INTERNATIONAL SOCIETY OF
PHILOSOPHY AND COSMOLOGY

PHILOSOPHY & COSMOLOGY

Volume 35



Kyiv, 2025

Philosophy and Cosmology, Volume 35
Academic Journal
ISSN 2518-1866 (Online), ISSN 2307-3705 (Print)
The State Registration Certificate of the print media KB No. 20780-10580P, 25 June 2014.
Print media identifier in the register of media entities: R30-03432.
Decision of the National Council of Television and Radio Broadcasting of Ukraine
№ 1057 dated 28.03.2024.
http://ispcjournal.org/
E-mail: mfkoorg@gmail.com

The International Society of Philosophy and Cosmology started publishing the journal Philosophy & Cosmology in 2004. In 2011, the journal's title was changed to Философия и космология/Philosophy & Cosmology. Beginning with volume 12 in 2014, the journal has been published under the title Philosophy and Cosmology.

Printed according to the resolution of the Scientific Board
of the International Society of Philosophy and Cosmology, No. 36 from 29 September 2025.

Editor-in-Chief
Oleg Bazaluk, Doctor of Philosophical Sciences, Professor (China)

Editorial Board
Gennadii Aliaiev, Doctor of Philosophical Sciences, Professor (Deputy Editor-in-Chief, Ukraine)
Anna Brodsky, Ph.D., Professor (the U.S.)
Brendan W. Case, Th.D. (the U.S.)
Javier Collado-Ruano, Ph.D., Professor (Brazil)
Kevin Crotty, Ph.D., Professor (the U.S.)
Panos Eliopoulos, Ph.D., Professor (Greece)
Oleksandr Horban, Doctor of Philosophical Sciences, Professor (Ukraine)
Tim Lomas, Ph.D. (the U.S.)
Vitalii Nitsenko, Doctor of Economic Sciences, Professor (Ukraine)
Viktor Okorokov, Doctor of Philosophical Sciences, Professor (Ukraine)
Rafael Pulido-Moyano, Ph.D., Professor (Spain)
Sergii Rudenko, Doctor of Philosophical Sciences, Professor (Ukraine)
Roman Sapeńko, Ph.D., Professor (Poland)
Larysa Soroka, Doctor of Law, Professor (Ukraine)
Denys Svyrydenko, Doctor of Philosophical Sciences, Professor (Ukraine)
JakovTararoev, Doctor of Philosophical Sciences, Professor (Ukraine)

The journal is abstracted and indexed in the following international databases:

Central and Eastern European Online Library (CEEOL); Citefactor; Directory of Open Access Journals (DOAJ); Directory of Open Access Repositories (OpenDOAR); Directory of Research Journals Indexing (DRJI); EBSCO; ERIH PLUS; Index Copernicus; Open Academic Journals Index (OAJI); Polish Scholarly Bibliography; Registry of Open Access Repositories (ROAR); ResearchBib; The Philosopher's Index; Science Index; Web of Science; WorldCat; Ulrich's Periodicals Directory

International Society of Philosophy and Cosmology
http://www.bazaluk.com/

© International Society of
Philosophy and Cosmology, 2025

Evolution of Human Rights Amid the Postmodern Shift in Political Communication

Serhii Ordenov

Ph.D. in Philosophy, Associate Professor, Ukrainian National Tchaikovsky Academy of Music (Kyiv, Ukraine)
E-mail: serhii.ordenov@npp.kai.edu.ua
https://orcid.org/0000-0002-2572-8300

Tamila Novitska

Ph.D. in Philosophy, Dragomanov Ukrainian State University (Kyiv, Ukraine)
E-mail: t.v.novitska@udu.edu.ua
https://orcid.org/0000-0002-4868-0602

Ordenov, Serhii and Tamila Novitska (2025) Evolution of Human Rights Amid the Postmodern Shift in Political Communication. *Philosophy and Cosmology*, Volume 35, 195-206. https://doi.org/10.29202/phil-cosm/35/8

The article provides a philosophical overview of the evolution of human rights in the context of the postmodern transformation of political communication. It is shown that one of the key concepts in the modern globalized society is the concept of "human rights", which has an order of different levels according to its historical and socio-cultural development, being referred to as "human rights generation" in socio-political and philosophical theories. The socio-philosophical, legal, and political theories that served as conceptual bases for the development of the rights of the first and second generations are analyzed. The grounds are provided to demonstrate that in the course of the institutionalization of the rights of the third and fourth generations, a postmodern deconstruction of the principles of classical law occurs, as a result, the rights of the third and fourth generations come into conflict with the rights of the first and second generations, as well as with generally accepted legal principles and norms. These processes occur amid the postmodern transformations of political communication in global society, where individual, national, international, intercultural, and other components interact in a complex manner.

Keywords: human rights, political communication, postmodern culture, neoliberalism, globalization.

Received: 8 May 2025 / Accepted: 25 July 2025 / Published: 10 October 2025

© Ordenov, Serhii, 2025
© Novitska, Tamila, 2025

Introduction

In a globalized world, the priority of human rights in the structure of social relations has become a defining characteristic of the liberal-legal state, from which human rights are inherently inseparable from the social activities of people and their ways of existence. Being by their nature a normative form of human interaction, human rights: regulate the conditions and ways of life of people; coordinate their actions and activities; ensure the harmonious coexistence of the individual and the state; prevent the conflicts and contradictions in society; contribute to the reduction of social tension associated with the clash of interests of different classes and social formations; serve to achieve integrity, balance and dynamic equilibrium between various elements of the social system, etc.

The universalist legal discourse (formed in the Modern period in Western society) became recognized in many countries of the world. Having ontologized in Western society as the concept of a legal state, the universalist principle of ensuring rights and freedoms subsequently acquired a general civilizational dimension. Since then, the priori norm of any civilized form of political organization of society has been considered a constitutional state, the main functions of which are to ensure the rights to life, liberty, and property of its citizens.

It is worth noting that in postmodern culture, the global integration of universalist political and legal standards and principles has encountered significant contradictions. Subjected to postmodern transformations of political communication, it turned out to be torn apart by a whole series of endogenous and exogenous antagonisms, which manifest themselves in a globalized society in the form of a deepening geopolitical split and the division of the world into leaders and outsiders of globalization (Ordenov & Kleshnia, 2019), as well as the aggravation of several endogenous contradictions associated with eclecticism, fragmentation and deconstruction of modern principles and, as a result, the loss of common socio-cultural developmental guidelines. The aforementioned factors indicate crisis phenomena occurring within the global capitalist system, where we can observe the disruption of fundamental principles related to institutions such as law, civil society, and the nation-state. This, in turn, is caused by the excessive relativization and multidirectionality of discursive practices. In this context, the problem of ensuring human rights in a globalized community is particularly relevant. We hope that our socio-philosophical overview of the issues surrounding the postmodern transformation of human rights will contribute to shaping new approaches to legal understanding, which will take into account the modern features of the political language of communication.

Theoretical foundations of human rights development: classical dimension

The wide range of human rights, as recorded in numerous international legal instruments, is the result of the secularization of consciousness and the historical establishment of the individual's legal status, which occurred predominantly in Western societies. This status has incorporated objective principles that have been developing throughout the history of the Western world. In contrast, the decisive stage in the development of human rights occurred in modern times. In this era, the works of representatives of Western European philosophy such as Voltaire, D. Diderot, C. Montesquieu, J. J Rousseau, E. Collins, J. Locke, D. Priestley, D. Toland, F. Hutcheson, E. Shaftesbury and others in their works highlighted the rule of law in the context of civil society development, where the concepts of "state" and "law" are

inextricably linked to each other, as well as to ensuring natural human rights based on the principle of egalitarianism.

It is believed that the first acts to enshrine human rights are the acts of English constitutionalism, particularly: Petition of Right (1628); Habeas Corpus Act (1679); Bill of Rights (1689). American declarations, namely – the Virginia Declaration of Rights (1776), the US Declaration of Independence (1776), the US Constitution (1787), and the Bill of Rights (1791) – also contain the norms belonging to the first generation of human rights. In contrast, the French Declaration of the Rights of Man and of the Citizen (1789) had a profound influence worldwide on the establishment of liberalism.

The secularized consciousness of Modernity sought new conceptual frameworks and ideological grounds for its existence, demanding a reevaluation of the anthropological principles of humanity from the standpoint of its self-sufficiency and individual worth. Amid these transformations, a person's moral attitude towards existence also changed: from the ethics of duties, which is inherent in the traditional system of values, there was a transition to the ethics of rights, within which the surrounding reality is understood by modern consciousness as a sphere of an individual's activity application and his freedom exclusively. Freedom itself becomes the antithesis of blind, meaningless will and is understood by the individual as a conscious necessity that must be correlated with reason.

In the Modern era, Western society needs to create conditions that enable individuals to realize their potential capabilities and achieve success in the competitive struggle for access to public goods. These capabilities, while ensuring security and freedom of activity in various spheres of public life, must be legitimized and approved in the form of social norms. In this sense, all social institutions, led by the state, begin to be perceived not in a general sense – as the exclusive good of all or the highest form of human community, but in a utilitarian sense, primarily as a sphere of activity and a means of realizing the interests of an individual. Here, the state is considered a form of social order that guarantees the protection of the rights of an active subject and provides a system for the production and fair distribution of benefits at the institutional level. The highest form of organization of society, where egalitarian justice has emerged in its institutional dimension, is the constitutional state, which, through a system of socio-political institutions (not in isolated cases, but permanently), ensures the rights and freedoms of citizens by its very essence and regardless of the individuals' will.

During this period, D. Locke formulated a liberal definition of equality, which later became a classical one. This is the so-called "legal equality", the idea of which is that no individual, regardless of their natural endowment, intellectual and physical skills, and abilities, can be excluded from competition or cut off from the free exchange of goods and services. Alternatively, with the same meaning: all people, regardless of their natural inequality, must once and for all be recognized as economically independent subjects who are in a relationship of voluntary mutual use (Ward, 2010). It is this free access of all individuals to competitive struggle that takes the universally recognized form of political and civil rights in a liberal society.

Conceptualization of human rights generations in the socio-cultural dynamics of international political discourse

The concept of generations of human rights emerged in the second half of the twentieth century as an attempt to define categories of human rights evolution in the context of the political transformation of dichotomous elements of socio-cultural dynamics, such as collective and individual, international and national, and negative and positive human rights,

among others. One of the first to draw attention to this problem was Karel Vasak in his work "Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights", published in 1977. Modern researchers also recognize the importance of a clear distinction between specific groups of human rights, the mechanisms for ensuring them, and their roles and places in the political system of society (Hannum, 2019: 171).

It should be noted that the fundamental natural, personal, and political human rights, which began to take their shape in the modern era, received the general name "first generation human rights" in the modern period. These include classical liberal rights and freedoms, which were formulated by philosophers in the Age of Enlightenment, namely, the duty of the state to refrain from encroaching on individuality and to create conditions for the full participation of citizens in political life (Ishay, 2008). These are mostly so-called civil liberties, which set the limits of state interference in a person's private life, including a number of procedural rights, along with political rights and freedoms, in particular: freedom from humiliation of human dignity, torture and ill-treatment by state authorities, unlawful arrest and imprisonment, unfair trial, invasion of privacy, etc. as well as freedom of thought, belief, speech, assembly, movement, participation in the governance of the state, etc. All civil liberties primarily serve to ensure the observance of these personal rights.

Traditionally, the rights and freedoms of the first generation are interpreted as inalienable and not subject to any restrictions under any circumstances. Karel Vasak notes: "The Universal Declaration of Human Rights, like the French Declaration of the Rights of Man and of the Citizen in 1789, has had an immense impact throughout the world. It has been called a modern addition to the New Testament, and the Magna Carta of humanity, and has become a constant source of inspiration for governments, for judges and for national and international legislators" (Vasak, 1977). At the supranational level, these rights are enshrined in the International Covenant on Civil and Political Rights (issued 19 December 1966). Many researchers believe that first-generation negative rights should be considered as direct, if not the only valid, human rights (Ishay, 2008; Donnelly & Whelan, 2018). For example, the next generation of rights is primarily a claim to social benefits provided and redistributed by the state for the benefit of socially vulnerable segments of the population, unlike the rights of the first generation, which are rooted in human nature.

The second generation of human rights arose as a result of the growth of social and economic inequality in society under the influence of industrialization and the intensification of the struggle of peoples to improve their economic situation, which took place primarily in capitalist countries in the late 19th and early 20th centuries (Wellman, 2000: 640). In this way, the concept of social justice is established in society, with the claim that the state should contribute to ensuring a decent existence for citizens under the conditions of economic system development. The second generation of human rights encompasses positive rights designed to deepen personal (civil) rights, ensure the development of socio-economic and cultural human rights (including the right to work, leisure, social security, and medical care), and foster the growth of responsible citizenship.

Despite the fact, that some researchers position second-generation rights as ones corresponding to the ideological doctrines of socialism (Donnelly, 1993: 235), second-generation rights stand out in the international political discourse, which has led to reshaping the concept of "negative" freedom from the point of view of a positive definition, in the context of fair and equal provision in society. At the same time, the positive nature of the expression of second-generation rights indicates a more relative nature, as their provision

depends on the socio-economic capabilities of the state, and most importantly, on the structure – that is, the effective form of collective existence adopted in society. That is why Part 2 of the International Covenant on Economic, Social and Cultural Rights of 1966 states that each State, party to the Covenant, is to undertake (individually and through international assistance and cooperation, in particular in the economic and technical fields) measures within the maximum limits of available resources to ensure the progressive realization of the rights recognized by all appropriate means, including legislative measures.

It is worthwhile noting that there are certain inconsistencies between the rights of the first and second generations, related not only to the forms of their expression. I. Berlin, in his work "Four Essays on Liberty", expresses the opinion that the positive and negative forms of expression of rights also correspond to a particular political tradition (Berlin, 1990). The first one belongs to the positive understanding of freedom and corresponds to the political tradition, which is based on the ability to be the creator of one's own destiny, to choose, set and achieve one's own goals independently, and is revealed by the researcher as the freedom of the individual from the restrictions of the social system within a society (I. Berlin calls this form of expression of rights "freedom for"). The second is characterized as freedom from interference by other people and is associated with the principle of political pluralism, according to which there is a sphere within which a person is allowed to do what they can, to be who they want, without being exposed to interference from other people. This form of expression of rights, in the researcher's opinion, belongs to "freedom from".

The principles of "freedom from" proposed by I. Berlin are based on the negative freedoms of the modern age, which stem from the idea of depersonalized power in a free market society. In its most radicalized form, it has acquired a physiocratic dimension. As P. Rosanvallon notes, the physiocrats of the modern age developed a deterministic concept of politics, according to which the laws of the market are the only possible laws of social order and have the same force as physical laws. The physiocrats perceived political relations in their classical sense as a relic of the barbaric state of society, which led them to deny politics and reject history. For them, the absolute grounds for the society's existence lie outside the temporal dimension and the convulsive course of history. The physiocrats viewed the order that emerged in a free market society as absolute, immutable, and unbreakable; therefore, they did not accept any forms of democracy, public life, or political life that would cause dynamic changes in the social system. Based on this, they also rejected Montesquieu's system of checks and balances in government. According to P. Rosanvallon, the paradoxical approach of the physiocrats lies in the real return of the political essence they rejected as a global despotism, because the primary duty of the despot is to ensure that politics does not wake up. Moreover, the absolutization of the free-market law lies precisely in the absolutization of despotism, which means the possibility of the complete death of politics (Rosanvallon, 1999).

In the 20th century, the physiocratic approach was further developed by Friedrich von Hayek, Ludwig von Mises, and Isaiah Berlin. Their updated concept of negative freedoms became the basis for the development of neoliberal ideology, where freedom is understood as exclusively economic freedom, implemented according to the physiocratic principle of laissez-faire, i.e., non-interference of the state in the sphere of economic relations. Proponents of the modern concept of non-intervention believe that the collective sphere should be limited to the scope of common goals, namely, economic feasibility. According to their ideas, society is a collection of isolated individuals pursuing their own purely utilitarian interests. The most important thing under these conditions is the state's non-interference in the economic

activities of individuals who are declared economically independent subjects. It is believed that only in this way can one speak of the existence of true freedom, which acquires a purely economic dimension. At the same time, this point indicates that negative freedom in the neoliberal sense does not belong to the human world at all, but rather concerns economic subjects (Homo economicus), that is, business entities – entrepreneurs, enterprises, and organizations, whose activity in society is aimed at realizing their own economic interests. In the globalized neoliberal world, it is they who are free in their activities. Instead, individual freedom is being leveled both in natural-humanistic (negative) and socially-positive meanings.

Hence, the neoliberal understanding of freedom is based on the concept of negative freedom (freedom from), as it is believed to contribute to the continuation of the liberal individualist tradition. This view would be quite relevant if it corresponded to such spheres of life as "private" and "public", or "individual" and "collective". It is evident that in such a case, negative freedom will belong to the sphere of the private, and positive freedom to the public. As it may seem, I. Berlin and other supporters of this approach have discovered nothing new, as these trivial truths have been known to humanity since ancient times. At the same time, I. Berlin develops the concept of freedom not according to these principles, but rather in accordance with its political traditions, resulting in a mix of private and public spheres. Then, as S. Fredman notes, referring to this case, the distinction between positive and negative rights is blurred (Fredman, 2006). As a result, the private begins to be regulated by political methods, that is, by the public, and the very understanding of freedom acquires an ideological coloring.

In light of this, we note that H. Arendt always emphasized that the public sphere should be clearly delimited from the private, along with private property and the motives of personal enrichment. In her work "The Human Condition", she noted that the simple differentiation between the private and the public corresponds to the sphere of the household, on the one hand, and the space of the political, on the other, and these areas have existed as distinct, strictly separated from each other units at least since the times of the ancient city-state (Arendt, 1998). At the same time, in the modern period, economic activity extends beyond the private sphere and becomes a key shared interest. As households leave the private sphere and enter the social space, public life is deprived of its public aspect, and accordingly, the political sphere is also affected. So, according to H. Arendt, the switch of private property interests to the sphere of open and general interest is the beginning of the end of the public. We would add that private life, which was previously everyone's personal business, also begins to be defined and regulated by the methods of political "pluralism". Accordingly, not only does the public disappear, but also the private, which in the course of separation and regulation starts to be run by public mechanisms. It is such processes that occur in the course of the shaping of subsequent generations of human rights, influencing their conceptual content.

Historically, the establishment of third-generation human rights occurred in the second half of the twentieth century, and they were shaped by humanistic ideas aimed at consolidating the world's countries to address issues of collective security and implement strategic plans to overcome humanity's global problems. The rights of this generation provide for the protection of the interests of an individual who is involved not only in the social community of a particular country, but also in the human community as a whole. The principle underlying this system is considered to be the rights of the first generation, namely that the rights of the community should not limit the rights of an individual. It is assumed that each individual participates in the realization of third-generation rights. Instead, this process is not related to his personal status (as it was assumed in the case of first-generation rights), but rather to his position within society. The peculiarity of these rights is their collectivity, since

they are based on solidarity and the possibility of their provision only through joint efforts (Vašák, 1977: 29). Third-generation human rights include the following universal human rights: the right to development; general security and peace; a clean and safe environment; participation in the utilization of the common cultural heritage of humanity; the right to information and humanitarian assistance, etc. Most of them are purely declarative (especially in the context of the dominance of the capitalist system of production), and their provision is associated with humanistic pathos and a social form of responsibility, which actually makes their implementation impossible in an individualized neoliberal consumer society. In this regard, researchers fairly point out that "The critique adopts the dominant skepticism among western scholars that the third generation of rights confuses the fundamental principles for human rights protection with the demands of various groups and interests, and blends them with vaguely defined political rhetoric, thus bringing an overall negative impact to the international system of human rights protection" (Domaradzki et al., 2019: 427). In addition, the postmodern "cancellation culture" actually nullifies modern principles of development based on the rationalization of historical and cultural heritage, free access to relevant and unbiased information, the pursuit of truth, etc. The activities of the mass media in modern society also do not contribute to the implementation of the declared right to information, as they are mostly aimed at manipulating mass consciousness.

An analysis of modern international political discourse on human rights reveals the presence of paradigmatic shifts that have occurred in this area. In particular, the modern conceptual content of human rights differs from what was present in the political and scientific discourse at the end of the 20th century during the emergence and development of the theory of the three generations of human rights. Firstly, this concerns the revision of the doctrine of solidarity rights to development that existed within the UN until the 2000s, in the context of introducing a new model of expanding the rights through the adoption of political acts as non-binding declarations (Karadzhova, 2002). Also, the modern conceptual content of human rights implies the mandatory existence of rights to protect the interests of minorities, which has taken the form of "humanitarian intervention" as a concept by "Responsibility to Protect" (R2P), which has undermined the modern principle of state sovereignty and at the same time significantly overestimated the expectations of people in the world regarding the rights they have. H. Hannum refers to this overly expanded substantive form of human rights as "humanitarianism," thereby emphasizing that it encompasses various, loosely connected areas (Hannum, 2019: 134). It also suggests that the current conceptual content of human rights does not align with the existing framework of the three generations of human rights theory.

Considering the aforementioned, researchers have begun to distinguish between the fourth and some even the fifth generation of rights. The development of the fourth generation of human rights is associated with the scientific and technological development of humanity, in particular with the development of information and communication technologies, biomedical technologies and genetic research (Albuquerque, 2014; Raposo, 2016), as well as robotics (Robertson, 2014), which led to the emergence of some moral and ethical problems, such as: cloning, transplantation, euthanasia, the ethics of artificial intelligence (Stezhko & Khmil, 2023), etc. This approach left a corresponding imprint on the content of the rights themselves, where researchers include: the right of a person to individuality and sovereignty over the state; to change gender; to use virtual reality; same-sex marriage; independent life according to religious and moral views; the right to die (so-called somatic rights); the right of a person to own and control his or her body; the right to physical freedom; rights related to cloning and other discoveries in the field of biology; information rights and technologies; the right to

euthanasia and organ transplantation; the right to cloning; artificial insemination; a child-free family, etc. (Barabash et al., 2024).

It should be noted that most of the fourth-generation rights listed above have never been part of the public sphere and have not been subject to social regulation (except same-sex marriage in some societies, particularly in the context of its prohibition). Such regulation of a purely private sphere by the public one deprives people of the right to live a full personal life. Under such conditions, people are encouraged to submit their personal affairs to the public, and the public, in turn, must respond in an appropriate "tolerant" manner. The fact that so-called fourth-generation rights interfere in the most intimate existential spheres of a person, deciding on matters of life and death, as well as changing human nature, also raises concerns.

Instead, despite the existing contradictions in the content and forms of the generations of human rights we have considered, they are all the result of the objective general civilizational development of humanity and, at the same time, the political and socio-cultural interaction of different societies in the international arena. They act as a complex information and sign system in which individual, national, international, and other components of the political language of communication interact. That is why in the modern period, a large number of states have not only signed international agreements on the protection of human rights, but also included provisions on their protection in their national development doctrines. In this way, the principle of human rights protection became one of the imperative norms of international law. However, in its practical dimension, the category of human rights proved not to be as universal as to be perceived as an absolute common denominator for all states in the world. This is due to the diverse socio-cultural and historical experiences of peoples and regions, as well as the specific dimensions of religion and traditions that have historically evolved in different societies, and the presence of several contradictions within the human rights system itself. This is also not facilitated by the policy of double standards that exists in modern international relations, when human rights serve as a tool for manipulation and pressure by strong, economically developed states on weaker ones, for example, in the context of implementing the concept of "humanitarian intervention" (Responsibility to Protect), according to which democratic states not only have the right, but also the obligation to intervene in the affairs of other states to protect human rights, regardless of the latter's sovereignty. The result is real cases of mass human rights violations in the course of the destruction of entire regions and countries.

Postmodern transformations of human rights generations

Ensuring human rights and freedoms has always been a complex and controversial topic. Contemporary human rights discourse increasingly turns to reviewing axiological legal principles through the prism of postmodern critical theory (Wang, 2013), which aims to deconstruct the classical humanocentrism position (Kymlicka, 2018) in the context of sentiocentrism (Baldissone, 2010). All the aforementioned significantly transform the nature of human rights discourse in international political communication. Whereas in the modern period, human rights, which were initially formed within nation-states, made their way to the international level, states must now a priori integrate an expanded list of rights produced by international human rights organizations into their national legislation.

Thus, in the context of postmodern culture, the issue of human rights is being actualized with renewed force, as modern culture generates its own contradictions and disagreements, superimposing them on already existing ones that were developed by modern culture in conjunction with classical rights and their principles. In particular, during the

institutionalization of third and fourth generation rights, the deconstruction of classical legal principles occurs, resulting in conflicts between the third and fourth generations and the first and second generations of rights, as well as with generally accepted classical legal principles and norms.

It is not difficult to trace the connection between these aspects and law, as well as the peculiarities of its understanding in postmodern culture. Thus, Postmodernism and law appear to be in apparent conflict because postmodern culture is aimed at "grasping," deconstruction, and further multiple reproduction in images, symbols, and cultural codes of various objects and phenomena. In contrast, law is based on logic, expediency, universalism, and the laws of social development. Postmodernism undermines the natural and inalienable principles and values of humanity from a legal perspective, and law itself undergoes changes that alter its perception. This perception, due to the "postmodernist sensitivity" (Lyotard, 1995), is no longer based on reason, but on feelings. Moreover, in a postmodern society where citizens are increasingly aware of their rights due to informatization, there is a simultaneous threat of frivolity and neglect of one's duties, which corresponds to the general state of modern culture.

The legitimation of customary norms in the postmodern period occurs through the regulation of the conduct of discourse, because in the conditions of the rhizome of signs and meanings, the intertextuality and intersubjectivity of the argumentation practice, norms are a priori recognized as constructivist assumptions, the assessment of which can be given only hypothetically. This gave J. Baudrillard grounds to consider the social system as one derived from a sign system, the unit of which is the "simulacrum." In his opinion, simulation is dangerous because at any moment it allows one to make the assumption, outside its subject, that order and law themselves may be nothing more than a simulation (Baudrillard, 2024). It is about the postmodern power of signs and the systems that produce them. According to the philosopher, domination through sign systems alters the strategic goals of modernity, shifting from the process of production, profit, and exploitation to the postmodern manipulation of signs, meanings, and consciousness. Signs, in the process of simulation, going away from their referents, turn into "simulacra" that reproduce and transmit meanings that do not correspond to real events and situations. As a result, a gap occurs between the sign and reality.

In this context, it is interesting to trace the changes that have occurred in the law from the perspective of the concept of human rights "generations". We have noted above that the first generation of human rights recognizes the fundamental liberal values determined in Western countries during the bourgeois movement. First-generation rights reflect the so-called negative freedom – "laissez-faire", within which freedom is understood as the absence of coercion, obliging the state to refrain from interfering in the private sphere and creating conditions for citizens to participate in public life only. The connection of first-generation rights with social practice was so obvious that this mediation of basic rights by social relations formed the basis of the Marxist theory of the basis and the legal and political superstructure.

Second-generation human rights are rights in the socio-economic and cultural spheres. These rights were already based on a positive understanding of freedom, that is, freedom whose real possibility of realization was determined by the established norms. Furthermore, although the rights of the second generation were based on the rights of the first, were supposedly their logical continuation and could be ensured only if "there are conditions under which everyone can enjoy his economic, social and cultural rights, as well as his civil and political rights" (International Covenant, 1966), they constituted a specific synthetic construct, because they were derived not from the system of social relations, but theoretically, from another abstract construct – fundamental human rights.

The next generation of human rights demonstrates even greater artificiality and detachment from the real system of relations. It is evident that their arrival is the result of radical social construction, because each of the elements of third-generation human rights is built on idealized principles of humanism and correlates with reality only through an objectified and institutionalized system of fundamental rights. As P. Berger and T. Luckman aptly noted, the social order is created by humans in the process of constant externalization (Berger & Luckman, 1967). However, in the modern era, the constituent element of social reality was knowledge that correlated with reality and, through this, received its legitimation. In the postmodern era, factual reality is opposed to an ideal image, detached from its referent, and the procedural nature of discourse becomes the factor that legitimizes it. This discourse determines the way of organizing existence according to the pre-set rules. The obvious constructivist vector in first-generation rights is replaced by poststructuralist deconstructivism in subsequent generations of rights (especially in fourth-generation rights). This is because in the world of poststructuralism, the dominant notions of practice are seen not as sensory-objective forms of life, but rather as discursive practices, that is, actually closed within the boundaries of consciousness. The poststructuralist imposition of a new meaning on any phenomenon of material or spiritual reality means subordination to this "new content".

As a result of the fact that different variants of poststructuralist thought were given in an attempt to comprehend the "inversion" of structure, the place of impersonal logic was taken by the emotional sphere, the legal order was replaced by formalism, and logical certainty and integrity by heterogeneity and fragmentation. At the same time, one side of postmodern legal consciousness has absorbed what could be called the "metaphysics of desires" (pulsations, intensity, energy), and the other side has absorbed specific pluralized differences (singularities, particularities). This paradigm positions further development as one that is associated with the deconstruction and reshaping of the already existing notions and concepts. Therefore, to eliminate the axiological foundations of modern culture becomes a kind of postmodern program.

This program is a relevant tribute to communitarianism, as it is a basis for a supralocal hyperregulated capitalism model, which assumes that relations between elements are based on a formal hierarchy. Within the framework of the concept of the international regime, the model of a vertical organizational structure, proposed as a specific instrument of global politics, neutralizes classical democratic and liberal-legal values. In this regard, J. Habermas noted that the member states of the European Union lost a significant part of their democratic substance in the course of European unification. Most significant and numerous political decisions are made in Brussels and reach nation-states only by being "transplanted" into the soil of national law. The entire process takes place without involving the public of the member states of the European Union. However, European citizens can have their say only here: there is no pan-European public (Habermas, 2010). J. Habermas explains this deficit of democracy as the shortcomings of the internal political system of Europe. At the same time, this problem concerns not only the European space, as this model of decision-making is positioned as global within the system of international relations.

Thus, postmodern culture produces several hybrid socio-cultural forms in a global dimension: vertically regulated neoliberalism with social norms; formally existing synthetic human rights that have no ontological dimension and are not ensured with real means of implementation and control; an uncompromising demand for compromise embedded at the systemic level, which is embodied as a relativistic universal and supra-historical global order. These forms were reflected in postmodern philosophy, which advocates for the glorification of

carefree pluralism, the conviction in the mutual unproductiveness and "untranslatability" of different forms of life, with an emphasis placed on dispute rather than agreement. Moreover, although postmodern axiology is embodied in a new, nonconformist attitude towards races, gender, cultures, and minorities, at the same time, amid the contradictions with traditional views on classes, relations between women and men, family values, and spiritual orientations, new conflicts arise in the modern world, being predominantly mental by their nature. In this way, the pluralistic model of Postmodernity causes a decentralization of social and cultural ties, which also manifests in the sphere of human rights in the form of normalized tolerance of abnormality.

Conclusions

Human rights are inherently inseparable from people's social activities and ways of being. The concept of human rights, which emerged in the modern era in Western society, has gained recognition in many countries around the world. However, the global integration of universalist political and legal standards has encountered apparent contradictions. These contradictions have arisen between the rights of the first and second generations, particularly in relation to their positive and negative expressions. Generally, denial of the classical principles and norms of human rights stems from the declarative nature of the rights of the third generation, as well as the synthetic and artificial nature of the fourth, through political "pluralism" interfering with the regulation of the personal, private sphere.

Given that the postmodern era is characterized by uncertainty, lack of meaning, simulativity, rhizome, etc., the rationalized construct of generations of human rights during this period loses its conceptual dimensions, eliminating the possibility of their implementation and negatively affecting a person's legal capacity. Postmodern opposition to modern attitudes in the context of political communication is increasingly taking on a manipulative form of usurpation and totalitarianism, as it is used to deconstruct the social narratives of modernity and impose post-narratives that are destructive and asocial by nature. Under the conditions of insecurity of the rights of the first and second generations, synthetic rights of the third and fourth generations have become examples of the imposition of such "post-narratives".

Instead, despite the existing contradictions in the content and forms of the generations of human rights we have considered, they are all the result of the objective general civilizational development of humanity and, at the same time, the political interaction of different societies. In particular, they act as a complex information and sign system in which individual, national, international, and other components of the political language of international communication interact.

🕮 References

Albuquerque, A. (2014) Interculturalism, Bioethics Perspectives, And Human Rights. *Global Bioethics,* 2: 81–94. https://doi.org/10.1080/11287462.2014.920162

Arendt, H. (1998) *The Human Condition.* Chicago & London, The University of Chicago Press.

Baldissone, R. (2010) Human rights: a lingua franca for the multiverse. *The International Journal of Human Rights,* 7: 1117–1137. https://doi.org/10.1080/13642980903068310

Barabash, O., Dobkina, K., Klyuyeva, Y., Martiuk, A., and Povalena, M. (2024). La cuarta generación de derechos humanos: normas europeas y experiencia nacional. *Boletín*

Mexicano De Derecho Comparado, 66(167): 3–32. https://doi.org/10.22201/iij.24484873e.2023.167.18560

Baudrillard, Jean (2024) *Simulacres et simulation*. Paris, GALLIMARD.

Berger, P., and T. Luckman (1967) *The Social Construction of Reality: A Treatise in the Sociology of Knowledge.* Harmondsworth, Penguin Books.

Berlin, I. (1990) *Four Essays on Liberty.* Oxford University Press.

Domaradzki, S., Khvostova, M. and Pupovac, D. (2019) Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse. *Human Rights Review,* 20: 423-443. https://doi.org/10.1007/s12142-019-00565-x

Donnelly, J. (1993) *International Human Rights.* Boulder, Westview Press.

Donnelly, J., Whelan, D. (2018) *International Human Rights*. New York, Routledge.

Fredman, S. (2006) Human Rights Transformed: Positive Duties and Positive Rights. *Oxford Legal Studies Research Paper,* 38: 498-520.

Habermas, J. (2010) *Ach, Europa.* Suhrkamp Verlag AG; Neuauflage.

Hannum, H. (2019) *Rescuing Human Rights.* Cambridge University Press.

International Covenant on Economic, Social and Cultural Rights (1966) Adopted 16 December 1966 by General Assembly resolution 2200A (XXI) Available online: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

Ishay, M. (2008) *The History of Human Rights.* Berkley, University of California Press.

Karadzhova, M. (2002) *Universalni standarti za pravata na choveka. In Evgeni Tanchev, Osnovni prava na choveka*. Sofia, Iurispress. Universitetsko izdatelstvo sv. Climent Ohridski.

Kymlicka, W. (2018) Human Rights Without Human Supremacism. *Canadian Journal of Philosophy,* 6: 763-792. https://doi.org/10.1080/00455091.2017.1386481

Lyotard, Jean-François (1995) The Postmodern Situation. *Philosophical and Sociological Thought* 5-6, 15-38.

Ordenov, S., and Kleshnia, H. (2019) Demodernization as a Hybrid Form of Modernization of Traditionalist Society in the Globalized World. *Humanities & Social Sciences Reviews,* 7(4): 1241-1247. https://doi.org/10.18510/hssr.2019.74171

Raposo, V. L. (2016) The Convention Of Human Rights And Biomedicine Revisited: Critical Assessment. *The International Journal of Human Rights,* 8: 1277-1294. https://doi.org/10.1080/13642987.2016.1207628

Robertson, J. (2014) Human Rights vs. Robot Rights: Forecasts from Japan. *Critical Asian Studies,* 4: 571-598. https://doi.org/10.1080/14672715.2014.960707

Rosanvallon, P. (1999) *Le capitalisme utopique: histoire de l'idée de marché*. Éd. du Seuil.

Stezhko, Z. and Khmil, T. (2023) Artificial Intelligence as a Socio-Cultural Phenomenon: the Educational. *Anthropological Measurements of Philosophical Research*, 24. https://doi.org/10.15802/ampr.v0i24.295317

Vašák, K. (1977) Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights. *UNESCO Courier*, 11: 29-32.

Wang, Z (2013) Toward a Postmodern Notion of Human Rights. *Education Philosophy and Theory,* 34(2): 171-183. https://doi.org/10.1111/j.1469-5812.2002.tb00296.x

Ward, L. (2010) *John Locke and Modern Life*. Cambridge University Press.

Wellman, C. (2000) Solidarity, the Individual, and Human Rights. *Human Rights Quarterly,* 22: 639-657.