Week 4 The West and the Rest: The dialectics of universality and particularity

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Are Human Rights Western?

Postcolonial critics argue that universal human rights are expressive of Western cultural particularity and contest the idea of rights as universally applicable. The debate often turns on the idea that, though rights are said to have universal validity, they originate in the West and in some sense express Western interests.

Postcolonial critics also argue that human rights abstract from differences of power through their formally egalitarian framework. It looks like rights can be claimed and granted equally to the advantaged as to the disadvantaged, but this semblance of equality simply effaces long-standing substantive inequalities between claimants.

These claims confront the ‘uniqueness of the West’ argument, a kind of Western chauvinism, which declares that only the West has been able to come to an understanding and recognition of human rights and conversely that human rights have little or no resonance in other societies. This approach is that called by Huntington ‘the clash of civilisations’ (Gertrude Himmelfarb 1996; Samuel Huntington 1996).

Both these positions accept the argument that human rights are indeed Western. The dispute between them turns primarily on the question of whether human rights themselves should be valued or devalued.

The orthodox liberal view (Jack Donnelly) is that human rights are rights one has by virtue of being human and that they are universal in two senses: they are held by all human beings and everybody could and should in principle accept them as ideal standards. However, the question of where human rights come from is answered through a history of Western civilisation: it begins with the U.S. Declaration of Independence, is followed by the French Declaration of Rights, and has an intellectual lineage among European and American enlightenment thinkers (Locke,
Rousseau, Kant, Jefferson, Paine, etc). Donnelly maintains that not all societies have in the past had conceptions of human rights and that non-Western traditions as well as the pre-modern West have lacked the practice and idea of human rights (Donnelly 2003: 71).

Gurminder Bhambra amongst others points out that this is a partial history. For example, the ‘Black Jacobin’ revolutionaries in Saint Domingue (later to be called Haiti) in the late eighteenth century embraced the rights of man in their own struggles for emancipation from slavery and lobbied for the abolition of slavery to be included in the third edition of French Declaration of the Rights of Man and Citizen. Were the Black Jacobins ‘Western’? Was this a mark of the Western provenance of human rights?

From the other side, the French re-established slavery in their colonies in May 1803. The rights of man in France were put forward in the context of French involvement in the slave trade as well as the maintenance of Algeria as a colony until 1961 The ‘universal rights’ of the American Declaration were proclaimed in the context of slavery and the denial of rights to blacks and women continued at least until 1964. Was this an example of the Western commitment to human rights? De Tocqueville (1835) recognized the contradictory nature of the language and practice of rights in the West in:

‘The Europeans ... first violated every right of humanity by their treatment of the Negro, and they afterwards informed him that those rights were precious and inviolable’.

The post-antisemitism critique, if I can call it this, has as much reason as the postcolonial critique to question how far the idea of human rights is a Western preserve. True, the emancipation of Jews was a result of the French Revolution but it was unevenly pursued in other European countries in the 19th century and followed in the 20th century not only by the destruction of the rights of Jews but also of the Jews themselves.
In the post-war years African, Asian and Latin American states were involved in the Universal Declaration of Human Rights. It was endorsed in 1948 by the General Assembly of the United Nations with 48 of the then 58 member states voting in favour (with eight abstentions and the other two countries missing the vote). 33 of the 48 signatories were Latin American and non-Western countries meaning that Western countries accounted for less than a third. Among the abstainers were Saudi Arabia, the Soviet bloc which claimed it wanted more emphasis on socio-economic rights, and South Africa which was openly hostile to the Declaration (see Morsink 1999, Donnelly 2003). The presence of newly decolonized countries within the United Nations put self-determination and anti-discrimination rights on the agenda and the Soviet Bloc had their own (cynical) reasons to put social and economic rights on the agenda. We cannot ignore the participation of these states in the creation of human rights norms.

**Human rights as a western artefact**

The view that human rights are a western idea is part of a larger worldview that there is a colonial bias in our thinking and values and that the theory and practice of human rights display this bias.

Much of this literature draws on Edward Said’s seminal book *Orientalism* (1985). Said elaborates how the west has produced an ‘otherising’ gaze upon the east. He presents the west as a culturally as well as politically imperialist force and argues that ‘non-western’ traditions need to be appreciated in their own right as counterpoints to western ones. Thus insofar as western systems of human rights are based on individualism, the collectivist traditions of non-Western or Eastern societies have no recognition within them.

The distinction between the west and the east, for all its faults, is held to have the heuristic capacity to bring to the surface questions of power, exclusion and hegemony (Stuart Hall). It is said to sensitise us to the extent to which westerners are caught in project of inferiorising others. Let us consider the argument of Judith Butler.
Butler begins her essay (2008) by saying she opposes any return to a version of cultural difference that depends on ‘cultural wholism’. The problem, as she presents it, is not that there are different cultures at war with one another. What she is opposed to is the notion that Europe is a privileged site of human rights (say in the field of gay and lesbian rights) and that this culture of freedom and modernity must be protected against the putatively ‘traditional’ cultures associated with new immigrant communities.

Butler is concerned in this paper about link between the affirmation of lesbian and gay rights and anti-Islamic practices. What she sees happening in Europe is the deployment of human rights as an instrument of bigotry. The rights of gay and lesbian people are being invoked instrumentally to wage a cultural assault on Islam. Her project is to reconnect sexual politics with anti-racist politics.

She raises the case in the Netherlands of new applicants for immigration being required to look at photos of two men kissing. They are asked to report whether they find these photos offensive and whether they are willing to live in a democracy that values the rights of gay people to open and free expression. In this case the sexual freedom of lesbian and gay people is understood to exemplify a culturally advanced position as opposed to one that would be deemed pre-modern.

Butler notes that various groups are exempted from having to take the test including European Union nationals, asylum-seekers and skilled workers who earn more than €45,000 per year, and citizens of the USA, Australia, New Zealand, Canada, Japan and Switzerland. Presumably these exceptions are premised on the notion that homophobia is not to be found among these groups. Butler also notes that the identification of gay rights with modernity was advanced by right wing populist politicians, like Pym Fortuyn, a gay and overtly anti-Islamic politician who was gunned down by a radical environmentalist in the winter of 2002. She adds that a
similar conflict was dramatized in the death of Theo van Gogh, whose stance in favour of political and artistic rights was also instrumentalised in an anti-immigrant politics.

Butler argues that it is one thing to support gay rights; another to establish them as a prerequisite for admission into the polity as an acceptable immigrant. Her concern is that a certain cultural norm, seemingly based on respect for human rights, is being articulated as a precondition of citizenship. Butler puts it thus: ‘a paradox ensues in which the coerced adoption of certain cultural norms becomes a requisite for entry into a polity that defines itself as the avatar of freedom’.

If the civic integration exam were part of a larger effort to foster cultural understanding about religious and sexual norms for a diverse Dutch population, we might understand cultural integration in a different and more positive sense; but not if it is administered coercively and selectively. The question she raises is this: does the exam become a means for testing tolerance or does it carry out an assault against religious minorities as part of a broader effort to demand that they rid themselves of traditional religious beliefs and practices to gain entry into the Netherlands? Is this a liberal defence of rights or is the idea of rights being used as an instrument of coercion to keep Europe white, pure, and secular? Butler is quite pithy: ‘I want to be able to kiss in public but do I want to require that everyone watch and approve before they acquire rights of citizenship? I think not.’ We are being asked to disarticulate struggles for sexual rights and freedoms from struggles against racism and Islamophobia.

Butler’s project is not to trade sexual freedoms for religious ones but to question a framework of analysis that cannot move beyond the liberal antinomy of homophobia on one side and racism on the other. Whether she has a solution, I am not sure. For example, at one point she maintains that in place of a liberal conception of rights, it is necessary to focus on the critique of state violence. It is not at all clear to me what kind of solution this is.
It seems to me Butler is on stronger ground when she argues that in France the refusal to grant legal recognition for gay parenting rights works *in tandem with* anti-Islamic state policies; or when she argues that the Pope voices condemnation both of gay parenting rights *and* Islamic religious practices.

Butler’s main target is the discourse of the ‘civilizing mission’: the notion that the West has undergone modernization and arrived at human rights principles and that all non-Western religious traditions are outside the trajectory of civilization. She maintains for example that the Islamic populations destroyed in the Iraq and Afghan wars were considered less than human within this framework – they were deemed to belong to a time of cultural infancy. It is this conceit of progressive history in her view that positions the ‘West’ as articulating the paradigmatic principles of human rights and assigns to the ‘Arab Mind’ (which is treated as a unitary, self-sufficient and distinctive culture) non-recognition of this civilising principle. She suggests that the scenes of sexual debasement and physical torture that came out of Abu Ghraib should be understood as part of this civilizing mission. The license to engage in unbridled brutality is not unconnected to the crude deployment of human rights as a norm of civilisation.

**Critique and conclusion**

Said’s objection to crude opinions of the east by westerners has fuelled a postcolonial argument that the western observer *always* produces an orientalist, otherising gaze on the east which casts the east in need of the civilising influence of the western tradition of human rights.

But could not judgment of ‘others’ give us a route towards critical self-examination? We should admit the possibility of ‘westerners’ forming an intelligent, critical, appreciative view of the ‘east’ that scrambles the categories of east and west. We should remember (Al-Azmeh *Islams and Modernities* 1993:6) the proposed incommensurability of cultures suits the racist as much as the celebrants of diversity. Heterophilia (love of difference) is the other side of the coin to heterophobia (fear of
difference). This resonates with Foucault’s (1979) notion of a reverse discourse in which counter-arguments do not transcend the scope of the adversary’s arguments.

Making judgments about our own cultures is just as difficult as making judgments about other cultures. There is an old saying that ‘if you want to understand England, you must leave it’. Sometimes proximity to an experience over-naturalises it. A vital means by which we understand our own culture is through comparison with another. Comparison also enables us to locate our commonalities

The concept of western is associated geographically with Europe, the two Americas, Australasia and culturally with Christianity and on what are assumed to be European derived democratic systems resting on secular, individualist and liberal values.

The absence of a settled definition of ‘western’ may not be important because it has become an imaginary rather than a precise concept. For some, this imaginary conjures forth a superior civilisation that clashes with Islamic civilisation (Huntingdon 1996). For others the term trigger a set of moral associations to do with privilege, unfairness, liberalism, rapacious capitalism, egoism and the devaluing of other cultures.

But let us not erase from view the mongrel character of the idea of the West. The key intellectual movements associated with ‘the west’ have their origins around the globe (Brotton, 2003, Bernal, 1991). Trade, travel, migration, flight, diaspora and warfare mean that cultures cross-fertilise. They are not ‘sealed boxes but a fertile jungle of different influences’. We need to acknowledge the cross-cultural sources of human rights ideas. Calling them ‘Western’ erases their diverse origins. West turns out to be east and vice versa. There is a risk of embracing a ‘pseudo sociology’ (Al-Azmeh) that elevates ‘differences to Difference’ (Al-Azmeh, 1993: 6).