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Presentation on

Human Rights as a Western Concept?

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The same day as I got the question if I could reflect on Human rights as a Western concept – with a question mark after – I was lecturing at the Stockholm School of Theology in the program on human rights and democracy. This is a two year full time education in human rights at university level and with a Multidisciplinary approach. That day I saw my students in a new light, not just as being students in human rights and I started reflecting about their background. I had in front of me a class with about 40 students. In one corner one orthodox girl born in Russia, one Sunni Muslim born in Somalia, one Copt with origin in Egypt. In the front a member of Hare Krishna, one girl from Eritrea, one Shi'a Muslim, one training in Christian theology ... and so it went on with quite a lot of members of Church of Sweden while others would characterize themselves as rather secularized and some as atheists. A rather global setting in a small classroom. They all argue that human rights is part of their faith or belief and they all can join together in class – sometimes in deep discussions and sometimes in heated debates. Different religions and beliefs, different cultures, different countries of origin but they all join together in claiming the necessity of human rights and in activities promoting human rights as universal rights.

The second thing coming into my mind before saying yes to do this reflection was a quotation I do have at my desk at Church of Sweden Research Unit. It is by George Bernard Shaw in his play Caesar and Cleopatra, written 1898.

“BRITANNUS (shocked). Caesar: this is not proper.

THEODOTUS (outraged). How!

CAESAR (recovering his self-possession). Pardon him. Theodotus, he is a barbarian, and thinks that the customs of his tribe and island are the laws of nature.”

When talking about human rights as western concept – among other, it is about one culture meeting with another. It is about local customs contra universal laws and about regional particularities contra universalism. 50 years later the UN Universal Declaration of Human Rights found a solution putting all human beings on equal foot regardless of different backgrounds.¹

In the process of developing the concept capturing the idea of human rights it was not self-evident with human rights as the term. It is just to look at the discussion preceding the declaration in the Churches' Commission on International Affairs who later became World Council of Churches. Voices from the Americas pushed for "Freedom" (and you can still hear that voice clear in the world today). It was clearly they mainly had freedom of religion in mind. Voices from South East Asia argued for the concept "Harmony" and from Australia "Fairness" was stress.² However, it became quickly a consensus among the various churches that the Church spoke of human rights - the same designation as the global community took on board through the UN's Universal Declaration of Human Rights.

And in the end the Western European term Rights became the lingua franca. And it is today not really possible to differentiate between the term as such and the concept – content – since human rights is based in international law. Already in the 1980s when the discussion about human rights as a western concept was most intensely on the agenda, not the least from different religious perspectives, Jack Donnelly wrote:

"Human rights represent a distinctive approach to the problems of human dignity which deserves to be fully and fairly evaluated on its merits, not its parentage."³

Today you may find in all faith traditions important communities, theologians, religious leaders claiming that human rights are in accordance with the religion or the belief or that human rights is an important instrument for safeguarding the individual's right and creating a good society. But you may also find divergent perceptions naming human rights as a Western phenomenon implying that their own religious interpretation is correct in order to

¹ For the text, see: <http://www.un.org/en/documents/udhr/index.shtml>

² Nurser, John. *For All Peoples and All Nations. Christian Churches and Human Rights*. Geneva: WCC Publications, Washington, D.C.: Georgetown University Press, 2005, p. 177.

³ Donnelly, Jack. "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights". In *The American Political Science Review*, vol. 76, No 2, June 1981, p. 303.

outshine what they claim to be the Western secular way of looking at human beings. I will give a few examples. One way of doing it is giving human rights an important role but only as long as the rights corresponds to God's rights – that is obvious in some Muslim interpretations taking about human rights as God's rights or when Christians are stressing the divine order or the commandments in order to downplay human rights. But that will divide the universal human rights. Another way of doing it is joining human rights with duties or obligations sometimes to a degree that duties for the individual are what matters and not rights. Obviously, the risk is mixing the basic idea with human rights that the state has the duties and the individual has the rights and instead putting the duties on the individuals. Or social obligations may get priority to uphold the status quo and claiming reciprocity and mutual respect between the state and the individuals that in the end give the authoritative interpretation to the existing power.

But the conflicts with what is claimed to be Western ideas may also exist on a state level. It has been claimed that the local or regional culture consists of values not consistent with human rights and specifically what is called the Western individualism. The so called Asian values is one example. Asian values may include virtues as respect for authority, order and obedience, values easy to relate to economic growth in some East-Asian states.⁴ Those values are not easily to fit into the human rights agenda. Some African societies claim you cannot just look into the individual's rights but need to look into the society.⁵ A communitarian society is described as the ideal, as a place giving security and importance for the individual with social harmony and peace in co-existence. This can also be seen when Africa got it's own regional instrument for human rights – African (Banjul) Charter on Human and Peoples' Rights.⁶ This perspective can be a challenge to take into consideration for the European society and can indeed be discussed in relation to the Right to Development and rights related to the natural recourses. But the problem in my reading is the local African society down to village level and that there exist very few ideal societies in social harmony treating the individuals equally in the setting of the society. Just one example on how I

⁴ Thomas, NG. "Are Human Rights a Western Construct? From the Confucius Peace Prize to the Practice of Suttee in India". In *The Journal of International Social Research*, vol. 5, No 21, Spring 2012.

⁵ Botman, Russel. "The Rights of the Individual, the Right of the Community and their Relationship". In *Reformed World*, No 3, 1998.

⁶ For the text, see: http://www.africa-union.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf

reflect – In an African country, I met with a local NGO for human rights in a society more or less lacking the measures to implement the human rights all agreed were essential. The solution in a situation with violations of human rights was to go back and resolve the problem in the setting of the village under the mango tree. So, in a case with a rape of a woman, the village got peace through a friendly settlement. But when asking more about it: it turned out that peace in the community was upheld by the agreements of the males. The women violated against was not taken into consideration and still stigmatized and treated as an outcast. But on the level of society it was peace – the perpetrator and the person claiming to be responsible for the victim agreed.

A major problem today is that abusive governments use the arguments about human rights as Western ideas as a shield to hide behind when being accused of violating human rights at home or failing to fulfill the obligations and enforcement of human rights in their own country. When blaming human rights for being Western, unity can perhaps be upheld at home and attention be directed away from the violations in the country.

Then we have the neocolonial argument accusing the West of using human rights for their own purposes or as a new imperialism. We need to be aware of Western states behaving arrogant and claiming to guard freedom in the world. The methods used in Guantánamo and the war against terrorism are examples of creating aversion against the West and thereby the human rights those states claims to defend.

In my reflection human rights are there to stay even if states fail to implement and protect the rights. There are some major reasons for both religious leaders and heads of states to disagree upon human rights or wanting to weaken or downplay the human rights by claiming that human rights is a Western concept.

1. First – Is a question of keeping power. It is a way of getting control of the people through dismissing human rights as Western and creating unity at home and at the same time not really accepting that people get to know in detail what human rights really is about.
2. Second – It is a way of getting attention away from their own atrocities and cruelties against the own population.

3. Third – It concerns women. In a lot of the objections the arguments against human rights involve the rights of women raised both from religious and political leaders in order not to change the position of women but thereby upholding traditional or patriarchal societies.

But is then human rights a Western intervention? Now, some details from history just mentioning about human rights in 1948, 1966, 1993 and today. Undoubtedly, Eleanor Roosevelt as the first chair of the UN Commission on Human Rights played a crucial role in drafting the declaration. And it is claimed that church-leaders like Frederick Nolde⁷ and René Cassin⁸ in reality influenced her. Mary Robinson as United Nations High Commissioner for Human Rights, in a lecture on human rights states declared:

“[t]he result is a distillation of many of the values inherent in the world's major legal systems and religious beliefs, including the Buddhist, Christian, Hindu, Islamic, and Jewish traditions.”⁹

Historically, when drafting the Universal declaration a range of countries played an important role – notably India, China, Chile, Cuba, Lebanon and Panama. And for the first time an international articulation of rights and freedoms were established.

After the declaration was adopted 1948, a standoff appeared in the aftermath of the Cold War. When trying to convert the declaration into a binding convention there was no agreement. The division came between West and East. The USA-point of view was focusing on civil and political rights while ignoring the more elusive goal rights. Contrary, the Eastern block under the leadership of Soviet Union focused on social and economic rights. It took 20-years before two conventions were developed and that with the help of a “new majority” from “the South” and not from “the North” with not the least Ghana and Nigeria who managed to end the East – West stalemate on human rights. And we got the two foundational conventions which together with the other core conventions are the human

⁷ Nurser, John. *For All Peoples and All Nations. Christian Churches and Human Rights*. Geneva: WCC Publications, Washington, D.C.: Georgetown University Press, 2005; and Traer, Robert. *Values at the United Nations*. Conference on World Christian Mission: Pacific Southwest Asilomar, California - July 28-31, 1995.

⁸ MacBride, Sean. “The Universal Declaration – Thirty Years After”. In *Understanding Human Rights: An Interdisciplinary and Interfaith Study*, edited by Alan D. Falconer. Dublin: Irish School of Ecumenics 1980.

⁹ Robinson, Mary. *The Declaration of Human Rights: A Living Document*. Symposium on Human Rights in the Asia-Pacific Region 1998. See: <http://archive.unu.edu/unupress/Mrobinson.html>

rights bill – the International Covenant on Civil and Political Rights¹⁰ and the International Covenant on Economic, Social and Cultural Rights¹¹, both adopted in 1966 and entering into force 1976. So in the process before 1948 as well as before 1966 the Western Europe and USA were active parts, the Eastern Europe was an active part but so were also important actors for the rest of the world.

The discussion about human rights as a Western concept still flourished in the 1980s but was followed by a crucial step in 1993 with the United Nations World Conference on Human Rights, held in Vienna, Austria with participation of 171 nations, 800 NGOs, and with some 7,000 participants in all. During the conference it was obvious there were two lines. Some nations proclaimed a universal meaning to human rights while other nations wanted human right to be interpreted differently in non-Western cultures. Not to accept the latter interpretation was claimed to be an interference in their internal affairs. The group stressing this was led by China, Syria and Iran, and included countries as Singapore, Malaysia, Indonesia, and Vietnam. After the discussions, at the end of the conference the states of the world agreed in the Vienna Declaration and Programme of Action:

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”¹²

What happened during the 20 years following the Vienna declaration, I would call a peoples movement. It was not necessarily the authorities – be they religious or the state – who owned human rights any more. The awareness started rapidly to spread among people around the world not the least among those severely violated against. Examples can be multiplied with people on the local level as example in the Democratic Republic of Congo

¹⁰ For the text, see: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

¹¹ For the text, see: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

¹² For the text, see: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en)

being aware of the violations against human rights. Palestinian farmers at a check-point in the West Bank express loudly the lack of human rights and so on.

The question of human rights has become a question of being a right-holder for individuals around the globe and for responsible governments to be a duty-bearer. It is not any longer only the State who knows about human rights, even if they are the ones who have ratified the conventions, who legislate about human rights, who implement the law, who supervise the implementation and report the achievements. The people have learned and learn more and more about their human rights and as individuals and as members of groups they are not silent. Through joining hands they participate in claiming their rights from the authorities.

Abdullahi Ahmed An-Na'im is Professor of Law at Emory Law School, Atlanta and he reflects upon the local situation:

Since we cannot be anywhere else (than our own "home" location) long enough, with sufficient resources, understanding of the local situation, and ability to achieve sustainable change, the best we can do is to invest in empowering local actors to protect their own rights.¹³

That is where the question of human rights is today. Irrelevant to ask about Western human rights since today human rights belongs to the right-holder and right-holders together locally all over the world. It may be in Burma, Congo, Palestine or students in Sweden trying to monitor how human rights are implemented in their settings. Whatever international or national bureaucrats and politicians say the ordinary people has started to take over the issue of human rights. Human rights have become part of the vocabulary of people throughout the world. That goes especially for those exposed to tyranny and oppression. And maybe, the churches are among the best equipped and theologically/ideologically best motivated to be on the front-line to empower the local actors to protect their own rights. That's an important challenge for the churches today.

¹³ An-Na'im, Abdullahi Ahmed. "Towards a More People-Centered Human Rights Movement". In *Human Rights from the Frontiers of Research*, edited by Diana Amnéus and Göran Gunner. Uppsala: Lustus, 2003, p.34.

Let me end by quoting one more theologian – the South-African Charles Villa-Vincencio. He is writing against the background of South Africa and what happened to the churches during the apartheid regime:

“To the extent that it provides a basis for ideological critique, while contributing to a better understanding of humanity, as a basis for the promotion of such rights that sustain human dignity, a theological silence in the face of human rights violations can only be constructed as morally repugnant and socially irresponsible.

The church’s primary task is clearly to facilitate *Christians* to promote and appropriate the values of a human rights culture.

The task of theology is to help locate the human rights struggle at the centre of the debate on what it means to be human and therefore also at the centre of social and political pursuit.”¹⁴

¹⁴ Villa-Vincencio, Charles. “Theology and Human Rights”. In *Human Rights & Religion. A Reader*, edited by Liam Gearon. Brighton: Sussex Academic Press 2002.