

CHAPTER 1

Universal Claim and Postcolonial Realities: The Deep Unease over Western-Centered Human Rights Standards in the Global South

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At the time the first human rights declarations were framed in the United States (1776) and France (1789) and the expansion of the European civilization was aspiring to its peak, the norms and values contained in these documents were considered to be universal to the effect that they were both deemed stemming from a universal human nature and applying to all human beings irrespectively of nationality. When after the Second World War the Universal Declaration of Human Rights (UDHR) was passed by the General Assembly of the United Nations (1948) under the auspices of the United States, the rights stipulated again were proclaimed to be independent from regional or cultural frameworks, despite reservations made by several countries with socialist or Islamic orientation. Today's trend towards globalization and a shift of power from the *West* to newly industrialized countries in the *global South*, make it increasingly obvious that the claim whereupon the classical human rights values and norms are universal or even constitute a consensus of mankind, dashes against postcolonial realities that reject the West's hegemony in moral and political terms. How *universal* the Western conception of human rights *de facto* is can be easily guessed when looking at additional or competing human rights declarations, such as the African [Banjul] Charta on Human and Peoples' Rights (1981) or the Cairo Declaration on Human Rights in Islam (1990). In this contribution I would like to outline the fault-lines pervading the human rights discourse between the *West* and the *global South* and analyze to what extent they are grounded in mutual misconceptions, power political ambitions or profound value conflicts.

Rigid Dichotomies?

Before starting my analysis, I would like to put in perspective the relation between Western societies and their human rights thinking and practice and the societies of the global South, i.e. nations of Central and South America, Africa and Asia. It would constitute a gross falsification of reality to draw the picture of homogenous Western human rights thinking opposed to or challenged by a likewise homogenous human rights understanding of non-Western countries. On the contrary, reality is far more complex. Just as much considerable support for Western human rights standards exists all over the world – including countries whose regimes vehemently refuse them – there also exists obvious discomfort within Western societies regarding the interpretation and range of specific human rights norms, e. g. the right to freedom of speech, the right to marry and found a family. Today in Europe and North America this discomfort primarily is based on religious reservations vis-à-vis the alleged unbound freedom of man proclaimed by the secular-liberal human rights tradition. Only if bound to truth, so Pope Benedict XVI., a prominent critic of what he termed the tyranny of modern societies' relativism, true freedom can unfold. Unrestricted freedom or human rights, respectively, would constantly threaten to override the basic human rights of others – especially in case of unborn children deprived of their dignity and right to life by the modern *right* to reproductive self-determination (cf. Ratzinger 2005). Similar anxiety is uttered, for example, by Patriarch Alexy II., the primate of the Russian Orthodox Church, in his address to the Council of Europe where he makes the diagnosis of “a break between human rights and morality” (Alexy II. 2007). This break, so Alexy II., comes to the fore “in a new generation of rights that contradict morality, and [...] human rights [...] used to justify immoral behavior” (ibid.).

Against the background of such widespread unease over secular and liberal human rights discourses, it should become clear that the focus of this contribution is not laid on the global South for its alleged intrinsic unease over Western human rights, but rather for the overall issue of *Human Rights from Third World Perspective*.

General Unease Over Western-Centered Human Rights Standards: The “Coloniality of Knowledge”

In course of decolonization countries of the global South may have (re-)gained political autonomy, but hardly any economic independence, and – according to many – still less independence from Western epistemic hegemony. From the eurocentric perspective, the Western way to see the world, to interpret man's being, to organize social relationships and the political sphere was regarded superior to all other traditions and in this alleged superiority the legitimacy was found to impose it on others. It was, however, not only this ethnocentric mentality of superiority, which conditioned the overall influence of European culture and which just as well can be found in all other great cultural traditions. Above all, the scientific-technological-military supremacy of the European powers contributed to spreading their culture. It is therefore not surprising that

as soon as this domination based on power and – enough times – brute force began to erode, the return to domestic resources in matters of religion, arts and education gained in importance. The epistemic tradition of the West, its materialistic science, its legal tradition, its anthropology etc. increasingly suffered the loss of universality – the idea of human rights being no exemption.

The claim to universality and the ambition to present the human rights formulated in the UDHR as *supracultural* may have been intended to serve the higher goal of humanity, i.e. the acceptance of certain unalienable rights, but, nevertheless, can not fade out the historical fact that the idea of human rights emerged in the European modern era in course of the Enlightenment with its specific notions of *social contract*, *natural rights* and popular sovereignty which not only constituted a departure from former European traditions and beliefs, but also from the traditions and beliefs of the entire previous mankind. Thus, the concept of human rights is imbedded in a set of ideas, assumptions and demands that are contingent insofar as they are the product of a specific civilization at a specific period in time.² But, if human rights as a concept are the product of a specific culture, this implies “difference, boundaries, particularity” (de Sousa Santos 2007b: 6). So the question arises: “How can human rights be both cultural and a global politics?” (ibid.).

Today, the universalization of Western human rights standards is frequently opposed precisely with reference to their actual relativity. Combined with universalism, i. e. the claim to universal validity, for some this relativity is sheer intolerable. “[T]he perceived universalism in the human rights approaches”, Subrata Sankar Bagchi is convinced, “is sometimes endangering various forms of cultural diversities and local innovations” (Bagchi 2009: 9). Makau Mutua argues: “The official human rights corpus, which issues from European predicates, seeks to supplant all other traditions while rejecting them. It claims to be the only genius of the good society” (Mutua 2001: xi). Western human rights standards, so Mutua, conceptually can not be divided from liberal democracy and in trying to impose their human rights thinking on others, Western countries inevitably espouse a peculiar form of government which might have little local support and, hence, not the legitimacy required. Ultimately, this implicit “political agenda” (ibid.: 1) of the human rights project would be used to justify (military) interventions. Mutua explicitly criticizes the West’s “pathology of the savior mentality” (ibid.: 6) regarding Third World countries that should be abandoned. To claim true universality, according to him, the “the participation of all societies and cultural milieus must be required” (ibid.: xi).

The claim to universality, according to Boaventura de Sousa Santos, has not just since the shift of hegemonic balance at the end of the Cold War lost its persuasive power; rather, already the great project of the UDHR lacked the universality it stressed for the declaration “was drafted without the participation of the majority of the peoples of the world” (de Sousa Santos 2007b: 13). In particular, it suffered, he argues, from the “exclusive recognition of individual rights, with the sole exception of the collective rights to self-determination [...]; [and from] the priority given to civil and political rights over economic, social and cultural rights” (ibid.: 13f). Accepting that different human communities

possess varied worldviews and that there are “no complete knowledges” (de Sousa Santos et al. 2007a: xvii) would enable us to finally overcome the “coloniality of knowledge” (ibid.: xlix). Otherwise, human rights would “tend to operate as a globalized localism, a form of globalization from above” (de Sousa Santos, 2007b: 11).

Against this imposition from above, ministers and representatives from Asian states preparing for the UN World Conference on Human Rights in Vienna 1993 have objected in their “Bangkok Declaration”. They repeatedly emphasized the “principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States” and stressed “that the promotion of human rights should be encouraged by cooperation and consensus and not through confrontation and the imposition of incompatible values” (Ministers and Representatives of Asian States 1993). They asked for respect concerning “regional particularities and various historical, cultural and religious backgrounds” and also warned against using human rights as an “instrument of political pressure” (ibid.). Taking the same line, former Malaysian president Mohammad Mahathir argues: “The West assumes that any idea coming out from them is perfect and must be accepted by the whole world. And yet they must know that ideas like socialism, communism, republicanism, and all kinds of -isms, came out from the West, and today the West rejects this as wrong. How do we know their ideas about democracy, about human rights, will not be rejected in the future?” (Mahathir 2001).

From a philosophical point of view, the argument that human rights to a large part constitute a Western, local heritage and therefore in their current style should not be universalized and imposed on others, is incomplete and hence, somewhat problematic. However, the problem of this argument is not, that it is relativistic. Rather, it gives no reason *why* such a universalization or imposition has to be forborne. The sheer fact that the modern human rights corpus is not universally accepted in totality can not serve as a foundation for the normative claim of relativism simply because there is no such easy bridge from *is* to *ought*, as we learned from David Hume. The implicit reason for human rights relativism first and foremost seems to be a motive of *fairness*: If Western societies have to admit that *their* human rights notion is particularistic to the effect that it is imbedded in their specific world view which is one out of many in a multicultural, globalizing world, they would have to ask themselves how they can justify bothering other societies with Western human rights. To insist that there can be no justification due to their *de facto* relativity is begging the question simply because universal acceptance or approval does not say anything about the quality of norms or values. Imagine, for example, the practice of slavery which until recently, i.e. circa 200 years ago, has been common to nearly all human societies over a period of thousands of years. Can one, from the prevalence of slavery, deduce its legitimacy? Of course not! It is exactly in this manner representatives of Western countries could concede the particularity (of some) of their human rights norms and at the same time wish and work for their universalization – without lacking the due respect for their adversaries who do precisely not stand on shakier ground in epistemic terms. Those hypothetical

Westerners might very well be aware of the factual relativity of their world view and consider it fair to tolerate equally relative systems of belief, but at the same time be convinced it is by far more unjust to tolerate certain severe human rights violations.

Furthermore, the value of a specific idea or concept can not be determined with reference to its origin. Such an approach would constitute a genetic fallacy. In other words: Just because the idea of human rights emerged in the West that does not mean it is necessarily futile or even wrong for other peoples. If it was, to the same degree Western science and technology would be futile for the rest of the World.

From this it follows, that in order to decide whether or to what extent Western human rights standards should be universally applied, one has to move to the level of their material content. This approach will also draw the attention to the practical unease over Western-centered human rights standards and might help to explain in what regard exactly they meet with disapproval in the global South.

Specific Unease over Western-Centered Human Rights Standards: The Primacy of the Individual

After having outlined in brief the general unease over the quasi-colonial paternalism of Western countries vis-à-vis countries of the global South when it comes to human rights, I now would like to focus on the question what precisely in the Western understanding of human rights fuels the discontentment of its critics. For this purpose I will analyze the specific unease over Western-centered human rights standards in four short case studies.

1. “Asian Values”: Opportune pretence for authoritarian rule or cure to Western societies’ excessive individualism?

During the last decade of the 20th century so-called Asian values were the height of fashion in theoretical disputes about the universality or relativity, respectively, of human rights norms and their underlying values. Against the background of a rapid economic growth – which was not interrupted until the 1997/8 financial crisis – the Asian *tiger* and *dragon* nations “could arrogantly sneer at the West for its decadence and economic decline” (Wai-Teng Leong, 2008: 121). Their increasing self-awareness led to what Mahathir called “a fundamental cultural shift” (Mahathir, 1999: 45) which fostered the overcoming of colonialism’s “psychological burden” and “shackles of mental servitude” (ibid.: 14, 68) as well as the promise of “a new age” (ibid.: 12). Mahathir explained: “Under colonial rule, many of us in Asia were taught and came to fear that our values and ways were second-rate. But the emergence of Asia as a major player in the global economy proved to us that Asian values are not inferior simply because they are Asian” (ibid.: 68). This “Asian exceptionalism argument” (Wai-Teng Leong 2008: 129) functions on the basis of the assumption of a substantial difference between Western and Asian societies combined with the conviction that this difference was positive for the latter and

serving them well. Not surprisingly, the *return* to values assumed to be typically *Asian* – more aptly Confucian/-Islamic – and hence more appropriate for countries like Malaysia, Singapore, Indonesia or China did not leave unaffected their relationship to classical human rights. Just like democracy, human rights should not be applied to Asian countries without adding to them an “Asian flavour” (ibid.: 43). Actually, this Asian taste can be described in many ways. Former Singaporean president Lee Kuan Yew, for example, outlined it by highlighting the principles of placing society above oneself, stressing racial and religious harmony and resolving major issues through consensus rather than contention (cited in Geiger/Kieserling, 2001: 133ff.). The easiest way, however, to explain this sort of Asian flavored human rights reasoning is to call it a profound aversion to individualism and unrestricted individual rights. – Something regarded a distinctive feature of Western civilization: “In Europe and America, there may well be much greater pluralism and so-called freedom of the press, but in Asia it has been, and it will continue to be, the good of the many rather than the selfishness of the few or the individual that is treasured” (Mahathir, 1999: 44). Asian societies, according to Mahathir, place greater emphasis on the family, the community and would not accept “absolute personal freedom” (ibid.: 69): “Fulfilling your responsibilities towards your family and your community comes before your right to claim individual privileges” (ibid.).

Not only to Westerners themselves but also to everyone familiar with everyday reality in Western countries the immediate question arises as to the adequacy of the description of Western individualism opposed to Asian communitarism. Of course the conceptual framework of the classical human rights corpus developed in Western modernity from the renaissance onwards *is* individualistic insofar as it is the individual who is the bearer of rights since it is the individual who has to make sense of his or her being, choose among rivaling ways of living and finally realize himself or herself, respectively. – And it is always the individual who is exposed to violations of his or her freedom, body or bare life. But does this conceptual primacy of the individual lead to a virtually dissolution of society as a whole as some critics of *Western* human rights admonish? In mainstream Western society the “intrinsic balance”, Chandra Muzaffar supposes, “between rights and responsibilities, rights and relationships, rights and roles has been eroded by an obsession with rights” (Muzaffar 2002: 46f.). Mahathir too identifies the “cult of the individual” with the alleged downgrade of Western civilization: “Hence, Western societies today are riddled with single-parent families, with homosexuality, with cohabitation, [...] and disrespect for others” (Mahathir 1999: 78).

To be sure, axiological differences do exist between different societies in different parts of the world, but can anybody seriously doubt that Europeans, for example, have no true sense for the importance of community cohesion when evidentially European societies are supporting their increasing masses of senior citizens with a substantial part of their economic wealth? Who can really maintain that family solidarity is the value of a specific region or culture when in fact the brotherly embrace or the advice of a mother is beneficial anywhere in the world and the domestic conflicts arising from differences in interests bother

families from Asia over Africa to the Americas in equal measure.³ Hence, the assumption suggests itself that the Asian values or Asian exceptionalism argument in its descriptive form rather is an occidentalistic parody of the West and far from an accurate depiction of the world we live in. The question, „does freedom give an individual the right to do whatever he or she wishes, regardless of the consequences for the rest of society?“ (Mahathir 1999: 72) is not only raised by people critical of Western human rights standards but also subject to heated discussions within Western societies themselves. Within the concept and practice of human rights obviously the possibility of fundamental tensions exists between the interests of the individual on the one side, and the interests of society on the other. And this tension is not dissolved in Western societies by automatically ranking the individual's desires above society's just as Asian societies do not necessarily negate all individual claims with reference to social harmony. Approaching this issue in such a simplistic manner obstructs the view on the fact that in terms of a human rights weighing of individual interests against the interests of the collective the question is not either – or, but the one of the proper balance. Imagine for example the human right to freedom from torture as formulated in Art. 5 UDHR (UN 1948). Although not uncontested nowadays, the rationale behind this precise human right is the idea that the interest of society to convict somebody of a crime – no matter how strong this interest or how outrageous the crime might be – can never prevail over the interest of the individual in question not to suffer boundless pain forcing him to confess or make up a confession.

If now Asian societies in case of some human rights, such as the right to freedom of speech or the right to freedom of assembly, would want to (slightly) shift the balance from the individual's interest to the needs of society, they could very well do so as long as the human right in question is not totally annihilated. Such an approach which may be named relativistic universalism (the norm is universal, the concrete materialization is left to individual societies or cultures) is also adopted by Jack Donnelly who argues that „that international human rights norms are sufficiently broad to accommodate most Asian desires for more communitarian practices“ (Donnelly 1999: 76). Hence, it could be argued, for example, that in countries like Malaysia or Singapore where inter-religious harmony is quite fragile, the right to discuss religious subjects in public could be restricted since for the people living there peace and security are simply more important than a *right to taunt*.

In light of the lack of plausibility of Asian values clearly distinguishable from Western values one could raise the question whether the intention behind the Asian values argument might have been directed at something else. This suggestion is put forward, for example, by Ann Kent. She is convinced that first and foremost the Asian values debate was a mere pretence by certain governments „to achieve legitimization of their authoritarian rule at a time when authoritarian communist regimes in Europe were crumbling. It was also designed to ward off threat of cultural, political, and social change posed by an increasingly globalized world“ (Kent 2008: 83). A telling example for this sort of strategic exceptionalism is the People's Republic of China (PRC) and its

relationship to international human rights. Whereas China prides itself on major progress regarding the human rights situation in the country and declares to be committed to the “full realization of human rights” (cf. PRC 2010), violations of basic rights with reference to the higher end of a “harmonious society” are a daily occurrence. This idea of societal harmony – absorbed from the Confucian concept of social order envisioned to be dependent on “a complex set of interlocking, hierarchical, social roles and relations centered on filial piety and loyalty” (Donnelly 1999: 79) – is regularly applied in order to stifle criticism against the Chinese government and the Communist Party of China, respectively. Though the Chinese regime officially emphasizes that “citizens have the right to make criticism and suggestions” (PRC 2010), this right obviously ceases as soon as it fails to be *constructive*, i.e. based on the intention to improve minor deficits of a system perfect in principle. – As can be seen in case of Liu Xiaobo, winner of the Noble Peace Prize 2010. The decision of the Nobel Committee to award the prize to him “for his long and non-violent struggle for fundamental human rights in China” (The Norwegian Nobel Committee 2010) provoked harsh criticism on part of Chinese officials. The spokeswoman of the Chinese foreign ministry stated: “All policies in China are for the interest of the majority. We will not change [...] because of the interference of some clowns who are anti-China” (cited in Branigan 2010). Freedom of speech, China announced, “does not mean one can say whatever one wants” (Guo 2010) and that there would exist higher principles than civil and political rights, first and foremost “the protection of national security, public order or public health or morals” (ibid.).

From a genuine human rights perspective unspoiled by political thirst for power it is a clear-cut issue: “The Chinese claim [...] that ‘individuals must put the state’s rights before their own’ [...] is incompatible with any plausible conception of human rights” (Donnelly 1999: 114). Blocking demands for basic human rights – inside as well as outside China – with reference to social-political stability and national sovereignty has already been a popular strategy of authoritarian regimes in the past and apparently seems to work well also with modern-day China – at least as long as the Chinese people unreservedly agree that “a harmonious and stable society is the fundamental requirement to protect Chinese people’s human rights” (Zhang 2010).

2. *Freedom of speech vs. right to murder? Pakistan’s blasphemy laws*

The tension between classical human rights and the Islamic world view (cf. Frick 2010) – though not insurmountable – likewise concerns the unease over Western individualism. In orthodox Islamic reasoning the Ummah, i.e. the community of believers, is far more important than the single Muslim whose terrestrially well-being may even be scarified in order to guarantee the flourishing of *God’s true religion* (Brohi 1982: 48). “Collectivity”, the jurist and former minister of Pakistan, A. K. Brohi, argues, “has a special sanctity attached to in Islam. All Quranic prayers are in the plural and the value of prayers offered by an individual is greater if he goes [...] to join a bigger gathering of his brethren [...]” (ibid.: 48). But this tension has roots reaching beyond the material

(individualistic) content of human rights: Contested is also the *nature* of human rights as man-made laws claiming universal, eternal validity whereas such qualities according to many Muslims can only be granted to the laws of God. Muzaffar explains: “In the main stream contemporary Western human rights tradition, it is the individual human being who is the source of rights – and values from which these rights are resumed to be derived. It is the individual who possesses rights. It is the individual who is the arbiter of right and wrong, of good and evil. The individual is the ultimate measure of all things” (Muzaffar 2002: 84).

Thus it comes as no surprise that individual rights or claims, respectively, easily conflict either with the rights of God (Maududi 1960: 166) or the wants and interests of the Ummah. The latter could be observed recently in Pakistan where opponents and proponents of the severe blasphemy laws which prescribe punishments for *insulting* Islam, its places of worship, its holy book or its prophet ranging from monetary penalty to death penalty. When in 2010 the Christian woman Asia Bibi was accused of defaming Mohammed Pakistan faced worldwide criticism for her arrest. In course of the events, Salman Taseer, the Governor of Punjab and a critic of the blasphemy laws, was killed by a man claiming to be proud of this deed intended to bring to justice the *enemies* of his religion. In a press statement Pakistan’s influential opposition party, Jamaat-e-Islami, vindicated the murder by stating that “the Muslims’ love and attachment for the Holy Prophet (pbuh) was natural and unlimited and any Muslim worth the name could not tolerate blasphemy of the Prophet (pbuh), as had been proved by this incident” (Jamaat-e-Islami Pakistan 2010). They also criticized the government for trying “only to please their masters in the west” and thereby trampling on the feelings of Pakistan’s Muslim majority. The unease over Western human rights standards from this perspective arises from the unwillingness to accept that the (secular) human rights corpus by no means bows to orthodox versions of Islamic law and in this way approves of all kinds of behavior that – from a religious perspective – might be called *sinful* or *criminal*. This sort of conflict also exists in case of the prohibition of apostasy with exactly the same underlying clash of hierarchies: the interest of the individual to speak her mind – in the case of Asia Bibi to state that Jesus, not Mohammed, is the *true* savior – or to choose *and* change his religion; the interest of the Ummah in terms of intactness in the broadest sense on the other. Can there be any way of solving this conflict without taking sides? From a human rights perspective – which is not inherently anti-Islamic or anti-religious – the right to freedom of religion in principle is open to compromise and is not absolute. It does not allow for human sacrifice, for example (Donnelly 1999: 133). On the other hand, restricting the free choice of religious beliefs per definition runs contrary to the right to freedom of religion and can never be justified with reference to the *true* nature of Islam. This claim simply can not have any significance for the perspective of human rights which has to acknowledge all religions equally without taking sides. In Bibi’s case of the infringement of the right to freedom of speech, too, partiality can not be expected from a human rights point of view: they either have to be valid for all or none. Those (Pakistani) Muslims who feel

offended by others openly rejecting their assertion of Mohammed's prophecy are not only at war with Western human rights standards, but finally with humankind as such that can not be imagined without its fundamental condition of plurality.

3. "*Rights of nature*": *The better human rights? Ecuador's 2008 constitution*

Another sort of discomfort with human rights standards of the West can be registered when moving from Asia to South America. Although here too the individualistic nature of classical human rights is challenged, it is not individualistic claims against a collective that are rejected in cases where the latter is prioritized over the former. Rather, the notion of an individual autonomous vis-à-vis creation in its totality is contested. The reason lies in different definitions of identity possessed by many indigenous peoples to whom the idea of nature as external to society and as a *resource* is entirely alien (Sousa Santos 2007a: xxxvi).

For a very long time this cosmic consciousness of universal relations and interdependences among man and other *soulful* beings, such as animals, plants, but also rivers or soil, was oppressed and nearly eliminated by the European colonial counter-conception in terms of an anthropocentric, rights-based political framework. Today, the recollection of epistemic traditions is set in motion in many countries of Latin America. A telling example of this process is Ecuador. Its constitution, passed in 2008, is remarkable insofar as it not only acknowledges rights of the people, but also *rights of nature*. The rights of *Pachamama*, as they are called, refer to the indigenous concept of a motherly Goddess pervading the entire cosmos. Art. 71 of the Ecuadorian constitution declares: "Nature or Pachamama, where life is reproduced and actualized, has the right to be respected comprehensively in her existence, persistence and regeneration of her vital cycles, structure, functions and processes in evolution" (Republic of Ecuador 2008). According to this guarantee, the state is obliged to prevent or eliminate any consequences of severe or permanent damage to the environment, such as in case of the exploitation of non renewable natural resources. Reflecting the Ecuadorian approach the question arises as to what is effectively gained for the people living in Ecuador by attributing special rights to *Mother Nature*? On the other hand side, one could reformulate the question the other way round when reflecting the so-called third generation of human rights, i.e. collective rights, such as the right to a clean and healthy environment. What is effectively gained by granting the right to a healthy and clean environment to people? Imagine, for example, a large-scale contamination of soil and water due to toxics from a gold mine. People living there and insisting on their right to a clean and healthy environment could be replied: 'Of course you have this right, but you have no right to a *particular* clean living environment and so you may very well actualize your right by moving away from here to a another place offering better living conditions.' By enforcing the rights of nature instead, it turns out that what really are protected in actual fact are the human rights of the people. In this regard, the concept of Pachamama is by no means rivaling

Western human rights standards, but rather corrects their inefficiency when it comes to *indirect* violations of vital interests. From the perspective of Western human rights standards the rights of individuals to life, bodily integrity or as well a healthy environment would still be satisfied if all the inhabitants of earth would live on one single intact continent whereas the rest of the planet was descending into toxic waste. From the Pachamama anthropological point of view, this is just not satisfactory because in the end the single human being and the ecosystem are *one*. It is from this understanding that the Ecuadorian constitution affirms the celebration of nature “of which we are part and which is vital to our existence” (ibid.).

4. *No human right to be gay? Uganda’s anti-homosexuality bill*

For a final short case study on the unease over Western-centered human rights standards in the global South we are moving to Africa where in Uganda the dispute continues about a newly introduced bill penalizing homosexuality even prescribing the death penalty as maximum punishment. The bill, not yet enacted, caused a storm of protest from Western countries worried about the life and security of Uganda’s gay and lesbians in particular after Ugandan newspapers published the names of suspected homosexuals or even headlined: “Hang them” (cf. Karimi 2010). Those sympathizing with the tightening of Uganda’s anti-homosexuality laws regularly argue that homosexuality is not a human right (cf. Mubangizi 2010). The question whether or not discrimination based on someone’s sexual orientation to the same degree contradicts human rights standards as does the discriminations based on sex, color or religious affiliation for example, is the root of recurring tensions between Western countries and countries of the global South. In this regard, the African, Caribbean and Pacific Group of States (ACP) laments “profound divergences” within its partnership with the European Union (EU) when it comes to the issue of homosexuality. The EU demands that the prohibition of discrimination based on sexual orientation should be integrated into the EU-ACP Cotonou agreement. However, the ACP insists on respect for cultural differences and “urgently appeal[s] to the European Union to refrain from any attempts to impose its values which are not freely shared in the framework of the ACP-EU Partnership” (ACP Parliamentary Assembly 2010).

In Uganda, the man behind the anti-homosexuality bill is MP David Bahati. In an interview he defended his anti-gay engagement with reference to his intention “to protect the children of Uganda” and “to defend the tradition of family in Uganda” (Bahati 2010). Like Bahati many Ugandans are convinced that gay men “recruit” young people and “target other people’s children because they don’t have their own to enlist” (Mubangizi 2010). From a genuine human rights perspective, the question suggests itself why – if one really intends to protect children from sexual abuse which is indeed highly urgent – the bill in question is not directed against child molesters or active pedophiles? And why female homosexuals should be affected by the proposed laws as well since they are barely known for child molestation? Thus, this implausible line of argumentation indicates that the protection of children is a mere pretence. The

actual reasons might be found in the religious orientation of Uganda's anti-gay warriors who – at least in case of Bahati – are cross-linked with (US-)evangelicals. In the above-mentioned interview Bahati finally – being cornered by the interviewer – *admits* that the gravest reason in support of the new bill was that homosexuality “is not part of God's law” (Bahati 2010). Hence, the situation is quite similar to the Islamic opposition to certain human rights. Of course people drawn to same-sex relationships can not claim a human right to be applauded for their way of life since many people simply believe that their behavior is *wrong* and in that case it is their right to freedom of speech to articulate their disapproval. On the other hand, gay and lesbians – just like anybody else – should be granted the right not to be put to death or imprisoned for life just because a devoted believer condemns their sexual behavior that, besides, in no way affects him in *his* basic rights. In other words: A universal human right to enforce one's personal morals upon others would plunge the world into chaos and never-ceasing war.

Conclusion

In this contribution I tried to outline the general as well as specific unease over Western-centered human rights standards in countries of the global South in the context of their post-colonial emancipation. As far as the criticism of Western countries' coloniality of knowledge is concerned, fallacies in anti-Western/anti-human rights argumentation could be exhibited as well as the possibility of a respectful handling of human rights dissensions. In four case studies the specific unease over the Western individualistic, anthropocentric, or secular human rights concept has been illustrated and examined. Whereas a general objection against international human rights on the basis of religious dogmatism or the construction of *intrinsic* cultural values proved unsustainable, the possibility of a fertile enculturation of certain human rights has been emphasized. Especially the case of rights of nature enhancing the protective power of classical human rights gives proof of the fact that not all types of criticism are actually inimical to or insignificant for contemporary mainstream human rights standards. Not least because of this finding, the global discourse on human rights and the quest for true universality must continue – with respect both for alterity and one's own ethical ideals.

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2. That does not imply, however, that because of its European place of birth in terms of the history of ideas human rights necessarily are totally alien to other cultural

traditions. Whereas non-Western cultural traditions did not develop a genuine concept of human rights, i. e. the idea that everyone without exception is entitled to certain individual rights, just because he or she is human, they do not lack (religious-)ethical resources able to pave the way for the idea of human rights as well as concrete human rights norms. But to call them some sort of (rudimentary) "human rights" is misleading, for it constitutes a confusion of human rights with ethical values or humanistic achievements. Jack Donnelly emphasises in this regard: "Nothing is gained by confusing human rights with justice, fairness, limited government, or any other values or practices" (Donnelly, 2003, p. 87).

3. Of course, one could quote examples of Western teenaged mothers whose drug addicted boyfriends beat to death their infants. But if we stick to the description of individual cases, we could also mention the examples of Asian parents casting out their offspring because of disability or change of religious affiliation. One can easily see how childish it is in the end, to claim superiority by drawing to that sort of *arguments*.