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Deconstructing the Relevance of Universalism in the Context of Human Rights

Abstract: The potential inapplicability of universal human rights may be attributed to three factors: linguistic deconstruction (the unsustainability of meaning), moral considerations, and practical application. Human rights are universal principles that establish precise standards for human behaviour and are consistently safeguarded by domestic and international laws. Irrespective of age, colour, geography, language, religion, or social status, they are universally recognized as inherent, essential rights that every individual has. These principles are considered inherent in all individuals worldwide. This research examines the vocabulary used in the human rights treaty and analyses selected articles from linguistic, moral, and pragmatic perspectives. The primary goal is to demonstrate a postmodern viewpoint and elucidate it via language.

Keywords: deconstruction, human rights, relativism, language, morality

Introduction

There is a great deal of theoretical debate in political science, moral philosophy, and law over the origins, scope, and significance of human rights. Human rights are sets of values that govern the way individuals and communities are treated by governments and other organizations. Although this assertion seems straightforward, even shallow, and perhaps tautological, it raises a lot of metaphysical issues. We could start by posing the standard psychological and mental queries, such as: What is the essence of human being? How do rights work? What does the term “right” imply? Such questions and standards are included in both worldwide and national legal frameworks, which define the steps to be taken to hold duty-bearers responsible and offer compensation to those who may have been the victims of human rights abuses. However, many theorists have lately reformulated and promoted a universal understanding of the concept, particularly in light of the changes implemented in both national and municipal politics. As a result, the problem this essay attempts to address is that, in addition to what we indicate by “universal human rights,” this phrase can currently be used to imply various things from a moral, ethical, practical, and—this is crucial—a linguistic perspective.

Language is the primary medium through which humans comprehend their surroundings and create civilization, and cultural studies became a component of this “linguistic shift.” The political, cultural, and philosophical studies have now started to interpret their findings using language structures as a result of the concept, which

we refer to as a linguistic turn or deconstruction of meaning. This metamorphosis demonstrates to us not only how to understand and interpret certain philosophical or political patterns through language, but also that many widely used political expressions and philosophical dilemmas lack universal significance. In other words, the structure that we refer to as language is not limited to human communication. By defining rules, giving words meanings, and creating new realities, language creates distinct truths for its communities. More specifically, the linguistic notions that we refer to as discourses have an impact on how cultures interpret universal norms and can generate diverse identities and meanings that have political and cultural implications. This leads me to my main tactic in this piece, which is to define discourse or deconstruction, and my second approach, which is to show how and why these language patterns create conceptions that are socially distinct, meaning they cannot be accepted by everyone.

Thus, it would be more correct to begin by highlighting or deconstructing what this phrase's components, such as "universal," "right," and "human" imply for societies rather than by outlining it in its entirety. Therefore, it is imperative to provide these terms with a moral, etymological, and practical meaning. However, we must first analyse this concept from a philosophical, historical, linguistic, and political perspective. This requires integrating the viewpoints of eminent historical figures who have written several books on the topic.

1. Thomas Hobbes

T. Hobbes, an English philosopher who lived in the 17th century, is considered one of only a small number of exceptionally influential political thinkers. His seminal book *Leviathan* ranks alongside with political writings of Plato, Aristotle, Locke, Rousseau, Kant, and Rawls in significance. It is therefore reasonable to assume that Hobbes originally put forth the premise of liberal rights or human autonomy before Locke after determining that John Locke had got the most credit for conceiving the liberal notion of liberties, or liberal rights, as we understand it today.

That being said, it is difficult to distinguish Hobbes' political philosophy from his moral theory. Much of what we ought to achieve, in his opinion, depends on the circumstances in our environment. As a materialist, Hobbes held that deterministic rules of cause and effect govern the behaviour of physical components, which is all that constitutes natural events. People's free will acts in these circumstances were no different. Hobbes believed that voluntary movement, or what he called "animal" motion, resulted from an external force acting on the senses, which then aided (pain) or hindered (joy), ultimately leading to (or not leading to) outward movement. The most unpleasant outcome in such a system would be death (the cessation of all motion), as it would function on the basic tenet of continuous motion. Therefore,

Hobbes believed that the primary motivation of all humans was the need to survive, which inevitably took precedence over any other motivation, such as the potential desire to improve the welfare of another.¹ Such a demonstration provides credence to the idea that in situations where political authority is weak, our fundamental right to self-defence may be relevant.

Hobbes is credited with developing the notion of natural rights: “the right of nature (...) is the liberty each man hath to use his own power as he will himself for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything which, in his own judgement and reason, he shall conceive to be the aptest means thereunto.” It follows—a more enigmatic but nonetheless persuasive conclusion—that in such a situation, each person has a responsibility to prioritize fulfilling every expectation. Since a human’s inherent right indicates the freedom to act in ways that improve their existence in such a circumstance, it concludes that in the state of nature, which historically has been a war between everyone, humans find themselves caught up. There is no other declaration of a person’s fundamental, unalienable rights that is as comprehensive as important. We all have an innate responsibility to preserve everything around us for the sake of our existence. Thus, Hobbes argues that in the natural world, there are no binding agreements or obligations. Morality, which includes responsibilities, only has influence over people when there is some kind of enforcement mechanism in place to provide them with motivation to comply with it; in the absence of such things, morality does not exist.²

Despite criticism that his interpretation of the natural world is overly melancholy for certain readers, Hobbes bases his argument on a number of independently verifiable facts and moral presumptions. It is founded on the ideas that no one is immune to harm, that no one may be assumed to be in a position of authority over another, and that people are essentially the same in terms of their mental and physical makeup. Hobbes bases his argument on the notion that humans often yearn to circumvent death, which makes most people desperately desire to live longer. Humans may tend to side with one group over another, but their kindness is limited. Someone is more likely to be disparaged if they think that others must hold themselves to the same rigorous requirements as they do. People form judgments, but they typically cover up their personal biases by using allegedly neutral terms like “good” and “bad.” Hobbes asserts that these characteristics lead people to adopt beliefs, albeit the specifics of these attitudes may differ according to the type of education or a culture one has.³

Hobbes’ brief conclusion provides some guidance on the concept of universal human rights. Therefore, the right to life and self-defence comes first. Everyone has

¹ J. Christman, *Social and Political Philosophy: A Contemporary Introduction*, London and New York 2002, p. 28.

² *Ibidem*, p. 32.

³ *Ibidem*, p. 29.

the right to design their own living area, as stated in the Universal Declaration of Human Rights. However, if we continue with his conclusion, we will see that the idea of freedom actually represents a non-essential idea and that humans can only be truly free in their natural form. People enter into a sort of agreement with the authorities in order to live in society in peace and safety. It is at this point that the idea of the state—which we refer to as a guarantee of prosperity and trust—emerges.

2. John Locke

Hobbes is denied credit as an essential hero in the debate on the growth of liberal human rights because of his absolute governing position. Or possibly his project's misinterpretation of the significance of individual rights vs state authority is what excludes him from the mainstream paradigm. In any event, J. Locke is widely regarded as “the father of political liberalism,” making him the recognized proponent of the idea of natural rights, which later became human rights. Secular individualism was “posited by Hobbes as leading to a contract version of the state—the Commonwealth—but the subsequent priority of that state over that individual usually deprived Hobbes of any recognized title to liberalism. In Locke’s hands that balance was turned around, with the individual (sans the secularism) attaining pride of place; thus, Locke is termed the father of liberalism.”⁴ Locke takes a somewhat more traditional stance than Hobbes when discussing the fascinating relationship between natural law and natural right. God created natural law, and Locke’s shift to rights necessitates the presence and purpose of God.

Locke, echoing Hobbes, regards human beings as an entity existing in a primordial state of nature, but the most significant element of this state of nature is that it is directed by God, and instinctively, we all have responsibilities to God flowing from natural laws. Our obligation or inherent impulse is to defend ourselves as the first of these tasks. But to give rise to basic rights, this essential obligation, which is the essence of our being in the natural state, must take a detour. First, our capacity to protect ourselves against threats to our existence is essential to a desire to survive. Locke also emphasizes the need to possess physical resources for self-preservation, which he calls personal property. Thus, essential rights such as life, liberty and property should be ensured. He argues that every person is born with inherent freedom and the right to protect their life, liberty, and property from harm or infringement by others.

The stated goals of the Lockean state are the defence and advancement of citizens’ agreements with the monarchy to exercise their rights to life, liberty, and property. There are three things to take note of in this instance. First, it was an agreement

⁴ A. Biletzki, *Philosophy of Human Rights: A Systematic Introduction*, New York 2019, p. 50.

between these individuals and the sovereign that created the political state out of an agreement made by men in their natural state. This is important because it raises the second point, which is that in this case, representation is a necessary component of government. Unlike the individuals of Hobbes' Commonwealth, who gave up all their rights to the absolute monarchy, the men of Locke's polity are represented by their sovereign. The strongest claim is that the people of the state are its sovereigns and that the governing body is their representative. This brings up the third, just as significant, problem. The boundaries of power are well defined, since the contract includes the government and that government represents the people in the polity. Locke has been widely acclaimed as the progenitor of liberalism, and with good cause. If liberalism is considered to promote the individual and restrict the reach of government, then we have Locke's clear justification for a liberal political philosophy. The additional notion of natural right, which forms the basis of this liberal worldview, offers it great value.⁵ The (liberal) concept of human rights may be considered as having its origins in Locke's unquestionable right to life, liberty, and property, which is owed to every man and serves as a fundamental basis from which the rest of our political rights are derived.

Still, it is fascinating to think about some further contrasts between Hobbes and Locke and try to determine which is the more "liberal" philosopher. Hobbes believed that human action in the natural world progressed rationally and secularly from individual rights to (civic) regulations before the foundation of the commonwealth. According to Locke, even if it is just an exercise, without God it fails. The natural law that God established must come first; only after that can we create the rights to life, liberty, and property that allow us to carry out the obligation we owe to God. In this sense, Hobbes' premise of privileges is a fundamental truism that has hardly anything to do with religion, but Locke's hypothesis of rights, which is typically regarded by followers as just that—a basic postulate—relies on God as a lawgiver. This transition from natural law to natural rights, set forth by Locke in that manner, is relevant. For Hobbes, the shift from the rights that all men have in their natural condition to the rules set by the lawgiver, the political sovereign, appears to be on the other path.⁶

3. The Universalism Debate and Its Relevance

The renowned political thinkers Hobbes and Locke have both had a significant impact on liberal political theory through their works. Both speak of a speculative state known as the state of nature, which existed prior society, the state, and the

⁵ *Ibidem*, p. 51.

⁶ *Ibidem*.

government. They talk about how peace in the natural world is unstable. They see the state and common power to be derived from the concept of social contract. Furthermore, they interpret the contract as being irreversible, since breaking it will result in the return of conflict and an unstable environment. They both discuss how the rules of nature are found in reason and are in charge of the establishment of an accountable government that upholds peace. These kinds of readings have cleared the way for the idea of universality, or the conviction that something holds true for everyone. The particular benefits that are commonly recognised are the rights that are thus considered to be valid assertions.

The idea of “universality” and “rights” seems to call into question the core principles of human rights, which puts us in a more difficult situation. What does it mean to say that human rights have been relatively recognized, examined, and applied as opposed to universality? As stated in the abstract, it is important to clarify the definitions of the terms “universality” and “rights” in different languages and cultures before addressing these questions and the comments made by Locke and Hobbes. In order to fully elucidate the thesis of the essay, which posits that the interpretation of universal human rights is contingent upon the language used for expression, it is essential to additionally examine this term from a linguistic perspective. To begin with, we will use a linguistic approach by analysing the discourse around the concepts of “universalism” and “rights.”

The essay shall commence by citing the definition of discourse found in *Discourse in Context: Contemporary Applied Linguistics*, edited by J. Flowerdew, which is most pertinent to this particular section. In using the term “discourse,” Flowerdew has in mind two different approaches: on the one hand, he calls with a ‘little d,’ discourse—the uncountable use of the term—as language in the contexts of its use and above sentence level, and, on the other hand, ‘big D’ Discourse—the countable use of the term—as a system of knowledge and beliefs, social practices and socially recognizable identities. If we begin with his assertions, knowledge, truth, and identity achieving social standing are all dependent on the language framework known as discourse: an organized body of ideas, information, or speech that shapes how we see the outside world. Academics have extensively researched discourse as a linguistic element that is often seen in several humanities disciplines. In sociology, discourse is any behaviour through which humans provide meaning to reality, found in many forms. Or, discourse is seen by political scientists as being directly related to politics and the formulation of policy. Since language usage always affects individual perceptions, discourse is essentially unavoidable. For instance, there are two totally different discourses regarding someone or some groups as terrorists or freedom fighters.

Modernist thinkers and the founding fathers of modern philosophy like T. Hobbes and J. Locke were preoccupied with strengthening culture and held that there were universally applicable natural and cultural principles that could be applied

to advance knowledge and, consequently, an improved comprehension of civilization. These scholars would be obsessed with discovering “truth” and “reality,” trying to create ideas that were certain and predictable. Thus, discourse was seen as being practical by modernist thinkers. Changes in language are attributed to advancements in knowledge or the necessity to create a new accurate vocabulary to express novel insights and beliefs. Language and discourse are regarded as “natural” by-products of advancement or reasonable use in modernist thought, which separates them from power and ideology. The liberal discourses of liberties, equal opportunity, and justice were promoted by modernism; nevertheless, these discourses disregarded distinctions and concealed real inequalities. Structuralist scholars like J. Lacan and F. de Saussure contend that discourse is the foundation of every aspect of human interaction and that the structures of society are composed of interrelated frameworks. This implies that structures tend to be viewed as self-contained, self-regulating and self-transforming units, and that the individual components of a system only have importance when viewed in connection to the structure as a whole.⁷

A response to what were considered the limits of the modern age gave rise to postmodern thought. Postmodern philosophers disagreed with modernist assertions that a single theoretical framework could account for every facet of reality. Postmodernist scholars, on the other hand, valued diversity above similar traits as well as knowledge that people had in common, focusing on the variety of experiences that individuals and groups had to give. Though it rejects the concept of dominant social laws, postmodern philosophy is more adaptable than modernist doctrine. It accepts individual uniqueness. Instead of focusing on discovering the absolute truth, these theorists attempted to comprehend how truths develop and remain stable. Postmodernists maintained that wisdom and truth are dynamically constructed, pluralistic, and subjective. Thus, postmodern scholars started delving into the analysis of discourses found in writings, words, laws, and behaviours.⁸

In analysing such a postmodern approach to discourse, Foucault, the philosopher who simultaneously challenged modernist thinking and popularized postmodern philosophy, employs the following terms: “discourse is constituted by a group of sequences of signs, in so far as they are statements, that is, in so far as they can be assigned particular modalities of existence.”⁹ The statement, or *l'énoncé* in Foucaultian terminology, is a linguistic construct that enables the writer and speaker to give phrases meaning and to convey recurrent semantic links to, among and between the assertions, objects or topics of the discourse. The arguments or topics of the discourse feature hidden relationships with each other through the use of

⁷ D. Howarth, *Discourse*, Buckingham and Philadelphia 2000, pp. 38–42.

⁸ S. Strega, *The View from the Poststructural Margins: Epistemology and Methodology Reconsidered*, Toronto 2005, Book Section <<https://www.nintione.com.au/?p=4519>> [accessed: 26.02.2024].

⁹ M. Foucault, *The Archaeology of Knowledge: And the Discourse on Language*, New York 1982, p. 49.

signals, or semantic patterns. Discourses are produced by both spoken and written utterances with semantic linkages, which are identified and described by the term ‘discursive formation.’ As a scholar, Foucault analysed vast amounts of knowledge by using rhetorical construction. Discourse is therefore a means of legitimizing society’s power to create and uphold modern truths, as well as to ascertain the power relations among these constructed truths.

According to Foucault’s theory, each interpersonal connection is an arrangement of power, since power inevitably emerges, and both generates and restricts the truth. Discourses, which are additionally referred to as ‘rules of marginalization,’ are used to maintain authority, as they dictate what subjects, and modes of communication people are permitted to debate, as well as who is and is not excluded from being able to. Foucault introduced the term “power-knowledge” to show how an event may become a “node within a network” of meanings, proving that knowledge represents the foundation and the creation of power. Within the criticism of power–knowledge, Foucault disagreed with Locke and distinguished Neo-liberalism as an ideological economics discourse that bears theoretical resemblances to the nature of government, or the structured activities that subjugate individuals.

In the event that discourse is only a type of language activity made up of words and the meanings we assign to them, then texts are not, according to structuralists’ belief, works with constant meanings. Whether cultural or historical, words and texts can have meanings that shift all the time. Textual analysis influenced by structuralism presupposed that the text held the meaning. On the basis that texts cannot control the meanings that readers and audiences develop, critics contested this idea. Texts are referred to as polysemic when they encompass the possibility of several interpretations being derived from them. The procedures involved in readers realizing the meaning of a book are more important for cultural comprehension of texts than the text itself.¹⁰

One of the most ardent supporters of reading texts for meaning or of the idea that meanings do not always correspond to the whole truth is Derrida. The fundamental concepts of intertextuality, undecidability, deconstruction, *différance*, trace, and supplement—all of which emphasize the instability of meaning and its postponement through the interaction of texts, writing, and traces—have been appropriated by cultural studies from Derrida. Here, words do not relate to things that have intrinsic traits or have universal meanings. The goal of Derrida’s criticisms of “phonocentrism” and “logocentrism” is to disprove the idea that there can be any dependence on universal meanings, ideas, or logic that pre-exist other types of thought in human reason. Derrida challenges the notion that speech—which appears to have existed before writing—represents an all-encompassing transcendental truth that allows people to base oneself as their own authentic, natural sources. According to Derrida,

¹⁰ C. Barker, D. Galasiński, *Cultural Studies and Discourse Analysis: A Dialogue on Language and Identity*, London, Thousand Oaks and New Delhi 2001, p. 7.

speech is prioritized because it is based on the implausible notion that absolute and consistent meaning may be reached directly. This idea is incorrect, since one must re-represent the truth to represent it, as it is believed that truth exists independently of representation. Truth and meaning are inseparable from representation. Derrida argues that wherever meaning exists, it is only in the form of signs. We only think in symbols. Since signs are a type of graphic “representation,” there is no initial meaning outside of them; meaning originates with writing. Without signs, or writing, we are unable to conceive of truth, knowledge, or the modern world. Writing is inherently a part of texts’ outsides, and texts themselves are composed of their outsides. This is referred to by Derrida as “*arche-writing*.”

Derrida maintains that meaning cannot be “fixed,” given that it is created by the interaction of signifiers rather than by a reference to a distinct existence. Terms can have more than one meaning, particularly echoes or residues of meanings from similar terms used in other situations. Due to the non-representational nature of language and its intrinsic instability, meaning perpetually evaporating. Thus, by *différance*, a sense of “difference and deferral” is suggested. The production of meaning in the process of signification is continually deferred and supplemented in the play of more-than-one. The continual supplementary of meaning, the continual substitution and adding of meanings through the play of signifiers, challenges the identity of noises and marks with fixed meaning. The meaning of signifiers can never be identical with a fixed entity to which a word refers because a supplement adds to and substitutes meanings.¹¹

Derrida is commonly linked to the deconstructionist movement, which entails disassembling and reversing in order to identify and expose a text’s underlying presuppositions. It entails demolishing hierarchical binary oppositions that are claimed to ensure truth by excluding and discounting the “inferior” component of the binary, such as speech/writing, reality/appearance, nature/culture, reason/madness, etc. Derrida needs to utilize the precise theoretical vocabulary of the western philosophy he aims to subvert in order to dismantle the binaries of western philosophy and question the premise of a definite self-present meaning, or the “*metaphysic of presence*.” Derrida sets his notions under erasure to emphasize this conflict, which may be shown through an opposite approach (writing before speaking, appearance before reality), yet is unable to be eliminated or reconstituted. An expression is placed under erasure when it is written down afterwards crossed out, retaining the original word and its crossed-out variant intact. The goal of using popular and well-known notions “under erasure” is to undermine common knowledge by making it appear to be simultaneously true, incorrect, important, and helpful. In this way, Derrida aims to reveal the indecisiveness of metaphysical oppositions and meaning itself.

¹¹ *Ibidem*, p. 10.

The underlying tenet of deconstruction, then, is that no word, and thus no set of words or “text,” carries a singular interpretation. This statement is first supported by the fact that no word is meaningful in and of itself. As there is no connection between the presence of a concept in the mind and the existence of a comparable thing in the physical world, there is no longer a connection between a sound and a specific notion or feeling. “If neither words nor images nor ideas nor signs have any intrinsic meaning, the question obviously arises, where do they get their meaning? The answer is, in relation to other words, ideas, or signs-or, more generally, from a context. Derrida refers to three different kinds of context: that set by the language, that set by the historical circumstances of author and reader, and that set by the logical distinctions in terms of which the human mind usually operates.”¹² A word, then, must be seen or used in a phrase in order for its meaning to be understood.

Derrida informs us that as much as the significance of a phrase is dependent on its linguistic and cultural context, so too is the meaning of a sentence dependent on its cultural and political setting. The current leader of Israel, for example, may be employing political rhetoric to make a universal argument when he says that “ Hamas is a terrorist organization.” The president’s discourse only becomes relevant to individuals who hold similar political beliefs. The sentence’s meaning goes beyond what can be determined by following grammar rules. Stated differently, the literal meaning of a text is closely related to the language used, the reader’s and author’s identities, the social and political climate at the time the text was written, and the text itself. The Cold War conflict between the United States and the Soviets regime in Afghanistan serves as the greatest illustration of this. The DRA, the Soviet Union, and affiliated paramilitary groups engaged in heavy combat with the Afghan mujahedeen and their international allies, making it one of the most significant conflicts of the Cold War. The armed factions in Afghanistan known as the mujahedeen militants were being portrayed at the time as liberation fighters in both Europe and America. The Soviet Union was referred to as an invading force and a terrorist organization in written materials or texts, in visual media, and in the political discourses. Forty years after this incident, that is, in the contemporary world, the Soviets of that era, namely, Russia, are now a respected and well-known nation on a global scale, whereas the mujahedeen are a terrorist group. Those who are reading the text will evaluate the message in terms of yet another context, which may be added to the confusion by the reading of the text itself. The text is composed in or out of a language that existed outside and prior to the text. Consequently, there exists an ever-evolving relationship between text and context, where neither party’s meaning remains constant. As of right now, Derrida’s argumentation centres on a historical interpretation that many other contemporary intellectuals embrace, but he highlights one of its more extreme conclusions, namely, that the

¹² C. Zuckert, *The Politics of Derridean Deconstruction*, “Polity” 1991, vol. 23, no. 3, pp. 335–356.

writer is unable to remain fully in charge of or decide what the meaning of his or her texts represents.

Like Derrida, Foucault (1972) rejects structuralist views of language that see it as an independent system. Alternatively, his focus lies on characterizing and evaluating the discourse borders and their consequences within particular subjects and historical contexts. Cultural studies have borrowed from Foucault the notion of discourse as a controlled mode of speech that develops and determines sources of knowledge. According to Foucault, discourse excludes other lines of reasoning as being incomprehensible, while simultaneously creating, defining, and producing objects of knowledge in an understandable manner. In order to establish and ensure distinct fields of knowledge or things that need a certain set of ideas and identify what he calls a particular “system of truth,” he examines the conditions and norms under which claims are amalgamated and governed. According to this idea, meaning is controlled by power, which establishes who may talk, when, and where, in addition to dictating what can be said under certain social and cultural circumstances. Meaning does not spread in an unending deferral. A significant portion of Foucault’s oeuvre delves into the historical analysis of discipline and the creation of subjects via its authority.

For Foucault, “the subject is not a stable universal entity but an effect of discourse that constructs an ‘I’ in grammar. Subjectivity is held to be a discursive production and the speaking subject is dependent on the prior existence of discursive subject positions, that is, empty spaces or functions in discourse from which to comprehend the world.”¹³ One area in which Foucault is helpful is in understanding how discourses of power generate individuals who integrate into, construct and perpetuate the framework of society. He highlights issues related to power and how it is distributed in society. The idea of governmentality—which is defined as the control of societies—that subjects citizens to governmental regimes and forms of discipline is where Foucault is most useful. This covers social reform, education, health, demographics, and criminology, as well as other regulatory mechanisms that allow a population to be divided into manageable categories.

Both Derrida and Foucault’s theses have opened the door for re-examining a number of contentious political and philosophical questions, for example, examining the words “universal” and “rights” from its etymology allows us to realize how misunderstood these concepts are. The Cambridge Dictionary defines “universalism” as “found everywhere.” Beginning with this interpretation, something has to exist in a constant and consistent manner throughout all places in order to be considered as universal. Alternatively, seeing it from the standpoint of Derrida, does the term “universality” refer simply to material things? Dogs, for instance, are considered to be universal creatures due to their shared physical traits, such as paws and tails. Since

¹³ C. Barker, D. Galasiński, *op. cit.*, p. 13.

they apply everywhere on the globe, the rules of physics might also be referred to as universal. Alternatively put, what is the probability that anything universal—that is, present everywhere in the universe—is non-physical—that is, does not occupy space or time? For instance, the universal declaration of human rights guarantees everyone the right to life. While some nations view execution as a proper practice, others forbid it and view it as immoral. Which one, in this case, has to be universally accepted as true or false? On the other hand, “right” is a basic term for a moral evaluation. That is to say, an act, which is morally good, justified, or acceptable or a right that is granted to oneself or others by law or morality. Then, how proper would it be for a right to change where morality changes, if it were granted in accordance with morality? Even though a certain conduct could be universal, it is incorrect to claim that it is right—that is, ethically and morally acceptable. Deconstruction strategy, then, leads to the following conclusion: even though the meaning of morality and ethics as concepts or as inner sense are universal, that is to say all human beings share it, as suggested by the notion of “universal rights,” the concepts of “universal” and “right” have different etymologies; one is subject to evolution, such as what is good or right, while the other is not (universal). To deconstruct the terms: “universal rights” are the combination of words, which are in contradiction with each other.

As a second tactic, following an analysis of the meanings and etymology of the terminology, the relevance of a few paragraphs from the Universal Declaration of Human Rights will be evaluated. For instance, article one declares that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Naturally, there may be differences in our interpretations of this discussion. The idea that all people are created equal, though, is not realistic or practicable. In what way was “equality” defined in this article? What is the degree of economic equality between individuals born in developed and undeveloped societies? The application of this human rights rhetoric is dubious and it is far removed from reality. People differ genetically from the birth, which accounts for differences in traits such as intelligence, athletic ability, musical talent, etc. The assertion that all people are created equal is therefore invalidated in the first act.

Alternatively, assuming clause two: “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” The legal warnings contained in this law are not consistent with the nation’s policies. It is fair, in my opinion, to argue that many nations and individuals experience bias as a result of the political structures they uphold, the nations in which they live, or the faiths they follow. The most

blatant illustration of this comes from Russian nationals, who experienced severe prejudice from the European Union countries as a result of the conflict between Russia and Ukraine. The Israeli government's discriminatory and exclusive policies towards Palestinians and the opposition of several European governments to Syrian refugees serve as more examples. We doubt this article's relevance given the state-by-state policies.

Article eighteen, which states that everyone has the right to freedom of thought, conscience, and religion, will also come under fire if we deconstruct the article. Since the definition of "freedom of expression" varies depending on the civilization, some people do not believe that the right to free speech is unassailable, as the vast majority of legal systems impose restrictions on it. This is especially true when the right to free speech clashes with additional liberties and protections, as in the scenarios of proprietary rights, discrimination, sexually explicit material, vulgarity, and verbal warfare. Newspaper reporters are not allowed to publish articles that speak negatively against the authorities, the royal family, or their religion, for instance, in Saudi Arabia. Additionally, Saudi Arabia offers no sort of legal defence to editors and reporters for their articles. J. Khashoggi, an investigative reporter, was critical of the Saudi government. Because of his writings, Saudi Arabian agents assassinated him in 2018. Another example is the ongoing Israeli-Palestinian conflict and the silence of many western nations about it represent one of the most glaring manifestations of human misery. There is a growing body of evidence demonstrating that human rights are political discourse or in Foucaultian terminology "regimes of truth."

Another approach to the inapplicability of universal human rights offers more ethical and moral justifications to support the claim that human rights are an illogical and abstract collection of laws. Various cultural backgrounds may regard identical behaviour as desirable or evil in radically distinct ways. For instance, whereas dining with the fingers is frowned upon in numerous Western civilizations, it is customary in Ethiopia. Or the majority of Western societies perceive marrying a teenager who is thirteen to be indecent and confusing, yet some nations find it fair and permissible. Asking about the behavioural and cultural norms and rules that people follow as a starting point might prompt a response that emphasizes the historical knowledge that demonstrates substantial variety, or relativity, among individuals in their awareness and execution of human rights. Moral universalism and moral relativism is, therefore, a philosophical tenet that human rights advocates must uphold. The concept of human rights has been widely recognized as a moral need and an ideal. Nonetheless, moral relativists are those who deny moral universalism. Moral relativists contend that there cannot be universal moral standards that apply to everyone. Morality is seen as an intra- and inter-personal phenomena. It is therefore thought that moral beliefs and ideals are linguistically and culturally contingent, valid only in the historical eras and civilizations where they have gained widespread acceptance.

Relativists cite the vast diversity of moral behaviours and views that may be found in our modern culture as evidence in favour their philosophical claims. There are many different fundamental moral views, values, and customs that exist today, even within one single community. Thus, heterogeneous and multicultural characteristics have been progressively thought to characterize modern, dynamic communities. Numerous thinkers believe that the diverse population of these communities profoundly restricts the nature and application of the ideological conventions that regulate them. Relativists have a tendency to emphasize on some aspects of human rights concept, such as its putative individualism and have claimed that human rights disproportionately favour morally individualistic nations and civilizations at the cost of the community moral view of many Asian and African regions. In these societies, some human rights provisions may be seen as superfluous at best, and at worst, if strictly enforced, they may be seen to be constructively detrimental, substituting the core principles of one society with those of another and thus maintaining an instance of moral and cultural supremacy. People may disagree about the morality of certain actions and have various parameters. What is appropriate conduct in different situations varies between faiths and religious rituals, in particular. In this regard, while polygamy, for example, is permissible in Mormonism and Islam, it is prohibited in Judaism and Christianity. The assumption that absolute universalist principles exist that pertain to everyone in all affectionately referred cultures is disputed by the conventions, practices, and behaviours that might be seen, hence it would seem absurd to propose an argument against cultural relativism.¹⁴

Human rights discussions usually revolve around controversially simple topics. According to one of them, universalism is legitimate, since human rights are universal. It is pointless to discuss the universality of human rights, as there are significant conceptual distinctions, i.e., various governments have different ideas about what human rights are. The meaning of liberal rights, for instance, represent rights of autonomy created to defend us against these alleged dangers. According to this perspective, freedom means not being hampered. This perspective rejects the possibility—or, in Marx's terminology, the fact—that authentic liberty may be attained in ways that are beneficial to our interactions with individuals outside of ourselves. It exists in human communities, not in solitude. Consequently, depending on an institutional framework of rights causes us to view each other in a context that jeopardizes the possibility that human liberty will bring about actual freedom. The leftist sceptic Slavoj Žižek claimed that liberal attitudes toward the other are characterized by an obsessional fear of intimidation, tolerance for it, and embracing one's distinction. Stated differently, the acceptance of the other is contingent upon its non-intrusive nature and its non-identity as the other. Thus, tolerance and those who oppose it go hand in hand. To fulfil one's duty to be tolerant of the other, one has to stay away

¹⁴ A. Biletzki, *op. cit.*, p. 91.

from getting too close and does not have to enter one's personal space. One has to accept that someone may find his/her closeness offensive. This concept has resulted in a wide range of fundamental philosophical problems to the idea of human rights, as was previously mentioned. Because they seek to expose what they perceive to be the logical fallacies upon which the concept is founded, these objections against the intellectual legitimacy of human rights as a moral principle depart from the essential examination of the numerous philosophical implications that support the premise.

The objective foundation of human rights as moral rights is contested by the second-highest significant modern academic strain of human rights criticism. One way to conceptualize such a form of critique is as a stream into which many different ideological tributaries pour. These defences of human rights centre on the idea that moral notions and norms are essentially arbitrary. According to this perspective, moral convictions are not formed from accurately identifying a rationally intentional will nor do they stem from having insight into the intentions of certain heavenly creatures. On the other hand, moral convictions are essentially people's subjective inclinations. As a result, this viewpoint denies the fundamental tenet of the idea of moral rights, which holds that a proper and acceptable moral doctrine should be based on reasonable and earlier moral principles.

Summary

To conclude, the concept of universal human rights is a broad term that encompasses controversial debates within its framework. The theses proposed by both Derrida and Foucault have enabled the re-evaluation of contentious political and philosophical investigations, such as the notions of universality and rights. Nevertheless, reading Derrida, we question whether the notion of universality is limited to physical entities, as has literally been described or extends to moral evaluations, too. The Universal Declaration of Human Rights guarantees that every person has the right to life, yet the concept of universal rights finds its roots in several etymological origins. Upon analysing the words universal rights, it becomes apparent that the concepts of morality and ethics are generally acknowledged. Thus, the terms universality and right, which include morality and ethics, have separate origins and are subject to modification throughout time, rather than being internationally fixed.

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