

# THE END OF GRAND NARRATIVES AND LEGITIMATION OF TRUTH AND SOVEREIGNTY

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## ABSTRACT

The paradigm of the modern state started to be more widely criticised in the 1960s and 1970s, when it became clear that many Enlightenment ideas were losing their relevance in the rapidly changing contemporary world. Criticism of the modern paradigm declared an end to grand narratives.<sup>1</sup> **This included narratives about sovereignty and the state, freedom, truth and progress. The desire for an object and objectivity came to be replaced by a focus on the subject. Variety, fragmentation and difference are the key words of postmodern society. The goals and desires of the subject living in a particular society and culture are those that construct the world we live in, including the concept of national sovereignty.** The author agrees with Lyotard that the actual great values—freedom, truth and progress that were born in the Enlightenment and ‘hovered’ in western culture for almost one and a half centuries, and now that the paradigm of globalism is changing—have turned against themselves in crisis. Whilst postmodernism in the midst of the 1980s and 1990s was still optimistic and saw the grand narratives of modernism as surpassed, one could notice signs of deep pessimism in postmodernism from the start of the 21st century. Such emotions have particularly expanded since the terrorist attack on the WTC in New York on 11 September 2001, and also since Western intervention in Iraq in 2003.

## THE POSTMODERN PARADIGM

The postmodern paradigm as an era has in fact been understood in a variety of ways:<sup>2</sup> as a period when we reached the end of history;<sup>3</sup> as a new situation in the production of knowledge;<sup>4 5</sup> as a new aesthetic formation;<sup>6 7</sup> as a cultural dominant.<sup>8</sup> Because of the variety of approaches to postmodernism and the related terms of postmodernism and postmodernisation, the author is of the opinion that it is very difficult to unambiguously define the terms.<sup>9</sup> For Baudrillard, the postmodern world was a world of simulacra, where we could no longer differentiate between reality and simulation. Simulacra represented nothing but themselves: there was no other reality to which they referred. Consequently, Boudrillard could claim that Disneyland and television now constituted America’s reality to which, and, even more intriguingly, the Gulf War did not contribute, but was merely a simulation (something along the lines of a video game, it would seem).

Foucault stresses that certain forms of knowledge, after periods of stability in which the fundamental processes of a discourse remain largely unquestioned, undergo rapid transformation. There is not only a change in the content of a discourse, but also

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<sup>1</sup> Indrek Grauberg. Philosophical Perspective of the Concept of Sovereignty: Modern versus Postmodern- “Sovereignty in International Law and Politics. Theory and Practice.” Kings College London, 2013, pp. 72- 88

<sup>2</sup> Pippin. R.B. Modernism as a Philosophical Problem.– Basil Blackwell, 1991 pp. 156–164.

<sup>3</sup> Fukuyama, F. The End of History. New York, 1992.

<sup>4</sup> Lyotard, J.F. The Postmodern Condition: A Report on Knowledge. 1984.

<sup>5</sup> See Foucault, M. The Archeology of Knowledge. Routledge, London, 1989.

<sup>6</sup> Baudrillard. J. Simulacra and Simulation. University of Michigan Press. 1994. p. 1-17

<sup>7</sup> Hassan, I. 1987. The Postmodern Turn. Ohio State University. p. 5-16

<sup>8</sup> Jameson, F.R. Postmodernism, or the Cultural Logic of the Late Capitalism. Duke University Press, 1991, p. 3-7.

<sup>9</sup> The Routledge Companion to Postmodernism. Routledge, London, 2010 p.160.

a fundamental change in what might count as knowledge itself. The most radical of Foucault's claims is that the very concept 'man' was the creation of a unique set of historical contingencies, a consequence of certain relationships of power, a figment of discourse. For Foucault, man means the relatively modern idea of man as a self-contained rational agent, that knowing subject assumed by rationalists, and triumphant in the French Revolution.

For Giddens, in late modernity, it is the process of reflection itself which has become the topic of reflection. This fits with the self-consciousness and irony of postmodernism and illustrates the extent to which the self has also become a reflexive project. Giddens agrees with the theorists of postmodernity that massive changes have occurred in the late 20th century, which have led to a restructuring of social experience, identity and knowledge. But he does not agree that these changes constitute a complete break with modernity.<sup>10</sup>

The term postmodernism appears in dictionaries simultaneously with the term globalisation. For example, in the Cambridge Dictionary of Philosophy: "Postmodern, of or relating to a complex set of reactions to modern philosophy and its presuppositions, as opposed to the kind of agreement on substantive doctrines or philosophical questions that often characterises a philosophical movement."<sup>11</sup> These days, the use of postmodernism can be noticed in a variety of publications starting from academic essays to newspaper advertisements. The meaning of 'postmodernism' has been sometimes compared with a compass that guides us toward a better understanding of value and cultural change in contemporary society. A postmodern worldview focuses on the unusual, on diversity and pluralism, in its attempt to prove alternative narratives. However, it never appeals to the universal requirements of knowing. In the issue of legitimisation, postmodernism represents a pragmatic position.

The precondition of postmodernism can already be traced in Kierkegaard's and Nietzsche's philosophy. Nietzsche's declaration of the death of God is replaced by postmodernism with the declaration of the end of philosophy and criticism of the Enlightenment. The author emphasises through the notion of postmodernism the transformation process of the grand modern narratives—truth, freedom, progress.<sup>12</sup> Postmodernity, hence, denotes an era based on suspicion about the grand ideas of truth, freedom and progress as well as any other grand narratives. Lyotard writes in this context as follows:

*I define postmodern as incredulity toward metanarratives. This incredulity is undoubtedly a product of progress in the sciences: but that progress in turn presupposes it... The narrative function is losing its function, its Great hero, its Great dangers, its Great voyages, its Great goal.<sup>13</sup>*

According to Lyotard, postmodernity is about calling into question the "grand narratives' that gave knowledge to its legitimacy". Postmodernism doubts that grand narratives are good in themselves, as was regarded during the first years of modernism.<sup>14</sup> Lyotard adopted a working hypothesis that knowledge changes its status when a society enters the post-industrial age and culture enters the so-called postmodern age. Some authors are of the opinion that postmodernity dates back to the 1970s.<sup>15</sup> The author agrees with Lyotard that:

*...this transition has been under way since at least the end of the 1950s, which for Europe marks the completion of reconstruction, ... Rather than painting a picture that would inevitably remain*

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<sup>10</sup> See The Routledge Companion to Postmodernism. Routledge, London, 2010 , p 258. A. Giddens.

<sup>11</sup> The Cambridge Dictionary of Philosophy. Paw Prints, 2008, p. 725.

<sup>12</sup> See F. J. Lyotard 1984. Postmodern Condition. R. Inglehart 1997. Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies.– Princeton, N.J.: Princeton University Press.

<sup>13</sup> Lyotard, J.F. The Postmodern Condition: A Report on Knowledge. 1984. p. vii-ix

<sup>14</sup> Grauberg, E. On Paradigmatic Changes in Society and its Reflection in Education. Education Theories and Concepts in Central East Europe.– New York, 1994, pp. 148–158.

<sup>15</sup> See Harvey, D The Condition of Postmodernity.– Basil Blackwell. 1990.

*incomplete, I will take as my point of departure a single feature, one that immediately defines our object of study. Scientific knowledge is a kind of discourse.*<sup>16</sup>

The notion of postmodernism is also closely related to the connotation of the postmodern era. Deconstruction is a method of postmodernism.<sup>17</sup> The objective of deconstruction is to pay attention to values outside the system in order to rid oneself of modernist logocentrism and closure. It emphasises that any text, including a legal text, always functions amid and in the sphere of the influence of other texts. Text is any written sign system that has a meaning (academic text, legal text, work of art, film, etc.) Hence, the meaning of sovereignty, state and other notions also depends on the context in which they are used. In this way, science is losing its hegemonic status.<sup>18 19</sup> Within the framework of the postmodern paradigm, when there is no agreed discourse, concepts of sovereignty will also become relative. Temporariness and fragmentation inevitably prevail over grand narratives in a rapidly changing world.

In this context, irony, ideas of the disunion of the world, difference, playfulness and hyperreality become important. It is stressed that all social, humanitarian and also physical processes must be regarded as language. Language is what gives meaning to our world. Knowledge and truth only reflect the ideologies, values and power relations that depend on the relevant social and political context. Hence, we should stop pursuing absolute meaning in the case of sovereignty as in the case of any other notion. Any notion, including sovereignty, should be understood functionally. Consequently, if there is no reality independent of the subject,<sup>20</sup> but everything ultimately depends on our point of view, science does not examine so much the objectively existing world as our knowledge and opinions about this world.<sup>21</sup> In order to understand the social gaps and shifts that inevitably characterise the new postmodern era, we will analyse postmodern values, using the conflict and consensus method.

## CRITICISM BASED ON CONFLICT

When sceptical postmodernism<sup>22</sup> positions itself through a complete opposition to modernism, using the conflict method, then 'moderate' postmodernism takes the position that the present era is characterised rather by the need to rewrite modernist narratives according to the new social and cultural context.<sup>23</sup> For example, the sceptical wing of postmodernism mainly directs its attention to analysing binary oppositions—fundamentalism in modernism is contrasted with antifundamentalism, realism with antirealism, epistemology with anti-epistemology, etc. Moderate postmodernism, however, is characterised by the pursuit of consensus. Perhaps Lyotard has made the most successful attempt among the 'sceptics' to position postmodernism on the cultural map and Habermas represents the consensual position of society.

Hence the author hereafter will concentrate on the critique of modernism based on Lyotard and Habermas. First, when analysing the methodology of opposition aimed at the conflict of sceptical postmodernism, it is important to note that it is not the system but the network that is the object of research in postmodernism. A network can be hierarchical but it is

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<sup>16</sup> Lyotard, J.F. *The Postmodern Condition: A Report on Knowledge*, 1984. p. 3.

<sup>17</sup> See Derrida, J. *Positions*. University of Chicago. 1981.

<sup>18</sup> See Feyerabend, P.K. *Against Method: Outline of an Anarchistic Theory of Knowledge*.— London: NLB. 1975

<sup>19</sup> Grauberg, E. *Tänapäeva ühiskonna ja Eesti arengu teedest. Eesti uue aastatuhande lävel (Development Paths of Contemporary Society and Estonia's Development. Estonia on the Threshold of New Millennium)*.— Tallinn. TEA, pp. 335–342.

<sup>20</sup> Bohr, N. *Essays 1958–1962 on Atomic Physics and Human Knowledge*. Interscience. 1964

<sup>21</sup> Grauberg, E. *Semantilise keeleparadigma murdumisest (Crumbling of Semantic Language Paradigm)*. – University Nord Publications No. 25, 2005 pp. 3–16.

<sup>22</sup> See Lyotard, J-F. *The Postmodern Condition: A Report on Knowledge*, 1984; Rorty, R. *Philosophy and the Mirror of Nature*, Princeton University Press; Foucault, M. *Power/Knowledge. Selected Interviews and Other Writings 1972-1977*. Pantheon Books, New York.

<sup>23</sup> See G.H. von Wright 1996. *Progressi müüt (Myth of Progress)*; J. Habermas. *The Theory of Communicative Action, Reason and the Rationalisation of Society*. Beacon Press, Poston 1984.

important that it does not have a centre. A network is actually a multitude of nodes. Nodes and the interrelationships between them are in the process of constant change, they create and move. Second, it is important to note that focus on the subject in postmodernism is opposed to the pursuit of the object and objectivity in modernism. It is the wishes and desires of the subject that serve as the basis for instability and relativity in contemporary society according to postmodernists.

Wishes are regarded from the point of view of a small community that strives to expose the power of various structures and systems, and if necessary, resorts to resistance. Pluralism, fragmentation and difference are largely related to culture and values. Cultural area, region and location are not notions that speak for themselves. Being part of social processes, they can be regarded as social constructs. Postmodernism thus denies not only the object that has its roots in the era of Enlightenment, but also the notion of the subject. Truth and knowledge are not objective and the subject is not a whole nor persistent. Rather, both are ideological and political constructs necessary for justifying their pursuit of power and dominance. The notions of subject and object are used to ensure the monolithic nature of the present political and legal system, precluding the forces that could contest the present cultural domination. The approach to culture originating from Nietzsche in fact means that culture is not the reflection of deeper cultural processes but the foundation that can be used to understand also other phenomena.<sup>24</sup> Third, the renouncement of the concept of the conformity of objective truth also casts doubt on whether the grand narrative and ideology are necessary for legitimising social processes. Since postmodernism signifies, as noted above, the end of history and the grand narratives or metanarratives of politics,<sup>25</sup> knowledge, including also scientific knowledge, can never be regarded as a totality. Issues of legitimation must always be regarded in a pluralist manner. This means that social processes can be analysed solely from a different angle. However, none of the approaches are truthful in themselves. Eventually, everything depends on the goal, point of view and the language game.<sup>26</sup> There is in fact no consent about its significance for political philosophy. The author agrees with Raymond Plant who writes:

*We can now see how this Wittgensteinian framework provides something of an intellectual background to communitarian and interpretive political philosophy. It is possible to see arguments of the sort we have been considering as forming a backcloth to these more directly political arguments. Indeed Richard Rorty acknowledges this as a central theme in his book Contingency, Irony and Solidarity.<sup>27</sup>*

The goal of postmodernism is to crush modernist values and seek to radicalise democracy. It is opined that since there is no absolute philosophical truth or objectivity, all views and opinions are merely interpretations that proceed from certain interests. This also concerns the notion of sovereignty. Hence, from the point of view of postmodernism, it is pointless to speak about a single big and universal objective truth. What is useful, is the truth. The truth depends on differences in the worldview and the goals for which knowledge is sought. The latter, in turn, is related to issues of power and legitimation. The truth is what works, rather than what is theoretically correct. Lyotard writes:

*...has encouraged us to see postmodernism as a rejection of all-encompassing cultural theories (such as Marxism) and has argued for a much more pragmatic attitude to political life and artistic expression that simply ignores the oppressive rules laid down by grand narrative.<sup>28</sup>*

But Lyotard himself sees postmodernism and modernism as cyclical movements which alternate throughout the course of history. Rorty maintains that the truth is sooner a practical than a theoretical issue. Rorty saw pragmatism's role as the dissolution of such issues as the nature of truth, arguing that a pragmatist was uninterested in taking sides or weighing up

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<sup>24</sup> Grauberg, E. Haridusest ja teadmiseest kaasaja ühiskonnas. Haridus, 1997. 23 - 26.

<sup>25</sup> See Lyotard, J.F. The Postmodern Condition: A Report on Knowledge, 1984

<sup>26</sup> See Wittgenstein, L. Philosophical Investigations. Blackwell Publishers, 2005, J.-F.

<sup>27</sup> Plant, R. Antinomies of Modernist Political Thought; reasoning, context and community. The Politics of Postmodernity. Cambridge University Press, Cambridge. 1998. p.86

<sup>28</sup> The Routledge Companion to Postmodernism, 2001 p. 340.

the pros and cons of the argument, but instead merely wanted ‘to change the subject’ to something more interesting.<sup>29</sup> For a pragmatist like Rorty there is no objective truth at all. All claims need only to satisfy the group’s expectations for verification. Science is just one of many groups with its own rules and criteria. As there are multiple groups with different criteria, there can be multiple truths. Rorty’s antifoundationalism argues against any quest for ultimate reality or such absolutes as Platonic ‘Truth’, ‘Goodness’ and so on.

**To continue the discussion, we could perhaps suggest that sovereignty should no longer be regarded in ontological but constructivist terms. This means that it is not so much about the question of what sovereignty is but whether the use of the notion of sovereignty would help regulate extremely complicated international relations.** According to the pragmatic approach, the function of sovereignty would be to contribute to ensuring peace and security in the contemporary world. Before defining sovereignty, one should understand, according to Rorty, that language is just a set of tools to accomplish one’s desires. Referring to Kuhn and Dilthey, Rorty recommends giving up the idea that science produces adequate models of reality. Scientific discourse should be regarded as a language among other languages. The main question is what kind of tool would help us better attain the goal. When sovereignty is important to justify the goals of peace and security, we should by no means renounce the notion. Hence, in the contemporary rapidly changing world, globalisation is taking on increasingly relative meaning related both to factual pressure from outside and an ever-growing amount of regulatory limitations. The author of this paper shares the opinion that the protection of common interests always involves the partial subordination of people to an external foreign will and restrictions. For example, let us take the subordination of the security and defence policy of the European Union member states, including Estonia, to common goals—the security and defence policy of the European Union. In contemporary society, such subordination in its legal meaning may even be more commonplace than some time ago. When subjecting to a foreign will, not only law but also force is used according to Foucault.<sup>30</sup> Foucault asks if power is the balance of forces, shouldn’t power be analysed not through relinquishment contract and alienation but through struggle, opposition and war. In other words, should political power be treated as a war by other means? This gives rise to the question of what kind of a situation would justify the use of force? Is the fight against terrorism by NATO allies in Afghanistan justified? If the war is fought to protect peace and security in the contemporary world, it is a justified war in our opinion. However, if its main goal is to transport the principal values of Western civilisation from the West to a different culture and society in order to achieve hegemony, the war is naturally not justified. In our opinion, it is largely determined by different views of the state and sovereignty as well as society and freedom.

*Western civilisation depends on an idea of citizenship that is... rooted in territorial jurisdiction and national loyalty. By contrast, Islam, which has been until recently remote from the Western world and without the ability to project its message, is founded on an ideal of godliness which is entirely global in its significance, and which regards territorial jurisdiction and national loyalty as compromises with no intrinsic legitimacy of their own.<sup>31</sup>*

Foucault is of the opinion that power compels us to produce the truth that it requires and needs to function. ‘Power never ceases its interrogation, its inquisition and its registration of truth: it institutionalises, professionalises and rewards its pursuit. We are required to produce truth much as we produce wealth.’<sup>32</sup> ‘Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse which it accepts and makes function as true.’<sup>33</sup>

According to Foucault, ‘the truth also serves as law because truthful discourse is the one that decides, that carries expressions of power and in the end, we are judged, condemned, classified’, etc. The relations of power, as they function in a society like

<sup>29</sup> See Rorty, R. *Consequences of Pragmatism*. University of Minnesota Press, 1982.

<sup>30</sup> Foucault, M. *Two Lectures. Power/Knowledge. Selected Interviews and Other Writings 1972-1977*. P. 78–109

<sup>31</sup> Scruton R. *The West and the Rest*. Continuum.— London. New York 2002, p. 125

<sup>32</sup> Foucault, M. *Truth and Power. Power/Knowledge. Selected Interviews & Other Writings 1972–77*.— Pantheon Books. New York, 1980 p. 132

<sup>33</sup> *Ibid.*, p. 131.

ours, according to Foucault, essentially rest upon a definite relation of forces that is established at a determinate, historically specifiable moment, in war and by war.

*If it is true that political power puts an end to war, that it installs, or tries to install, a reign of peace in civil society, this by no means implies that it suspends the effects of war or neutralises the disequilibrium revealed in the final battle.<sup>34</sup>*

The author agrees with Foucault that the task of political power according to this hypothesis has always been rather to retain the balance of powers and to record this through the operation of various institutions, as well as economic inequality and the use of language. Recent wars in Iraq, Afghanistan, and so on could serve as examples. **Relying on the international practice of the past 20–25 years concerning interventions and the emergence of several new peripheral states and the integration processes in Europe, the author agrees with Foucault that the contract-oppression schema becomes important from the point of view of de jure sovereignty, as well as issues of the legitimacy of power, its transfer and alienation. From the aspect of de facto sovereignty, the pursuit of domination or hegemony, and as well the pursuit for supreme power becomes important. In such cases, the model of power is based on the struggle-repression or war-repression schema rather than on the contract-oppression mechanism. If power is regarded merely through oppression, a de jure concept of power would be adopted according to Foucault. In that case, power is identified with the law that says no.**

The power of authority in such an approach is prohibitory and narrow. As a comparison, it should be noted that if the representatives of the social contract have interpreted sovereignty based on the contract-oppression schema, then starting from Hegel and Marx, power has been mostly regarded from the repressive aspect. We can only wonder, with Foucault, why the war-oppression schema is so popular these days. Popper is of the opinion that several misleading and wrong positions on power issues date back to the formulation of the question of power when Plato asked to whom power had to belong.<sup>35</sup> Instead, we should ask how political power could be arranged so as to prevent bad and unskilled governors from causing too much damage. Popper believes that all power paradoxes have one trait in common: the supremacy or supreme authority of any individual or class of individuals, principle or rule is unstable, as such supremacy can deny itself and collapse as a result. For example, the paradox of democracy highlights dangers arising from (a presumably democratic) principle that majority-rule is the highest authority because if the majority decides that a tyrant should rule, then the principle no longer applies.<sup>36</sup>

**In order to abandon the pursuits of hegemony, in discussing sovereignty, Foucault believes that ‘we have to abandon the model of Leviathan, that model of artificial man who is at once an automaton, a fabricated man, but also a unitary man who contains all real individuals, whose body is made up of citizens but whose soul is sovereignty.’<sup>37</sup> Power must be examined outside of the limited field of juridical sovereignty and state institutions. Foucault maintains that power is above all a desire to dominate. That is why it should be studied based on the techniques and tactics of domination.<sup>38</sup> The author is of the opinion that proceeding from the point of view of globalising society, when new issues of centre vs. periphery come into focus, the issue of statehood can be largely put down to the desire to be at the helm. This desire to dominate can be compared to Weber’s desire to enforce order, which is related to the ability to dispatch someone dressed in a uniform and armed against people to make them comply with the laws of the state.<sup>39</sup> The desire to dominate is above all characteristic of strong countries such as the US and many other Western countries. These states also have supervisory agencies to enforce law to regulate everything from traffic rules to statutory fundamental rights.<sup>40</sup> Foucault does not think**

<sup>34</sup> *Ibid.*, p. 134.

<sup>35</sup> Popper, K 2010. *Avatud ühiskond ja selle vaenlased* (Open Society and Its Enemies). Tallinn, p. 32. p. 121.

<sup>36</sup> See *ibid.*

<sup>37</sup> Foucault, M. *Truth and Power. Power/Knowledge. Selected Interviews & Other Writings 1972–77.*– Pantheon Books. New York, 1980 p. 121

<sup>38</sup> *Ibid.*, p. 119

<sup>39</sup> Weber, M. *From Max Weber: Essays in Sociology.* New York: Oxford University press, 1946.

<sup>40</sup> Fukuyama, F. **State Buildings: Governance and World Order in the 21st Century**, Profile Books, 2006 p. 20–50

that power is ever, even in an absolutely sovereign state and centralised monarchy, concentrated in one location.<sup>41</sup> That is why power must be captured at its extremities, in its ultimate destinations, with those points where it becomes capillary.<sup>42</sup> Foucault maintains that power and sovereignty should not be examined from the perspective of where (i.e. which countries) such things could happen. Rather, power should be examined in terms of what kind of a state accommodates people who do such things. People can be subjected to power or the discourse of truth, however, only through a system of discipline and punishment. The state has taken over such subjection techniques from the church. Norms are required to control and categorise people. Nevertheless, norms do not only subject people to the state through which people are subjectivised. Norms can also be used to objectivise people, which means their expulsion from a system. Such a justification of subjection to norms can also be transferred to international society. Countries that do not comply with certain international norms have been called pariah states.

**From the point of view of the modern state model, Afghanistan is such a country in our example. Hence, a sovereign state derives its legitimate justification from legal provisions recognised by society. They entitle the political power to rule within a certain territory.<sup>43</sup> There are also those who believe that states develop statehood and exercise power irrespective of the legitimate basis of their activity.<sup>44</sup>** Here, the Soviet Union can be used as an example, which, regardless of the weak legitimate basis of the state, was still able to participate as one of the main actors in the super league of world countries for nearly 70 years. In a democracy, the abuse of power is nearly always related to the transgression of the conditions of the social contract provided in the Constitution. In this way, power becomes oppression.

From the point of view of postmodern sovereignty, it should be regarded in relation to the goals and interests of a certain subject. The goals and desires of a certain subject—be it the state, a social group or an individual—serve as the basis of instability and relativity in contemporary society. Acceptance of the diversity, fragmentation and difference of society, however, supports the position that the contemporary world is multicultural on various levels. The renunciation of the concept of the conformity of objective truth also casts doubt on whether the grand narrative and ideology are necessary for legitimising social processes. It is opined that issues of legitimation should always be discussed from a pluralist point of view, which means that social processes can be analysed from different perspectives. At the same time, none of the approaches is truthful or false. Everything depends on the goal, point of view and language game.<sup>45</sup>

When further analysing the issues from the aspect of critical constructivism, we could also make the claim about sovereignty that the connotation of the notion of sovereignty in the contemporary postmodernising world depends not only on the cultural and political background and identity, but that identity largely develops also in the course of the decision-making process as a kind of social practice. **When interpreting the notion of sovereignty, the key words these days are independence, security and world peace; that is, the extent to which such constructs are used in justifying the relevant interpretation. Furthermore, the extent to which the relevant issue of sovereignty is associated with traditional but, at the same time, softer—cultural and humanist—aspects of security. Each sentence and notion, including sovereignty, has so many connotations and contexts in which it is used.** Hence, in the present-day world, it is very difficult to justify a single universal objective truth that is interpreted in the same way in all cultures and societies, just as it is difficult to justify a single universal and objective notion of sovereignty that is equally understandable for everyone.

**The author is of the opinion that questioning sovereignty as a notion that can be objectively examined does not mean that our knowledge of sovereignty is prejudiced. How, then, can we explain the fact that knowledge helps us orientate in the world, change the world, etc.?** The criticism of objective truth, including the objectivism of sovereignty, within the

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<sup>41</sup> Foucault, M. *Truth and Power. Power/Knowledge. Selected Interviews & Other Writings 1972–77.*— Pantheon Books. New York, 1980 p. 118.

<sup>42</sup> *Ibid.*, p. 119

<sup>43</sup> Jellinek, K 1937.

<sup>44</sup> Huntington, S, P. *The Clash of Civilizations and the Remaking of World Order.* Simon and Schuster, New York, 1996. p. 9–99.

<sup>45</sup> See Lyotard, J.F. *The Postmodern Condition: A Report on Knowledge,* 1984; Wittgenstein, L. *Philosophical Investigations.* Blackwell Publishers, 2005,

framework of the postmodern paradigm is targeted against its universal character. An objective truth about a phenomenon, including sovereignty, cannot be universal or eternal because the truth is the ideological construct of reality, legitimacy, power and morality. Such a view of knowledge paves the way to an alternative and pluralist understanding of the world. This is also a precondition for understanding the contemporary democratic model of society. Our goals and interests serve as the yardstick of social processes for all kinds of approaches and methods. The debate about goals must be continually open in a democratic society. Contemporary Western, including Estonian, society cannot overlook this if it wishes to be democratic.

Argumentation, substantiated positions and objectivity in an intersubjective sense are the rules of any scientific thinking even these days.<sup>46</sup> In this sense, objectivity has not disappeared from scientific discussion. We must inevitably agree with sceptical postmodernists that in the contemporary rapidly changing world, it is unreasonable to talk about a single 'true' and 'homogeneous' ideology or theory. No statement can be limited to a single connotation. Each sentence has as many meanings as there are contexts in which it is used. Hence, there is no universal truth. Rather, the truth is something deeply subjective, which is rather a function of language.<sup>47</sup> Consequently, it is impossible to speak about conformity or nonconformity with objective reality these days. Renouncement of the metanarrative that describes reality unavoidably means also the renouncement of the concept of the correspondence of truth that dates back to Aristotle because there is no basis to which the truth could be related. The truth is constantly recreated depending on the relevant language game. This is also the cause of the relative nature of truth. Based on the above information, the criticism of these opinions also becomes topical, when one ideology striving to be universal is sought to be replaced by another similar effort: be it the desire to replace Marxism-Leninism with liberalism, national conservatism or socialism. Such an approach has been probably also upheld by the common-sense understanding of the truth, according to which there is a single possible truthful relationship between social reality and its description, which is uniformly determined. Kuhn,<sup>48</sup> Rorty,<sup>49</sup> and Lyotard<sup>50</sup> convince us in their works that it is not only the sole domination of positivism in research methodology that has come to an end but the era of the Marxist-Leninist reflection metaphor in discussing the truth has also ended. The search for a universal approach according to which it is sought to replace one ideology or grand narrative with another, in which all social processes would be treated functionally as a biological organism, in which certain parts are connected with others based on their teleological objective, has been repeatedly criticised not only by postmodernists, but also by hermeneutics<sup>51</sup> and synergetics.

Regarded this way, social processes are as if phenomena beyond an individual and outside the reach of his will, subjected to independent objective logic. These inevitably pre-determine the development of each individual as well as society as a whole. The author of this paper is of the opinion that questioning sovereignty as a notion that can be objectively examined does not mean that our knowledge of sovereignty is prejudiced. If knowledge is not objective one could ask about the nature of implementing knowledge. How can we explain the fact that knowledge helps us orientate in the world, change the world, etc.? Rather, the postmodern criticism of objective truth is targeted against its universal character. **An objective truth cannot be universal or eternal because the truth is an ideological construct of reality, legitimation, power and morality. Such a view of truth and knowledge paves the way to an alternative and pluralist understanding of the world.**

This is also a precondition for understanding the contemporary democratic model of society. Goals serve as a yardstick for all kinds of approaches and methods for social processes. The debate about goals must be continually open in a democratic society. Contemporary Western, including Estonian, society cannot overlook this if it wishes to be democratic. Argumentation, substantiated positions and objectivity in the intersubjective sense are also the rules of any scientific thinking these days.<sup>52</sup> In

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<sup>46</sup> See G.H. von Wright 1996. Progressi müüt (Myth of Progress);

<sup>47</sup> See Lyotard, J.F. The Postmodern Condition: A Report on Knowledge, 1984; ; Rorty, R. Philosophy and the Mirror of Nature, Princeton University Press;

<sup>48</sup> Kuhn, T. The Structure of Scientific Revolutions. The University of Chicago Press. 1980.

<sup>49</sup> See Rorty R. Consequences of Pragmatism. University of Minnesota Press, 1982.

<sup>50</sup> See Lyotard, J.F. The Postmodern Condition: A Report on Knowledge, 1984;

<sup>51</sup> See Gadamer H.G. Truth and Method. Continuum, London, 2004.

<sup>52</sup> See Wright. G,H von 1996. Progressi müüt. – Minerva öökull (Myth of Progress. The Owl of Minerva) . Vagabund, p. 27.



this sense, objectivity has not disappeared from scientific discussion. Here it must be noted that in his later works, Lyotard wished to distance himself from his earlier opinions in which postmodernism acquired a general meaning. Modernity should be rewritten through political notions according to Lyotard. This means that the Enlightenment should be asked again if mankind can be liberated by means of scientific and technological knowledge. Hence, both Lyotard and Foucault consider the political conclusion on the forms of knowledge extremely important.

The above information can be used to conclude that the application of the conflict method in analysing social processes has several advantages. First, focusing attention on binary oppositions also helps perhaps better understand the paradigmatic shift that characterises contemporary postmodernising society on a larger scale, the impact of which can already be detected now on the political and legal system of society. Second, in light of using the conflict method, the structural controversies of the transfer society become more prominent (to be discussed below). Third, the postmodern criticism of objective truth helps us better understand contemporary democratic society characterised by a plethora of different views and opinions. None of the positions are truth or error in themselves but depend on the social context on the basis of which they are constructed. Hence, the objectivity of truth can only be discussed in its intersubjective meaning. Based on this, how we find the shared part of various interests, goals and approaches becomes important, which, nevertheless, leads us to the consensus method. Lyotard (1984) sees Habermas's concept of truth and an Enlightenment narrative, in which the hero of knowledge pursues a good ethical and political goal – universal peace. This is the dialectics of levelling that says nothing about truth, **hence nothing about sovereignty either**. The language game is a creative fight, not the levelling consensus offered by Habermas. The goal of the language game is not to wipe out differences or to seek consensus, but quite the opposite, their creation, or parody. The task of a philosopher is to prevent a situation in which one language practice or genre starts to **prevail over the other**. This can prove disastrous to social relationships.<sup>53</sup>

## CRITICISM BASED ON CONSENSUS

When seeking an answer to Lyotard's criticism, Habermas asks: "Is modernity as passé as postmodernists argue? Or is it the widely trumpeted arrival of postmodernity itself 'phoney'? Is 'postmodern' a slogan which unobtrusively inherits the affective attitudes which cultural modernity has provoked in reaction to itself since the middle of the nineteenth century?"<sup>54</sup> Unlike Lyotard, Rorty and the other representatives of the sceptic wing in the criticism of modernism, Habermas represents the moderate approach. According to him, one should seek to interpret modernist values proceeding from the context of a new, globalising society. Consensus means reaching agreement on certain issues – that one makes an effort to identify an intersection based on certain goals between different approaches accepted by all participants in the debate. When discussing issues of consensus in his earlier works, Habermas proceeds from Kant that the Enlightenment must in practice create the preconditions for identifying scientific truth – a forum in which all people can freely and equally discuss what is the truth and what is right.<sup>55</sup> To achieve this, there must be forces in society that seek a deeper freedom and justice than offered by the modern state based on the rule of law.

The author agrees with Lyotard that it is difficult to understand Habermas' approach to legitimacy because he relates it to the issues of truth in his early period,<sup>56</sup> while legitimate order also deserves recognition. In his later works, Habermas abandons the requirement of truth and fully focuses on communicative discourse as the main legitimisation procedure. The functioning of civil society and a democratic decision-making mechanism presumes that every individual has unlimited access to the public sphere. The autonomy of the public sphere requires that it is located an equal distance both from the state and the market. Hence, the public sphere should not be under the immediate influence of intervention by the state or pursuit of profit by the market. It is an arena where people must be able to freely and fearlessly discuss any problems that are of interest for

<sup>53</sup> See Lyotard, J.F. *The Postmodern Condition: A Report on Knowledge*, 1984;

<sup>54</sup> Habermas, J. *Modernsus, lõpetamata projekt (Modernity: An Unfinished Project)*. – Akadeemia: 1996, No.1, p. 76.

<sup>55</sup> Habermas, J. *Modernsus, lõpetamata projekt (Unfinished Project of Modernity)*. – Akadeemia, Tartu 1996 p. 75 (in Estonian).

<sup>56</sup> Habermas, J. *Legitimation Crisis*. Beacon Press, Boston 1992.

them. An adequately and freely operating public sector keeps the other elements of democracy in place and in purposeful performance.<sup>57</sup>

The public sphere is a common space for free communication that is secured by legal rights to freedom of expression and assembly. In this sphere, problems are discovered and formed into opinions of the public that formal decision-making agencies are to act upon. The public sphere is a precondition for realising popular sovereignty because it entitles everybody to speak without limitation.<sup>58</sup> The notion of the public sphere signifies that equal citizens assemble into a public and set their own agenda through open communication. The public sphere is non-coercive, secular and rational. It is established through individual rights that provide citizens with protection from state incursions. The modern public sphere is founded on rational debate. Public discussion is considered an arena of political discussion,<sup>59</sup> in the course of which the existing power relations are also desacralised and in this way, 'pure' problems, free of domination, are reached in society.<sup>60</sup> The development of a public sphere has profound implications for the conception of democratic legitimacy. With this development, the power holder's basis of legitimacy has changed, as citizens are equipped with rights against the state. Decision-makers are therefore compelled to enter the public arena in order to justify their decisions and gain support.<sup>61</sup> The approach of deliberative democracy is also related to the notion of the public sphere, according to which politics is regulated by public discussion. According to this approach, opinions are shaped in public discussion and people can change their opinions if they are convinced by a better argument.

Democratic politics means that only those provisions and laws can in fact be legitimate that are accepted by the people concerned and that are adopted by the majority as a result of free discussion.<sup>62</sup> Habermas even proposes a relevant technique for reaching consensus, called an ideal speech situation. In the opinion of Habermas, equal conditions give all the participants a uniform opportunity to express their attitudes and feelings through which subjects become transparent for each other. As an abstract construct, the ideal speech situation has a unique and special status. It is not an existing concept in a Hegelian sense because no historical society could completely meet the requirements of rational discourse, or a regulatory principle in a Kantian sense because it is mentioned in every act of linguistic communication.<sup>63</sup> A trend based on Habermas' consensus has been greatly influenced by hermeneutical methods.<sup>64</sup> Habermas is of the same opinion with the hermeneutics that human conduct can only be understood from the interpretive and not the essentialist aspect. What anyone understands as the truth or sovereignty, eventually depends on the language game and the game played at the moment.

**Hence, both the truth and sovereignty are constructed only through language and this depends on our membership of a social group, tradition, etc.**<sup>65</sup> A truth about a thing and a phenomenon, including about sovereignty and the state is continually recreated, proceeding from traditions, social values and norms. **Consequently, any truth, including knowledge of sovereignty is always relative.** Based on the above, we may conclude that, regardless of certain differences between the two approaches—justification based on conflict as per Lyotard, Foucault and Rorty and justification based on consent as

<sup>57</sup> Maruste. R. Sõnavabadus ja selle piirid (Freedom of Speech and its Limits.-- Juridica 2001, No.1, pp.14–22.

<sup>58</sup> Eriksen, E.O, Fossum, J, E. 2002. Democracy through Strong Publics in the European Union? – Journal of Common Market Studies, Vol. 40, No. 3, p. 403.

<sup>59</sup> Habermas, J. 1962/2001. Avalikkuse struktuurimuutus. Uurimused ühest kodanikuühiskonna kategooriast (The Structural Transformations of the Public Sphere. An Inquiry into a Category of Bourgeois Society).– Translated by Andres Luure. 1962/2001. Tallinn: Kunst, pp.140–141. (Estonian translation)

<sup>60</sup> Keane, J. 1998. Civil Society: Old Images, New Visions.– Stanford: Stanford University Press, p.169.

<sup>61</sup> Eriksen, E.P. Fossum, J.E. 2002. Democracy through Strong Publics in the European Union?– Journal of Common Market Studies, Vol. 40, No. 3, p. 403.

<sup>62</sup> Habermas, J. 1996: Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy.– Cambridge, MA: MIT Press, p. 339.

<sup>63</sup> Thompson, J, B. Jürgen Habermas ja kriitiline ühiskonnateooria I. Akadeemia no.1, 1996 p. 94.

<sup>64</sup> See Gadamer H.G. Truth and Method. Continuum, London, 2004.

<sup>65</sup> Grauberg. E. 2004. Teadusest ja tõest ning tehnoloogist ja humanismist (About Science and Truth as well as Technology and Humanism). – Teadmine, Tõde ja Vabadus. University Nord, p. 7–22.

per Habermas—in the criticism of the modern paradigm, they also have common features, such as: 1) it is maintained that there is nothing in nature, society, the truth or God that could ensure an independent and objective perception of the world. The truth always depends on a context that is constructed based on differences in worldview but also based on the goal for which knowledge is obtained (issues of power and legitimacy); 2) it is stressed that all social, humanitarian and also physical processes, including sovereignty, must be regarded as language. Language constructs the domain of meanings and values for people. In other words, a reality is nothing else than a linguistic construct; 3) the world is constructed based on complementarity. The principle of complementarity originated from 20th century scientific discoveries, above all in quantum mechanics, and claims that mutually exclusive descriptions of a phenomenon are required to understand it;<sup>66</sup> 4) the principle of complementarity is inseparable from the notion of deconstruction. The goal of deconstruction is to be liberated from modernist logocentrism as a closed system and emphasises that any text always exists and functions among other texts and their sphere of influence.<sup>67</sup> It is common to various approaches to deconstruction that from the point of view of understanding the text, it is always considered more important that the text is open to other texts rather than closed.

**Discussion and comprehension of contemporary issues of the state and sovereignty requires that they are fully and continually open to rapid changes in society. Considering this, it is unreasonable to discuss whether sovereignty is a political, legal or philosophical concept or none of them.** Proceeding from a closed system, it is not possible in the contemporary world to understand the complexity and interrelationships of law, politics, economy and culture.

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<sup>66</sup> I. Grauberg 2006. Riik muutuvast maailmas: modernsest postmodernsesse (State in Changing World: from Modern to Postmodern).— University Nord, p. 22–24.

<sup>67</sup> Derrida, J. Positions. University of Chicago. 1981.