
CULTURE, RELATIVISM AND HUMAN RIGHTS

Ram Manikkalingam

Human Rights (HR) activists do not like cultural relativism. The success of the Human Rights project both philosophically and practically depends on its commitment to universal human rights standards, i.e., standards that apply to all humans, at all times, and in all situations. Cultural relativists who are ethnocentric reject the possibility there are common standards that apply to all cultures. Philosophically, human rights activists are committed to the belief that all humans, whatever their situation, are endowed with a bundle of inalienable rights. This bundle of rights reflects the dignity as well as the equality of all humans. They believe taking away some of these rights, bargaining over when they should be applied, or acquiescing in not applying human rights to some individuals or groups, not only dis-empowers and impoverishes them, but also detracts from our common humanity.

Human rights activists also believe that the universalism of human rights is critical to its practical success as a tool for improving people lives (not just as a philosophy about the universal standards for improvement). When the powerless or the dispossessed realise they have human rights because these rights are for everyone, they will be empowered to resist their oppressors and struggle for better conditions and improve their lives. And when the powerful realize that human rights apply to everyone, they will be shamed by a human rights report naming them as abusers of others' human rights.² So for human rights to work in practice as a way for improving peoples lives both the oppressed and the oppressors must know that human rights are universal. It is this link between human rights as a strategy to improve the lives of the vulnerable and human rights as a universal philosophy that applies to everyone, that leads human rights activists to balk at any attempt by the ethnocentric to question applying the same HR standards to culturally different situations.

In this brief note I will examine three ethnocentric objections to the Human Rights project and universalist Human Rights responses to these objections. Despite the importance of the challenge cultural difference poses to the universality of human rights, the work of most human rights activists in practice can continue as it does. The support for addressing widespread forms of human cruelty and deprivation - from torture, imprisonment and killings, to lack of food, lack of medicine and lack of housing - cuts across cultural differences. So practically, one might ignore this critique and simply plough ahead - as many human rights activists do. Still, engaging seriously with cultural relativists can have two important results - philosophical and practical. First it reminds human rights activists of human finitude - they are after all only a subset of humanity and can sometimes be wrong. Two it reminds them of "our" common humanity - we are all in this together so we need to

listen very carefully to what the cultural relativists are saying. And listening can have two important practical consequences. Where it is not possible to reasonably reject human rights standards - sincere listening can help human rights activists understand the basis of the opposition and find ways to address sincere misunderstanding. This will help in implementing universal human rights standards. Second - where human rights activists have come to mistaken conclusions about standards, listening can help the human rights community think about how to alter them and/or specify them more clearly.

This will improve the possibility of human rights being accepted and implemented as a universal project. Either way, taking cultural relativists seriously - whether human rights standards are right or wrong - can have the paradoxical result of actually strengthening the universality of Human Rights and the likelihood of its implementation, along with the commitment to a common humanity that is fundamental to its political success.

1. The First Ethnocentric Objection to Human Rights: "This is how we do things around here"

The first and most straightforward cultural relativist objection to the universality of human rights is that each community sets its own standards and that my community should be able to set its own. This objection is seen as adequate for two reasons. First cultural relativists argue that human rights are culturally specific - developed and pushed by a subset of people and cultures (usually Western) onto others. They do not deny that some standards are common. Only that the commonality is accidental, i.e., there is no deeper truth about the shared values of humanity that underlies the fact that some standards may be the same. Their key objection is that where central elements of human life - come into conflict with other people's standards - they have a right to pursue these elements. Where other peoples' standards are presented as universal - it simply reflects a sincere ignorance of how people actually live their lives or an invidious form of domination. By saying that your group's definition of rights is universal you impose your standards on me in order to dominate me.

Human rights activists rightly reject this cultural relativist objection. They do so for two reasons. First, they deny the absence of a common humanity that is implied if not stated in the cultural relativists perception that "this is how we do things around here". Human rights activists do not consider this an adequate response to HR claims of universalism. It begs the question - "so why do you do things like that around here" - that in the HR activists view can lead to universal standards. But for the cultural relativist "this

is how we do things around here” is the conclusion of the conversation. It both contains the reasons and the conclusion – we are different; that’s why we do things differently.

But the unwillingness of the cultural relativist to enter into a conversation about the implications of our common humanity is not all that troubles the HR activist. If that were the case, it would at most be a philosophical distinction. Rather what troubles the HR activist – particularly the one who has covered genocide, ethnic cleansing, and racial discrimination – is that this unwillingness to treat members of other cultural groups as you would your own has been responsible for some of the nastiest forms of human cruelty and indifference. If indeed the standards we apply to our own are different from those we apply to others (and there is no reason for this other than the happenstance that they are our own), then there is nothing to preclude us from disregarding others in ways that we would not our own. So human rights activists see this claim as a blatant attempt by the dominant to retain their power, at worst, or ignorance about human possibility, at best.

Having rejected rightly the ethnocentrism of the powerful – those who can use their power to abuse others and want to do so - HR activists then go on to lecture to the powerless and/or sincere who resort to ethnocentrism.³ They argue against the ethnocentric that cultures are internally diverse. This suggests that there will always be some member of a particular culture (appropriately defined) who will share the position of the human rights activist rather than the representatives of the culture. And even when there may not be such diversity, they illustrate how the boundaries between cultures are blurred. It is hard to say where one culture begins and another ends, given the intermingling of cultures. To the human rights activist, these facts about culture demonstrate an important political reality – cultures are flexible and fluid, not fixed. Practically, human rights activists point to cases where other cultures subsequently adopted practices that they initially considered alien. So human rights activists confidently conclude that human rights standards are universal and the ethnocentric critics who reject this out of ignorance (as opposed to a desire to hang onto privilege and power) just have not figured this out. With time they will.

The self-righteous tone of human rights activists’ refusal to listen to, let alone respect, the argument – “this is how we do things around here” - may turn-off many who sympathize with the human rights community. But, this self-righteousness does have a basis in historical reality. Some of the most egregious forms of human cruelty to other humans, such as genocide, ethnic cleansing, and discrimination, have stemmed from the refusal to treat others as you would your own. So human rights activists are confident that insisting we do, and finding the common standards that will enable us to, will on the whole improve the condition of humans everywhere.

2. The Second Ethnocentric Objection to Human Rights: “You do not know everything”

The second ethnocentric objection is that setting and implementing human rights standards is a politically charged task with no clear consensus even within the “human rights community” about what these standards are. In short, Human Rights are no less a political and historical invention than culture. This objection stems from a claim about the limitations of human knowledge. It turns the human rights critique of culture as flexible and fluid around. While the human rights activists may respond that upholding universal standards that apply to everyone will provide greater protection than not doing so, she is still vulnerable to the second ethnocentric objection about human finitude.

The strategy of this ethnocentric objection is to show how human rights standards and their applicability are open to interpretation and debate even among human rights activists, who share the premise of universal human rights standards. When human rights standards are applied to particular situations people disagree. The very fact that we need courts – international and domestic – to adjudicate between competing interpretations of human rights is one indication of this. Consider the Universal Declaration of Human Rights (UDHR) – widely considered the most fundamental international human rights document. This ethnocentric objection argues that the UDHR may have many desirable features, and may even be the most universal rights document in existence. Still, it was created and presented at a particular moment in history and it is easy to imagine a very different set of standards being enumerated by a different group of people, with equal commitment to universal human rights. And the UDHR is just one particular manifestation of universal human rights. To treat human rights as if it were immutable and timeless is wrong. Human Rights will change with time and it might change with place. In short, at any particular moment human rights activists cannot claim to have gotten human rights standards right; human rights activists do not know everything.

This ethnocentric objection is not easy for the human rights activists to refute without becoming fundamentalists. Because to reject this criticism, is to reject human finitude. Sensible human rights activists cannot reject human finitude, i.e., we are all ethnocentric in philosophical terms. Communities contribute to forming our ideals and our values. And how we analyze situations is often derived from our social experience.⁴ But for human rights activists this fact does not refute the desirability, if not the possibility of universally acceptable human rights standards. In fact, for human rights activists it is precisely because we are all ethnocentric, in one way or another, that we need universal standards. We all live in this world and come across each other, and sometimes come up against each other. When we do we may have differences that need to be resolved. One way of doing it is simply to assert our power, and our standards, over each other. But this can exacerbate rather than attenuate the possibility that our differences will lead to conflict. We need some trans-cultural standards to enable us to

live more or less peaceably, if not peacefully, in this world. To the extent that many cultures will come across each other in the world – often simultaneously – common standards that cut across all these cultures will become important to our survival. And for us to adhere to these standards we will need to relate to them, appreciate their importance, and commit to upholding them, i.e., make them ours. So for human rights activists the case of universal standards is independent of the human capacity to know everything. Human rights activists respond that they can simultaneously concede that they do not know everything, while arguing that they need universal standards to enable them to live with others as equals in a common human society. In fact, it is precisely because they do not know everything that they will need these universal standards that are shared by all. Still, this human rights response to the second ethnocentric objection concedes what the first response does not – the potential fluidity of HR standards and therefore its potential fallibility. Unlike the first human rights response to ethnocentrism, this one cannot be self-righteous.

3. The Third Ethnocentric Objection to Human Rights: “Treating me like you would your own can be unfair”

Human Rights standards are set by the more dominant – whether rich, powerful or more articulate – and they are more likely to have a greater influence over these standards than the oppressed. This is especially true at the international level. For small relatively weak groups to have a political impact on international human rights standards is hard at best or impossible at worst. So universal standards and campaigns may be drawn up that inadequately consider the concerns of the very groups they apply to. This may lead to standards that are inappropriate for particular circumstances, however thoughtful or well intentioned. Compelling adherence to these standards can disrupt the lives of people living in vulnerable communities. The sense that human rights standards disrupt lives can also be shared by weaker subgroups such as women within a community, who may be the purported beneficiaries of these universal standards. If indeed groups, as a whole, reject standards that ought to apply to them, human rights as a political project risks becoming a coercive project imposed on those it is meant to benefit. And if human rights activists concede that “they do not know everything” they can never be sure the resistance they face

from a community as a whole when upholding a universal Human Rights standard is due to people viewing it as an arbitrary imposition, rather than a stubborn or ignorant rejection of those who simply refuse to uphold universal human rights.

Once human rights activists concede human finitude, they cannot reject the possibility that the less powerful may be ignored in setting standards. And they must concede that those who reject the universality of human rights need not always be making a play for power to avoid doing what is just. Conceding this possibility is not a compromise of human rights principles with the power of the dominant, but the consequence of accepting human finitude. To ensure that human rights standards are not arbitrary, HR activists must engage in a serious dialogue with groups that are sincere (even if sincerely wrong) in their rejection of particular universal human rights standards. This will improve the possibility of human rights being accepted and implemented as a universal project, along with the commitment to a common humanity that is fundamental to its political success.

Bibliography

- Farid Abdel-Nour “Liberalism and Ethnocentrism” *Journal of Political Philosophy* Vol. 8, No. 2, 2000, pp. 207-226.
John Rawls *Political Liberalism*, Columbia University Press, New York, 1993
Todorov, Tzvetan. *On Human Diversity: Nationalism, Racism and Exoticism in French Thought*. Cambridge: Harvard University Press, 1993.

End Notes

- 1 This is forthcoming in Julie Mertus and Jeff Helsing, eds., *Human Rights and Conflict* (United States Institute of Peace, 2005).
- 2 This is the “naming and shaming” on which the success of most international human rights activism tends to depend.
- 3 By sincere, I simply mean those who may be powerful, but whose adherence to this ethnocentric objection does not stem from a desire to retain power.
- 4 Burdens of judgment in Rawls (1993), pp. 56-57 ■

Ram Manikkalingam is an Advisor on Peace and Security at the Rockefeller Foundation, and an advisor to the President of Sri Lanka.