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HUMAN RIGHTS AS A WORLD RELIGION:
REFLECTIONS ON THE IDEOLOGIES OF A
GLOBALIZED MULTI-CULTURAL WORLD

by

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ABSTRACT

The belief in innate human rights has enjoyed increasing currency worldwide. Despite its Western philosophical origins and the active opposition of some Islamic, Confucian, and indigenous anti-colonial regimes, the idea that all individuals possess inalienable rights to life, liberty, and a basic economic livelihood has achieved what amounts to a near-universal veneration. Why has this happened? What makes human rights such a sacred idea in today's world?

Clearly, the theology of human rights has been fostered by increased global social interconnections, not the least of which has been the late-20th century communications revolution. Yet this trend is more importantly the result of a moral individualism called forth by the structure of an interdependent late modernity. The belief in the sacredness of human rights both expresses this individualism and serves as a counter-weight to the anti-systemic and neo-particularistic ideologies that globalization also creates. The battle between universal human rights and resurgent nationalisms is thus the theological battle of our age. Yet it is not just an intellectual but a social battle; by laying bare its social underpinnings, this paper opens the way to predicting its outcome.

TEXT

The belief in innate human rights has enjoyed increasing currency worldwide. A product of the European Enlightenment, it grew out of the West's struggle against monarchy.¹ There, it proved a useful weapon for a bourgeoisie that was eager to develop a new and less restrictive social order. Once established at home, rights-language was exported worldwide with the other staples of Western dominance: trade goods, guns, and Coca Cola. At times it helped justify Western conquest by appealing to non-Western insurgents who were eager to overthrow their despotic rulers. It has also proved a useful tool for those natives who wished to escape Western control. If all peoples "are endowed by their Creator with certain unalienable rights," to quote the U.S. Declaration of Independence, then any power--Western ones included--that threatens people's life, liberty, or pursuit of happiness deserves to be felled.

Concern for human rights thus seemed an easy way to moralize politics and to undermine tyranny. The tide ran swift, reaching a high point with the United Nations Declaration of Human Rights in 1948. That and later U.N. documents specified a host of political, civil, social and economic rights that the world's governments were to guarantee to their citizens.² Many countries signed on.³ Human rights became a theoretical, if not always a practical, force in the world.

¹ The individual rights proclaimed in the 1948 U.N. Declaration of Human Rights are grounded in the revolutionary philosophies of law that were put forth by the 17th century European philosophers Grotius and Locke, and were developed over the next century by Montesquieu, Rousseau, Kant and the *encyclopedistes*. See Ricoeur (1986), Taylor (1986), Forsythe (1989), and Spickard (*forthcoming*: ch. 2).

² The 1948 Declaration proclaimed human rights as a universal and transcultural concept. Two 1966 Covenants (on Civil and Political Rights and on Economic, Social, and Cultural Rights) grounded these rights in agreements between contracting states (see Diemer, 1986). Further treaties and declarations have sought to protect the rights of women, the rights of ethnic and cultural minorities, the rights of children, the right to economic development, and so on.

³ Not all countries have signed all documents, however. The United States, for example, only ratified the 1966 Covenant of Civil and Political Rights in

Yet such agreements have brought neither universal rights nor international peace. The Cold War pitted the capitalist/democratic "First World", with its tradition of civil and political rights, against the communist "Second World", which preferred rights to economic and social equality. These two types of rights are usually called "first-generation" and "second-generation" rights respectively, because of the order in which they entered Western civic philosophies. The Universal Declaration contained both; from 1948 to 1989, the "West" and the "East" traded charges of rights violations almost continuously. Each accused the other of violating its favorite rules. Each conveniently ignored its own flaws.

Recent years have seen a push for a third generation of rights: the rights of cultural groups. Though not often found in international treaties, the notion of "third-generation rights" supports the various groups' claims to land, to cultural practices, to the use of their own languages, and even to quasi-sovereignty. Just as the land demands of Brazilian and Canadian aborigines depend on notions of group rights, so do the pro-French language laws of Quebec and the Latvian efforts to deny full citizenship to Russian-speakers. In each case, groups assert rights both against other groups and against individuals.⁴

In all these cases, the call for human rights has achieved what amounts to near universal veneration. It has become a cultural icon, even

1992--and then did so with a host of exceptions that many countries said gutted the measure. The U.S. has still not signed the companion Convention on Economic, Social, and Cultural Rights.

⁴ These three types of rights are often in conflict. How can English-speaking Quebecois exercise their rights to free speech if they are banned from using their own language in public because of French-speakers' group rights to maintain their French linguistic heritage? Does the dominance of one or the other language disadvantage French- or English-speakers socially, economically, or educationally? If so, does this constitute a violation of their individual rights? Or does it constitute a fulfillment of a cultural group's rights to political, social, and economic dominance in its own territory? The complexities will only be compounded if Quebec secedes from Canada, as many French-speaking Quebecois apparently hope. Will the Native peoples who inhabit the northern two-thirds of the province themselves secede? And will the French-speakers let them? Settling such rights conflicts is not a task for the faint of heart.

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for those who are not particularly clear about the grounds on which they base their claims. My local newspaper--in Texas, no less--every day contains stories about people who claim that their "rights" have been violated: the right to privacy, the right keep the money one earns (and thus not pay taxes), animal rights, the rights of the unborn. The idiom of rights is used to support anything that anyone thinks necessary for dignity and freedom, however defined.

This growth of rights discourse has occurred despite the active opposition of some Islamic, Asian, and indigenous anti-colonial regimes. They argue that rights-language stems from Western philosophic principles and is thus not applicable to non-Western societies.⁵ For example, Iran has publicly stated that the U.N. Declaration does not apply to Islamic countries, because Islamic law posits a different relationship between the individual and the state; so Iran persecutes Baha'is, denying their freedom of religion.⁶ China and Singapore have similarly claimed that a focus on individual rights undercuts the Confucian ethics on which their social orders rest; speech is limited and those who criticize their governments may be summarily jailed.⁷ Both Islamicists and

⁵ For example, Kishore Mahbubani, of the Singaporean Ministry of Foreign Affairs, has urged the irrelevance of Western rights ideals thusly:

"Value systems, such as human rights and freedom of the press, are choices which each society must make. In the United States, individual rights are placed ahead of law and order. In Asia, law and order have priority over human rights. These are simply alternative value systems. None are superior over the other. Asians and Westerners must emancipate themselves from notions that Western value systems are superior to Asian value systems." (Quoted by Chew 1994: 936)

⁶ See, *inter alia*, Piscatori (1980), Hassan (1982), Zakaria (1986), Keddie (1988), Farhang (1988), An-Na'im (1990), Mayer (1988, 1991), Farrag (1990), and Dwyer (1991). Sinaceur (1986) confirms this different relationship, while still admitting the possibility of Islamic rights standards. Little, Kelsay, and Sachedina (1988) uncover strands of Western-style religious liberties within the Islamic tradition.

⁷ Marshall (1993). On Chinese notions of human rights, see: Henkin (1978), Cheng (1979), Leng (1980), Lee (1982), Hsiung (1985), Edwards, Henkin, and Nathan (1986), Chiu (1987, 1989), Ames (1988), Lubis (1990), Rosemont (1988, 1991a, 1991b), Shih (1993), Nathan (1994), and Tang (1995). Woo (1980) describes the philosophy behind the Chinese challenge,

Confucianists call Western-style human rights a form of 'cultural imperialism', to which they need not bend. Even Japan's recent Prime Minister Hosokawa declared that "the Western concept of human rights should not be blindly applied to all nations."⁸

Yet these regimes recognize the power of the human rights ideal, at the same time as they combat it. Their opposition to Western human rights notions has had to take the form of alternative rights philosophies, the development of which has become a something of a growth industry among Asianist intellectuals.⁹ (I am of course speaking only of principled opposition, not the opportunistic kind that uses anti-rights arguments to support dictatorial power; those who doubt the existence of principled opposition should consult my forthcoming book on the subject.)

Why has this happened? What makes human rights so sacred in today's world? For that is what rights are: sacred ideals. People treat human rights as hallowed organizing principles for life: as prior and superior to ordinary legal and social rules. They feel that human rights are sacrosanct, that they must be protected against corruption. To accuse a government or a person of violating human rights is to accuse them of more than a crime; it is to accuse them of boundless evil. To rape is a crime, to rape as an instrument of warfare or state policy should be (so argues Catherine MacKinnon) a human rights offense, even though there is already no society on earth that condones it.¹⁰ Clearly human rights violations are beyond criminality, in the contemporary view. I meant literally my previous reference to human rights as "cultural icons": the concept of human rights is an icon in late modernity precisely because it connects people to something beyond and greater than themselves, it invokes feelings of awe, reverence, and it may even motivate people to act in ways that may endanger their lives.

Even the most passing student of Durkheim should smell religion in all this. Not institutional religion, to be sure--though human rights institutions also proliferate worldwide--but religion just the same. The

while leaving open the possibility of developing an indigenous human rights standard.

⁸ Los Angeles Times 3/22/94. See also Huntington (1993).

⁹ E.g.: Hall and Ames (1987), Ames (1988), Rosemont (1988, 1991a, 1991b).

¹⁰ MacKinnon (1993). See also Gibson (1993).

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human rights movement has its sacred histories and texts, its holy discourses, its rituals, its saints and demons. It is, in short, wide open for religious analysis.

That is not, however, the focus of this presentation. I am more interested in a further question that Durkheim might have posed, had he been faced with this modern phenomenon. Granting for now the religious or religion-like aspect of the human rights trend, I want to know what the current sacred prominence of human rights ideals tells us about our late-modern social order. For this worldwide reverence for a social ideal is something new on this planet. There have been religions before, and lots of them. There have been social philosophies of equivalent scope; Marxism, indeed, expressed the aspirations of a large portion of humanity and did much to shape the century now closing. But its age has passed, and the age of human rights has dawned. What can we learn about late modernity from this fact? Why this particular philosophy? And why now?

Diagnosing the Social Order

Clearly, the global spread of human rights ideas has been fostered by increased social interconnections, not the least being the late-20th century communications revolution. It is trite but true to say that ideas fly around the world faster than ever before. During the Chinese information blockade at the height of the Tian'anmen crisis in June, 1989, I was in constant touch with those on the scene by telex and fax; both networks proved to be crucial links between the demonstrators and the outside world. Communications media are now so decentralized that few borders block ideas. A dictatorship's walls may have ears, but it would need to fit its citizens' ears with walls to keep foreign ideas away.

Despite Marshall McLuhan's famous dictum, however, the medium is not the message. At least the mere existence of global information networks does not tell us why those networks are abuzz with human rights ideas rather than their opposite. For if mere communication were the issue, would not one expect all ideas to profit equally? Even white-supremacist militias now claim to be fighting for their human rights.

Content is important, and in the case of human rights it consists of three linked ideological elements: moral individualism, equality, and interconnectedness. The first presumes that individuals are the key unit

of society and also presumes these individuals' ultimate worth. For moral individualists, "individuals"--separate and separable persons--possess something called "rights" as part of their very nature. They are rights-bearers. This thinking sees individuals as metaphysically prior to social life; so are the rights they claim against the state and against one another. Many philosophers and sociologists have criticized this doctrine, but it is nevertheless widespread.¹¹

Accompanying this, however, is an emphasis on human equality. Human rights advocates presume that all people are equal--a position contradicted by the majority of the world's indigenous philosophies.¹² Yet even the Chinese, whose traditional philosophy is among the most hierarchical, seem reluctant to argue against human rights on these grounds. Instead, they balance individual rights against the stability of the social order, arguing for "the significance of national and regional particularities"¹³ in limiting individual rights claims. They typically claim that economic and social rights are more important than civil and political rights, not that there are no rights at all.

The third element--interconnectedness--is less prominent in contemporary human rights discourse than it is in the environmentalist ideologies that have emerged during the same period. Environmentalists emphasize the mutual dependence of species and the ties between peoples and their ecosystems. In the human rights arena, however, notions of interconnectedness emerge from the networks of rights activists, which now extend worldwide. According to Amnesty International, Americas Watch, Asia Watch, and other rights organizations, human rights activists cannot afford to let rights violations occur anywhere, no matter how obscure. One does not protest and lobby just on behalf of Chinese dissidents, African victims of clitoridectomy, or American death-row inmates. One certainly does not work just to impose Western standards of rights on others. Instead, one works in tandem with rights advocates worldwide, working everywhere to make the world conform to a human

¹¹ E.g.: Bellah *et al* (1985).

¹² Spickard (*forthcoming*: ch. 3 & 4) contains descriptions of various anti-rights philosophies, including some Western ones. See also the references in notes 6 and 7, above.

¹³ Para. 8 of the Bangkok Declaration on Human Rights, 2 April, 1993.

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rights code that is seen as universal and holy. Rights-violations that threaten one are seen to threaten all.

Besides these three themes, human rights ideologies are universalistic. They see themselves as champions of one world, indivisible. Their enemies are the world's particularisms: the nationalisms, ethnic patriotisms, and limited visions that exalt one group or society above another. It was no mistake that the first major human rights document was called "The Universal Declaration of Human Rights." It promised to be the first set of universal ideals, toward which all governments and peoples could strive.

Yet if we look around us, there is certainly a counter-movement. Nationalism infects societies on almost every continent. Ethnic and religious genocide is on the nightly news. This is not new, but it is more prominent today than it has been for over a century. Particularism and universalism seem both to be strong trends in world affairs.

Why should this be happening now? Why do individualism, equality, and interconnectedness make so much sense to people now, in late modernity? Why do universalism and particularism share the world stage? Just as Durkheim would sense the religiousness of the human rights movement, I think that he would connect these cultural trends to the late-modern social order. I want to spend the rest of this paper suggesting how.

The Structure of Late-Modernity

Three structural aspects of late modernity seem to me to encourage both cultural particularism and the veneration of universal human rights. The first of these is globalization. The increasing relevance of global social processes is much in the popular press and has been analyzed at length by social theorists more skilled than I. Peter Beyer points out that globalization

is more than the spread of one historically existing culture at the expense of all others. It is also the creation of a new global culture with its attendant social structures, one which increasingly becomes the broader social context of all

particular cultures in the world, including those of the West.¹⁴

Central to my analysis is this structural aspect: the wide reach of global economic and political institutions. We are now all involved in one another's lives. This is a major change from previous eras.

According to Beyer, globalization elicits two seemingly opposite responses from the religious sphere. Religions may embrace the global world or they may resist it. The former is the path of universalism: a cultural outlook that says, in effect, 'We are all in this together and we'd better learn how to cooperate.' This may involve a celebration of cultural diversity, but it does so within a meta-celebration of universal equality and interconnection. Human rights ideologies are of this type, as are environmentalism, one-worldism, and various ecumenisms. Such religious and quasi-religious ideologies all stress the unity of the human family.

Beyer notes that a countertrend is just as likely, however. Religious and quasi-religious ideologies may respond to their new global context by retrenchment--by emphasizing their distinctness. To use Beyer's felicitous phrase, this is "a 'fundamentalist' response that allows change under the insistence that nothing fundamental is changing."¹⁵ 'Fundamentalist' Christianity, Islam, Hinduism, etc., are not religions of the past; in fact they are ideologically new and generate qualitatively new social forces--such as armed and unarmed terrorism--as a way of revitalizing an imagined history. Though they oppose the human rights movement's universalism, they arise in response to the same social trend.

A second structural characteristic of late modernity is an increasingly complex division of labor. Economic specialization is increasingly widespread, but cultural specialization is not far behind. Compare, for example, major universities of today with those of a hundred years ago. Is there one among us who is encouraged to work as broadly as were our intellectual predecessors? The increased training needed by the skilled labor force, as well as the declining fortunes of unskilled labor of any kind, demonstrate the trend. Where Marx thought that capitalism could be brought to its knees by the unity of unskilled

¹⁴ Beyer (1994: 9).

¹⁵ Beyer (1994:10).

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laborers, recent history has shown that highly trained specialists wield much more social and economic power.

But what is the ideological correlate of this training? I submit that Durkheim was right in seeing individualism as the ideology of the future and in seeing social individuation, brought about by an increasing division of labor, as its chief social support. I do not have time for details here, but think for a moment whether the highly skilled or the unskilled are more or less likely to see the individual as the ideal unit of social analysis. To the degree that people know that they are different from others--and that they have developed those differences through the hard work of training for a socially differentiated career--they will be more likely to find plausible the notion that there is something unique about each person. Each person becomes a seat of value. It is but a small step from this apprehension of specialness to the ideology of innate individual human rights.

But the division of labor does not just affect individuals; it effects society too. An increased division of labor makes people depend on each other more. Wider networks of goods and services tie people to one another. Borders become less relevant as growing division of labor increases international communications and commerce. The result is an interconnected world--just the world that globalization theorists describe. Inhabitants of this world are prone to see their ties with others, their similarities despite differences and their mutual dependence. Human rights ideologies are again made plausible, this time at the level of their acknowledgment of human interconnection. It makes sense that philosophies of interconnectedness would arise to reflect an increasingly functionally integrated world.

Here are the three theological themes I identified above for 'the human rights religion': universal equality, individualism, and interconnection. Here are their social causes: globalization, increased individuation and interconnectedness, the latter two driven by a growing worldwide division of labor. Universal individual human rights make sense to people in such social circumstances.

As Beyer points out, however, social-structural changes do not necessarily bring forth identical responses in all people; in this case they are just as likely to result in counter-systemic as systemic reactions. Thus we have human rights advocates along with various kinds of cultural fundamentalists; we have increased attention to universal liberties at the

same time as we have increased nationalism and particularism. If the foregoing analysis is right, both are driven by the same cause: the social changes underlying the emergence of late modernity.

Previous commentators have noted that the fight for universal human rights and against nationalist particularisms is the theological battle of our age. With this paper, I merely wish to note that this theological battle has social underpinnings. Human rights discourse has become popular now because it speaks to the changed circumstances of a globalized, multi-cultural world. It is not the only ideology to do so, however. It is not yet clear whether the universalizing or the particularizing ideologies aroused by late modernity will triumph in the end.

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