

## Chapter 2

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# The Complexity of Universalism in Human Rights

I want to suggest, at the outset, that we must approach all claims of universality with caution and trepidation. There can be little doubt that visions of universality and predestination have been intertwined throughout modern history, and have been deployed as the linchpin for advancing narrow, sectarian, and exclusionary ideas and practices. At the purely theoretical level, therefore, we are chastised to look not once, but twice, and again, at universalizing creeds, messages, ideas, and phenomena. This is not to suggest that universality is always wrong-headed, or devious, but it is rather to assume that universality is not a natural phenomenon. In other words, universality is always constructed by an interest for a specific purpose, with a definite intent.

Second, I want to suggest that all truths are local—they are contextual, cultural, historical, and time-bound. Again, this is not to say that local truths cannot become universal truths—they can, but the question is how one gets there. If we do not understand this basic admonition, we risk repeating the colossal inhumanities and incalculable mistakes which were wrought by the evils of slavery (in pursuit of the universalization of the market); Christianity and Islam (in the quest for the spiritual conquest of non-European and non-Arabic peoples and the destruction of their cosmologies); and colonization (in search of the imposition of commerce and Eurocentrism).

The question therefore is how local truths are legitimately transformed into universal creeds—what value judgments are made, who makes those judgments, how they are made, and for what purpose. Ultimately, we must ask ourselves what good is intended by universal creeds—and whether they redound to the benefits of peoples everywhere. For me these questions are non-negotiable because they must be answered before we can declare a particular creed universal, in effect a glimpse of eternity, or an inflexible truth. This is crucial because once we confer such status on a creed or truth, then that truth becomes transhistorical, universally valid, and urgent. The failure to comply with it denotes a fundamental breach of civilization, for which the direst consequences might be borne by the violator.

## 1. The Forcible Embrace of Human Rights

In 1998, amid much fanfare and pageantry, many important personalities and institutions, including numerous governments, celebrated the fiftieth anniversary of the Universal Declaration of Human Rights. That seminal document launched human rights internationally, an idea that has arguably given expression to one of the most important developments of our times. But largely lost in those celebrations were the voices that problematize the idea of human rights and point to its difficulties from normative, institutional, and multicultural perspectives. Perhaps there should have been wrenching, soul-searching, and probing inquiries into the phenomenon known as the human rights movement. But it was not to be. Was it because the human rights movement is an unqualified good, or were critical voices muffled and silenced? What could have accounted for the universally near-total approval and unbridled joy that marked the moment of the UDHR milestone?

It is a virtual certainty that the human rights corpus, if fully implemented, would alter the fundamental character of any state, its cultures, and society. On that basis alone, without even judging its appropriateness, the doctrine of human rights bears close scrutiny. It is true that there are emergent debates and disagreements between scholars, policymakers, and advocates about the character and purposes to which the human rights corpus should be put. Some of these debates focus on questions of normativity, the need for a cultural consensus and legitimacy, and the problems of effective and consistent enforcement. Others suggest a radical reformulation of human rights. These are the vexing problems that we must urgently address.

Since the human rights corpus has profound implications for all human societies, particularly those that are non-Western, there is a need to openly discuss the political agenda of the human rights movement. The movement's apoliticization obscures its true character and the cultural identity of the

norms that it seeks to universalize. While many cultures and peoples of all political and historical traditions around the world have accepted the idea of human rights, many have wanted to couple their embrace with a degree of originality. This ranges from marginal contributions, on the one hand, to radical reformulations on the other. Thinkers who are non-Western resist the idea that the official UN-sanctioned human rights movement is the final answer and should not be subject to attack or scrutiny. I reject this assertion of a final truth and suggest in this chapter its limitations.

Emergent research and scholarship have opened huge vistas of doubt about blind faith in the officially constructed human rights movement. While my work has focused on the relationship between the state and the language of rights as an avenue for protecting human dignity, it questions the official formulations of the corpus and the purposes they serve. This view constitutes a philosophy that seeks to expand the scope of human rights and pleads for alternative understandings of the human rights movement. There is a paucity of scholarship by non-Westerners like myself in this idiom, although there is a dire need to speak across cultures and identities in human rights. My work fits in this category and will hopefully serve the purpose of enriching dialogue in human rights. The outcome is an attempt that advances critical approaches to human rights.

This piece presents a view of human rights that questions the assumptions of the major actors in the human rights movement. It attempts to make an explicit link between human rights norms and the fundamental characteristics of liberal democracy as practiced in the West, and to question the mythical elevation of the human rights corpus beyond politics and political ideology. It questions the deployment of human rights to advance or protect norms and practices that may be detrimental to societies in the Third World. In other words, the work presents a series of critical lenses and approaches through which human rights should be viewed.

## **2. The Need for Probing Critiques**

The main authors of the human rights discourse have thus far been reluctant to be critical of the human rights movement. There are several reasons for this trepidation of critical analysis. First, I suspect that many of the movement's authors sincerely doubt that an honest inquiry could pin the human rights movement down to a specific political structure or deconstruct it in a way that bares its biases and politics. The Cold War, which pitted the capitalist West against the Socialist and Communist bloc, deeply perverted the philosophies of states towards human rights. The West purported to champion civil and political rights, whereas the Soviet bloc posed as the sole guaran-

tors of economic, social, and cultural rights. At that time, to engage in probing critiques would have been an admission against interest in the context of the Cold War, amidst states only too eager to exploit cultural and political excuses to justify or continue repressive policies and practices. Whatever the case, it now seems imperative that we no longer circumvent probing inquiries about the philosophical and political *raison d'être* of the human rights regime; in fact, they must be encouraged and welcomed.

While I do not think that the human rights movement is a Western conspiracy to deepen its cultural stranglehold over the globe, I do believe that its abstraction and apoliticization obscure the political character of the norms that it seeks to universalize. As I see it, the purportedly universal is at its core and in many of its details, liberal and European. The continued reluctance to openly identify human rights with liberal democracy delays the reformation, reconstruction, and the multiculturalization of human rights. Defining those who seek to reopen or continue the debate about the cultural nature and the raw political purposes of the human rights regime as "outsiders" or even as "enemies" of the movement is the greatest obstacle to the efforts to bring about true universalization.

Just over half a century after the Universal Declaration of Human Rights laid the foundation for the human rights movement, diverse peoples have embraced those ideas across the earth. That fact is undeniable. But it is only part of the story. Those same people who have embraced that corpus also seek to contribute to it, at times by radically reformulating it, at others by tinkering at the margins. The human rights movement must not be closed to the idea of change or believe that it is the "final" answer. It is not. This belief, which is religious in the evangelical sense, invites "end of history" conclusions and leaves humanity stuck at the doors of liberalism, unable to go forward or imagine a postliberal society. As an assertion of a final truth, it must be rejected.

As a philosophy that seeks the diffusion of liberalism and its primacy around the globe, ironically, the human rights corpus can be said to be favorable to political and cultural homogenization while hostile to difference and diversity, the two variables that are at the heart of the vitality of the world today. Yet, strangely, many human rights instruments explicitly encourage diversity through the norm of equal protection, which Henry Steiner, for instance, sees as the cardinal human rights norm. As he correctly notes:

Other rights declared in basic human rights instruments complement the ideal of equal respect and confirm the value placed on diversity. Everyone has a right to adopt "a religion or belief of his choice" and has freedom "either individually or in community with others and in public or private" to manifest belief or religion in practice and teaching. Rights to "peaceful assembly" and "freedom of association with others," in each case qualified by typical

grounds for limitation like public order or national security, further commit the human rights movement to the protection of people's ongoing capacity to form, develop, and preserve different types of groups.<sup>1</sup>

The paradox of the corpus is that it seeks to foster diversity and difference but does so only under the rubric of Western political democracy. In other words, it says that diversity is good so long as it is exercised within the liberal paradigm, a construct that for the purposes of the corpus is not negotiable. The door to difference appears to be open while in reality it is closed shut. This inelasticity and cultural parochialism of the human rights corpus needs urgent revision so that the ideals of difference and diversity can be realized. The long-term interests of the human rights movement are not likely to be served by the pious and righteous advocacy of human rights norms as frozen and fixed principles whose content and cultural relevance is unquestionable.

Based on this premise, the human rights movement needs to alter its orientation, which until now has been an orientation of moral, political, and legal certitude. There needs to be a realization that the movement is young and that its youth gives it an experimental status, not that of a final truth. The major authors of the human rights discourse seem to believe that all the most important human rights standards and norms have already been set and that what remains of the project is elaboration and implementation. This attitude is at the heart of the push to prematurely cut off debate about the political and philosophical roots, nature, and relevance of the human rights corpus.

Debates about the universality of the corpus between the industrialized West and the South should not be viewed with alarm or as necessarily symptomatic of a lack of commitment to human rights by those in the Third World. Attempts to question the normative framework of human rights, their cultural relevance, and the need for a cross-cultural recreation of norms will not be silenced or wished away by universalists who are unwilling to engage in the debate. As Deng and An-Na'im argued in a volume exploring these issues, the debate is just beginning:

Whatever the reason for the controversy surrounding cross-cultural perspectives on human rights, the essays in this volume clearly demonstrate that the debate has just begun and that its parameters are still to be defined and its course is still to be charted. The central issue in this debate is whether looking at human rights from the various cultural perspectives that now coexist and interact in the world community promotes or undermines international standards.<sup>2</sup>

1. Henry J. Steiner, "Ideals and Counter-Ideals in the Struggle Over Autonomy Regimes for Minorities," 66 *Notre Dame Law Review* (1991) 1539, 1548.
2. Abdullahi Ahmed An-Na'im and Francis M. Deng, "Chapter One, Introduction," in Abdullahi Ahmed An-Na'im and Francis M. Deng, (eds.), *Human Rights in Africa: Cross-Cultural Perspectives*, Washington, D.C.: Brookings Institution (1990) 9.

There is little doubt that certain states and governments will hide behind the veil of culture to perpetuate practices that are harmful to their populations. That cynicism, however, must not be confused with genuine attempts to bequeath cross-cultural legitimacy to a universal human rights corpus. Deng and An-Nai'm ask a series of biting questions that leave little doubt about the indispensability of cross-culturalism.<sup>3</sup> Richard Schwartz affirms this point of view: he sees the necessity of a cross-fertilization of cultures if a universal human rights corpus is to emerge. According to him:

Every culture will have its distinctive ways of formulating and supporting human rights. Every society can learn from other societies more effective ways to implement human rights. While honoring the diversity of cultures, we can also build toward common principles that all can support. As agreement is reached on the substance, we may begin to trust international law to provide a salutary and acceptable safeguard to ensure that all people can count on a minimum standard of human rights.<sup>4</sup>

The failure of most universalists—particularly the most conventional thinkers and activists among them—to positively engage in this debate unnecessarily antagonizes Third World cultural pluralists and lends credence to charges of cultural imperialism. This is particularly the case if the human rights corpus is seen purely as a liberal project with the overriding, though not explicitly stated, goal of imposing a Western-style liberal democracy, complete with its condiments. The forceful rejection of dialogue also leads to the inevitable conclusion that there is a hierarchy of cultures, an assumption that is not only detrimental to the human rights project but is also inconsistent with the human rights corpus' commitment to equality, diversity, and difference. Ultimately, the unrelenting universalist push seeks to destroy difference by creating the rationale for various forms of intervention and penetration of other cultures with the intent of transforming them into the liberal model. This view legitimizes intervention and leaves open only the mode, that is,

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3. *Ibid.*, 10-11. What follows is a list of several of the questions the editors ask: "Is this [cross-cultural approach to creating a universal corpus] a fanciful ideal or an achievable objective? Are we being romantic and are we unnecessarily complicating the process of universalizing the cause of human rights, or are we presenting a cultural challenge for all members of the human family and their respective cultures that can help shape the lofty ideals of universal human rights? And could such worldwide involvement in itself lead to a realization of the universality of human dignity, which is the cornerstone of international human rights? Or would it be more practical to assume that some cultures are just not blessed with these human ideals, and that the sooner they recognize this and try to adjust and live up to the challenge presented by the pioneering leadership of those more endowed with these lofty values, the better for their own good and for the good of humanity?"
  4. Richard D. Schwartz, "Human Rights in an Evolving Culture," in Abdullahi Ahmed An-Nai'm and Francis M. Deng (eds.), *op. cit.*, note 2, 368-382.

whether intervention takes the form of military force; sanction systems, bilateral or multilateral; a cultural package bound in one or another form of exchange; or trade and aid.

What should not be at stake in conversations about human rights is the singular obsession with the universalization of one or another cultural model. Rather, the overriding objective of actors ought to be to envisage norms and political models whose experimental purpose is the reduction, if not the elimination, of conditions that perpetuate human indignity, violence, poverty, and powerlessness. For that to be possible, and to resonate in different corners of the earth, societies at their grassroots have to participate in the construction of principles and structures that enhance the human dignity of all, big and small, male and female, believer and unbeliever, this race and that community. But those norms and structures must be grown at home, and must utilize the cultural tools familiar to the people at the grassroots. Even if they turn out to resemble the ideas and institutions of political democracy, or borrow from it, they will belong to the people. What the human rights movement must not do is to close all doors, turn away other cultures, and impose itself in its current form and structure on the world. A postliberal society, however that will look, cannot be constructed by freezing liberalism in time.

### 3. The Third World and Human Rights

The human rights promise to the Third World is containment—if not elimination—of cruel living conditions, state instability, and other social crises through the rule of law, granting of individual rights, and a state based on constitutionalism. The Third World is asked to follow a particular script of history for this promise to mature. That script holds that the future of the international community lies in liberal nationalism and democratic internal self-determination. The impression given is that a unitary international community is possible within this template if only the Third World follows suit by climbing up the civilizational ladder. It is my argument, however, that this historical model, as now diffused through human rights, cannot respond to the needs of the Third World absent some radical rethinking and restructuring of the international order.

Today the presence of the United States—which has succeeded France and the United Kingdom as the major global cultural, military, and political power—is ubiquitous. This became especially true after the collapse of the Soviet Union and Communism a decade ago. There is virtually no conflict or issue of importance today in which the United States does not seek, and often play, the crucial role whether by omission or commission. From the conflicts in central Africa to crises of the former Yugoslavia to the cor-

ridors of the United Nations, the United States is the single most important actor in the world today. In a sense the U.S. chief executive sits atop a global empire. It is an empire governed by the cultures, traditions, and norms of the European West. The European colonial powers of yesteryear have, as it were, passed the torch to the United States. The United States has renewed and revitalized the Age of Europe. The domination of the globe exercised by European powers for the last several centuries has been assumed by the United States. The United States is now the major determinant for international peace and security and the spokesperson for the welfare of humanity. Never before has one state wielded so much power and influence over so vast a population. A global policeman, the United States now plays the central civilizing role through the export of markets, culture, and human rights.

Increasingly, the human rights movement has come to be openly identified with the United States, whose chief executive now invokes human rights virtually every time he addresses a non-European nation.<sup>5</sup> In fact, former President Bill Clinton's international speeches had come to resemble lectures and sermons, very much in the savior mode.<sup>6</sup> This is the wrong course. The human rights movement, and its ally the American state, must abandon the pathology of the savior mentality if there is to be any real hope in a genuine international discourse on rights. The relentless efforts to universalize an essentially European corpus of human rights through Western crusades cannot succeed. Nor will demonizing those who resist it. The critiques of the corpus from Africans, Asians, Moslems, Hindus, and a host of critical thinkers from around the world are the avenues through which human rights can be redeemed and truly universalized. This multiculturalization of the corpus could be attempted in a number of areas: balancing between individual and group rights, giving more substance to social and economic rights, relating rights to duties, and addressing the relationship between the corpus and economic systems. This article does not develop those substantive critiques. That calls for another project. Further work must be done on these questions—and on the corrupting influences of the individualism of the human rights corpus—to chart out how such a vision affects or distorts non-European societies.

Ultimately, a new theory of internationalism and human rights that responds to diverse cultures must confront the inequities of the international order. In this respect, human rights must break from the historical continuum expressed in its grand narrative that keeps intact the hierarchical relationships between European and non-European populations. Nathaniel Berman is right in his prognosis of what has to be done:

5. Laura Myers, "Clinton Talk at University Prods China on Freedom," *Buffalo News* (29 June 1998) A1.
6. Charles Babington, "Improve Rights Record, Clinton Tells Turkey," *Washington Post* (15 November 1999) A21.

The contradictions between commitments to sovereign equality, stunning political and economic imbalances, and paternalistic humanitarianism cannot be definitively resolved logically, doctrinally, or institutionally; rather, they must be confronted in ongoing struggle in all legal, political, economic, and cultural arenas. Projections of a unitary international community, even in the guise of the inclusive UN, or a unified civilizational consensus, even in the guise of human rights discourse, may be provisionally useful and important but cannot indefinitely defer the need to confront these contradictions.<sup>7</sup>

The approach in this chapter views the human rights text and its discourse as requiring that typology of state which is based on the ethos of constitutionalism and political democracy.<sup>8</sup> The logic of the human rights text is that political democracy is the only political system that can guarantee or realize the fundamental rights it encodes.<sup>9</sup> As Henry Steiner points out, the basic human rights texts, such as the ICCPR, should be understood not as imposing a universal blueprint of the myriad details of democratic government, but rather as creating a minimum framework for popular participation, individual security, and non-violent change.<sup>10</sup> Fair enough. The point then is that if this were a game or sport, its essence would have been decided, leaving those who adopt the sport only the option of tweaking or revising the rules governing it without transforming its purpose. In other words, genuine universality is not possible if the core content of the human rights corpus is exclusively decided, leaving non-European cultures with the possibility to make only minor contributions at the margins, and only in its form.

Using political democracy as one medium through which the human rights culture is conveyed, one is able to capture the imperial project at work. First, the choice of a political ideology that is necessary for human rights is an exclusionary act. Thus cultures that fall outside that ideological box immediately wear the label of the savage. To be redeemed from their culture and history, which may be thousands of years old, a people must then deny themselves or continue to churn out victims. The savior in this case

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7. Nathaniel Berman, "Beyond Colonialism and Nationalism? Ethiopia, Czechoslovakia, and a Peaceful Change," 65 *Nordic Journal of International Law* (1996) 421, 478.

8. See Henry J. Steiner, "Do Human Rights Require a Particular Form of Democracy," in Eugene Cotran and Abdel Omar Sherif (eds.), *Democracy, the Rule of Law and Islam*, The Hague: Kluwer Law International (1999) 193.

9. *Ibid.*, 200. Steiner, for example, does not dispute that the human rights text requires a political democracy. He argues that it in fact does impose just such a model. But he correctly points out that the model envisaged is not "detailed and complete." The "essential elements" of a democratic government that the human rights instruments impose do not constitute a complete blueprint but rather "leave a great deal open for invention, for political variation, for progressive development of the very notion of democracy."

10. *Ibid.*, 200-201.

becomes the norms of democratic government, however those are transmitted or imposed on the offending cultures. Institutions and other media like the United Nations that purports to have a universalist warrant, or others, like the United States Agency for International Development, an obvious instrument of U.S. interests and foreign policy, are critical to the realization of the grand script of human rights explored in this chapter. It has, however, been my argument that the imposition of the current dogma of human rights on non-European societies flies in the face of conceptions of human dignity, and rejects the contributions of other cultures in efforts to create a universal corpus of human rights. Proponents of human rights should accept the limitations of working within this official script. Then they must reject it and seek a truly universal platform.

The purpose of this chapter is not to raise or validate the idea of an original, pure, or superior Third World society or culture. Nor is it to provide a normative blueprint for another human rights corpus, although that project must be pursued with urgency. It did not set out to provide a substantive critique of the Eurocentric human rights corpus, although doing so is necessary and must be part of making a complete case against the dominant Western human rights project. The chapter is rather a plea for genuine cross-contamination of cultures to create a new multicultural human rights corpus. What is advocated here is the need for the human rights movement to rethink and reorient its hierarchized binary view of the world in which the European West leads the way and the rest of the globe follows in a structure that resembles a child-parent relationship. Nor do I mean to suggest that all human rights communities in the West believe and work to ratify that hierarchy. Human rights can play a major role in changing the unjust international order, particularly in correcting the imbalances between the West and the Third World—but it will not do so unless it stops working within its rigid script. Ultimately, the quest must be one for the construction of a human rights movement that wins.

#### **4. Eurocentrism and Human Rights**

The adoption in 1948 by the United Nations of the Universal Declaration of Human Rights, the foundational document of the human rights movement, sought to give universal legitimacy to a doctrine that is fundamentally Eurocentric in its construction. Sanctimonious to a fault, the UDHR underscored its arrogance by proclaiming itself the common standard of achievement for all peoples and nations. The fact that a half-century later human rights have become a central norm of global civilization does not vindicate their universality. It is rather a telling testament to the conceptual, cultural,

economic, military, and philosophical domination of the European West over non-European peoples and traditions.

The fundamental texts of international human rights law are derived from bodies of domestic jurisprudence developed over several centuries in Western Europe and the United States. The dominant influence of Western liberal thought and philosophies are unmistakable. No one familiar with Western liberal traditions of political democracy and free market capitalism would find international human rights law unusual. Its emphasis on the individual egoist as the center of the moral universe underlines its European orientation. The basic human rights texts drew heavily from the American Bill of Rights and the French Declaration of the Rights of Man. There is virtually no evidence to suggest that they drew inspiration from Asian, Islamic, Buddhist, Hindu, African, or any other non-European traditions.

Many fair-minded observers have acknowledged that the West was able to impose its philosophy of human rights on the rest of the world because in 1948 it dominated the United Nations. Non-Western philosophies and traditions particularly on the nature of man and the purposes for political society were either unrepresented or marginalized during the early formulation of human rights. Most Asian and African societies were European colonies and not participants in the making of human rights law. Professor Mary Ann Glendon of Harvard Law School has emphasized in a recent book the important role played by Charles Malik of Lebanon and Peng-chun Chang of China in the drafting of the UDHR.<sup>11</sup> Although non-Westerners, both Malik and Chang were educated in the United States and were firmly rooted in the European intellectual traditions of the day. The contributions of these two prominent non-Westerners were not steeped in the philosophies or the intellectual and cultural traditions from which they hailed.

There is no doubt that the current human rights corpus is well meaning. But that is beside the point. Human rights suffer from several basic and interdependent flaws. International human rights fall within the historical continuum of the European colonial project in which whites pose as the saviors of a benighted and savage non-European world. The white human rights zealot joins the unbroken chain that connects her to the colonial administrator, the Bible-wielding missionary, and the merchant of free enterprise. Salvation in the modern world is presented as only possible through the holy trinity of human rights, political democracy, and free markets.

Thus human rights reject the cross-fertilization of cultures and instead seek the transformation of non-Western cultures by Western cultures. To the official guardians and custodians of human rights—the United Nations,

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11. Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Rights*, New York: Random House (2001).

Western governments, senior Western scholars, and human rights activists—calls by non-Westerners for the multicultural reconstruction of human rights are blasphemous. Such calls are demonized as the hypocritical cries of cultural relativists, an evil species of humans who are apologists for savage cultures. What the guardians and custodians seek is the remaking of non-Europeans into little dark, brown, and yellow Europeans, in effect dumb copies of the original. This view of human rights reentrenches and revitalizes the international hierarchy of race and color in which whites, who are privileged globally as a race, are the models and saviors of non-whites, who are victims and savages.

Perhaps in no other area in human rights is the cultural arrogance of the European West more poignant than in the advocacy over the practice labeled in the West as female genital mutilation (FGM). Mutilation implies the willful, savage, and sadistic infliction of pain on a hapless victim. It is language that stigmatizes as barbaric cultures that condone the practice and dehumanizes the women who are subjected to it. This formulation decontextualizes the cultural foundation of the practice and promotes the stereotype of barbaric machete-wielding natives only too eager to inflict pain on women in their own societies. It is a view that is racist.

There is an urgent need for the human rights movement to step back from this arrogant approach. It should respect cultural pluralism as a basis for finding common universality on some issues. In the FGM example, a new approach would first excavate the social meaning and purposes of the practice, as well as its effects, and then investigate the conflicting positions over the practice in that society. Rather than demonizing and finger pointing under the tutelage of outsiders and their local collaborators, solutions to the issue could be found through intracultural dialogue and introspection. Such solutions might range from modifying the practice to discarding it.

In the area of political governance and in particular on the rights to political participation and religious freedom, the practices of Western states are used as the yardstick. Political democracy may be inevitable but non-Western political traditions must be allowed to evolve their own distinctive systems conducive to their demographic, historical, and cultural traditions. On religious freedom, it is wrong-headed to simply protect the right of missionary Christianity to proselytize and decimate non-Western spiritual traditions and cultures at will. Western knee-jerk reactions to restrictions on Christians in non-Western countries such as China or India must be balanced against the duty of those societies to protect their spiritual heritages from the swarming, imperial faiths bent on total domination of the spiritual universe.

Like earlier crusades, the human rights movement lacks the monopoly of virtue that its advocates claim. If human rights are to represent a higher human intelligence—that I believe they ought—they must overcome the

seemingly incurable virus to universalize Eurocentric norms and values by demonizing, repudiating, and recreating that which is different and non-European. Human rights are not a problem per se, nor is the human rights corpus irredeemable. But we must realize that the current human rights represent just one tradition, that of Europe. And even in European or Eurocentric political and philosophical universes, which include Europe, the dominant traditions in the Americas, Australia, and New Zealand, the human rights corpus is an expression of only one European tradition. It will remain incomplete and illegitimate in non-European societies unless it is reconstructed to create a truly multicultural mosaic. The universalization of human rights cannot succeed unless the corpus is moored in all the cultures of the world. Ideas do not become universal merely because powerful interests declare them to be so. Inclusion not exclusion is the key to legitimacy.

## 5. Conclusion

This chapter represents an attempt by a scholar from the Third World to respond at the level of critique to the human rights corpus. It is based partly on my long and deep commitment to the construction of decent, ethical, fair, and humane political societies. But it also springs from my resistance to a doctrine that I view as part of the colonial project in which I am a subject not a citizen. The chapter therefore is not an attempt to launch a new blueprint for a competing or even a more universal human rights corpus. I think that the construction of a cross-culturally legitimate and genuinely universal creed of human dignity is urgently needed, and that this work will in its modest way make the case and pave the way for just such a corpus.

Finally, I hope that this scholarship serves as a footprint, a signpost for the work which must be done to reconstruct the human rights corpus by constructing normatively a more inclusive doctrine for human dignity. The world is literally in a state of emergency. Ruthless, hedonistic, and relentlessly individualistic and deeply exploitative beliefs and systems have in the last decade been given universal legitimacy by economic and cultural globalization. The current official human rights corpus does not have the analytical or normative tools—or even the desire and gumption—to unpack the complex oppressions which globalization now wreaks on individuals and communities. Constructed primarily as the moral guardian of global capitalism and liberal internationalism, the human rights corpus is simply unable to confront structurally and in a meaningful way the deep-seated imbalances of power and privilege which bedevil our world.

A new human rights corpus must first lay a comprehensive framework for what constitutes the building blocks of an ethical, humane, and just soci-

ety. In this conception, the new corpus must address in a fundamental way not only the political dimensions—which the present official human rights doctrine preoccupies itself with—of human societies but also the economic prerequisites for an ethical society. As such, the new corpus must discard the false premises of the current corpus and reject its excesses, while building on those of its notions which have the potential for genuine universality. Scholars must spend less time worrying about or imagining more effective formulae for the implementation of the current human rights corpus. What is needed is groundbreaking and soul-searching work that will enable us to construct a society free of the daily avalanche of cruelties and oppressions. Such work must point us to a place that rejects colonialist and exploitative doctrines, no matter their origins. This is a project that must be pursued with urgency.