

You have downloaded a document from



*The Central and Eastern European Online Library*

The joined archive of hundreds of Central-, East- and South-East-European publishers, research institutes, and various content providers

**Book:** Gender and Identity  
Gender and Identity

**Location:** Serbia

**Author(s):** Adriana Zaharijević

**Title:** The Question of Life: the Rights of Man vs Human Rights  
The Question of Life: the Rights of Man vs Human Rights

**URL:** <https://www.ceeol.com/search/chapter-detail?id=959356>

## The Question of Life: the Rights of Man vs Human Rights

Adriana Zaharijevic

The essay begins with one ostensibly trivial question: how are we to think about the political today? The appearance of triviality is due to the apocalyptic form of the question itself, the form that became popular with the post-Hegelian mode of questioning the claims to meaning philosophy, and gained its momentum in postmodern announcement of death of the Man, History and Metaphysics (Flax, 1991). This “today” is what reinforces the trivialization of the question, wrenching the contents from the universal frame which is (or at least used to be) philosophical *per definitionem*. But, if we do insist on this temporal dimension, implicit assumptions of the question come to light: something in the world (of philosophy, of politics, human world) has changed, and this change affects not only the contents proffered to the thought, but also the frame in which the thought is still possible. Bearing in mind the particular relation between philosophy and the political, this question is probably the only fecund one which philosophy could still put forward.

How are we to think about the political today; today, when one has to admit that the act of thought is inevitably situated, partial, fragmentary, and when some kind of collusion between thought and its object, the political, is finally uncovered?

To engage in a philosophical discourse on the political implies therefore a certain kind of responsibility (it could be argued that today philosophy comes from nothing else but responsibility. The time of philosophical astonishment, audacity and compromises seems to have been left behind us).

"Grand narrative", and philosophy is a paradigm of such narratives, "lost its veracity, whatever is that gives unity to it: whether a speculative story or a story on emancipation" (Liotar 1988: 62). This is particularly true of philosophical narrative on the political: philosophy does not have an exclusive right to the political anymore (if it ever did), since today it belongs to everyone (or, by simple inversion, to no one). From the time when the relationship between philosophical legitimizing discourse and politics was denounced, philosophy retreats to the domain of "lighter" topics, or continues recklessly to vindicate certain political options, in connection with other meta-narratives of the past which have not yet recoiled at the dissolution of the project of Enlightenment. Does it make sense then to raise a philosophical question (a question that aims at comprehensiveness, consistency, conclusiveness, and decisiveness) on the political, when the world finally appeared as a completely politicized concatenation of ideological propositions, and when "conservative" and "progressive" sides both admit that between these propositions there can be no argument? How are we to think about the political when, on the one hand, it is *known* that the philosophical speech has always been politically partial<sup>1</sup> and when nowadays each speech can be reduced to disaccord?<sup>2</sup>

On the other hand, *what* is it that we think about when we think about the political? Although it was Aristotle who already ascribed intrinsically human *dynamics* (unboundedness, openness, indecisiveness) to the realm of politics, the reason needs to put contents in static, fixed conceptual forms. Which notion of the political do we then have in mind when we contemplate the political – laws, rights, obligations, equity, subjection, individual *en general*, male/female individuals (thought as embodied beings in, say, Luce Irigaray, or Rawl's pure minds), states, institutions, globalization, nations, inter-ethnic conflicts, etc.? Could any of these decisively political categories

---

<sup>1</sup> The idea of political partiality refers not only to the particular philosophical defenses of certain regimes or rulers (for example, to the Hobbes's royalism or Kant's affinity towards French revolution). It also refers primarily to the process of camouflaging of particularity in the guise of universality, and to the corresponding understanding of the notions of "man", humanness and humanity. This idea is further developed in the text.

<sup>2</sup> Jean-François Lyotard defines *le differand* thus: „In contrast to the dispute, *le differand* would be a discussion between (at least) two sides which could not be resolved in a just manner, since the standard of judgement applicable to both argumentations, is lacking". (Liotar, 1991: 5)

claim to be the political itself or, in other words, is the political exhausted in any of them?

Today the political is to be found in no specific place; or by simple inversion, it resides everywhere and in everything: every acting human being defines its boundaries by his/her actions. In the course of political philosophy, from its beginnings in ancient Greece until today, the concept of action has held a prominent place. How one should act so that an individual, a community, a polis, a state, a nation etc. has a decent life? Whose action is more significant for a political body to produce propitious consequences for the individuals who comprise it – individual or collective? What is the purpose of the political action (happiness, the individual good, the good of the community etc.), and are these purposes conceivable or realizable at all? Is action “knowable” – is it possible to account for all or at least some of its consequences, or the domain of the practical must be said to be forever open and unaccountable? How is political space molded – whether one thinks of agora (immediate decision-making), clear hierarchies (for example, the medieval society) or covert hierarchies (such as bureaucratic society)? Is an individual capable, and if so in what way, of creating the political realm; and when and if s/he is, who or what for is s/he doing it?

Finally, who is – everybody, in all times equally? – able to “be practical”? Does this open or unapparent exclusion of certain groups of people from the sphere of political, influences the notion and the practice of politics, and, if so, then how? According to this, who acts, who is practical, who creates the political space, and who is excluded from it and why?

These are, in my opinion, the fundamental issues in political philosophy regardless of divisions and divergences on how to determine the impact and power of an individual/state. However, history of the 20<sup>th</sup> century – history too close for us to take up with a desirable analytic distance, whereby one could name it a history of actuality – ceases to be a history of great deeds, great doers, great or small wars, a history of the “public” wherein those excluded from it could be unequivocally marked. The political history of the 20<sup>th</sup> century, in a certain sense, divests the philosopher of the right to think abstractly about action, compelling philosophy to renounce its purportedly neutral conceptual instruments. For the domain of action has changed. The scope of possible doings, kinds and spheres of decisions, has changed as well. The world in which this history took place is, on the one hand, as Musil

put it, “the world in which experienced events are disassociated from the man...That is a world of occurrences, the world of happenings that happen to no one and where no one is responsible for what happens” (in Liotar 1988: 29). On the other hand, however, no one is excepted from the world of events today, everyone decides on it, everyone inscribes him/herself in it, as much as s/he participates in the complex webs which determine the reality through oneself. Each individual’s life operates as the place of transference of messages, decisions, currencies, knowledge, culture, as the space of multifarious relationships which, in a symbolic sense, may even survive its source (Derida 2004).

How then should we raise the question on the place of the political? In whose hands is the right to action – who holds the power, decision, speech, publicity? The political does not belong to the “One” entrusted with the right to might; right and might are, at least in some parts of the planet, separated: the right to might appears only as the force of law, or is at least believed to be so. And as soon as the One is deprived of the right to “give death”, the political transforms into a “bestowal of life”. But it is even more than that: “lives are being given” under certain norms and restrictions, in particular matrices, by some prescribed strategies and techniques. The displacement of the political, as was known in absolutistic monarchies, into the domain of the social, leads to its exceptional democratization. Politics becomes bio-politics, each life, in Agamben’s words, becomes a bare life. But who is the one who *decides* on lives, and therefore on the political – since the object of politics is in the final analysis always and solely life itself – this now becomes unintelligible. Has the relation between politics and decision, amid this removal of the person who embodies the decision, vanished? The dispersion of power, introduced into the political system with bio-politics, becomes unambiguous once the total right to vote is instituted. The power belongs neither to the One, nor to (some)one, nor to some, nor to one part of the humanity, nor to the particular “portion” of that part of the humanity. Everyone partakes in power. No one is exempted from politics.

The question then obviously needs to be raised differently: if the disappointment in the Enlightenment programme of progress toward human liberty is assumed as a one of our founding premises, with equal suspicion to the thesis of classical liberalism on the individual (that neutrally defined “man”, whom philosophical texts indisputably proclaim as their subject) who has the

power to decide on *his* action, then we should give up looking for the *locus* of the political in “someone’s hands”. By doing so, we abandon the unuttered injunction of the entire history of the political philosophy. Or, if we could find one statement and declare it a fundamental proposition of political theory in general – such as Aristotle’s maxim that when the single community reaches its highest level of self-sufficiency “the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life” (Aristotle 1975: 5) – we could argue that all subsequent substance of politico-philosophical edifice developed from the first part of the dictum, while its second part was commonly taken as something self-understood. If one is to locate the political today, hoping that the bare life finally has to be equated with good life, we need to opt for *l’ autre cap* (Derrida, 1995). The question then would not be who decides on life and how the decision is being made, but how to take life itself in its full import, as minimal but also as maximal value.

The question of any future politics, of politics to come, should then be displaced from its foundations, the ground which can never be fixed. The new point of departure, has to become human life – *each* human life.

Human life is not assumed here as a mere biological fact, although the embodiment, or spatio-temporal determinants of a particular life, are not dismissed. Life appears here as a token word for one of many infinitely intricate webs of relations, contingencies and determinations which can be but are not necessarily products of a free will. It is a token word for a particular continuity engendered and maintained in diverse exterior, mutable and diffuse frameworks, which has the power to adjust itself and alter them, consciously or not. Life is also always life of a particular person who, by being able to form and maintain different kinds of communities and alliances, expands its own boundaries and inscribes its meaning even outside its “skin” (Haravej 2002). Finally, (each) life is characterized by multifaceted uniqueness, which makes it *different* from any other life, and at the same time *equal* in humaneness, which turns out to be measure/threshold of all valuation.<sup>3</sup> In other words, each life, notwithstanding the possible differences which delimit its specific contours, is equally valuable as any other lived life.

---

<sup>3</sup> The idea of uniqueness and difference is borrowed from Hannah Arendt, although Arendt utilized it in somewhat different manner to define the power of speech and action (see Arendt

Although it could appear that the the noun “life” stands as a mere substitute for the notion of “man”, and that these two could be used interchangeably without the alteration of their meaning, this replacement would not be entirely legitimate. There are two reasons why “man” here ceases to signify the main object of the reflection on the political.

When they write about man, that most common and the most neutral category which can be attributed to any particular human being that speaks and is able to create a political community, philosophers (mainstream philosophers, whenever they wrote on man as empirical-transcendental phenomenon or entity) tend to convince us that man is not this or that man, that he is genderless, colourless, dispossessed of any privileges, lacking preferences. In order to determine the notion of *Wissenschaftler*, Fichte, for example, seeks to find a superordinate concept and wonders “what is the definition of man in itself, i.e. of man if he is thought only as a man, only in relation to the concept of man in general; – isolated from and beyond any kind of community which is not necessarily contained in his notion” (Fichte 1979: 140). Of course, it is purported that the philosopher is even more man than other men, since he – while pondering on human kind – is conscious of his own humanity, his own, so to speak, universal place of humankind. That is how we ought to understand Rousseau when he writes that “when judging the human nature, the true philosopher is neither Indian, nor Tatar, nor does he come from Geneva or Paris, but is a man” (Todorov 1994: 57). Man (philosopher or his object of examination) thus becomes an Aristotelian first substance with no specific ties to the remaining nine categories Aristotle recognized.

In the tradition of conceptual realism, however, to be a man clearly means to be a *flatus vocis* of a human being, some kind of substratum *or* excess of individual men, philosophical contrivance which apparently covers the whole series of different human lives. Maybe we should thus read Foucault when he asks, “does man really exist? It seems paradoxical even to think what the world and thought would [today - AZ] be if the man did not exist. That is because we are so blinded by the evident fact that there is a man, that we haven’t maintained the memory of the time, which was not so

---

1991: 142-3). The way Arendt applies the concept of life diverges from the usage suggested here, albeit it, in a certain sense, converges with her notion of man.

long ago, when in the world, its order, human beings existed, but not a man" (Fuko 1971: 362).

Referring to no one and, by simple inversion, to everyone, the notion of "man" is one of those fundamental and, apparently, fundamentally democratic notions which has in fact worked against democracy itself.<sup>4</sup> That is why today whole groups of those previously *de facto* excluded from this vacant form – women, men and women of colour, "Third World", Jews, underprivileged (servants, indentured workers and blue-collars), colonized, diverse types of sexual dissidents who resisted the demands of patriarchy, in some way disadvantaged or disabled persons, *etc.*<sup>5</sup> – call for reinscription and reinterpretation of this concept.

To clarify this, I would briefly examine the text of the *Declaration of the Rights of Man and of the Citizen* (1789), which in certain sense postulated the notion of man, renaming the old concept of natural rights into the rights of man. This undeniably revolutionary narrative gesture proclaimed the "natural, unalienable, and sacred rights of man", which (from now on) have to be recognized, since *men* are "are born and remain free and equal in rights" (art. 1). In accordance with liberal maxim, the *Declaration* defines freedom and equality as principally unlimited enjoyment of one's own natural right, so long as the same rights of *all* others remain unimpaired (art. 4). The boundaries of action – the instances in which the unlimited right turns out as limited – are codified by law in whose foundation *every* citizen participates (art. 6).

Nevertheless, what is meant or intended when the words *every man* were uttered here? Are those *men and citizens*, produced by this text, people in some actual sense of the word, or do these concepts refer only to a particular portion of the human political body? French women have been given the right to vote, the political right that allows for participation in gov-

---

<sup>4</sup> Let us recall the case of Immanuel Kant, for example. Whether he is writing on transcendental apercception or on categorical imperative and the generalization of the maxim that can become a rule for everyone's action, the subject Kant is talking about, however much he talks of man, has never really been a "man". In his late writings it would become clear that "the most men (among them the whole gentle sex)" can not generalize the maxim of their own action, which makes it uncertain to what level Kant's conclusions on freedom, deduced in his *Critiques*, can be applied to women (it will turn out that both Jews and servants do not have the right to a title of man as well) (see Sot 2004: 300-1).

<sup>5</sup> And this „infinite *et cetera*... offers itself as a new point of departure for feminist political theorization" (Butler 2000: 144).



ernance, as recently as in 1944, and Olympe de Gouges, who dared to write *Déclaration des droits de la femme et de la citoyenne* in 1792, was beheaded a year later, “because she forgot the virtues belonging to her sex” (Marks and de Courtivron 1980: 16). Furthermore, since the law is an expression of the general will (art. 6), it can only prohibit such actions as are hurtful to society (art. 5). Does that mean that the equal education of men and women was deleterious to French society, bearing in mind the fact that French women gained the right to primary education no sooner than 1850, and that the tutorial programmes of the lycées became equivalent for male and female children no sooner than 1937 (Ibid: 19, 22)?

Despite the fact that this is not obvious at the first glance, it is indubitable that women are not included in the notion of “man”, as defined in *Declaration of the Rights of Man and of the Citizen*. The man is then, one could too easily infer, a male, *each* male person. But is that actually the case? No. In 1789 slavery was not prohibited in France.<sup>6</sup> It is somewhat superfluous to say that slaves – whether one speaks of the inhabitants of colonies or of slaves brought from Africa – did not have the status of “man”, of free beings who had the right to property being themselves someone’s property, the possession of a free man. This fact is probably even more manifest in the case of United States of America, whose *Declaration of Independence* (1776) also states in its preamble “that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness”. Accordingly, one of the founding fathers, Thomas Jefferson, in his text on democracy states that “each group of people” possesses “the right to govern over themselves. This right is given to them by birth, from the hands of nature” (Pejtmen 2001: 70-1). In spite of this, Jefferson himself held slaves in his possession until his death, obviously seeing no inconsistency in his own conception of freedom, i.e. free “man”.

The examples of those excluded from the notion of “man” extend almost *ad infinitum* (already mentioned *et cetera*). One should not look for the Other of “man” only in some distant lands or in the private sphere: *homo*

---

<sup>6</sup> In 1794 slavery is banned, but only eight years later, during the Napoleon's rule, it was reissued. Then enforced *Code Noir*, forbade to all people of colour to leave French colonies, as well as miscegnation (*The African American Registry*). The appeal to the universality of the notion of “man” has often allowed for such a selective socio-demographic politics.

*laborans*, the member of the lower stratum of society, has got no right to the title of man as well. Le Bon, for example, notes that "between higher and lower spheres of a population there is a same distance as between a Negro and a white man or between a Negro and an ape" (Todorov: 117-8). The concept of *life* should thus bring the content into this ostensibly empty form of man, and preserve it as something significant. The main quality of the notion of life should then be its general inclusiveness and the impossibility of conceptual closure, which was at work in the use of the term "man".

It is obvious that the rights of *man*, defined in the above manner, can not be the same as *human* rights. The subject of the *Universal Declaration of Human Rights* (1948) is "everyone" (or, correspondingly, "no one"), the humanity in one person, "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" (art. 2). Hence, this is no more white, "civilized" male, born and raised in West, inhabitant of metropolis, Christian, *pater familias*. The identity of this male "man", determined by his privileges and status which alone give him the right to pretend to a status of a citizen, ceases to be valid in twentieth century, at least nominally. What is it that forced us to think of the substantive "man" not as a vacant space of humanity, only apparently filled with different contents? What are the conditions that led to the reshaping (which, at the minimum, is not a mere renaming) of the rights of man into human rights? [The question of all questions is how is it possible that human rights were invented no sooner than 1948. However, as any answer to this question must remain conjectural and deficient, I will leave it here only in the form of reminder and foreboding].

At the end of World Wars, the fundamental human right became the *right to life* (1948: art. 3). It seems that the fact that the two world wars took 50,000,000 lives in every corner of the Earth, turned life into undeniable value in itself. Namely, apart from the quantity which defeats thinking, the number of nullified lives formed a consciousness on the possibility of actual equality of all people: total equality of lives in death. It was no longer possible to think of a death of "man" or of particular males who fought in so-called just wars for clearly defined, limited goals (Hobsbaum 2002: 29). This figure is made up of lives of men *and* women, the poor *and* the affluent, people of all skin colours, all sexual orientations, all kinds of religious,

moral and political opinions. The unlimited goals of the World Wars made the concept of humaneness unbounded.<sup>7</sup>

One could argue that each human life gained the inherent dignity and the equal and inalienable rights (1948: preamble), no sooner than the *limitless* need for *peace* was recognized. In other words, *Universal Declaration of Human Rights* or total democracy became possible only when it became manifest that the partial democracy of warfare is insufficient to speak reasonably on equality. What is being meant by this partial democracy? Let me just mention some of the historical examples of democratic solidarity in battles: to begin with, the crusades brought together the inhabitants of mutually divided territories and made them equal in their combat against their common foe, the enemy of Christianity. Then, "the early introduction of fire-arms did its part in making war a democratic pursuit, not only because the strongest castles were unable to withstand a bombardment, but because the skill of the engineer, of the gun-founder and of the artillerist – men belonging to another class than the nobility – were now of the first importance in a campaign" (Burckhardt, 1990: 79). Finally – and thus we return to the French revolution and its contradiction – with its declaration of "universal" rights of the man and of the citizen, France would become the first country to introduce general military service, whereby the army gets to be the most democratic institution in which all men are always potentially equal. I deliberately use the word *men*, although here it becomes evident that we are talking about *Frenchmen*.

The aforementioned reason why the concept of life, as is proposed in this paper, is not to be misidentified with the concept of man that could also be inferred from *Declaration of the Rights of Man and of the Citizen*. Quite unexpectedly and with no further explanation, the *Declaration* situates "all sovereignty... in the nation" (art. 3), prohibiting any authority which does not proceed directly from it. Apart from the fact that the fundamental rights of "man" are thus directly *delimited* since the "man" turned into a Frenchman, this logical inconsistency led to prominent historical consequences for

---

<sup>7</sup> I suggest the reading of "universal" in the *Universal Declaration of Human Rights* as "principally unlimitable", and not as an empty generality. Human rights are therefore not based upon the essentialisation of humanness (or life), but belong to every particular person and are molded against it, and only in that way do they make sense.

each “man” who is *not* a Frenchman.<sup>8</sup> Namely, as “the same essential rights were demanded... at the same time as inalienable inheritance of all human beings *and* as a particular inheritance of particular nations... practical outcome of this contradiction was that from this point on human rights were *enforced and secured* only as national rights” (Arent 1998: 236-7, emphasis added).

The invention of the rights of man therefore coincides with the contrivance of nationalism. “The general military service was, as Jürgen Habermas notes, the other side of civil rights, because it was precisely in this point, in this readiness of an individual to sacrifice himself for the community for freedom as such, republicanism/democratism got the possibility to become nationalism” (Molnar 1997: 281). And if nationalism, in all its modern variants, is said to represent the last form of patriarchal determination of values, the aforesaid number of victims of the two World Wars (and all other wars to come in defense of “national human” rights) can only horrify, but not surprise us.

The life – each life – can therefore be thought as a threshold of all values, only when human rights cease to be determined as the rights of abstractly defined man, who in reality excludes everyone not belonging to some fictive, homogenous community of “men”.

## References:

Agamben, Giorgio (1998), *Homo Sacer*, prev. D. Heller-Roazen, Stanford University Press.

Arendt, Hannah (1991). *Vita Activa*, prev. Višnja Flego i Mirjana Paić-Jurinić, August Cesarec, Zagreb. [Originally published as Hannah Arendt, *The Human Condition*, The University of Chicago Press, 1958]

Arent, Hana (1999). *Izvori totalitarizma*, prev. Slavica Stojanović i Aleksandra Bajazetov-Vučen, Feministička 94, Beograd. [Originally published as Hannah Arendt, *The Origins of Totalitarianism*, Harcourt Brace Jovanovich, 1950]

---

<sup>8</sup> The use of this substantive here and elsewhere in the text (Frenchman) comes from the interpretation of *Declaration of the Rights of Man and of the Citizen*. It is thus replaceable on the conceptual level with other national labels, regardless of local differences of nationalisms.

Aristotel (1975). *Politika*, prev. Ljiljana Stanojević-Crepajac, BIGZ, Beograd. [In English published as Aristotle, *Politics*, ed. Carnes Lord, Galaxy Books, 1951]

Batler, Džudit (2001). *Tela koja nešto znače*, prev. Slavica Miletić, Samizdat B92, Beograd. [Originally published as Judith Butler, *Bodies That Matter*, Routledge, 1993]

Bhabha, Homi (1994b) (ed.). *Nation and Narration*, Routledge, London and New York.

Burckhardt, Jacob (1990). *The Civilization of the Renaissance in Italy*, prev. S. G. C. Middlemore, Penguin Books, London.

Butler, Judith (2000). *Nevolje s rodom*, prev. Mirjana Paić-Jurinić, Ženska infoteka, Zagreb. [Originally published as Judith Butler, *Gender Trouble*, Routledge, 1990]

*Declaration of Independence* (1776). Stranica U.S. History. Org. posećena 20.6.2005. <http://www.ushistory.org/declaration/document/index.htm>

*Declaration of the Man and of the Citizen* (1789). Stranica Human and Constitutional Rights posećena 20.6.2005. <http://www.hrcr.org/docs/frenchdec.html>

Derida, Žak (1995). *Drugi pravac*, prev. Svetlana Stojanović, Lapis, Beograd. [Originally published as Jacques Derrida, *L'autre cap, suivi de la démocratie ajournée*, Les editions de Minuit, 1991]

Derida, Žak (2001). *Politike prijateljstva*, prev. Ivan Milenković, Beogradski krug, Beograd. [Originally published as Jacques Derrida, *Politiques de l'amitié*, Editions Galilée, 1994]

Derida, Žak (2004). „U ratu sa samim sobom“, prev. Marija Kilibarda, u *Genero* 4/5: 169-177. [Originally published as "Je suis en guerre contre moi-même" ("I Am AT War With Myself") reprinted in a special supplement of *LeMonde* (Oct. 12, 2004) dedicated to Derrida (pp.vi-vii).]

Divjak, Slobodan i Ivan Milenković (ur.) (2005), *Moderno čitanje Kanta*, Zavod za izdavanje udžbenika, Beograd.

Griffin, Gabriele i Rosi Braidotti (2002): „Whiteness and European Situatedness“ u Gabriele Griffin i Rosi Braidotti (eds.). *Thinking Differently. A Reader in European Women's Studies*. London, Zed Books, str. 221-36.

Fihte, Johan Gotlib (1979). *Zatvorena trgovačka država/Pet predavanja o određenju naučnika*, prev. Danilo Basta, Nolit, Beograd. [In English published

as Johann Gottlieb Fichte, *Johann Gottlieb Fichte's popular works: The nature of the scholar, the vocation of man, the doctrine of religion*, Truibner, 1873]

Flax, Jane (1990), *Thinking Fragments: Psychoanalysis, Feminism and Post-modernism in the Contemporary West* (Berkeley: University of California Press.

Fanon, Frantz (1986). *Black Skin, White Masks*, prev. Charles Lam Markmann, Pluto Press, London.

Fuko, Mišel (1971). *Riječi i stvari*, prev. Branko Jelić, Nolit, Beograd. [Originally published as Michel Foucault, *Les mots et les choses*, ed. Gallimard, Paris, 1966]

Haravej Dona (2002). „Manifest za kiborge“ u *Uvod u feminističko čitanje slike*, prev. Ivana Spasić, CSU, Beograd. [Originally published as Donna Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature*, Routledge, 1991]

Kant, Imanuel (1974). „Odgovor na pitanje: Šta je prosvেćenost?“, prev. Danilo Basta u *Um i sloboda*, Ideje, Beograd.

Liotar, Žan-Fransoa (1988). *Postmoderno stanje*, prev. Frida Filipović, Bratsvo-Jedinstvo, Novi Sad. [Originally published as Jean-François Lyotard, *La Condition postmoderne*, Les editions de Minuit, 1979]

Liotar, Žan-Fransoa (1991). *Raskol*, prev. Svetlana Stojanović, ISKZ, Sremski Karlovci. [Originally published as Jean-François Lyotard, *Le différend*, Les editions de Minuit, 1983]

Marks, Elaine i Isabelle de Courtivron (ed.) (1980). *New French Feminisms*, Harvester, The University of Massachusetts Press.

Molnar, Aleksandar (1997). *Narod, nacija, rasa*, Beogradski krug, Beograd.

Pejtmen, Kerol (2001). *Polni ugovor*, prev. Ranko Mastilović, Feministička 94, Beograd. [Originally published as Carole Pateman, *The Sexual Contract*, Polity Press & Blackwell Publishers, 1988]

*Slavery and the French Revolution*. Stranica HistoryWiz posećena 28.6.2005.

<http://www.historywiz.com/slavery-frenchrev.htm>

Smith, Anthony D. (1998). *Nationalism and Modernism*, Routledge, London and New York.

Šot, Robin Mej (2005). „Rod prosvеćenosti“, prev. Adriana Zaharijević, u *Moderno čitanje Kanta*: 290-313. [Originally published as Robin May Schott, „The Gender of Enlightenment“ in *Feminist Interpretation of Immanuel Kant*,

ed. Robin May Schott (Pennsylvania: The Pennsylvania State University Park, 1997), str. 319-337]

Todorov, Cvetan (1994). *Mi i drugi*, prev. Branko Jelić et al., XX vek, Beograd. [Originally published as Tzvetan Todorov, *Nous et les autres*, Editions du Seuil, 1989]

*Universal Declaration of Human Rights* (1948). Stranica Ujedinjenih nacija posećena 20.6.2005. <http://www.un.org/Overview/rights.html>

## ABSTRACT

---

INSISTANCE ON THE FACT THAT HUMAN RIGHTS AND THE RIGHTS OF MAN (CODIFIED IN *UNIVERSAL DECLARATION OF HUMAN RIGHTS* AND *DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN*, RESPECTIVELY) ARE NOT ONE AND THE SAME, WHICH COULD BE DEDUCED FROM THE NOTION OF MAN COMMON TO BOTH TERMS, IS KEY THESIS IN THIS TEXT. BY DEVELOPING THIS MOTIVE, I TRY TO DETERMINE THE FOLLOWING: THAT THE NOTION OF MAN, BY DEFINITION INCLUSIVE AND ABSTRACTLY NON-DISCRIMINATIVE TERM, IS IN FACT ESTABLISHED ON TACIT EXCLUSIONS IN THE TIME OF ITS INCEPTION (ENLIGHTENMENT REVOLUTIONARY ERA), AND IT WAS ONLY UPON THESE EXCLUSIONS THAT THE TERM MAN COULD HAVE SIGNIFIED "THE FREE AND EQUAL". ALTHOUGH THE PARALLEL OR SIMULTANEOUS EVOLUTION AND IMPLEMENTATION OF THE RIGHTS OF MAN AND NATIONAL RIGHTS MIGHT SEEM CONTRADICTORY, I SEEK TO DEMONSTRATE THAT THIS PARADOX IS ONLY OSTENSIBLE, ARGUING THAT THE NOTION OF MAN IS ITSELF LIMITED AND EXCLUSIONARY, AND IS THEREFORE COMPATIBLE WITH THE EXCLUSIVITY WHICH IS THE *CONDITIO SINE QUA NON* OF NATION. THE CONSEQUENCES OF NATIONALISM – WORLD WARS, PRIMARILY – PROVED THAT THE CONCEPTION OF LIBERTY AND EQUALITY, BASED ON THE CONCEPTION OF FRATERNITY OF MEN (WHITE EUROPEAN MALES), AND OF PARTIAL DEMOCRACY PRETENDING TO BE UNIVERSAL, CANNOT BE MAINTAINED ANY FURTHER. CODIFICATION OF UNIVERSAL HUMAN RIGHTS REPRESENTS A REACTION TO THIS INTERNAL DISCREPANCY INASMUCH AS IT IS A REACTION TO THE DESTRUCTIVENESS OF ALL KINDS OF NATIONALISMS. THE NOTION OF LIFE, DEVELOPED IN THIS TEXT, CORRESPONDS TO THE FUNDAMENTAL REQUIREMENT FOR THE RIGHT TO LIFE (AS THE FIRST AND THE MOST BASIC OF ALL HUMAN RIGHTS), WHICH NO LONGER BELONGS TO "MAN", BUT TO *EVERYONE*.

**KEY WORDS: MAN, MANKIND, NATION, RIGHTS, LIFE.**

---