

BOOK REVIEWS

Human Rights in Cross-Cultural Perspectives: A Quest for Consensus. Edited by Abdullahi Ahmed An-Naim. Philadelphia: University of Pennsylvania Press, 1992. 479 pp.

The term “human rights” is doubtless among the most recurrent in the daily staple of news in both print and electronic media. This year’s World Conference of Human Rights in Vienna has, if nothing else, enhanced that profile — with a further boost from the Clinton Administration’s early rhetoric on linking U.S. foreign policy and human rights conduct, as in trade relations with China. But familiarity can breed contempt and, in this instance, it is coupled with a heavy measure of confusion.

With the demise of the Cold War and its dreary ideological polemic, a new East–West (or North–South) battle has emerged over the putative universality of human rights norms. East Asia, home not only to more than a third of the world’s population but also to a diversity of ancient traditions, has been adamant that while certain norms necessarily transcend all frontiers and merit global protection, others are subject to the vicissitudes of culture and socio-economic circumstance. Across the Muslim world, there is considerable apprehension about a secular West determined to promote a liberal order inimical to societal entitlements against the materialist demands of the individual. These concerns are often echoed among indigenous peoples in the West itself, with their communitarian rather than individualist orientation, even as they invoke the “global” rights regime against assorted depredations. A fresh discourse on the scope of human rights is both inevitable and urgent; given the stakes, it is also important that the debate be substantive.

This volume of fifteen essays aims to explore the avenues for expanding the “cultural legitimacy” of international rights norms through internal and cross-cultural dialogue. The contributors are mindful of the discrepancy between precept and practice more than four decades after the adoption of the Universal Declaration of Human Rights by the nascent United Nations. They are also cognizant of the twin pitfalls of expediency — by many who shelter behind relativism to justify repression — and arrogance — on the part of those who see their own values as *ipso facto* universal.

In an elegant piece on China, William Alford recalls the admonition about “viewing flowers on horseback” (*zuo ma kan hua*) before offering a potted survey of the interplay between traditional (chiefly Confucian) and global views of the relationship between society and the individual. Alford appears fairly sanguine about an eventual accommodation, and his call for greater realism on the part of the outside world towards China is less about cultural than socio-economic barriers to change. Even when it comes to the old collective–individual dichotomy in the interpretation of rights — as in his example of the mandatory one-child policy and its implications for society and the individual — the ethical challenge is clearly shared far beyond Chinese culture.

This is not to deny the centrality of that perceptual dichotomy in any cross-cultural discussion about human rights, and the need for the global regime to recognize and come to terms with it. That is certainly a cardinal message of this volume, with the exception of a thoroughly unconvincing paper by Rhoda Howard claiming that individual and communitarian rights are incompatible because the latter “can become exclusivist” (as if individual rights cannot, precisely by ignoring group claims). It is the experience of indigenous communities that highlights this issue, as shown in the essays on the Sami of Norway (Tom G. Svensson), the Brazilian Indians (Manuela Carneio da Cunha), aboriginal Canadians (Allan McChesney), American Indians (James W. Zion) and Australian aborigines (Patricia Hyndman). Indeed, as McChesney points out, Canada’s aboriginal peoples have already reshaped the country’s civil libertarian landscape in the light of their collectivist traditions — to the benefit, arguably, of non-aboriginal Canadians as well.

One attempt at synthesis is by way of a “personalist” perspective, which shifts the focus from the individual *vis-à-vis* society to the person as part of an increasingly pluralist community. Despite its heavy theoretical baggage, Virginia Leary’s paper on the subject makes for rewarding reading, not least on account of some intriguing quotes. Jacques Maritain, one of this century’s leading humanists and a spiritual father of the Universal Declaration itself, is cited in terms that challenge the assertion about the Declaration being a one-dimensional individualist document:

[T]he development of the human person normally requires a plurality of autonomous communities which have their own rights, liberties and authority; among these communities there are some of a rank inferior to the political state, which arise either from the fundamental exigencies of nature (as in the case of the family community) or else from the will of persons freely coming together to form diverse groups. Other communities are of a rank superior to the State, as . . . in the temporal realm, that organized community towards which we aspire today.¹

Indeed, Leary remarks on Maritain's acute appreciation of the need to respect the diverse cultural roots of those affirming "universal" rights or "democracy", while seeking consensus on a catalogue of norms for all human beings. Hence, his observation back in 1944:

. . . the choice of words in the practical domain is determined not by the philosophers, but the usage of men and by the common consciousness. And what matters above all is rediscovering the genuine meaning and value of words charged with great human hopes, and the tone given to their utterance by a conviction based on truth.²

A pragmatic, open-ended approach is also embraced in the volume's final rambling essay by Tore Lindholm, who argues that the Universal Declaration's "justificatory principle" is not based on any theological, naturalist or anthropological view of man associated with the West. Rather, it is a "proposal for an overlapping moral and political consensus", to which "Christians, Muslims, atheists, Buddhists, Marxists, liberals, and so on, may from their own normative heartland come up with full-fledged justificatory doctrines of globally binding human rights". For Lindholm, these doctrines need not be mutually compatible — as long as they accord priority to the "principle of inherent freedom and equal dignity for every human being".

There can be no assurance, as the editor readily concedes, that the internal and cross-cultural dialogue advocated here would produce the kind of "overlapping consensus" needed to improve the practical protection of human rights, collective and individual. But dialogue clearly remains the optimal strategy, and it must be nurtured in a variety of contexts. An obvious avenue is ecumenical or inter-religious dialogue, a theme that receives surprisingly limited attention in the book. There is greater attention here to what remains of Marxist theory than to the role — actual and potential — of religious traditions, contrary to the direction of salient post-Cold War currents of thought.

1. Jacques Maritain, *The Rights of Man and Natural Law* (London: Geoffrey Bles, 1958), p. 14; first published in 1944.

2. *Ibid.*, p. 31.

This shortcoming is all the more unexpected in view of Abdullahi An-Naim's own expertise on Islam and human rights,³ a subject that is addressed briefly in his introduction, and is broached by Richard Falk's subsequent paper on the quest for agreement on what is, or should be, "intolerable" to all traditions. Perhaps that is where Asian contributions are most needed for cross-cultural understanding: dignity and social justice, after all, lie at the heart of living traditions from Japan and Thailand to Singapore and Indonesia. Their voices ought to be heard within the mainstream literature,⁴ no less than in the hallowed chambers of United Nations committees in Geneva and New York.

We are, at best, only at the end of the beginning in the long quest for consensus and legitimacy on behalf of global human rights. This volume is an important contribution to the long process that lies ahead, and most of it deserves a wide readership.

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3. He has authored, *inter alia*, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives", *Harvard Human Rights Journal* 3 (Spring 1990): 13-52; and *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (1990).
 4. A rare example is Ta Van Tai, *The Vietnamese Tradition of Human Rights* (Berkeley, California: Institute of East Asian Studies, 1988).

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***Peace Accords and Ethnic Conflict*. Edited by K.M. de Silva and S.W.R.D. de A. Samarasinghe.** London: Pinter. 208 pp.

"The government is best which pays least attention to ethnicity."¹

The resurgence of ethnic conflict in the latter half of this century presents numerous dilemmas to both theorists and policy-makers. On the one hand, as Anthony Smith perceptively comments, "there is widespread feeling, popular and academic, that state interests and the imperatives of the system of states, economic as well as political, furnish both the causes and the issues for most wars". On the other hand, such a perspective,

1. Pierre van den Berghe, *The Ethnic Phenomenon*, new ed. (New York: Praeger, 1987), pp. 353-54.