# A Way Out of the Seventeenth-Century: Human Rights Beyond Modernities

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**Abstract**. The ethnocentric legacy of human rights discourse is expressed in individualistic legal and moral approaches that inform most philosophical reflections on human rights. I will sketch a path towards a broader theoretical framework that can better sustain and articulate human rights claims of human dignity and well-being. For this purpose, I reconsider human rights discourse within the general modern context. In particular, I describe human rights entitlement as an instance of a fundamentalist modern approach that is constructed upon supposedly objective facts that assume the value-free order of nature. I underscore that acknowledging the performativity of science can assist to disentangle contemporary thought in general, and human rights discourse in particular, from modern fundamentalist assumptions. Finally, I suggest that we reconceptualise human rights as the result of negotiation processes, in which all humans are potential stakeholders.

**Keywords**: human rights, Latour, long sixties, modern fundamentalisms, modern synecdoche, multiplicity, performativity.

## Modernity retold: a sketch

Stephen Toulmin (1990) describes seventeenth-century natural philosophy as a withdrawal from the Renaissance. In particular, he explains that modern philosophers since René Descartes discard local, oral, particular and time-bound knowledge, sever facts from values, art from science, reason from emotion and lock the political field within the mirroring enclosures of the state and the individual. Of course, as Dewey (1988) reminds us, Western philosophy since classical times has generally acknowledged the priority of universal and immutable knowledge. Moreover, Christianity restated this priority in theological terms, and since the eleventh-century

theological and juridical rationalism has emphasised the derivation of knowledge from universal truths (Berman, 1983). Nevertheless, European urban civilisation emerged to work out a self-centred and autonomous culture, which became increasingly engaged with specificity and change as the proper objects of knowledge.

This engagement came abruptly to an end in the wake of the religious wars that followed the Reformation. Between 1590 and 1640, Western thought was dramatically reoriented by a quest for certainty, which became the touchstone for a new natural philosophy (Dewey, 1988). The founders of modern science reacted to a clash of Christianities based on opposing and irreconcilable theological certainties, by building another absolute certainty, the notion of an objective natural world (Toulmin, 1990). In other words, as the religious wars crushed belief in the same one god, natural philosophers appealed to the supposed objective commonality of god's product, i.e. nature. The order of nature was supposed to mirror the perfection of its maker. Following the horrors of the civil wars, natural philosophers believed that the order of nature would have guaranteed the political order, which they praised more than civil liberties and personal freedom. In addition, since Galileo (1977) the natural order was conceived as a mathematical language, and this language became, from Descartes on, the main example and model of certain knowledge (Descartes, 1988). A few years after the publication of Descartes' *Discourse on Method*, Leibniz (1956) even imagined a universal computational language, so that reasoning could be performed as a kind of calculation. Whilst we might appreciate Leibniz' ecumenical motivations, we are still to confront the avatars of his monosemantic nightmare.

Seventeenth-century natural philosophers structured modern thought around a group of theoretical dichotomies. These dichotomies stemmed from the Cartesian separation between mind and body, and they included the opposition of mental and material, action and phenomena, act and event, thought and object, voluntary and mechanical and creativity and repetition. During the last three centuries the resulting theoretical structure has been alternatively dismantled and rebuilt around the notion of scientific objectivity, which finally came under attack from within the hard sciences. However, the unprecedented tragedy of the First World War delayed the dismissal of philosophical foundationalism and its quest for certainty. As Toulmin (1990, 159) observes:

> The ideas of strict 'rationality' modelled on formal logic, and of a universal 'method' for developing new ideas in any field of natural science, were adopted in the 1920s and 1930s with

*even greater* enthusiasm, and in an *even more extreme* form, that had been the case in the mid-17th century.

Moreover, after the subsequent catastrophe of the Second World War, which replicated on a global scale the devastation of seventeenth-century religious conflict, belief in the supposed progressive value of mathematical forms went even further. On opposite sides of the Atlantic, the influence of logical positivism and structuralism brought mathematical tools into fields of humanities (Rorty, 1994), well beyond the original Cartesian program. Reaction to this neo-formalist and objectivist offensive instead of transcending seventeenth-century dualism confirmed it. For example, Martin Heidegger (1977) restated the supposedly essential link between physics and technology even more persuasively than a positivist apologist of science.

The process of decolonisation, student revolts of the long sixties and the feminist movement jointly exposed the synecdochical nature of modern institutions, which since their inception hid the interest of a part (Western, white, upper-class, male and able-bodied) behind the much vaunted whole. Ironically, the young rebels could expose the modern synechdoche because they took the boastful promises of modernity at face value, and therefore demanded their fulfilment. In particular, the request to immediately apply fundamental democratic principles uncovered the hiatus between an institution's formal values and its institutional practices. Unfortunately, this gap could not be filled because, at least since the seventeenth-century, the declarations of a natural order were a rhetorical strategy to justify an authority that was either already in place or in the making. Since the seventeenth-century the declared primacy of fundamental principles had performed the role of a smokescreen, hiding the complexity of social, political and economic interactions. Such complexity was eschewed rather than conceptually addressed by modern concepts of power, meaning and value. From this perspective, we can read Jean François Lyotard's acknowledgement of the failure of grand narratives (Lyotard, 1984) as an expression of his regret for having engaged in the correct political struggle with the wrong theoretical weapons.

Though the total revolt of the long sixties hardly accomplished its declared tasks, it gave both scientists and philosophers the opportunity to openly question the meaning, scope and content of their activities. Such an unprecedented opening resulted in a generalised critical *anamnesis*, i.e. a recollection, through which modernity elaborated its own meanings (Lyotard, 1992). Unfortunately, since the late 1970s this opening has been reframed in textbooks and media as a quarrel between modernists and postmodernists. However, the process of reconsideration of

modernity moved on regardless of this reductive framing. The more the meanings of modernity were explored outside of the framework of apologetic or teleological perspectives, the clearer such a framework appeared as a pervasive constraint in shaping modern realities. In other words, the more that modern Western thought was stripped of pretensions of objectivity and universality, the clearer appeared the moulding effect of such pretensions on modern realities. The less that modern Western thought was credited with consistency, coherence and cogency, the more its very identity tended to fragment into a constellation of discourses. It appeared that modern Western thought could exert its pervasive influence despite its disunity. Bruno Latour (1988) even points out that Western actual multiplicity is the strength that ultimately allowed the West to conquer the world.

Modern thought channelled multiplicity into disciplinary areas according to well established evolutionary patterns of disciplinary histories. These described the emergence of scientific disciplines as a progressive convergence of a multiplicity of sources arising from foundational principles (Feyerabend, 1988). These principles provided the new disciplines with a conceptual identity, just like Newton's *Principia* did with physics. As a matter of fact, physics' envy compelled modern thinkers to accommodate Western knowledge into the Procrustean bed of the Newtonian model. As Prygogine and Stengers (1997, viii) state, 'we have come to the end of the road paved by Galileo and Newton' not only because biology is replacing physics as a model for knowledge but, more importantly, because of the reappraisal of both the modern endeavour and its actual implementations. The recognition of a hiatus between modern narratives and actual modernities has triggered a wide range of reactions, which span from Jurgen Habermas' nostalgia for an idealised modernity as an allegedly unfinished project (Habermas, 1981), to Latour's acknowledgment that we actually have never been modern, because we have never been able to fulfil the contradictory claims of modern narratives (Latour, 1993). In particular, science's claim to mirror the world is beginning to be confronted by the recognition that all science is performative. Such recognition testifies that despite modern wishful thinking, actual human practices (including scientific research) continuously both build and blur the boundaries between theories and objects, facts and values, knowledge and power (Foucault, 1980).

**Human rights discourse retold: towards a broader framework**

Human rights discourse shares a performative role with modern scientific disciplines, whose influence in defining its theoretical framework is not yet fully acknowledged. I will underline the

relevance of retelling the history of modern science for a theoretical reconsideration of human rights discourse.

First, as mentioned, the influence of physics and biology extends over the wider cultural space. In particular, since the seventeenth-century physics has been the model for modern scientific knowledge and has shaped the modern idea of nature. Moreover, the descriptive approach of physics has long been the standard for theoretical enquiry. Furthermore, though modern physics did not produce the concept of law *ex novo*, physical laws became the main instantiation of the objective regularity of the natural order of things. Also, with the Darwinian revolution biological science came to the fore, and in the last decades it commenced to replace physics as a model for other fields of knowledge. The rejection of fundamentalist naturalism and objectivism that emerged within these leading disciplines can assist in disentangling human rights discourse from its fundamentalist assumptions.

Secondly, most economic theories constructed the concept of economic system on the basis of an underlying fundamental property, which was either the self-adjusting ability of the market or the objectivity of value. In both cases, the economic system was supposed to function according to its autonomous laws on the model of physics or, more recently, of biology. As a consequence, both supporters and detractors of the economic system held responsible for economic misdeeds the laws of the economy rather than actual economic agents. Hence, a fundamentalist belief in objective economic laws allowed economic agents such as firms, corporations and states to deflect responsibility for their actions. The acceptance of economic fundamentalism long confined human rights discourse outside of the sphere of economic relations, whose autonomy is simply taken for granted. Despite this, economists' growing rejection of the disembeddedness of economic activity (Fullbrook, 2003), and an attempt to represent human capabilities, entanglements and well-being within economic theory (Sen, 1985) has opened the way for an intrinsic involvement of human rights discourse within economics.

Thirdly, a more substantial link between the natural sciences and human rights discourse emerges from questioning the modern boundaries between nature and society. This separation was actually already blurred in the modern pretension that the social order should move toward the realisation of a natural order. For example, this pretension still justifies the neoliberal demand to free the market from allegedly artificial constraints, so that the market can follow its supposed natural course. Sociologists since Durkheim have attempted to reverse the modern pattern that

aims to naturalise the social dimension by proposing instead to socialise nature (Latour, 2005). Nevertheless, such inversion simply replaced nature with society as a fundamental source of meaning. Following the path breaking work of Latour, however, sociologists of science and technology since the 1980s have shown that the outcome of socially determined scientific research is able to rearrange the social context. They argue that the modern separation of science, technology and society is the outcome of a process of depuration of heterogeneous chains of associations, alliances and networks. According to Latour (1988), before such depuration, a dynamic mix of human and non-human actors is the context for a scientific controversy. After a controversy has settled, being the settlement depurated facts, the facts are tied again with other facts, machines with machines and social factors with social factors. Human rights controversies too always include a heterogeneous mix of human and non-human actors. The possibility of ultimately severing humans from non-humans was granted on the one hand by the definition of a fundamental abstract human model and on the other hand by non-humans' stability, which was granted by a stable disciplinary structure of science. The exposure both of the Western, male, adult, able-bodied implicit characteristics of this abstract individual and of the fundamentalist approach of modern naturalism makes such separation problematic. For example, the survival rights of Mayan peoples cannot be considered apart from their traditional culture, their crops, their struggle against both the Mexican government and genetically modified food, as well as the wider debate about biological research and the interests of chemical and pharmaceutical corporations. In order to defend and to improve such rights, it is imperative to recognise that decision-making processes about nature and decision-making processes about society are intertwining and indistinguishable. Therefore, human rights discourse, which historically developed in the form of civil and political rights as the recognition of human entitlement to stakeholding in decision-making about society, can no longer overlook decision-making about nature. The claiming of ecological rights is already pushing towards such redefinition of human entitlement. However, in order to reopen decision-making processes about nature to their legitimate stakeholders, i.e. all human beings, we need to reconsider how human entitlements could be translated into actual participation in decision-making processes in general. This translation is the major political challenge for contemporary human rights discourse.

**The economic discourse retold: a path beyond modern fundamentalism**

Modern economic theories are an example of the fundamentalism of modern scientific disciplines (Baldissone, 2008). By re-embedding economic theories into the larger fabric of contemporary knowledge, the links between economic fundamentalist assumptions and the broader modern framework come to light. Moreover, the reopening of economic discourse beyond the limits of modern dichotomies is allowing us to consider human rights from within economics or, in the words of Amartya Sen (2000), to not perceive the request for a closer involvement of ethics and economics as if it were an invitation to drink and drive.

In the eighteenth-century Richard Cantillon (2001) and the Physiocrats first devised the economic structure of society as a naturally balanced circular flow between incomes and expenditures. The Physiocrats conceived this flow as a physical process in which wealth acted as a kind of energy circulating throughout society (Veca, 1977). Moreover, they looked for a univocal source of value, which they found in land. More importantly, they constructed the concept of economy upon the seventeenth-century pattern of turning possible conditions into natural trends, and current conditions into artificial obstacles. As a consequence, they advocated *laissez-faire* by defining historical restrictions on agricultural exchange as artificial obstacles to the emergence of the natural order of the economy.

With an exception in terms of the equivalence of land and value, all the Physiocrats' assumptions made their way into one or another subsequent economic theory. In particular, Adam Smith's identification of labour as the univocal source of value (Smith, 1937) was carried on by David Ricardo (1970) and Karl Marx (1974), who defined the commodified version of labour that workers were forced to sell on the market as *Arbeitskraft*, i.e. labour-force. Before Marx, Hermann Helmholtz already used the word *Arbeitskraft* in his formulation of the principle of conservation of energy, which was intended as the common substance of phenomena as different as mechanical force, heat, light, electricity and magnetism (Cardwell, 1971). It is arguable that within economic theory, labour-value deployed the same role of an invariant substance underlying transformations that energy played within physics (Veca, 1977). As to the natural balance of economic flow, it became a self-regulating market in the work of Smith, and from there spread through neoclassic thought to the present day.

The twentieth-century mathematic formalisation of economics affected both value- and market-based fundamentalist approaches, and restated in supposedly objective terms the faith in equilibrium, that is a belief in the unconditional ability of production to create demand. John Maynard Keynes soundly rejected the latter fundamentalist assumption, which goes under the pretentious definition of Say's Law (Sweezy, 1953). Nevertheless, soon after his death Neo-Keynesian hybrid views restated equilibrium theory. The Neo-Keynesian approach also promoted an unprecedented mathematisation of economic theories, which hid their prescriptive power behind the supposed objectivity of figures. The Neo-Keynesians, therefore, paved the way for neoliberal discourse, which founded its market version of the laws of the economy on the complete severance of fact from value.

The theoretical alternative to the neoliberal concoction of early modern rationality with bits of information theory and evolutionary biology came instead from a reconsideration of both economics and economy. The demand for an economy in which people mattered, which is the common practical and theoretical horizon of a whole range of new heterodox economics, set a new agenda that ranges well beyond modern fundamentalist assumptions. In particular, Sen's reassessment of economic well-being introduced value-bounded parameters into the core of economic evaluations. Moreover, the acknowledgement of the embeddedness of economy in economics found a more general expression in Callon's recognition that 'all science is performative' (Callon, 2006, 10). This recognition charged the economists with the responsibility of political, social and ethical choices, which human rights discourse cannot fail to address. If we are at last to reject the image of economy as an unstoppable and remorseless Juggernaut, the opportunity to exert a positive intervention in the reshaping of economic activities could and should also be translated in the language of rights. Nevertheless, as previously alluded to, this very language is in need of historical reconsideration.

**Natural law, natural rights and human rights: genealogical steps**

The language of rights goes back well before modern times to classical antiquity. This language was deeply transformed during the medieval Papal Revolution, and then through the Hobbesian reconceptualisation of the individual subject. Definitions of human rights in twentieth-century declarations are both a confirmation and a challenge to the Hobbesian individualist anthropology, a framework which is aggressively restated by neoliberalism. During the last fifty

years the meaning of modernity has been widely reconsidered; we can now also rethink modern rights in general, and human rights in particular.

In Western history *nomos*, i.e. the law, emerged in fifth-century B.C.E. Greece as a legal order relatively independent from nature. In particular, *nomos* expressed the citizenry belonging to the Greek city-states. After the latter's political fall, the meaning of *nomos* shifted in Stoic thought towards the concept of an abstract and universal natural law (Diogenes Laertius, 1975). The Stoic concept was introduced by Cicero (1998) into Roman legal thought, which nonetheless never relied on the principle of a natural foundation of law. In particular, the Roman *ius gentium* (the law of peoples that applied to foreigners and to their dealings with Roman citizens) evolved as a collection of edicts relating to foreigners rather than expressing the principle of human commonality (Bretone, 1999). Moreover, when in the third-century Ulpian devised the concept of *ius naturale* (natural law), he intended it as the source for all animals' behaviour rather than a law that applied to humans (Justinian, 1975).

Ulpian's writings, together with those of Gaius, Paulus, Modestinus and Papinianus became major sources for the sixth-century compilations of Roman law commissioned by the Byzantine emperor Justinian. The compilations were rediscovered *circa* 1070 in the course of library researches promoted by the Gregorian Reform, which began the Papal Revolution by turning the church into a centralised organization. Whilst the Reform furthered the study of canon or church law, the discovery of the Justinianic compilations also prompted a renewed interest in Roman law as such. However, both Canonists and Romanists shared a completely new approach to their sources. 'In contrast to the earlier Roman jurists and the earlier Greek philosophers, they supposed that they could prove by reason the universal truth and universal justice of authoritative legal texts' (Berman, 1983, 140). At first, this approach was instrumental in justifying the claim of the universal jurisdiction of the Pope, as representing god's universal power. Later on, the conflation of the divine, natural and legal orders was meant to legitimise also the sovereignty of the emperor, the king and, according to Marsilius of Padua and Bartolus, the whole male citizen body (Ullmann, 1965).

Another substantial theoretical shift occurred in the seventeenth-century, when Thomas Hobbes advocated absolute monarchy to keep under control individual rights, which he defined as naturally conflicting. Hobbes shifted the justification for authoritarian control of human actions from the traditional Christian argument of post-lapsarian corruption to his new value-free

depiction of the state of nature. In particular, Hobbes' fictional atomised individual was meant to represent a supposedly objective human nature. Though the Hobbesian anthropology was alternatively accepted, modified or rejected by Western modern theorists, it continued to provide a theoretical ground for the practice of legal, political, social and economic processes that converged in the construction of the modern individual subject. Radical critics of Hobbesian individualism such as Diderot, Rousseau and Marx questioned the very concept of an unchanging human nature. Nevertheless, they still relied on collective subjects as aggregates of individuals, and they reconfirmed the role of the Hobbesian counterpart of the individual subject, i.e. the state.

The drafters of the 1948 *Universal Declaration of Human Rights* reacted to the humanitarian catastrophe of the two world wars by reframing the Hobbesian bipolar scheme within a universal structure, in order to accommodate each and every human being regardless of her national belonging. Whilst the declaration renewed the almost millennial natural law tradition, it founded the human endowment of rights on the immediate and self-sufficient attribution of humanity. However, it granted this attribution as a result of a depuration of human specificities, as 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (Universal Declaration of Human Rights 1948, art. 2). Therefore, the declaration restated as a universal model the Hobbesian disembodied individual, who only can boast a primal disembeddedness and self-sufficiency. Moreover, it held accountable the states for the actual exercise of rights, which remained linked to citizenship.

Human rights declarations also dealt with specific subsets of the human community as gender, age and ethnic groups, so that they stretched the Hobbesian theoretical framework. Cultural specificities have become a central issue in human rights discourse since 1993, when the representatives of a few East-Asian governments appealed to so-called Asian values in order to limit the applicability of a universal human rights standard within their countries. The instrumental attack on human rights sparked a lengthy debate, which could have been an opportunity to question not only the essentialist concept of a state-bound culture, but also its counterpart, namely the abstract individual. Though the threat of absolute cultural relativism to the very concept of human rights was widely acknowledged, the dangers of a likewise absolute universalism for human rights discourse are yet to be fully explored. In particular, absolute universalism's dismissal of specificities continues to impose the Western disembedded individual subject as a model for humanity. This contributes to triggering the response of identitarianism,

which claims specificity as an essentialist device. Moreover, the universalist approach continues to constrain human rights within the limits of a minimum common denominator for the whole of humanity.

We could perhaps overcome universalist constraints if we are able to conceive multiversal rights, i.e. rights capable of taking into account human differences as an added value to humanity rather than a threat to human commonalities. This would require the development of a philosophy of human rights that conceives human commonalities as an ongoing task rather than an original condition. Significantly, this will involve a reconsideration of the subject of human rights discourse, i.e. humanity itself.

**On the concept of humanity**

The concept of humanity is quite a recent acquisition in Western history. Though since classical antiquity several Western sources apparently stressed human commonality, they did not necessarily express their mainstream social, political and legal contemporary relations. Moreover, these sources often advocated belonging to a wider community, rather than to a universal one. For example, the cynic Diogenes made a cosmopolitan claim that seems to have been a polemical statement directed against his fellow citizens from Sinope (Heather, 1996). Moreover, as previously recalled Stoic universalism was a theoretical answer to the collapse of the city-states and their dissolution into the *koiné* of the Hellenistic kingdoms. Furthermore, the multicultural Roman state that replaced Hellenistic kingdoms gave the Roman citizen Paul the opportunity to extend Christian proselytising beyond the boundaries of ethnic Jewry. Since its inception, Christian ecumenism has hence mirrored the factual cosmopolitanism of the Roman Empire, whose earthly city is, in Augustine's writing, the model for the heavenly one.

Christian ecumenism was powerfully re-enacted from the eleventh-century when Pope Gregory VII claimed a universal jurisdiction for the papacy as god's representative on earth (Tierney, 1964). However, such renewed universality thrived on the separation of the pure - priests, monks and nuns - from the impure - lay men and women -(Le Goff, 1988), on the inward genocidal exclusion of Cathars and Jews among others, and the outward aggression of the crusades. In the fifteenth-century the Franciscan Las Casas had to fight to gain the newly 'discovered' Amerindians the right to be assimilated in the human family as potential Christian believers (Pagden, 1982). Unfortunately, the effects of Las Casas' victorious struggle were not universal at

all. During four centuries of colonial history, and fifty years of subsequent neo-colonial domination, the West continued to export its civilisation; a ruthless enslaving mechanism, which degraded other humans and cultures to a subhuman condition. For example, indigenous Australians had to wait till 1967 to have their human nature legally acknowledged (Attwood and Markus, 2007) and a further decade for the recognition of their ability to educate their children (HREOC 1977). The South African apartheid system lasted even longer, and the entrapment of the Palestinians in the Gaza strip was crafted in recent years, and is still in place.

Though sixty years have passed since the declaration of universal human rights, the issues I have raised are still controversial. It is pretty obvious that human rights as defined by the universal declaration have been insufficiently implemented. It is less obvious to question whether a hypothetical complete implementation would have meant the complete assimilation of non-Western humans and cultures. As an incomplete assimilation did actually take place in the name of the supposed universality of Western values, an even more disturbing question concerns the role of Western universalism as a tool for cultural genocide. A striking example is the disturbingly recent case of the indigenous Australian stolen generations, whose members until the 1970s were forcibly separated from their families and communities to be raised according to the Western educational model. Without the theoretical justification of Western universal values, the Australian liberal opposition leader could hardly claim still in 2008 the 'good intentions' of previous Australian governments (Nelson 2008) behind such a particularly cruel and painful occurrence of cultural genocide.

However, I am not denying that the universal concept of humanity has historically played a positive role in the promotion of human dignity and well-being. I am rather exposing the use of universality as an authoritarian rhetorical tool in order to reject an apologetic view of universality that is at best naïve and at worse an accomplice to Western neo-colonial domination. Following Wittgenstein (1953), I argue that the concept of universality has as many meanings as its possible uses. As human rights discourse is firstly committed to promote human dignity and well-being, I contend that universalist claims should be assessed against the actual uses of universalism and their actual ability to promote human dignity and well-being.

The concept of humanity not only has different meanings, but is also an attempt to construct as a singularity a multiplicity of subjects. Such an attempt follows a Western authoritarian tradition that is used to constructing a multiplicity of subjects as a single collective entity, whose agency in

turn is embodied by an individual sovereign. Since the Roman jurists' legal fiction of *lex de imperio*, with which Roman citizens relinquished their powers to the emperor (Bretone, 1999), the multiplicity of subjects was supposed to be reducible to a single sovereign entity. The eleventh-century Papal Revolution restated the reduction of the multiplicity of the believers to the individual role of the Pope, as the representative of god's absolute singularity. Thus the faithful became the limbs of the mystical body of the Church, whose head was the Roman Pontiff. Medieval kings by analogy were described as the head of the mystical body of the state. The medieval theorists Baldus even described the people themselves as men (sic) assembled into one mystical body. We can consider Hobbes' contract as a variation on the theme of the Roman *lex de imperio*, and his concept of the Leviathan as another representation of the state mystical body. Rousseau's concept of general will (Rousseau, 1968) is not far from Baldus' anthropomorphic imagery. Moreover, despite Montesquieu's doctrine of the separation of powers (Montesquieu, 1989), the head of government of a modern representative democracy, and especially of a presidential republic, even literally embodies the medieval anthropomorphic metaphor of a single body politic.

Within human rights discourse, humanity has been addressed through synecdochical means, namely as the individual modern subject. This subject is intended as the basic unit of humanity, which is understood as an aggregate of individuals. Hence, the singularisation of the actual multiplicity of human subjects is realized by conceiving humanity as the result of a simple repetition of the same abstract individual. Whilst in late Roman law and in medieval political theology such singularisation relied on the specific function of the sovereign, the singularisation of the multiplicity of human subjects into the modern concept of humanity relies instead on the non-specificity of the individual subject. Following the model of the abstract legal subject, the individual represents humanity just as in a scientific laboratory where a specific event represents a general natural law. In other words, the concept of humanity follows the model of the modern abstract universality of law and nature, of which individual events and subjects are instantiations.

Social and economic rights brought into human rights discourse a transindividual dimension. This new dimension was later confirmed by the declaration of collective rights, which apply to an aggregate of individuals that is smaller than the whole of humanity. In particular, as collective rights took account of the embeddedness of actual subjects, these rights challenged the empty indetermination of the abstract individual. However, the actual multiplicity of human subjects cannot be addressed only at a supraindividual level, because it also cuts across individuals

themselves. Therefore, individuals' multiple belongings also need to be translated into the language of rights.

**Conclusion: a multiple humanity as a way ahead for human rights discourse**

The multiplicity of human beings was long denied in classical, medieval and modern Western thought, which not only constructed the order of things on the out-there-ness of being, god and nature respectively, but generally gave this order a single hierarchical structure. Following a pattern already defined in the fifth-century B.C.E. (Livy, 1960), most human subjects were supposed to join this order as the limbs of a body; a body controlled by a thoughtful minority. Also when the concept of popular sovereignty came to be acknowledged, it continued to be constructed as the expression of a single entity, albeit self-determining. That is why, for example, Rousseau (1968) carefully distinguished the ideal general will from the actual, multiple and (in his view) unreliable popular will. In other words, Western intellectuals generally shared with the members of ruling classes the fear of mob rule (Latour, 1999). Moreover, when in the nineteenth-century social confrontations were channelled into political struggle, political parties subsumed, as collective subjects, the multiplicity of actual political stakeholders. So far, the participative structure of democratic societies has hardly improved.

Human rights discourse mirrors the general political impasse produced by the specific modern centralisation of decision-making processes, to which most stakeholders can participate only through unaccountable representatives. On the one side, each and every human being is acknowledged as a legitimate object of human rights discourse, so that she is allowed to make use of the growing *corpus* of human rights instruments to defend and promote her human dignity and well-being. On the other side, the right of each and every human to be an active subject of human rights discourse by participating in the definition of her own rights has never been at stake. I argue that such a basic right is exercised *de facto*, because the worldwide appropriation of human rights language implies a process of vernacularisation that shifts the focus of human rights texts from their drafters to their readers and claimants. Nevertheless, the stakeholding position of these readers and claimants is still only partially recognized. In other words, human rights discourse acknowledges each and every human being as a bearer, but not as a *producer* of rights (Baldissone, 2010). In the light of the previous considerations, this incomplete recognition is hardly surprising, as in the West the majority of the population have been generally given a

merely practical social function. Directive and creative functions have been instead exerted by a minority who dealt with the ontological, theological and natural orders.

Religious and scientific functionaries are still performing as mediators of their respective objective realities. Nevertheless, during the last fifty years the narratives that upheld the absolute out-there-ness of their objects of inquiry were widely questioned (Feyerabend, 1988). In particular, the recognition of the performativity of knowledge or, in Foucaldian terms, of the coextensiveness of knowledge and power (Foucault, 1980) reopened the whole theoretical space that seventeenth-century natural philosophers enclosed within a framework of absolute dichotomic oppositions. As observed realities cannot but artificially be separated from observers, and facts cannot but fictively be detached from values, the magic operations that produce objective realities were exposed as the result of the severance of cultural products (from gods to facts) from their producers (Latour, 1988). We can now retell these productive activities as ongoing processes of alliance-building and negotiation, which involve both human and non-human actors. Therefore, we can also reconceptualise human rights as the result of negotiation processes, of which all humans are potential stakeholders. The wider the participation in these processes, the better will be the opportunity for the actual multiplicity of human subjects to be represented in ongoing settlements. From this perspective, a major task for human rights theorists is to devise participatory paths and procedures, so that increasing numbers of humans emerge as active subjects rather than passive objects of human rights discourse. By following such participatory paths, human rights discourse will overcome its fundamentalist heritage, and become a task-oriented model for contemporary knowledge.

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