

Cultural Relativism and Universal Human Rights: Contributions From Social Science of the Middle East

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INTRODUCTION

In this essay we discuss cultural relativism and universal human rights and the conflicts that arise between them and their ensuing practices. We analyze definitions of the modern concept of human rights and explore two levels on which Western rights discourse is deployed in today's Middle East. First, this discourse operates at both global and national levels; yet it also remains firmly a discourse of the core countries in the world system. Thus we note that human rights discourse is often seen as a form of cultural or political hegemony. Second, however, debates on human rights in the Middle East are less about Western vs. Islamic and more about modern vs. traditional values and practices *within* Islamic societies. We also outline a defense of human rights in universalistic terms that also constitutes a critique of radical relativism in anthropology. We conclude that such conflicts and debates between local versus universal, or relative versus absolute values are inevitable and essentially healthy in a globalizing yet multi-cultural world. Indeed, paradoxically, human rights as a universalistic discourse itself affirms pluralism, cultural difference, and the right to dissent. Thus, to be absolutist concerning either universal human or the integrity of local cultures is logically dubious, morally obtuse, and deficient social science.

DEFINITIONS AND DISCOURSES OF HUMAN RIGHTS

From its creation in 1948, the *Universal Declaration of Human Rights* (UDHR) was deemed to be "universal" at a time when decolonization was underway but as yet the hegemony of Western rights discourse had not been put in question (Morsink, 1999). The rights that the Declaration guaranteed or promised included freedom, dignity, equality, security, and social protection for children, and also led to other significant UN-based declarations and accords. These include the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social, and Cultural*

Rights, the *International Convention on the Elimination of All Forms of Racial Discrimination* (Helfer, 1997: 297), and in 1960, the *United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples*. These rights echoed and expanded those stipulated in the *British Bill of Rights* (1689), the *American Bill of Rights* (1791) and *liberté, égalité, fraternité* and the *Déclaration des Droits de L'Homme et du Citoyen* of the French Revolution (1789), which proclaimed the sovereignty of the people against monarchism and the divine right of kings to rule.

Yet who exactly are the persons who make up "the people"? To whom do human rights apply? Who decides on these rights, and on how inclusive or exclusive the definitions of "rights" and of "humans" shall be? For example, a new category of person emerged from the French Revolution through the *Déclaration des Droits de L'Homme et du Citoyen*, namely "citizen", and citizen soon came to mean a French national (Wallerstein, 1997). Similarly, a new category of individual has emerged in the 1990's through the *Universal Convention on the Rights of the Child*, namely, the child as agent. But excluded from these categories are infants, the poor, aliens, and others. One article of the Convention on the Rights of the Child asserts that "the best interests of the child" are to be the primary consideration in all decisions concerning him or her. But who determines what is best for the child - the state, the family, or non-governmental organizations (NGOs)? Likewise, the Convention requires the state to provide assistance if parents, or others legally responsible, fail in their parental duties. Such assistance, notes Verhellen (1994), must be delivered at the local level, where local laws usually have priority over international ones. In the Middle East, for example, *kefala* is used instead of Western-style law, and Islamic conceptions of the child prevail in cases of abuse, adoption, and the like.

In the Abrahamic religions - Judaism, Christianity, and Islam - duties and also rights were thought to emanate from God. Since their creation by legal codification, however, "human rights" have become a kind of sacred text in

Western and other modern secular societies. In effect, the language of human rights, though of Western origin, has become transnational and trans-religious. Yet these very features create problems and tensions in regions, such as the Middle East, where the dominant discourse is one of religious community and of not secular individual rights.

Non-governmental organizations such as Amnesty International or Human Rights Watch also play a key role in human rights. For example, NGOs have pressured the U.N. and its agencies to question the principle that violations of human rights are internal to member states (Ignatieff, 1999). Conversely, international NGOs are constantly criticized for deriving their views from the Western experience and for ignoring important economic, political, social and cultural problems faced by developing countries. For example, a White Paper issued by the Chinese government in October 2000 on national defense states that "China is now threatened by certain big powers using humanitarianism or human rights as a pretext for military action. The paper criticizes the NATO attack on Yugoslavia, as well as U.S. plans to develop missile defences, the U.S. military presence in Asia and stronger U.S. military alliances with nations including Japan" (Pan, 2000). A negative and propagandistic attitude towards human rights by the government of the People's Republic also is suggested by the fact that human rights is the responsibility of the Ministry of Foreign Affairs.

Thus, there is no universal agreement in defining, defending, and implementing universal human rights. This is probably because human rights are linked to limits on the power of the state, to religion and identity, to social duty and individual freedom, and to civil society and the role and rights of women and children, conceptions of which are all highly contested even within given cultures. Further, such concepts are intimately related to one another and, as social-conceptual complexes, they vary from culture to culture. Indeed, they are powerful symbols around which people can be mobilized politically. Thus, meanings and attitudes concerning human rights are highly variable (and malleable) both culturally and politically. Perhaps for these reasons, human rights has replaced "civil rights" insofar as relevant discourses on rights have extended from older democratic countries to the entire globe, thereby including many nations that have little in the way of civil society, political suffrage or, therefore, civil

rights. Moreover, for poorer societies of the world, rights have come to include social and economic conditions deemed necessary to a life of dignity. Thus, increasingly it is held that the basis of rights is not citizenship as such, but each group's or person's universal humanity.

The major conventions on human rights are clear and persuasive in their claims to be universal, partly *because* they neglect to discuss the local aspects of their meanings and their possible implementation. That is, by ignoring and not acknowledging differences of non-Western peoples - to the West and to each other - these declarations and conventions implicitly construct a "universal humanity" that often does not exist as a lived reality, or even a conceptualization, in many societies. For example, Rachid Ghannouchi, a religious leader in Tunisia, insists that Universal Declaration of Human Rights is excessively influenced by Western secular and individualistic concepts. Saudi Arabia does not subscribe to the UDHR because the religiously legitimized ruling house of Saud rejects the Declaration's secular and democratic aspects. Similarly, the United States has not ratified the U.N. conventions on human and children's rights because of cultural and political commitments such as a policy of recruiting youth into its armed forces, or the view that the death penalty is not a violation of human rights.

Human rights tend to spread at varying rates due to shifts of power and norms both domestic and international. The spread of human rights to one previously excluded group usually opens up political opportunities for them and thereby provides a model of action and success for those who are still excluded. The extension of rights also is increased by the spread of education and literacy and the penetration of media because these provide greater access to new norms and information. The reduction of poverty often plays a similar role. In the oil producing regions of the Middle East, however, this process may be arrested as rentier income is used to buy material satisfaction in lieu of political participation. Yet, as the norms of democracy or human rights take hold and become more salient, this may create an international snowball effect that makes civil and human rights more necessary for states that declare or see themselves as democracies (Assal, 2000:5). This includes communist or Islamic "people's democracies" such as Libya or the former Soviet Union.

Just as earlier decolonizations made national liberation movements easier to conceive, so the

spread of civic or human rights within particular states has made them seem more accessible everywhere (Strang, 1990; Anderson, 1991). At a certain point, norms of rights may become more strongly established in one place for one group, and thus require less struggle by newer groups seeking inclusion. Economic downturns may also encourage greater political inclusion to bolster the declining legitimacy of regimes (Mayer, 1998). War on a grand scale also may catalyze the spread of civic or human rights as such norms are used to justify mass mobilization. This indeed is one story of the formation of democratic states in the West (Tilly, 1993). War can also expand suffrage as a democratic conqueror imposes its norms on the conquered, as in post-War Germany or Japan, or when national leaders permit greater power sharing and democratic participation in order to gain greater support in revolutionary wars, as in the American and French revolutions (Assal, 2000: 5). In general then, civil and human rights spread at first in response to shifts in power, but later are preserved and extended in response to norms (Finnemore and Sikkink, 1998).

HUMAN RIGHTS: A CONTESTED CONCEPT AND HYBRID DISCOURSE IN THE MIDDLE EAST

There is, however, a negative side of the spread of democratic or humanistic values. Insofar as these values are viewed as essentially Western, they spread as part of a "package" of unequal economic, political, and cultural influences between the North and South or rich and poor countries of the globe. Thus the context of inequality in which democratic values spread is itself basically undemocratic. Global economic, military, and political domination by the North (or West) is accompanied and aggravated by cultural hegemony and a relentless process of global cultural challenge and imposed adaptation. Such hegemony reaches deeply into non-hegemonic cultures. This also has been the case *within* societies almost everywhere in the process of state formation (Brown, 1996; Sharma 1996). Today, however, there is a massive "taste transfer" from the West to non-Western civilizations, and from dominant to subordinate groups within countries, that is unprecedented in human history in its scale, speed, and impact. As a result non-Western or "marginal" cultures are under siege and sometimes have been erased. In such cases, when cross-cultural learn-

ing becomes a kind of cultural forced-feeding, the "learner" itself may expire, as have innumerable peoples and languages within the past two hundred years. Then the result is not only the loss of local traditions and their human bearers, but also the loss of diversity within global (or national) culture and, by implication, the vibrancy of democracy. As Muzafer (1993: 15, 23-24) put it, "The elimination of what is good and valuable in non-Western cultures could lead eventually to the destruction of cultural diversity and variety which has always been one of the worthier attributes of human civilization. Western culture masquerading as a global culture might then superimpose a sort of cultural homogeneity upon the diminishing cultural diversity of non-Western societies. . . . This is yet another reason why Western cultural domination is a danger to cultural democracy and human rights."

In a similar spirit, Tu Weiming (1996: 7) argues that, although transfers from West to East have brought advantages like political democracy, they also bring disadvantages such as the modern Western (and especially American) emphasis on possessive individualism and a disembodied conception of social life as a market for self-serving deal-making. Moreover, argues Tu, the process is one-sided and hegemonic. By contrast, Asian traditions of Confucianism emphasize social relatedness, benevolence, and group responsibility, and thus offer an alternative model. For such scholars, the point is not to discard Western modernity in favor of East Asian nativism, but to promote a mutually beneficial process of contestation and learning. Reviving Confucian legacies, writes Tu (1996: 9), cannot amount to endorsing "fundamentalist representations of nativist ideas", rather, the issue is how Asian intellectuals can be "enriched and empowered by their own cultural roots in their critical response" to Western modernity—an enrichment which hopefully will be reciprocal.

Such critiques of cultural hegemony are often tinged with cultural nationalism or resentment, and they sometimes are used by despots unwilling to permit criticism of their own regimes. But critique of human rights discourse as ethnocentric and Western also arise from a desire to strengthen democracy both domestically and globally by adapting it to the folkways and practices of ordinary people. Indeed, this is the position of advocates of "cosmopolitan democracy." In this view, local identities should not be construed in an essentialist or nativist

way, but rather as historically contingent patterns of meaning that are open to change and, hence, that require dialogue and mutual recognition.

Can cosmopolitan democracy exist without a world government? A loose kind of global governance from above does operate already to promote world trade and investment, to protect the flows of strategic resources from South to North, and to create what is called a "positive climate for investment" for transnational capital. This can be seen in Western responses to threats against strategic oil reserves in the Middle East, efforts to contain South-North migration and refugee flows, the criminalization of almost all forms of armed insurgency as terroristic, and the outlawing of indigenous drugs that could compete with pharmaceutical products. The corrective for this would be global governance from below – a cosmopolitan democracy that activates local peoples' initiatives and draws on a variety of cultural and counter-cultural resources.

The question of whether human rights are a Eurocentric or Western imposition, or a truly universal or natural inheritance, is especially pertinent in today's Middle East. For example, Kevin Dwyer (1991), an American anthropologist and former director of Amnesty International, analyzes how the presumption that human rights are universal leads to the imposing of Western standards on nations and peoples of the Middle East, and how this concept is resisted or adopted. Through conversations and interviews with intellectuals and religious scholars in Egypt, Morocco, and Tunisia, Dwyer asks whether human rights should be considered a universal phenomenon or be looked at in the context of particular cultures, histories, and religions. Such a question seems paradoxical because universals, in order to be universal, must be adaptable everywhere. Conversely, the notion of the universality of rights tends to homogenize beliefs without accounting for cultural differences, and this may weaken the reception of the discourse of rights in particular societies or groups.

Such cultural predispositions and responses have encouraged the creation of regional standards and procedures. One of these is the *African Charter on the Rights and Welfare of the Child*. Another is the *European Convention on Human Rights*. These regional conventions are monitored by their own international committees, which use rating systems to assess the performance of member states in implementing

rights. Middle East groups and conventions, such as the Tunisian Human Rights League, are concerned with human rights in relation to identity, freedom, individualism, Islam, history, and women's rights. Thus, the sociologist Sayed Yassin speaks of Egypt's identity from an Islamic perspective: "We are a Muslim society, and as Muslims we have our own concept of human rights, a concept that bypasses the Western concept. So, why should we adopt the Western concept?" (Dwyer, 1991) Similarly, it is argued that the Universal Declaration of Human Rights constructs Western countries as the adult parent or child's advocate, and construes developing areas like the Middle East as dependent, marginalized, weak, and in need of protection by more "advanced" or "adult" nations. The Western discourse on human rights emerged in conjunction with Western views of the self-determination of nations, which implied that nations had to acquire a certain "maturity" in order to be "ready" for independence. Such a view, argue critics, is similar to that of children being given rights while at the same time being kept in a state of dependency in which they are both protected and marginalized.

Yet many Middle Eastern countries already are partly Westernized societies. In Morocco, Egypt, or Tunisia, for example, the use of French or English is widespread, mainly because of former French and British colonization and more recent migration for work or study. Tunisia, for example, was legally bilingual until late in 1999, and most of the guest workers in France are from the Maghreb. Such Middle East countries in significant measure are thereby fluent in Western and global discourses and, at the same time, are major centers of regional cultural and intellectual life. Indeed, human rights discourse, which from a Western viewpoint may seem to be stable or universal, in fact is deconstructed and reformulated by Middle Eastern intellectuals and thereby acquires a real-life local embodiment.

At the opening of the twenty-first century, ideas and intellectuals circulate even more easily, due to the end of the Cold War, the emergence of a new generation of leaders in many Middle East countries, (as in Morocco, Syria, Jordan, and Qatar), the expanded use of literacy and electronic technology, greater educational participation (especially of women), and the increased availability of books, newspapers, and television. For example, since 1996 there have been independent satellite TV broadcasts

from Qatar's al-Jazeera station, which criticize both Arab and Israeli governments and give voice to millions of Arabs whose needs, perspectives, and rights are often ignored or actively excluded by the state controlled media of the region (Schneider, 2000).

Moreover, young people, intellectuals and elites in the Middle East often speak English or French, in addition to Arabic. These groups are able to use the Western human rights discourse in addition to the Islamic discourses of human rights. They have learned both codes and are constantly negotiating and operating with and between them (Hourani, 1983). Thus many persons are able to use "hybrid discourses" and, hence, to have a broader and more nuanced view of human rights. Problematic concepts elicited by the Western secular human rights discourse, such as individual freedom, and women's or children's rights, are internalized and articulated through both of these codes. Questions of identity also are implied in the use of these alternate discourses, and these generally play out in terms of conflicts between religious or secular, or traditional or modern interpretation of the individual, society and the state, and their proper relations, *within* the context of an increasingly liberalized Islam.

Thus, though many Middle Eastern intellectuals are clerics and represent religious perspectives, they too often are concerned with human rights, sometimes in radically "progressive" ways, as the authors of this essay discovered respectively during fieldwork in Iran and Jordan. Most Middle East intellectuals also have a strong desire to contribute to the rehabilitation of the image of Islam in the West, which they feel is not only inaccurate and unfair but also damaging. Such cross-cultural intellectuals, including the occasional Western social scientist, become both informants to their subjects as well as representatives of alternative sides of debates between Middle Eastern and Western views on human rights, modernism, rationality and tradition.

These considerations raise several further questions. Insofar as human rights discourse is Western, some Middle Eastern religious thinkers hold that human rights are central to Islam but that, for reasons of ideological hegemony, the West has taken over this issue. For example, in most countries of the Middle East since about 1980, the language of religion has dominated discourse about society, including discourse on human rights, and has superseded the Marxist

language of the early post-colonial years. Human rights for Muslims are deemed to come from God but are often perceived as less important than the rights of the family or the *umma*, the Islamic community as a whole. Indeed, the central position and force of the *umma* in Islamic society matches Durkheim's concept of the mechanical solidarity of pre-modern communities. As a Moroccan sociology graduate explained, demands for personal freedom "only affect a limited sector of the population, and a limited domain of life in Moroccan society" (Dwyer, 1991: 136).

Middle East intellectuals also argue that the expansion of the rights of the individual, whether those of adult or of child, have undermined the family in the West, and that they don't wish this to happen in their own societies. For example, increased freedom of women to work in the paid labor force contributes to secularism, undermines the extended family, and leads to more divorce. In lineage societies such as those of the Middle East, the child is an important link in the family's intergenerational continuity, and therefore occupies a crucial space in which the present is conjoined with the past and the future. The primary social unit is the extended family, whose size may vary from 20 to 200 persons up to an entire tribe. Consequently, the child does not develop a strong sense of individuality. Instead, he or she feels part of a lineage group. Here the social skin of kinship, rather than the individual's physical skin, provides the boundaries of selfhood.

For example, legislation against child labor or domestic violence, though clearly humane by Western standards, also reflects a depersonalization of the family by positing a new role for the state as a defender of persons against their own kin. With modernity (and Western human rights), public bureaucracies on the one hand, and the privatized family on the other, take over the activities that formerly were conducted through relations of kin and clan. Thus most members of developing societies are ambivalent about modernity as they are about human rights.

In such societies, moreover, religion is a central agency of child socialization. It has its place in the home, in the mosque, and in the Quranic school. In today's Middle East, however, as in many developing countries, the vast majority of the population is under 25 and secular schooling is experienced by more and more youths, including females. Moreover, urbanization, a market economy, and state bureaucracies in-

creasingly individualize personal identity. Broadly expanded national and international media such as radio (including the Voice of America and the BBC), television, audio cassettes, films or CDs, and commercial advertising also are now part of the socialization process of almost all youths. All these changes bring new ways for children and young persons to construct identities that are less dependent on the circle of kinship. Hence they challenge older ways of selfhood, sensibility, and social order. As the Egyptian journalist and political figure, Muhammad Sid Ahmed asked, "But which identity? Is it a liberal, modern identity? Then you 'll have one definition of human rights. Is it a socialist modern identity? That gives you another set of values for human rights. Is it an Islamic identity? That has totally different implications for human rights" (quoted in Dwyer, 1991: 62). Thus, many people in the Middle East, as elsewhere, experience plural identities and speak a Western as well as their own cultural language. Or one might say that they suffer an excess of selves. Kinship relations, the very concept of the family, and the role of women, thus are undergoing deep and rapid changes that generate public concern and great personal anguish. Hence, human rights discourse is received, resisted, and adapted by persons of hybrid identities and shifting social positions, all of which need to be understood in the light of larger processes of state formation, global capitalism, and national identity.

In sum, the encounter of local discourses and international (largely Western) discourses on human rights has borne considerable intellectual fruit and also has generated much psychological, social, and political tension. Even though many Middle Easterners are capable of speaking a double discourse of human rights, competition remains between the West and the Middle East, the global and the local, and modernity and tradition.

IS HUMAN RIGHTS A NEO-COLONIALIST DISCOURSE?

We have construed human rights as a Western concept that is universalistic and essentialist, as well as secular, legalistic and individualistic. We also have seen that both Western and Islamic discourses of human rights are spoken and intermingled in the Middle East. In this context, are human rights another hegemonic language of the West that core countries have

forced peripheral countries to speak, much as English has become the language of the global economy? Or are human rights something other or more than this? How can the debate on human rights in the Middle East and elsewhere be approached in relation to U.N. declarations on human rights, children's rights, and the rights of formerly colonial countries and peoples? How are the discourses of human rights used, by whom, and in what contexts and with what strategies for legal or social change?

One site at which these questions can be fruitfully addressed is the discourses and tensions concerning women's rights. Western ideas of gender equality are difficult to reconcile with Islamic law, which favors men in terms of inheritance, marriage, divorce and parental custody. Yet, many Muslims assume a "separate but equal" attitude toward women. As a Moroccan scholar stated, "Women are equal to men in law, but they are not the same as men, and they can't be allowed to wander around freely in the streets like some kind of animal" (Dwyer, 1991: 39). Such attitudes vary by gender, country ethnicity, and class; for example, bourgeois women in Tunisia unanimously, and with the support of the government, defend egalitarian Western style relations of family and gender against traditional and patriarchal Islamic family law. As Islamic societies are far from homogeneous despite an often common religion, language, and a shared overlay of English or French, these tensions and their attempted resolutions are differently distributed socially.

Both the need alien food ' upon refugees without regard to cultural preferences, and for preferring televisual (and money-raising) responses to disasters instead of fostering less dramatic long-term development and training of refugee populations to care for themselves (Brown, 1991: 22-24, 26).

Thus, the behaviors of international medical assistance and human rights groups may be viewed in deeply contrasting ways. One the one hand, their field representatives often risk their lives in the cause of human rights, fighting injustice and urging governments to treat citizens fairly. On the other hand, they arrogantly claim to know the truth about cultures other than their own; they seek the spotlight; they take control. Do they perform humanitarian acts that serve the cause of decolonization by berating and exposing governments for using starvation and disease as weapons of war against parts of their own populations? Or are they themselves neo-

colonialists?

Frantz Fanon (1965) explored such questions in his writing about colonial Algeria. Fanon described the difficulty of practicing medicine there since racism, colonialism, humiliation, and Western medical science all had been introduced together and could not be separated in the minds of patients. Fanon offers a chilling impression of "the disinherited in all parts of the world [who] perceive . . . life not as a flowering or a development of an essential productiveness, but as a permanent struggle against an omnipresent death." Their "refusal or rejection of medical treatment [was] not a refusal of life, but a greater passivity before that close and contagious death" (1965:128).

Patients needing treatment would resist being hospitalized until no hope of recovery remained. If they died, which was usually the case, their family members who had urged treatment would feel guilty and return to traditional ways, which would thereby be strengthened. Patients who reluctantly agreed to treatment would often remain unresponsive; doctors would become impatient, and eventually behave as veterinarians treating animals, rather than as physicians treating human beings. Patients rarely followed instructions regarding medications, taking them all at once or never. Thus patients often returned to the medical facility, if at all, much worse than they had been on the first visit. The colonial relationship caused the patient to "mistrust . . . the colonizing technician" (Fanon, 1965: 121-129, 128). We are left to wonder how much patients' perceptions of the French Doctors Without Borders of today parallel those held of French doctors in Algeria of the 1950s.

The colonial ideologies of white-man's burden, manifest destiny, or civilizing mission perpetuated an unconscious acceptance of the inherent rightness of control over "native" groups by their conquerors. As this ideology, backed by colonial force, has been dismantled, local privileged groups have sought to build or rebuild other ideologies of domination to their own specifications. Whether these groups be elites or bourgeoisies, leaders of popular liberation fronts, or members of a majority race, ethnicity, or religious group, they are often assisted (or restricted) by the former colonizers through diplomatic pressures, withholding or granting aid, credit or trade, or even military intervention. Thus neo-colonialism replaces the hopes of revolutionary independence.

Are international aid and human rights agen-

cies complicit in the neo-colonial endeavor, not through direct economic or political control, but through superior authority that accompanies greater knowledge and other resources? Is foreign medical or development assistance inherently neo-colonial in that it places the helper in a superior position? Is the use of international media by aid groups another means by which they control events in former colonies?

REJOINDER: HUMAN RIGHTS ARE MORALLY UNIVERSAL

The rejoinder to this critique is that human rights are absolute and universal. Thus, in this view, the social sciences, especially anthropology, as well as in-country elites, have helped neither themselves nor their publics by clinging to an absolutist cultural relativism and a skepticism regarding universal human rights. For example, in the 1940s the American Anthropology Association rejected the proposed UN Universal Declaration of Human Rights as an expression of Western imperialism unsuited for non-Western cultures (see Sandall, 2000; Washburn, 1987; Hatch, 1983). In so doing, "anthropology seemingly condoned practices such as female circumcision, killing of supposed 'witches,' and even 'necklacing' of factional rivals. . . . Anthropology also lost credibility by its active support of totalitarian regimes that oppressed their own citizens. In a century coming to a close in which perhaps 100,000,000 people have been killed in wars, and in which there are now, according to the United Nations, 23,000,000 people classified as external "refugees", and another 26,000,000 as internally displaced persons, anthropology has been hard put to justify its celebration of the integrity of ethnic groups and their 'cultures' as opposed to the aspirations of individuals within such cultures to life, liberty and property against those "who seek to deprive them of such hopes (Washburn, 1995: 1-2).

The politically engineered mass slaughter of "incorrect" groups and persons in Cambodia, "ethnic cleansing" in the former Yugoslavia, and genocide in Rwanda and Burundi have made a mockery of the belief that such practices are expressions of integral indigenous values and therefore, in the name of respect for cultural difference, should be exempt from international concern, or even intervention. Indeed, if the role of cultural relativity were applied consistently, it would require that elites of particular coun-

tries show as much respect for *internal* difference and dissent as many cultural relativists insist should be shown internationally to different nations and their hegemonic domestic cultures. But elites of newly forming states often do what they accuse Westerners of doing: They colonize and oppress minority cultures, but at the domestic rather than at the international level. That is, they posit an essentialized "national culture" (usually that of their own ethnic or religious group) and persuade or coerce everyone else to conform to it in the interest of state-building and national solidarity.

Thus, under the rubric of altruism or cultural sensitivity, many Western social scientists and Third World intellectuals and elites turned the Other into a homogeneous bloc, destroying, or at least devaluing, their plurality of cultures, thereby depriving the peoples of former colonies dignity and democracy because these were thought of as "Western" (Finkelkraut, 1991: 75-75). For example, conservatives like Alain Peyrefitte, as well as leftists like Jacques Vergès, both overlooked Mao Zedong's despotism in favor of the unique *grandeur* of China's "tradition" (Vergès, 1990: 82). In a similar spirit, many essays in the *Anthropology Newsletter* reveal how anthropologists' liberal ideology often expresses a greater concern for the cultural autonomy of nations and their dominant elites or ethnicities than for the subgroups and individuals of which they are constituted. For example, Ellen Gruenbaum (*Newsletter* 36, 5, May p.14) of the Association for Feminist Anthropology, expresses unease with discourse of universal human rights, even regarding female genital cutting, because such discourse "sound[s] like cultural imperialism." Similarly, Carolyn Fluehr-Lobban (1995) asks "What authority do we Westerners have to impose our own concept of universal rights on the rest of humanity?"

In response to this type of thinking, some social thinkers, from conservative Wilcomb Washburn to left-leaning Edward Said, have rejected a simplistic or absolutist relativism. They argue that such an extreme relativism tends to isolate and essentialize the topic culture and thereby overlook the various ways that persons and groups within indigenous cultures or third world countries get marginalized, punished, or killed for views, actions, or identities that differ or dissent from the norms supported by the elites of their societies (see Turner and Nagengast, 1997; Sjöberg et al., 2001). Moreover, extreme cultural relativists rarely notice how specific cul-

tures are almost always deeply enmeshed with other cultures, nations, and global processes. For example, few social scientists foresaw the collapse of the Soviet Union, or anticipated that Chinese students would demonstrate for democracy in Tiananmen Square carrying on their shoulders a Statue of Liberty/Goddess of Freedom. For most anthropologists, these changes were a great surprise, much as the "anti-Communist" ethnic massacres perpetrated by the gentle Balinese in 1966 astonished Clifford Geertz (Washburn, 1995: 9). In each case, social scientists failed to adequately recognize the full significance of individuals and sub-groups within a culture, and how fast such cultures often can change in response to inner contradictions and external influences.

Indeed, the very existence of tens of millions of refugees, displaced persons, plus millions more who have been killed or would flee if they could, suggests that almost all societies and nations are culturally heterogeneous and that cultures repress as well as integrate or, more precisely, that they integrate through repression by defining certain persons or groups as Other and dealing with them accordingly (Brown, 1996, 1993). This phenomena appears to be nearly universal, especially for larger social-orders-information such as nations. Indeed, to the extent that the modern nation state is a reality, or at least a normative model, for most peoples of the earth, so should be human rights. This is because an institutionalized respect for human rights is the major protection against governments and majority cultures that would be despotic (Mayer, 1988; Over, 1999).

Further, and contrary to the stasis of most anthropological time (Fabian, 1983), cultures change, today often rapidly, through hybridization, migration, overseas education of elites, forced or voluntary imports from other cultures, international commerce, immigration, intermarriage, and the creation of new ethnic categories. Indeed, globalization generally pushes cultures toward the universal and away from the particular, whether in terms of capital transfers, rock music, or human rights, thereby eroding the very concept of unique cultures to be defended, and substituting little by little the concept of individual choices, values, and rights within the context of an evolving and contested national and global society. These phenomena need to be recognized as a research topic for social scientists, and as a moral challenge for individuals and peoples everywhere.

TOWARD A RESOLUTION AND CONCLUSION

Modern individuals, markets, and nation states mutually engender each other. For example, modern Western states constituted their citizens by constitutionally guaranteeing their civil rights, just as citizens ideally create their states through constitutions. Thus the central problem of Western political thought and practice for the past three hundred years has been the conflict between the individual and the state. John Stuart Mill noted that the first struggle for liberty was against the authority of other individuals, a struggle between the ruled and the rulers. But with the initiation of democracy, argued Mill, the ruled became the rulers, and liberty now needs to be protected against the tyranny of the majority. We still use Mill's terminology, but today liberty and authority have entered into a new, third, relation. The rapid growth of the state seems at once to overwhelm the individual even while creating the individual citizen as a legal agent and providing the conditions for his or her existence. Moreover, we are now more aware of how we are all formed by the cultures, societies and states of which we are a part, and how different societies influence each other to form a potentially more cosmopolitan humanity.

This circumstance presents new challenges for the legal and moral redefinition of the person and, hence, for human rights. A contemporary challenge for the external, *legal* determination of the individual is to extend human rights to people in *all* states. Such legal rights, with the modern nation state itself, have existed formally for less than three hundred years. Indeed, most of the 200 states of the world are small or weak, have existed for less than a century, and have few legal guarantees or enforcement of human rights. The challenge for the internal, *moral* determination of the individual is to overcome the alienation of persons from their political institutions. These are new problems for a new kind of individual, and not only in less developed countries (McKeon, 1989: 535). We all need forms of self-government that are more rooted in local communities and that nevertheless reach toward more universal conceptions of ourselves as citizens of a common world. In this sense, we all need to be both more local and more global, because most modern nation states are both too large and too small. They are too large to provide a communal context for

the enactment of moral agency in public life, as the alienation in rich countries and the deficit of democracy in poor ones shows. But, as suggested by dilemmas and tensions over human rights, the nation state also is too small to guarantee global peace and justice.

Thus we continue to pursue universals in hopes of overcoming radical relativism and showing the unity of humankind, a unity that is a precondition for both interpretation and theory in the human sciences themselves. But in this very pursuit, as conducted in comparative studies of religion, anthropology, philosophy, or history, we discover a variety and relativity of human experience that undermines our presupposition of a single world contained and shaped by a universal human Being. This logical conundrum has become practical: Today we are a common humanity because we share the common fate of possible nuclear or ecological annihilation. But we live in very different worlds. The premodern diversity of peoples gave the possibility that one of them would emerge as stronger, and so impose its world on the others. And once the world as a whole was seen as a coherent cosmos, it was then possible without great danger to tolerate distinct subrealms within it, each with its own style of being (Gellner, 1985: 75). This was the case with earlier Roman and Islamic empires. But such centers did not hold, and today the situation is exactly reversed. We are more than ever bound together materially but, because we lack a shared moral-political order, our competing worlds face each other with mutual intolerance. At the same time, the very search for cross-cultural understanding presuppose its own possibility; that is, even while revealing great diversity, the comparative social sciences must assume that Others, no matter how different they appear, can be made intelligible to persons different from themselves through a more general if not universal language. Indeed, the social sciences present themselves as a set of languages so privileged.

In this light we may ask what cultural world would best ensure human survival and at the same time foster human diversity and dignity? There have been transformations of worlds in the past. For example, Christianity's movement from "tribal brotherhood to universal otherhood" provided a larger conception of the human for the larger Roman Empire, much as the modern idea of citizenship extended the frontiers of human compassion beyond the feudal estate and into the emerging nation state (Nelson, 1969).

Likewise, the ideal in Buddhism of compassion for all sentient beings, the concern for the harmony of man and nature so evident among all primal societies, and the almost forgotten ideal of stewardship in Christianity, all point in a similar direction. Perhaps the movement for human rights, though largely Western in origin, projects such an ethic of human survival with both diversity and dignity.

Few modern persons operate within a moral universe without invidious distinctions between politics and ethics. Thus most contemporary discussions of ethics, such as human rights discourse, take as obvious the need to distinguish talk of efficacy and talk of norms. Moreover, such discussions generally assume that efficacy is the domain of reason, science, and expertise, whereas ethics is a matter of revelation, opinion, or emotion. This bifurcation has a number of dimensions. One of them is an assumption central to the positivism of much social science - that science is exempt from cultural relativity, because scientific rationality is independent of its social contexts. Hence, it is thought that the standards used to evaluate the truth of theories or facts are incommensurate with our personal or subjective moral feelings or intentions. Still, in this modern, largely Western view, we have to act even when we can not know with rational certainty what to do or why we should do it.

This incongruence creates an aporia or gap between the dual absolutisms of scientific realism and ethical dogmatism. It is a space within which a critical human rights discourse can regain a dialectical, deliberative function. Thus, rather than focusing on the impossibility of total objectivity or universalism, it may be more fruitful to understand the conditions in which statements or actions are nonetheless accepted as having general or transcultural validity or legitimacy. We believe that a discourse of human rights, if practiced in a critical and reflective mode, helps to identify and to create such conditions. Indeed, the place of moral judgment is precisely in the aporias between data and interpretation, between action and reflection, between the universal and the local.

The point is not simply to blast either universalists or relativists for being dogmatic, but to explore the practical consequences of both rhetorics in specific settings. In a time when competing dogmatisms proliferate in deadly competition, critical human rights advocates need to assess the actual practices that flow from each of them. Indeed, the very debate between

universalists and relativists suggests that today our sense of reality is far from stable, that we are seekers of certitude at the graveside of God. This is no less true for religious traditionalists: When they are self-consciously "traditional," when they use "tradition" instrumentally, they are no longer traditionalists. This metaphysical unease marks our personal alienation from both the Eden of absolutism and the dynamism of modernizing and postmodernizing cultures. Yet the surplus of signification that generates our doubt also provides a vast potential for destructive creation.

Usually we are realists about our own cultural certitudes and relativists about those of others. Perhaps this apparent arbitrariness is instead a necessary feature of discourse itself, because to make (or critique) any assertion requires us to privilege the position from which we are making it. Thus Pfohl (1977) relativizes the term "discovery" in his analysis of "The 'Discovery' of Child Abuse," but he invests realism in the concept "child abuse," although this term and the terms "child" and "abuse" could easily be relativized by examining their "discovery" (that is, their rhetorical invention) earlier in history. Woolgar and Pawluch (1985) call this process of manipulating the boundary between relativism and realism "ontological gerrymandering," which is true; but also a *truism* because such gerrymandering is impossible to avoid. In order for us to make *any* claim, we inevitably must privilege the discourse assumptions from which it is made, at least for that moment.

Universalists often invoke evils such as torture, as a stop on relativizing analyses. "Torture is a violation of human rights, plain and simple!" But moral truths do not come already labeled and categorized in language. They need to be articulated in order to become public moral facts—the way that slavery-is-evil became a moral fact for most of humanity only in the past century or two. To forbid inquiry into this process does not contribute to its advancement. Indeed, such a strategy prohibits the very discursive practices of which democratic communities are made. In this context, the segregation of science and ethics becomes untenable, and the presumed value neutrality and privileged autonomy of scientists and their patrons is delegitimated not only as irrational but also as immoral (Brown, 1998).

In contrast to such dogmatism, a consciously reflexive, critical mode of human rights discourse arguably is itself an ethical practice. In a

period of deep moral disorder, as Alistair MacIntyre (1981) insisted, it is not possible to do ethics or human rights discourse by argument because the parties in conflict do not share commensurate intellectual traditions in which persuasive discourse could be rationally framed. In response, we suggest that the very struggle for human rights, and the practice of a critical human rights discourse, help to create the possibility for their becoming such a tradition. Thus, we turn toward a reflective human rights discourse as itself a mode of creating a rational ethical tradition and community, and not just to produce a critique of neo-colonialism or a list of universal moral precepts. Instead, the very practices of translation and interlocution, and of political and rhetorical critique and reconstruction, are themselves acts of social and moral creation, closer to an initiation ritual than a philosophic treatise.

By engaging in the actual practices of human rights discourse (sometimes at great personal cost) we produce communities in which felicitous conditions for enacting human rights are fostered. This is because the practices of such an open discourse encourage us to put our own cherished views at risk and to recognize the rationality and humanity of persons whose ideas and values may be radically different from our own and who, indeed, may wish to silence us. Thus we also are encouraged to recognize the paradoxical nature of our very pursuit, the fact that the affirmation of human rights includes the bringing them into question. Human rights are made real in our very quest to define and advance them.

KEY WORDS Human Rights. Middle East. Relativism. Culture. Practices. Anthropology. Social science.

ABSTRACT The authors discuss cultural relativism and universal human rights as these two concepts clash in the practices of implementing international human rights accords in countries of the Middle East. They argue that anthropologists have erred on the side of relativism, thereby denying the diversity of values and cultures within particular societies and often lending legitimacy to despotisms. Sociologists and economists tend to make the opposite error. Yet, the tolerance and openness that are central to human rights require the discourse of universalism, even as that discourse itself implies a relativism in its local implementations.

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