

Human Rights and the Cultural Relativist and Postmodern Critiques

Human Rights Theory and Philosophy
- Week 4 -

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Overview

- Modernity
- Postmodernism
- Postmodern critique of human rights
- Cultural relativist challenges to universal human rights
- Moving beyond the universalism/relativism dichotomy

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Modernity

- often associated with the Enlightenment
- scientific method
- importance of the individual
- rational and objective
- lead us to human emancipation
- measurement and categorisation
- claims about absolute truth could be made
- important organising principle – binarism

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Postmodernism

- challenges unitariness of “truth”
- meaning-making always within context
- elevates forms other than rationality



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Postmodernism

- If there is one truth, who decides what it is and what do we do about it?
- Who is making truth claims and why?
- Can the truth ever be completely objective, free of influence of ideology, culture, etc?
- Can the world be so neatly ordered and categorised? Are the attempts to do so really leading to emancipation?

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‘Modern mastery is the power to divide, classify and allocate... Paradoxically, it is for this reason that ambivalence is the main affliction of modernity and the most worrying of its concerns. Geometry shows what the world would be like were it geometrical. But the world is not geometrical. It cannot be squeezed into geometrically inspired grids.



Zygmunt Bauman
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https://commons.wikimedia.org/wiki/File:Zygmunt_Bauman.jpg#/media/File:Zygmunt_Bauman.jpg
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Thus the production of waste...is as modern as classification and order-designing. Weeds are the waste of gardening, mean streets the waste of town-planning, dissidence the waste of ideological unity, heresy the waste of orthodoxy, strangerhood the waste of nation-state building. They are waste as they defy classification and explode the tidiness of the grid. They are the disallowed mixture of categories that must not mix.
(Bauman 1991: 15)

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Postmodernism

- Metanarratives – overarching narratives that legitimate how we live and our society's structures and rules (eg Lyotard 1979).
- What are the implications of considering human rights a metanarrative?

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Postmodernism

- Deconstruction – helps to uncover the assumptions upon which a text is based (eg Derrida 2001).
- Michel Foucault (1980) argues that knowledge and power always go together.
- Could human rights, enshrined in international law, be considered knowledge with power?

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Postmodern Critique of Human Rights

'one of the symptoms of the end of modernity is that intoning principles and repeating ideological poses no longer suffices. Human rights do not exist as heavenly and pure principles but as a specific discourse with ambivalent rules of formation. It is this discourse that must be subjected to interrogation. How are its meanings generated, who controls them, what statements are or can be censored or excluded?'

(Gaete 1991: 155)

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Postmodern Critique of Human Rights

‘The postmodern program is simply to deconstruct the narratives that support rights based suppression of people. Since rights narratives inevitably empower one group at the expense of another, the political program of postmodernism has been to disempower...[such as] by deconstructing the vocabulary of rights used to create these empowerments’

(Herbert 2002: 329)

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Cultural Relativity

‘Cultural relativity argues that each culture or society possesses its own rationality, coherence and set of values, and it is in these terms only that one can properly interpret the organisation, customs and beliefs of that culture or society’

(Booth 1999: 37)



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Culture

- ‘the totality of values, institutions and forms of behaviour transmitted within a society, as well as the material goods produced by man [and woman]’
(Preiswerk 1978: 251)

- Assumption that culture plays a primary role in socialisation
(An-Naim 1992)

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Cultural Relativist Challenges to Universal Human Rights

1. Universal human rights is a western concept

- many Universal Declaration of Human Rights articles reflect expressions of rights from earlier Western documents.
- but even if UDHR has its origins in Western philosophical thought, does this necessarily mean it cannot be considered universal?



William Blake's Newton (1795), colour print with pen & ink and watercolour.
Source: By William Blake - William Blake Archive, Public Domain,
<https://www.williamblake.org.uk/items.php?uri=13828>
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Cultural Relativist Challenges to Universal Human Rights

2. Universal human rights are not compatible with all cultures' values

- based on the view that culture is the supreme determinant of ethical views.
- but why should belonging to a culture be the major identification point for humans?
- argument assumes a culture's values cannot be challenged by those outside the culture.
- the concept of culture can be challenged.
- "Asian values" debate.

Moving beyond the universalism/relativism dichotomy

Human rights as universal statements or ideals, which are contextualised differently.

- 'If the ultimate aim of human rights diplomacy is to persuade others of the value of human rights, it is more likely that the struggle to promote human rights can be won if it is fought in ways that build on, rather than challenge, local cultural traditions'

(Bell 1996: 652)

Moving beyond the universalism/relativism dichotomy

The need to interrogate the concepts of human rights and culture.

- Human rights can be understood as a cultural practice and is, therefore, not static (Merry 2006).
- Vernacularisation – the practice of local activists taking the language of human rights and using it in a form that suits their needs (Merry 2006).
- For example, nari adalats in India
<http://www.youtube.com/watch?v=3J1zPcJNt0>

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