

Summary

Human and Civil Rights in Globalized World

The aim of this book is to describe human rights in philosophical concepts and to compare their functions from the perspective of political realism and idealism. In this way we intend to show human rights (within the state as well as in the international relations), in conflict with civil rights and sovereignty of state. It results from the universality and non-territoriality of human rights and territoriality of civil rights. The spatiality and finiteness of civil rights clash with postulated universalism and globalism of human rights.

We refer to processes of globalization in order to expose this conflict. There is the discord between civil rights and human rights on account of process of globalization. The lack of effective execution of human rights at international level constitutes the main dissonance between human and civil rights. Due to their moral status, human rights cannot be enforced with the same effectiveness as other regulations. In international relations human rights constitute more a set of ethical guidelines according to which we judge given behaviour rather than enforceable legal norms. The tension between postulated norms and practical implementation of human rights is visible in idealist theories of justice which are based on human rights. On the other hand, realist theories do not consider human rights and moral perspective in their analysis of the international relations.

We began our analysis by presentation of the characteristics of human rights and their philosophical determinants in chapter I. We describe the role human rights play in the international law, their relation with civil rights and sovereignty, as well as the criticism they face. Due to the description of some categories of human rights and their relation with civil rights and sovereignty, we can present potential sources of conflicts and problems they cause that will be analyzed in next chapters.

In chapters II and III we describe the realist and idealist approaches to international relations, taking into consideration the role of the state and the law (including human rights). In chapter II we highlight the most important features of realism and its assessment of human rights in international law. We refer to chosen theories presenting the idea of realists for whom the dominating entities on the international arena are the collective ones – organised into states which compete for power – and for whom human rights are only an element of the internal order of states.

In chapter III, using selected theoretical examples, we present the role of human rights in international relations from the perspective of idealist and liberal theories of justice. We start with a general characteristic of idealism in international relations, showing its most important features: individualism, rationality and cosmopolitanism. The cosmopolitanism is the fundamental normative conception which we analyze within the framework of the idealist interpretation of human rights in international relations. Describing the development of the idea of cosmopolitanism from antiquity to contemporary times using selected concepts – Stoic and Kantian – we demonstrate that they are the main source of inspiration for liberal and cosmopolitan contemporary approaches to the way international relations are regulated, such as Habermas's theory of post-national constellation, Held's idea of cosmopolitan democracy, Rawls's law of people or Nussbaum's capabilities approach.

In chapter IV we carry out a philosophical analysis of categories of space and boundaries concerning human and civil rights in globalized world. At first we present the spatial dimension of human rights and how this view influences the understanding of what the state is. Spatial and territorial positioning of "human rights" gives rise to many difficulties since they have been articulated and announced. Although human rights are considered as fundamental and universal, they only "exist" if they are recognized by the people and they are integrated into the legal order. They can be undermined or even revoked by legal regulations, which exist within given political community. At the same time, globalizational interdependence results in the fading of political borders within which human and civil rights can be effectively enforced. Thus, not only are human rights being limited to national level but also civil rights are beginning to be extended beyond national borders. This causes problems of competitive and executive nature which provoke the critical opinions on human rights and expose their problematic status.

In conclusion, taking into consideration all the above mentioned issues, we present two possible approaches of evaluation of the role of human and civil rights. The first one is pessimistic and shows decreasing real influence of citizens on the authority and the lack of protection of human rights, which are diminishing only to a mere postulates. The second is optimistic and shows the ever-stronger expansion of human rights regulations which is spreading together with the globalization of norms across national borders.

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