. As a rule, the normative theories of politics fail to deal with the subjects that, in the end, are the major targets of the recommendations stemming from these very theories, This gives rise to a situation – I dare say - of indetermination, that makes it difficult to attach responsibility to any special subject. After all, this is due to the fact that, by Kantian tradition, the normative theories are abstract and address a universal audience, at least in the virtual acceptation of the term. The agreement among the parties, which may be assumed within a normative view of politics, exists only at a virtual level among all those who accept the major criteria and solutions of the theory. This is tantamount as saying that the Kantians agree with other Kantians, the utilitarians with other utilitarians, and so on. Understandably, such a vague and abstract presupposition exposes the very normative theories to criticism, based on their closure within a merely theoretical universe, far remote from current practice and, just on account of it, unable to give rise to plausible motivations in real subjects.

The model I am proposing allows to maintain the normative structure of the theory while providing at the same time some information about the subjects that are to implement it. These subjects are neither exclusively the states, as advocated by political

realists, nor the individuals, as advocated by cosmopolitan Kantians, but rather a composite nebula peopled by intermediate entities. At the far ends of the spectrum, there are indeed states and individuals, but they also include peoples, as well as international, governmental, and non-governmental organizations, cultural and religious institutions, corporations and unions, alternative movements and political parties. With this view in mind, one may also uphold that: the socioeconomic sustainability counts on the ability of the subjects of the international economy, starting from enterprises, to shoulder the responsibility for the balance of the system; the human rights policy appeals for the most part to the cooperation among states and international organizations; the identity issues may not forgo the contribution of the organizations that preside over the intercultural and inter-religious dialogue. Somehow, governance meant as co-government presupposes exactly the competitive and cooperative coexistence of all these subjects.