PART 3: OBSTACLES FACING HUMAN RIGHTS EDUCATION

a) THE INSTRUMENTALIST CHARACTER OF HUMAN RIGHTS EDUCATION

By Upendra Baxi

The practices of the PDHRE (as reflected partly in this Report) start with a rather positivistic form of practical reasoning, and involve the exploitation of the semantic and semiotic resources of this Age of Human Rights. At least, we insist, everyone understands human rights to be international, regional, and national norms and standards, a series of collective obligations consciously adopted by states as a binding code of duties to their own peoples and to the international community. This means that every governing body is to be held accountable by its victims for its human rights record among its own people and in the eyes of humankind.

In addition, there exist human rights governance obligations under what is known to specialists as customary jus cogens. These are the tenets of peremptory international law that may not be supplanted by contrary international agreements. Thus, for example, states may not agree, through a treaty or other forms of inter-state compliance, that slavery (and associated forms of human subjugation), genocide, or apartheid (and related forms of violent social exclusion) remain permissible, or even legitimate, methods of governance. True, the range and content of human rights norms and standards that aspire to this jus cogens status remain contested. However, the expanding consciousness of human rights worldwide now makes it possible to say, as an important example, that certain forms of violation or discrimination towards women are no longer permissible. The struggle that defines HRE has become a struggle to expand the range, and refine the contents, of jus cogens.

Human rights educators must convey the messages of internationally framed and accepted codes of state conduct that respect the integrity, dignity, and well being of all human beings. When these norms and standards are clear and compelling, the mission of HRE is to enable people to demand the exercise and enjoyment of their rights. When governments fail to acknowledge, respect, protect and promote human rights, our mission converts itself into a ceaseless struggle to redress such violations.
Where human rights remain subject to interpretation, HRE becomes, and remains, an important site where people work to fashion a vocabulary of content and meaning within human rights norms and standards.

Of course, states are wholly free not to ratify or subscribe to human rights norms and standards. In addition, hesitation, ambiguity, cross-purposes, and special interests notoriously complicate their formulation. Treaty-based human rights agreements are always compromises. They authorize state parties to indulge in a riot of reservations and derogations, and to make statements that often defeat the very object and purpose of human rights obligations.

Thus HRE does not merely impart knowledge of existing human rights, important though this is. It necessarily goes beyond diplomatically completed texts and treaties, becoming instead an ongoing process of engagement in the politics of production and the enforcement of human rights norms and standards, positing from the outset that human rights ought to exist and prevail.

**State Centrism**

While human rights activism pits the scattered strengths of human rights movements against the consolidated might of various state formations, it is liable to invite indictment as being state-centric. State-centrism is a coat of many colours.

One form of state centrism arises when human rights practitioners almost wholly identify the state as the ultimate source of human rights violations. They then seek to perfect state instruments of governance, imbuing them with the “magical” ability to redress ancient social injustices and their resulting forms of human rightlessness. In other words, they assume that state reform is the best possible path of action for the protection and promotion of human rights. Such state centrism is perhaps justified in situations of catastrophic state failure or collapse. Outside such traumatic contexts, however, the accusation of state centrism directs HRE toward a more societally and culturally oriented understanding of its mission.

This indictment of state centrism does not deny the enormous power of the state as a site for human rights violations; nor does it regard the concern for state reform as historically unproductive. But it points to the fact that other power structures --culture, religion, education, the market, for example-- emerge as separate but equally crucial arenas for human rights violations.
These structures often resist the notion that all human beings have equal worth and a claim to a dignified existence. Instead, they provide the historic source and seat of hierarchy, domination, discrimination and prejudice. The indictment of state centrism invites a grasp of the complex linkages between “state” and these other sites of power.

The state as an apparatus of power and domination at times sustains its legitimacy by recourse to anti-human rights tendencies, yet also confronts these, in a different historic moment, in the name of human rights. At times, the state seems a mirror image of civil society in its production of the condition of human rightlessness; at other times, it symbolizes the terrain of struggles for equality, dignity, and justice, emerging almost as an ethical force. HRE needs to provide an understanding of the changing profiles of state power and to provide bases, or frameworks, for responsible judgement. By the same token, it needs to look at culture, religion, and market in a complex way as providing, at different times in history, structures that may support human rights-denying governance as well as being important catalysts toward more human-rights oriented state behaviour. HRE may neither practice state idolatry nor luxuriate in iconoclasm.

This complexity is currently aggravated by the fantastically growing networks of global capital that can serve to reconstitute a state. Human rights violations and transgressions are often cooperatively produced by local states on the one hand and congeries of international financial institutions, transnational corporations and multilateral/regional/bilateral trade and investment relations on the other. Understanding the histories of state formation and practices remains an unfortunate imperative for human rights educators.

The failure to fully understand concrete and enduring ways of global cooperation in the production of human rightlessness is perhaps the worst form of state centrism, in which human rights movements and HRE programs proceed on an unexamined notion of state. Where do human rights educators turn to acquire a serious understanding of state formative practices and their relations to human rights?

THE CENTIPEDE SITUATION...

When asked how it moves along so felicitously with all its hundred legs at once, the centipede placed one foot upon its head and began to think. As a result, it is said never to have walked again!

To avoid this fate, human rights education has to reflect upon its doings without ceasing its movement.
This question illustrates the need for the education of human rights educators, taking us into somewhat forbidding liberal, Marxian, and postmodern theoretical territories. All kinds of state theories abound. Each contains elements that remain relevant for the tasks, immediate as well as historic, of human rights education. The wholly understandable activist suspicion of theorizing, however, ill serves the potential of HRE.

**THE STATE**

- The state is not a thing or an object of nature, like the Himalayas. The state is a human construct that names the processes of production, exchange, and consumption of power in society. Because it is socially constructed, not naturally given, it is also not sacred - the state is not a gift of the gods to human beings and it is never holy. Rather, it is a terrain of social struggle over the definition, and pursuit, of “good life.”

- The existing state formation is a product of history and culture. There is simply no way in which its operations can be neutral in relation to caste, class, gender, and race. Human rights values, norms, and standards, however, require contemporary state formations to escape their history. Since a human right to have miracles performed is impossible, what remains is the struggle to transform the state. No matter how hard we try, the rate of change will disappoint. All human rights can seek to achieve are the prescriptions for the direction of change, and this is indeed precious for human futures.

- The state is an organ of violence. Modern “state” signifies the constitution of force monopoly in its agents and managers. Most states seek to make this force monopoly legitimate. The more people believe, or are made to believe, that the state is a “good” thing, or a necessary evil to avoid anarchy, the more justified state violence becomes. The Covenant on Civil and Political Rights, and related instruments such as the Torture Convention, define the limits of legitimacy of the state as an organization of violence.

- Human rights language, logic, and paralogics also justify the state practice of organized violence in the name of protecting and promoting human rights. They entail a redistribution of forms of social suffering and can create new forms of suffering. Human rights normativeness thus marshals the power of the state as an organization of violence to its own ends.

- The state is relatively autonomous from civil society and cannot be reduced to or substituted by religion, culture, or economy, even when its agents and managers are recruited from, as well as embedded in, civil society.
A politically organized society that does not differentiate between its governing institutions is less likely to protect and promote human rights. Legislatures, based on some principle of representation, are necessary to convert human rights policies into legally binding obligations and to periodically carry out the repair and reform of the legal system as a whole. A specialist bureaucracy is required for this task. In addition, properly trained and recruited personnel for the enforcement of rights, law, and peace also form a specialized state apparatus. Because law and administration may trespass on human rights, and because of conflicting interpretation in the exercise of human rights, a relatively autonomous judiciary, free from executive control or interference, is also required in human rights oriented governance. Judges and court personnel are trained specialists who can only function with the help of lawyers, thus making necessary an autonomous legal profession. The level of legal education and research thus requires attention from human rights educators. The United Nations system has generated declarations concerning the Independence of the Judiciary and the Legal Profession, Minimum Standards for the Administration of Justice, and a Code of Conduct for Law Enforcement Officials. These do not figure massively on the human rights education agenda but must, in the present opinion, remain an integral part.

State apparatuses systemically remain captive to special interests that often disregard, or even trample upon, human rights. Very often, the division of power and the separation of functions in governance mask the centralized unity of the state. Thus state differentiation is a necessary but insufficient condition for the achievement of human rights. Where it does not exist, as in absolutist or dictatorial state forms, the struggle for human rights, and human rights education, stands directed to bring this about. Where it does exist, the struggle remains focussed on rendering various state institutions and processes increasingly amenable to human rights values, norms, and standards. The making of human rights oriented governance is always a work in progress.

All this generates the production of politics and the politics of production. This points to the distinction that I draw between the politics of, and politics for human rights. State theories that fail to draw such distinctions remain rather unhelpful for human rights education. The ruling classes define their power, overall, as a way of future accomplishment for human rights oriented ways of governance. Human rights activism and education consist in protecting human rights from political predation here-and-now. From this perspective, human rights state-centrism is hardly a "bad" tendency.

HRE and activism stand confronted by the task of simultaneously empowering and disempowering state action. This complicates the indictment of state-centrism in some important ways. On the one hand, human rights signify a corpus of constraints on the power of the state. Human rights make sense, in classical liberal theory, only when, and because, they provide state free spaces that define the conditions and circumstances for human
autonomy, that is, the freedom to choose ways of living unrestrained by comprehensive state definitions of what constitutes a "good life." On the other hand, human rights activism and education strive to empower the state and the law to define the condition and circumstances of what constitutes a "bad" life. In this sense, the state and the law need to be progressively empowered towards a form of protective legal paternalism, which incrementally defines what individuals may not do to themselves and others. Examples range from activist mobilization against smoking in public places to detailed regulation over "hard core" pornography, "hate speech," or pro-life/choice movements.

To fancy that human rights activism and education may speak with a single voice over such matters is a dangerous delusion. To allow radical pluralism within and across human rights movements may seem to enfeeble their overall strengths. But such a notion of strength, as Professor Cromarty in Henry Cecil’s novel Cross Purposes, says, "adds less strength to that which has too little!"

One thing is clear: the indictment of state centrism masks the complexities and contradictions within HRE and activism. The possible ways of "demystification," represented by much of "identity" and "radical pluralist" movements, confronts the human rights movement with a continual and formidable challenge.

**We may not merely live with it**  
**We need to negotiate ways of adequately coping with this challenge**

**Alienation**

When human rights activism inveighs against violative practices in civil society, especially regarding family, religion and culture, it often invites the charge that its proponents are either alienated people or carriers of a hegemonic global culture. The first charge is fairly easily met by saying that alienation can sometimes be a good thing, a positive force for social change.

Before the rather recent moral language of human rights was born, social reformers everywhere had to meet this challenge. Their success depended on their ability to promote a critical perspective, insisting that social arrangements and customs often authorise the tyranny of the majority. They were thus alienated because they denied certain aspects of culture and civilization; yet their alienation was a progressive force because they were able to discover or invent aspects of and for their traditions that affirmed human worth. In complex ways, for example, Mahatma Gandhi was enabled to define Hinduism in ways that strongly repudiated the ancient institution and practice of untouchability.
To take another example, contemporary Islamic women’s movements interpret the Holy Koran to strongly suggest that Allah and His Prophet (peace be upon him) were not, and could never be, proponents of a vicious patriarchal order. Instead of engaging in sterile debates concerning relativism and the universality of human rights, the movement can perform a whole lot better by presenting itself as an integral aspect of social reform, authorizing practices of social emancipation from within tradition, and thus combating the notion that its proponents remain alienated from it.

**Propaganda**

Propaganda, this true Gobbelsian genre, takes various and vicious forms. Consider these statements:

...human rights are of "Western" origin and lineage  
...human rights are mechanisms and instruments of a new global imperialism in the making  
...human rights are of little use in the struggles of the peoples in the Global South, the Fourth World  
...human rights languages, being inescapably political, entail a juridical world view in which the worth of being human depends on the contingent feats of judicial personages, both nationally and globally.

The mission of HRE lies in exposing all this in its true character and essence.

**Human Rights are of Western Origin**

It is historically true that the French and the American Bourgeois revolutions germinally inaugurated the languages of modern human rights as a corpus of constraints on sovereign power. From this it does not follow that the colonially subordinated cultures and civilizations lacked some analogs and practices of human rights. Mali, for example, anticipated by several centuries some of the Western credo of human rights. The struggles for decolonisation in the South were not based on any known liberal theory of human rights, but evolved when the subordinated peoples invented and practised their right to self-determination. Only in the nineteen sixties does this emerge as the common article one of the two Human Rights Covenants. Similarly, the suffragette movement anticipated the cardinal CEDAW provisions enshrining women’s rights to political, social, and cultural participation. The anti-apartheid movement, led first by Mahatma Gandhi and later by Nelson Mandela in South Africa, and Martin Luther King Jr. in the United States, authored many a human rights enunciation that we celebrate today. In particular, Abdullah An-Naim and Talal Asad demonstrated human rights empowering readings of religious traditions.
As this Report elaborates, human rights oriented communities created new systems of human rights solidarity, whether in the Israeli kibbutz or the Sarvodaya movement in India and Sri Lanka - movements that now energize the PDHRE in the development of human rights communities and cities worldwide.

HRE has as its basic premise the task of exploring and illuminating the histories of human rights consciousness. The myth says that we owe the origins of human rights to the patrimony of Euro-American political liberalism. In fact, human rights were born everywhere autonomously as well as in the struggle against the Dark Side of European Enlightenment. Far from what the myth suggests, human rights are not the gift of the West to the Rest.

Human rights oriented societies should not accept the idea that a mere accident of birth, gender, skin pigmentation, or religious and cultural affiliation justifies practices of pseudo-speciation, in which certain politically expedient forms of domination stand invoked to deny humanity and dignity, and to impose humiliation on women, children, and men. As politics for human rights, human rights education seeks to expose the inner violence of the politics of human rights, so heavily favoured by practitioners of the politics of cruelty.

To dispel the reigning myths is no easy task. Education in human rights inculcates the belief that all cultures and civilizations generate theories and practices about human rights, and that these are not exhausted by the myths pertaining to their origins. Human rights education remains, of necessity, a multi disciplinary inter-cultural rather than trans-cultural mission.

**Human Rights Are Tools of Imperialism**

Despite its incoherence, the notion of human rights imperialism is steadily gaining ground.

**First**: at a most general level, it says that contemporary human rights, dating from the Universal Declaration of Human Rights, are tools and strategies that dominant, or hegemonic, states deploy in order to subordinate less well endowed or well developed states.

**Second**: it locates the substance of human rights imperialism in cultural aggression. Contemporary economic and cultural globalisation is defined as a new form of imperialism, human rights languages and logics are disproportionately made to serve the multifarious needs and ends of rapidly evolving new phases of global capitalism.
The principal evidence for these propositions is furnished by the history of the Cold War, which divided the world, even as it was in the process of decolonisation, into two spheres of influence: the free world and the socialist world. In this era marked by ideologies of making the world safe for democracy and of wars of national liberation, the term “human” acquired a destructive repertoire of meanings. As non-socialists, bourgeois sympathisers and capitalist roaders were considered insufficiently “human,” and were readily consigned to gulags or eliminated by Stalinist leaders. The very words “Stalinization” and “Cultural Revolution” alert us to the provenance of the politics of genocidal cruelty. They also remind us of the diverse killing fields of “wars of national liberation,” marking in essence the performance of expanding socialist imperialism.

The “Free World” also created its own gulag and killing fields. The much-vaunted liberal Rule of Law prevented communists in Euro-American regions from planned massacres. Outside these regions, these euphemistically termed “purges” were touted as historic necessities for making the world safe for democracy. The United States and its allies (the Soviet Union had only “satellites”) thus supported innumerable dictators in the Third World, endorsing carte blanche for human rights violations.

The violence of the Cold War subjected most Third World peoples to developmental assistance. In fact, meagre developmental aid was tied to severe Cold War conditionalities which failed to achieve even minimal United Nations norms, enshrining a percentile of a developed nation’s GDP to the amelioration of ex-colonial societies. The non-aligned movement endeavoured, with indifferent success, to achieve some measure of autonomy from the two Superpowers, which were locked in mortal combat. These funnelled and fuelled insurgencies in ways that mostly benefited the military-industrial complex in the United States and the Soviet Union. They also reinforced pervasive militarization in the Third World to a point where defence outlays dominated national budgets, leaving very few resources in place for education, minimal health care, or provision of the bare means of livelihood – in short, little or nothing of an infrastructure for servicing people’s rights to be, and to remain, human. Today there is much talk about “failed states,” even “failed decolonisation,” but very little concerning the role of superpower hegemony in causing the emiseration of two-thirds of humankind.

As generations pass, the Cold War becomes a distant memory. Its million Third World martyrs remain un-commemorated. Contemporary HRE needs to revisit in some detail the Holocaustian politics of the Cold War, not to celebrate of a world without alternatives to liberalism, but as a reminder of its rotten core.
A full expose of imperial socialism as well as bourgeois capitalism in terms of human rights cannot be deferred in any serious pursuit of HRE.

Imperialism of any variety condemns some human beings as insufficiently human, and therefore subject to terror. Often, it justifies the human costs as necessary for a “better” chance to secure human rights. It is this politics of human rights that needs to be fully revisited by HRE simply because these tendencies, far from having exhausted themselves, are resurgent in these early post Cold War days. HRE remains a historic force when it reminds us all that the achievement of universal human rights standards remains constantly vulnerable to reversal. Politics for human rights seek to make the future of human rights less reversible.

All this having been fully acknowledged, HRE must contest the reductive nature of these narratives. The amazing feature of the story of human rights is that they become manifest most under conditions of widespread terror.

It is indeed true that terrorist superpower regimes deployed languages of human freedom and rights to perpetrate the worst possible horrors. But it is also true that we owe the most radical and progressive international declarations of human rights to the worst phases of the Cold War. Resistance to radical evil thus becomes the birthplace for contemporary human rights norms and standards. The new Age of Human Rights is enwombed in the cruelties of the Cold War, testifying yet again to Walter Benjamin’s immortal aphorism that the documents of civilization also furnish the archives of barbarism.

The confrontation between the two Cold War superpowers charts the pathways of contemporary human rights. Even as it marks the radical division of human rights into civil and political rights on the one hand, and social, economic, and cultural rights on the other, what remains historically pertinent is the fact that the languages of the latter variety found a safe harbour in internationally agreed codes of conduct. It is this very division that now stands contested in some historically fecund modes. What in the inaugural moment of human rights articulation expressed stratagems of Cold War diplomacy and global politics, now furnishes vitality for movements for politics of human rights. This is an inestimable dialectical gain, a gain that the languages of human rights imperialism unduly ignore, incurring mighty costs for the future of human rights. The human rights movement refuses to be confined to the prison-house sculpted by the circumstance of origin. HRE must remain dialectical or cease to exist.
The reductive narrative of human rights imperialism scarcely pauses to notice the enormous contribution of the Third World to the making of contemporary human rights norms. It was Malta’s Ambassador Padro who first fashioned the notion of the “common heritage of (human)kind,” which laid the bases for equitable and efficient management of resources of the seabed and ocean floor. This is the notion that now underlies the movement, since the Rio Declaration, concerning the preservation of biodiversity, the human rights of First Nations Peoples, and the logics and languages of sustainable development.

It was also Third World voices and vision that claim authorship of international laws concerning non-appropriation of the moon and other celestial objects, and placing outer space beyond superpower competition and militaristic exploitation. So does the war against apartheid, xenophobia, and other forms of intolerance. This is manifest in the United Nations General Assembly resolutions and declarations such as: The Declaration on Permanent Sovereignty Over Natural Wealth and Resources, the Declaration on Social Progress, the Declaration on Peaceful Uses of Science and Technology for the Benefit of (Human) kind, the New International Economic Order Declaration and Program of Action, declarations against apartheid, xenophobia, and other forms of intolerance, the Declaration on Peaceful and Friendly Relations Among Nations, the Declaration on the Right to Development, and the (aborted) UNESCO Declaration on World Information Order.

International lawyers may justly quibble over the binding force of such declarations, no matter how frequently reiterated, although some progressives among them believe that frequent repetition of such resolutions is prima facie evidence of the actual existence and application of human rights norms and standards. But this normative encoding symbolizes the Third World’s notions of structural global human rights, enunciations that speak to visions of a just world order, within which the languages, logics, and paralogics of contemporary human rights make historically pertinent sense. Although scarcely acknowledged, contemporary human rights movements and markets remain inconceivable outside this normative heritage. It is pointless to multiply examples that demonstrate the fact that the worldwide impetus for refashioning contemporary human rights norms and standards emerged not so much from anaemic liberalism but from the resilient vitality of post-colonial nations, no matter how interpolated within the matrices of the Cold War. Precisely at a cruel globalizing moment, HRE needs to find ways of resurrecting the “genius” of the peoples that sought to reconfigure human rights. In any event, enough has been said to question the reductionism that marks narratives of human rights imperialism, which are historically inaccurate, if not impertinent.
Human Rights Are Elements of Cultural Imperialism

Human rights are often misrepresented as constituting elements of cultural imperialism. The indictment here is clear: the contemporary theory and practice of human rights does not adequately, even at all, respect cultural and religious diversity, or forms of communitarian existence outside the meagre understanding of the Euro-American repertoire. Human rights languages and logics are often represented as a saga of “Westoxification,” constituting a pervasive and profound denial of non-Euro-American concepts of self-worth, dignity, and basic rights. Equally powerful is the communitarian critique of human rights, which suggests that contemporary human rights norms and standards remain invidiously secular.

The tasks of HRE are not easy to narrate on this register. One approach, which concerns Islamic peoples and their visions of human rights, is provided by the valuable work of Abdullahi An-Naim and Talal Asad. An-Naim insists that abundant conceptual resources exist within these traditions that promise human rights oriented renewal via intra-community dialogue. Asad invites us to think of the ways in which Euro-American invasive practices define the very nature and essence of the Islamic concept of self.

The PDHRE endeavours in Mali, for example, suggest that women living under Islam have their own human rights-friendly values concerning the practice of female genital cutting. All these narratives suggest rather powerfully that contemporary human rights norms and standards, far from being “imperialistic,” empower communities acting on their own to evaluate the practices within their own cultures that deny human rights, and to suggest non-Euro-American ways of redressing such issues. This Report invites you to ponder available cultural resources for their potential from a human rights perspective.

Human Rights Overlook the Real Dangers of Hyper Globalisation

Future generations remain enfolded in the “promises” of hyper-globalisation in a post Cold War era. Human rights signify to them expanding capabilities that enhance the prospect of individual freedom of choice beyond national boundaries without the burdens of redistributive social change. They welcome globalization with open arms, as it were, as a redemptive promise of human autonomy.

This scenario stands confronted by the variegated discourses of the so-called “millennial losers” and their next of kin, the communities of social and human rights activism. They perceive globalization as the New Cold War in another name, a kind of colonization without colonizers. Some of them perceive the logics and languages of human rights as the
Western Trojan Horse, ever so ready to cancel the gains and promises of the
decolonization of the contemporary world. They struggle, under the banner of human
rights, to expose the inner logic of human rights imperialism which, on the one hand
provides a Marshall Plan paradigm for the reconstruction of post-War Europe and Israel,
yet fails, on the other hand, to approach even a modicum of the United Nations stipulated
norm of developmental assistance to the Third World. They also expose human rights as
mere performances of strategic diplomacy wherein reparations are awarded to Germany
and Iraq, but none for the perfidious acts of the sustained colonization of the Cold War.

The evangelical forms of human rights, or romanticized human rights languages that recite
the mantra that all human rights are universal, indivisible, interdependent, and inalienable,
do not quite respond to historically concrete criticism. HRE needs to situate itself rather
firmly, and speak with (not just to) these critiques. In plain words, it needs to address
the facts, and effects, of the politics of human rights that serve global domination and
effective trade and business abroad. Global structural inequities abound and grow nastily
apace, providing the only contemporary context that nourishes critiques of human rights as
a handmaiden of human rights imperialism. No matter how detestable, there is simply no
way of glossing over this perception.

Failed Decolonization and the Tasks of Human Rights Education

HRE and activism betray their mission when they fail to speak to the circumstance of what
Gayatri Chakraborty Spivak now calls “failed decolonization.” In sum, failed decolonization
names myriad acts of looting, plunder, atrocities and mayhem perpetrated by many post-
colonial elites, no matter how variously supported by the agents and managers of the Cold
War at various times. Idi Amin, Milton Obote, Papa Doc, and the Pol Pot, among other
“illustrious” personages and regimes, variously name these catastrophic practices that
scarcey legitimate their genocidal horror through reference to global superpower politics.
It also increasingly speaks to the ethnicization of politics that Amy Chua vividly describes
in her World On Fire. Of necessity, HRE and activism ought to address and critique such
attitudes, notwithstanding the facile accusations stemming from assertions of Third
World solidarity against the radical evil munificently caused by the First and Second
Worlds. While a “What They (the West) Did to Us” style of narrative matters indeed, it
remains equally important to trace the itineraries of human rights violations summarized
by the phrase, “What we (South postcolonial leaders) allowed them to do to us.” There is
no sign on the horizon of this type of self-understanding in the available discourse of HRE.
This constitutes a wanton lack in dire need of redressal.
In sum, responsible practices of HRE ought to fully grasp ways in which South monsters are produced by hegemonic global politics, at the same time shunning easy minded practices of denunciation of ‘Western’ imperialism as a fecund and exclusive source of human, and human rights violations. The HRE mission entails a complex understanding of how South leadership develops profiles of neo-colonialism, described poignantly by Kwame Nkrumah as power sans accountability and exploitation sans redress.

This is a daunting task. On the one hand, HRE needs to convey a sense of close linkages between predatory practices of global politics that supports terrible despotisms in the South in the service of its geopolitical and imperialist strategic ends. This directs HRE to the patient task of explanation and analyses of circumstance of globality that produces, promotes, and protects the killing fields of postcolonial societies. On the other hand, the so-called South solidarity reasons do not allow any defense of a Pol Pot, an Idi Amin, Saddam Hussein, or even a senescent Robert Mugabwe. Indeed, South-oriented HRE should provide no quarter to perpetrators of human rights violations because these are created by global imperialism. The HRE mission is to combat these, no matter how they rise to power. That mission also directs attention to, and enhances, important HRE responsibilities of North communities of social and human rights action and education.

Our People’s Report does not fully confront the challenges thus posed. But our movement for human rights education does. We fully recognize the Realpolitik of human rights. We feel, however, that while it names the problems, it does not exhaust our tasks. We believe that human rights “imperialism” needs to be combated by human rights education.
b) CULTURE AGAINST HUMAN RIGHTS?
By Peter Leuprecht

Extracts from a lecture delivered in Ottawa on the occasion of the 50th anniversary of the Universal Declaration of Human Rights

What Are Human Rights?

Rights which all human beings possess because they are human

Which they carry with them

Which cling to their skin

They are not rights granted or bestowed on them by some superior authority

They are rights which they need to be able to live the life of a human being, a life worthy of a human being, a life in dignity.

Human rights are not only universal, they are also indivisible. They form an indivisible whole, whether they be civil, political, economic, social or cultural rights. Only if the human being is guaranteed all these rights can he or she live in dignity. No society should confront human beings with the dilemma of bread vs. freedom, with an impossible choice between freedom in misery and prosperity in oppression. Both bread and freedom are indispensable for human beings to live a life in dignity. To quote a famous sentence, "necessitous men are not free men". This is not a quotation from Karl Marx, but from President Roosevelt.

The idea of human dignity, of the equal dignity of all human beings, is the foundation of the entire human rights edifice. It implies that these rights are, of necessity, universal, in other words, valid for all human beings; otherwise they would not merit their name.
Universal and indivisible human rights can be a living reality only in a society which practices solidarity in the respect, defense and promotion of these rights. They must be seen as what they are: not only the rights of each and every one of us, but also, and above all, the rights of others. In this respect, the increasingly important role played by non-governmental organizations (NGOs) is one of the most encouraging phenomena in recent decades. By lending their voice to those whose voices are stifled and their hands to those whose hands are bound, they provide a striking example of solidarity in the defense of human rights.

If human rights and their underlying principles are taken seriously, they are extremely demanding. Unfortunately, an enormous gap separates reality from human rights “as you can buy them in a little booklet”. The conclusion to be drawn from this discrepancy is that we must change reality to make it comply with the requirements of human rights, which can be powerful instruments of improving the human condition.

What Is Culture?

I am tempted to say it is not what political regimes and rulers, particularly tyrants and dictators, tell us it is. I have recourse to a cultural authority, namely a group of distinguished women and men of culture who formed the European Task Force on Culture and Development. In a report they prepared for the Council of Europe, they wrote that culture can be understood as the whole life of the people and its values or, more narrowly, as artistic activity of all kinds. Let me quote another definition of culture which is not bad, particularly if you consider that it is the work of lawyers from different
European countries gathered in the "Groupe de Fribourg" in Switzerland. This is what the group says about culture:

*Le terme « culture » recouvre les valeurs, les croyances, les langues, les savoirs et les arts, les traditions, institutions et modes de vie par lesquels une personne ou un groupe exprime les significations qu’il donne à son existence et à son développement.*

Culture certainly has an impact on human rights; and human rights have an impact on culture. I would even go as far as saying that they should increasingly be an essential part of humanity's culture. However, before broaching the relationship between culture, art and artists on the one hand and human rights on the other, I would like to make a few remarks concerning the use of culture against human rights.

**Culture against human rights?**

Different kinds of power have challenged and are challenging human rights and particularly their universality in the name of culture or religion. In today's world, frontal attacks on human rights are the exception rather than the rule, which might be optimistically interpreted as a sign of the growing strength of the idea of human rights. However, it is affirmed that different cultural, social or religious contexts give rise to different conceptions of human rights, which are nonetheless equally valid. Universal human rights are questioned, and it is claimed that human rights are a Western product and an instrument of Western imperialism. These arguments are used by undemocratic regimes and rulers: they do not come from the people or peoples of non-Western regions. Kofi Annan, the Secretary General of the United Nations, has rightly observed:

*It was never the people who complained of the universality of human rights, nor did the people consider human rights as a Western or Northern imposition. It was often their leaders who did so.*

A distinguished Asian, the Dalai Lama, said that cultural traditions must come closer to the practice of human rights, not vice-versa:

*Recently some Asian governments have contended that the standards of human rights laid down in the Universal Declaration of Human Rights are those advocated by the West and cannot be applied to Asia and other parts of the world because of differences in social and economic development. I do not share this view and I am convinced that the majority of Asian people do not support this view either, for it is the inherent nature of all human beings to yearn for freedom, equality and dignity.*
The rich diversity of cultures and religions should help to strengthen fundamental human rights in all communities because underlying this diversity are fundamental principles that bind us all as members of the same human family. Diversity and traditions can never justify the violations of human rights.

I entirely share the opinion expressed by the Dalai Lama and I am convinced that it is widely shared across Asia. One visible proof of this is the number and strength of very active and courageous Asian human rights NGOs. I consider them as more representative of the profound aspirations of peoples than most of the regimes in that part of the world. They speak indeed a different language, that of universal human rights. It is also significant that the regimes and rulers who challenge human rights in the name of what they call "Asian values" never take the trouble to spell out what those "Asian values" are and where and how they conflict with human rights.

Some are trying to justify practices that are an insult to human rights and human dignity, such as certain forms of punishment or genital mutilation, by arguing that they are part of a specific culture or religion. To my mind, this argument is not convincing. Cultures and even religions are not immutable and human rights may offer a means of helping them to evolve. Let us take the example of the Catholic Church. Pope Pius VI described the French Declaration of the Rights of Man and the Citizen as "contrary to religion and society": in particular, he condemned religious freedom as a "monstrous right" - a condemnation reiterated by Pope Pius IX in 1864. These vigorous condemnations of human rights, together with the Inquisition, the pseudo theological justifications of slavery and Syllabus, are facts in the history of the Roman Catholic Church. Who would claim today that they form part of the spiritual heritage or culture of this church which in the last few decades has rallied the cause of human rights, including freedom of religion?

A few years ago, Ayatollah Khomeini rejected human rights in almost exactly the same terms as Pope Pius VI two hundred years earlier. Like many Muslims, I believe that the regime of the Ayatollahs is by no means representative of Islam, but on the contrary its revolting caricature. Like other religions, Islam is often used and abused by political power. Islam is not monolithic, but a complex reality with many facets and capable of development. By throwing the whole Islamic world into the same basket and brand marking it as the natural foe of human rights and, in general, as the new great enemy, we are not helping, but obstructing its development.
Culture - Power - Human Rights

Let me now turn to the relationship between culture and human rights. Its nature will largely depend on the relationship between culture and power. This is indeed a very old issue. Since the ancient Egyptians, and maybe even before, culture and art have been used to reinforce the power of political rulers, regimes and states. Probably the least happy episode in this long and difficult relationship occurred in the 20th century, in Europe under the fascist, Nazi and communist dictators. In their brave new world, culture and arts were conscripted as tools of the totalitarian ideology and its propaganda; they were forced to contribute to the construction of the myths on which the regime was based.

In a revolutionary society, culture has to be engaged with the party

*Lenin*

In Nazi Germany, culture and art had to be *völkisch*, which I believe is best translated by "ethnic"; and, of course, the rulers decided what art was *völkisch* and what art was *degenerate*. In 1937, Munich hosted the famous or rather infamous exhibition of *Entartete Kunst* (degenerate art). Both Stalin and Hitler, the failed painter and would-be architect of the Thousand Year Reich, were determined to impose what they perceived as cultural purity.

*Credere, obbedire, combattere*
believe, obey, combat

*Italian Fascist Party slogan*

In that context, culture and art - literature, music, architecture, cinema, painting and sculpture - became instruments of oppressive regimes which systematically and massively violated human rights and human dignity. Most artists delivered the goods which were expected from them - some reluctantly, others with remarkable zeal. Those who would not submit to the demands of totalitarian politics were suppressed or forced into exile.

There is another aspect which should be mentioned, namely, the fact that prominent men and women from the world of art, culture and science actively prepared the ground on which totalitarian ideologies and regimes were to flourish. Many, not only in Germany, but also in France, Britain and other European countries, fervently promoted racist theories, sometimes in a scientific disguise. What strikes me is that many of these were, even before the totalitarian regimes came to power, regarded as "politically correct." Some were even awarded the Nobel Prize.
I am thinking in particular of Richet and Carrel. Between the two World Wars, they championed a medicine of elimination of “inferior” human beings. Carrel advocated gas chambers well before they were to become a hideous reality.

Another striking feature of the inter-war period, particularly in Germany, was the strong anti-rational bias of many writers and people who were supposed to be thinkers. They systematically denigrated the spirit, reason and tolerance and celebrated the rupture of nationalism, the national myth which thrives on blood and the power of life which, in fact, was soon to prove to be the power of death.

I believe that we must do everything in our power to prevent a recurrence of the dreadful episodes of the history of the 20\textsuperscript{th} century. Remember the warning contained in the end of Kafka’s “Penal Colony” and of Camus’ “La peste.” Let me quote the latter:

\begin{quote}
Rieux savait que le bacille de la peste ne meurt ni ne disparaît jamais, qu’il peut rester pendant des années endormi...et que, peut-être, le jour viendrait où, pour le malheur et l’enseignement des hommes, la peste réveillerait ses rats et les enverrait mourir dans une cité heureuse.\end{quote}

We must therefore be vigilant. Indeed, some of the specters which haunted the dark years to which I have referred seem to be coming back:

\begin{itemize}
\item Racism
\item Entocentric nationalism
\item Intolerance
\item Strong antirational trends
\item A tendency to denigrate the heritage of the Enlightenment and what some fashionable writers contemptuously call “human rights talk” or “human rights rhetoric.”
\item A fascination with instinct and nature, particularly the alleged animal nature of the human being
\end{itemize}

As far as the last point is concerned, I am thinking, for example, of Konrad Lorenz, Irenäus Eibl-Eibesfeldt and some of the sociobiologists and ethologists in Europe and North America for whom the ideas of human rights, equality and human dignity are a mistake, a disturbing aberration from “nature” and the “natural laws” of selection. Is the plague sending out its rats once again? Will ideas of this kind once again be the political programs and monstrous reality of tomorrow?
Harmony through respect
A few days ago, I reflected upon what I you tonight, in a setting conducive to Fiesole, with Florence at my feet. What again in this enchanting place was the city and the surrounding hills, the harmony and built environment due to the respect after generation had shown for nature and previous generations had created. This through respect made me think of what the Dalai Lama had told me in the course of one of our conversations. For him as a Buddhist, he said, respect for human dignity and human rights is an essential condition for the harmony we must strive for and which we must achieve not only by respect among humans, but also by the respect of humans for nature. This idea of harmony is indeed fundamental in Asian thought and in particular ancient Chinese philosophy. This is a real Asian value. Let's not forget that the principal palace of the Forbidden City is called the Palace of Supreme Harmony.

Harmony through respect seems a fitting motto with which to conclude these reflections. I might also refer to music and say that human rights are an eternally unfinished symphony that deserves to be played. Every human being, all peoples, all religions and all cultures on this earth are called upon not only to listen to it, but to participate in its execution. This way we can avoid the clash of civilizations for which, according to some, the world is programmed, and unite humanity in harmony through respect for the equal dignity of every human being.
Most elites in power in governments believe that educating people about their human rights is a threat to national security at worst, and their own security at best. Even in countries in which democracy is the nominal political system, human rights education (HRE) is resisted or co-opted, but never fully implemented to achieve its fullest potential. If the powerful believe they have nothing to fear in the way human rights are taught, then they are less resistant. However, if oppressive power hierarchies believe that those who learn about their human rights will challenge them, then they will fiercely resist anyone learning about their human rights.

This has forever been the situation of African Americans in the United States as we have attempted to learn about our human rights and use the Universal Declaration of Human Rights (UDHR) to protest the racial hierarchies of the United States, a country founded on the principles of white supremacy. At every turn, the U.S. government and right wing conservatives have sought to thwart the achievement of full human rights for African Americans.

This resistance to protecting the human rights of African Americans has a long history based on support for racism and segregation and is constantly reinforced by the racial hierarchies still operant in the United States. The African American struggle for human rights dates back, of course, to the resistance against slavery. The earliest written mention of the term human rights by an African American was in 1858, when Frederick Douglass protested the hanging of a black man in New York City.

For more than a century, African Americans have used international meetings and mechanisms to bring world attention to the failure of the United States to live up to the promise of its ideals and to be held accountable for its treatment of Native Americans, non-white immigrants, and African Americans. The first Pan-African Congress was organized in London in July 1900 by Trinidadian barrister Henry Sylvester-Williams.
Noted statesman and writer W.E.B. DuBois chaired the Committee on Address to the Nations of the World and prophetically declared:

"The problem of the twentieth century is the problem of the color line...will hereafter be made the basis of denying over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization."

Throughout the struggles to establish the United Nations and write the Universal Declaration of Human Rights, African Americans sought every opportunity to insist that the world community join them in criticizing not only the racial hierarchies of the United States, but the colonial control that Europe and the U.S. exerted over people of color around the world. In 1946, the National Negro Congress submitted a petition to the fledgling United Nations, followed by another petition in 1947 by the National Association for the Advancement of Colored People (NAACP), and another 1951 petition charging genocide submitted by the Civil Rights Congress led by William Patterson and Paul Robeson.

HUMAN RIGHTS VIOLATIONS INCLUDED

- Jim Crow segregation,
- The World War II internment of the Japanese
- The continuing genocide against Native Americans
- Racist immigration laws particularly targeting Mexican Americans

DEFENDERS OF THE STATUS QUO WERE DEEPLY ALARMED THAT OPEN AND HONEST DISCUSSIONS ABOUT THE PROMISE OF HUMAN RIGHTS WOULD DISRUPT THIS SYSTEM OF WHITE SUPREMACY AND FORCE THE UNITED STATES TO REVEAL THE FATAL FLAWS IN ITS DEMOCRATIC EXPERIMENT

All of these efforts were unsuccessful because of U.S. exceptionalism - the insistence that U.S. domestic affairs are off limits to international mechanisms. Conservatives fought for the insertion of language that would allow states that were in a federal system, such as the Southern pro-segregation states of America, to disregard the Universal
Declaration of Human Rights as part of the benefits of a federal/state clause that would allow a state to ignore the international obligations at will. This reinforcement of the states’ rights doctrine at the expense of African Americans is consistent with the historical way in which the African American struggle for human rights has been constantly betrayed by the entrenched power of Southern states determined to maintain white supremacy.

Cold War politics in general and the red-baiting of human rights in particular compromised the ability of African American leadership to fully embrace the human rights framework. Although notable leaders such as Malcolm X, Fannie Lou Hamer and Dr. Martin Luther King advocated for human rights, in a sense they were marginalized by the more conservative wing of the Civil Rights Movement which was fiercely anti-communist and pro-integrationist. During the McCarthy era of the 1950s, human rights and the United Nations were portrayed as the Soviet Union’s attempt to attack capitalism and undermine the United States. Southern Democrats and anti-New Deal Republicans joined together to denounce human rights. Throughout the Cold War, civil rights groups were accused of being communist fronts.

President Eisenhower and his Secretary of State John Foster Dulles decided in 1953 to abandon the U.S. obligations under the UDHR and to reject all human rights treaties, claiming they were a threat to the liberties protected by the U.S. Constitution.

When, in reaction to the McCarthy era, the African American leaders strategically decided to jettison the human rights framework in order to disassociate themselves from communists, the African American struggle to achieve human rights was set back at least four decades. In particular, this retreat was tactically manifested by the NAACP, which intentionally removed mentions of human rights from its agenda by the end of the 1950s, despite the protests of W.E.B. DuBois. The comprehensive claims of human rights were ignored for 40 years and no effort to educate African Americans about human rights was resumed until the mid-1990s.

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Racism is not just a problem of misunderstanding, bigotry and ignorance but a hierarchical system of white supremacy designed and maintained to enforce institutionalized
inequalities in American society. White supremacy is a society organized around specific ideas and social relationships and these social relationships are reinforced by the false perception that the United States is a leader in human rights around the world.

Nothing could be further from the truth. Not only has the United States behaved like a rogue state in failing to ratify and implement the vast majority of human rights treaties, but it has consistently undermined the global struggle for human rights at every turn. We are a self-absorbed country of people in denial about our culpability in fostering hostility around the world. Based on an economic, legal and cultural system of white supremacy, the United States wrestles uneasily with the ideals of egalitarianism coupled with ignorant arrogance about world affairs. Our elites insist on portraying this country as playing an essentially defensive and self-less role in world affairs when the reality is one of unprecedented greed and corruption.

If we wish to affect this relationship and help move the United States towards a greater appreciation and application of human rights in our domestic and foreign policies, then we cannot condone or excuse terrorism, and we cannot be insensitive to the real pain and confusion in American society. We have to resist those who say the search for understanding is the condoning of terrorism. But we also have to resist the tendency to demonize a society that is deliberately kept ignorant. We have to avoid naive stereotypes: this is not simply a struggle of the brainwashed, media-drugged masses against oil-greedy imperialists, people helplessly caught between the neo-conservatives and the neo-liberals. Such a primitive over-simplification blinds us to the necessary creation of a realpolitik based on multilateralism and international cooperation in accordance with universally recognized human rights norms, rather than unilateralism and the bully politics of this dominant economic, military and cultural superpower called the United States. We have to convince people that human rights is not only the right way to go, but it is also the smartest and the safest way to go to address our fear and confusion. This realpolitik is based on the facts of the world, its inter-dependence and mutuality.

THE UNITED STATES IS ARROGANTLY RESISTANT TO INTERNATIONAL PRESSURE

Domestic human rights activism must deconstruct this complexity and make George Bush’s worst nightmare come true: An educated public that demands their human rights to restructure our society while preserving what is good. We understand that human rights enforcement is not about foreign policy, but primarily about domestic policy. As we build this movement through HRE, we will boldly tell people what human rights treaties do and
what dramatic changes we want them to bring about in our society. We want to vote for a
politician who tells us how many children she will send to college, not how many she will put
in jail. We will not meekly accept anymore stealth ratifications that gut the human rights
treaties just to "get something passed."

To build this human rights movement, we must boldly confront the right wing in
American society that has been fiercely opposed to human rights for the past 50
years. This must be done by mobilizing and uniting a powerful and resounding voice
for human rights at the grassroots level. In addition, we have to confront the
skeptics and nay sayers on the left who also doubt the power of HRE to transform
the United States.

Established in 1996 as the first HRE center that focuses exclusively on the United
States, the National Center for HRE seeks to build a domestic human rights movement by
training activists, students, educators and community leaders in how to hold our society
accountable to universally acknowledged human rights norms. Through our eight years of
work in providing community-based HRE, we have painfully learned that those who doubt
the power of the human rights framework are most often people of privilege whose human
rights are least likely to be violated. Those who feel most passionately about human rights
are those who experience violations routinely as they suffer from the racial, sexual,
homophobic, xenophobic and economic oppression in the United States. The backlash
against human rights in the U.S. has always been fueled by the ideology of white
supremacy, organized by the forces of the conservative right, and reinforced by the more
covert and unacknowledged racism of the American left.

We must aggressively infuse HRE into community organizing, public policy advocacy, and
political action. HRE allows people to reflect on their own reality and provides people with
a common ground and common vocabulary for understanding the post-9/11 realities of
American society: that immigrant communities are on the frontline of the debate on
national security, with the concomitant rise in hate crimes, militarization of our borders,
and the growth of the prison industry. We need to protect people from anti-terrorist
measures that violate our civil liberties, particularly immigrant, migrant, and refugee
communities. We must use HRE to challenge the spread of religious and ethnic nationalism
in the U.S. and elsewhere. We must use HRE to point out the alliance between religious
fundamentalists around the world, including those in the U.S., and build moral barriers
against hatred and demonization.
We need to hold up the doctrine of one standard for all — that the United States should not exempt itself from the rules it expects the rest of the world to abide by. Nor should it hold itself above world opinion in terms of human rights standards. We have to articulate a national identity for the United States in a positive way that incorporates pluralism, respect for human rights and civil liberties that protects dissent that works towards peace rather than war.

This is the mission of HRE - to help the United States finally build a society in which the human rights of everyone are respected and protected. The elites in power do not want this powerful vision of hope to ever be achieved. Thus, they fear HRE the same way white plantation owners feared slaves learning to read.

**WE WILL REMAIN UNDAUNTED**

African American leaders such as Rev. C. T. Vivian, James Farmer and Bayard Rustin were in the front lines, demanding human rights a decade before Rev. Martin Luther King called for the building of a human rights movement in the U.S. in 1963, a promise that has not been fulfilled. We can make the 21st century the Century of Human Rights through HRE that challenges the forces of oppression that insist on thwarting America's promise.