

Beyond North South Dichotomies: Decentering Human Rights in the Americas

Sérgio Costa (FU Berlin)

scosta@zedat.fu-berlin.de

The invasion of Iraq and the campaign for its *a posteriori* legitimization by the United States and England based on the argument that it involved the democratization and imposition of a minimum standard of respect for basic rights in a country dominated by a tyrannical regime, made clear latent differences in the conduct of world politics. In the diplomatic discussions on the intervention we could identify two forms of justifying world politics for human rights, which are characterized here as the European way and the U.S. way. The two models are based on differing schools of international relations and are politically competitive.

Despite their differences, both views present a set of similar analytical-theoretical problems. This paper intends to reveal how the European way and the U.S. way are based on a dichotomic division of the world into the modern “West” and a traditional “rest of the world”, which does not reflect the modern history of human rights nor does it respond to the challenges of their global implementation. The paper will attempt to show that the principal violations of human rights found today are not a result of a lack of modernization but of the way that many regions became integrated to modernity as colonies and slave societies.

Finally, in terms of a search for alternatives and visions for the Americas that we wish to construct, lines are traced for a decentered concept of human rights, which redefine and make relative the historic protagonism of the “West” in the conduct of world human rights politics.

Worldwide Human Rights: the U.S. way and the European way

Even before they became public in the first months of 2003, during the preparations for the attack on Iraq, the various world politics concepts, defined on one hand by the United States, England and a group of their unconditional allies, and on the other by France, Germany and the Benelux countries, were already clear to analysts of international affairs.

The block of defenders of the invasion of Iraq understood, in very broad lines, that the deaths in the War were the price to pay for the construction of a new political order, initially based on U.S. hegemony, but that gradually would lead to the consolidation of a global democracy. In this context, the horror of War would be only a dark moment in a philanthropic effort to make the values of the Enlightenment reach peoples who live in social misery and obscurant fundamentalism. Beyond the particular context of war, the arguments raised at the time define a diagnosis and a particular concept of world politics and the role of the United States within it, which can schematically be synthesized in the following points:

i) There is currently a conflict in the world between basically two models of civilization and political action: one of the West, that is secular, universalist, inclusive and libertarian, and another that is Eastern, religious, fundamentalist, particularist, exclusionary and threatening.

ii) It is necessary to seek ways to spread to the non-Western portion of the world a model of society and social coexistence that has its origins in 18th century Europe and is associated with enlightenment values and the French Revolution. It thus involves social modernization and induced expansion of human rights.

iii) Democracy, understood as a set of political institutions as well as a political culture that developed in Western Europe and North America, constitutes a model of universal application, capable of assuring the rule of human rights and the coexistence of different

cultures throughout the world.

iv) The United States should have the role of principal guardian of these libertarian values, since the U.S. vocation for the defense of liberty and humanist values is inscribed in the very process of its formation as an independent nation. Furthermore, the United States does not shy from responding to the historic challenges that arise, and assured the victory of democracy over Nazi and socialist totalitarianism. It is therefore up to the United States to assume the democratizing protagonism that the “Old Europe” and an ineffective United Nations are unable to conduct.

Those Europeans who opposed the war in Iraq, but who a few years earlier enthusiastically supported NATO’s intervention in Bosnian War, seem to share the U.S. vision concerning points 1, 2 and 3, that is they also understand that the globalization of human rights basically involves the deepening of modernization and the democratization of the “non-Western” world. The disagreements are limited to point 4, that is, the role of the United States as central actor in the democratization of the world. For the defenders of the European way, the U.S. protagonism should be shared with Western Europe.

This European position is synthesized in the recent interventions of German philosopher Jürgen Habermas who played a fundamental role in articulating the public reaction of European intellectuals to the war in Iraq. (Habermas 2003).

For Habermas, a transnational policy for human rights is an “anticipation (Vorgriff) of a future cosmopolitan situation that this very policy helps to promote” (Habermas 2001: 35). The protagonism conferred to the group of Northern countries in the conduct of such a expansion strategy for human rights is justified by the author both from the political-normative point of view as well as from a theoretical-analytical one. Politically, the author seeks to distinguish himself from the U.S. position that interprets the expansion of human rights as part of its national mission as a hegemonic power. Differing from that justification, Habermas bases the offensive action by the Northern countries in favor of human rights on the moral expectations of “global civil society” and on the supposition that

it involves forcing the transition from politics of disputing hegemony and power (Machtpolitik) to a cosmopolitan politics, in which the interests and points of view of the entire set of world citizens, beyond the borders of nation states, should be considered. He admits, this model represents a paternalistic standard of North-South relations, a paternalism, however, that is justified by its inevitability and that is self-conscious of its normative precariousness and its transitoriness.

From an analytic point of view, its apology for the role of the “West” in the defense of human rights is understood as stemming from the modern condition that touches all regions of world society. According to this logic, the development of modernity takes place through historical cycles that lead to a progressive expansion of a set of social structures, of certain modern standards of sociability and a corresponding body of values from the center in Europe to the rest of the world. It is as if European history repeats itself decades or even centuries later in the rest of the world and the responses found by Europeans to problems presented by their own modernization process could be recycled in various contexts. Thus, human rights, understood as the European reaction to the processes of individualization and secularization experienced in the 18th and 19th centuries, are presented as a response to the dilemmas experienced by countries that are currently found in a corresponding stage of development. In the words of the author:

“Today the *other* world cultures and religions are exposed to the challenges of social modernity in a similar way to that Europe was, in its own time, when human rights and the state of democratic law were, in a certain way, invented” (Habermas 1998:181, italics added)

Habermas reveals himself to be in some degree aware of the Eurocentric risk subjacent to his justification of the expansion of human rights. The exercise of self-criticism is limited, however, to recognizing in recent *European history* the “*decentering*” of the concept of human rights to the degree in which “only after hard struggle did workers, women, Jews, Gypsies, homosexuals and refugees come to be recognized as human beings with the right to be treated completely equally” (Habermas 1998:179). In this self-criticism, Habermas does not break with the antinomic representation between a center of world society - the West or Europe - that is defined as the precursor of human rights and the rest

of the world, that is the receptor of the universalist European ideas.

The link between the globalization of human rights and the democratization of the non-Western world, observed in the US-American perspective, also appears manifest in the European way defended by Habermas. It involves, for the author, the desirable expansion of the “type of Western legitimation” which “represents a response found by the West to the general challenges confronted no longer only by Western civilization (Habermas 1998: 192). That is, for Habermas, the contribution of the “West” to the construction of a cosmopolitan order in which human rights are completely dominant, resides in the offer of a concrete and successful historic form – “Western legitimation model” - to confront the challenge of building the rules of just co-existence in contexts that by the force of modernization, become secularized and post-traditional.

The European position, briefly mirrored here in the works of Habermas, have performed, in the realm of international relations, a fundamental role to counter U.S. aspirations of unipolar hegemony. Nevertheless, from the theoretical-analytical point of view, the U.S. and European arguments present very similar problems, to the degree that they concern the expansion of human rights based on West-Rest, Center-Periphery, North-South dichotomies, historically of an initial nucleus defined as Europe, the North, or the West, for all the other regions. As will be seen, the history and future of human rights cannot be imprisoned in these dichotomies.

Breaking the center-periphery dichotomy

There are various objections that can be made of the idea, present both in the U.S. formulation as well as the European, that human rights develop based on a center-periphery dynamic. Three distinct issues are highlighted in which these difficulties are manifest, including: the realm of international affairs, the realm of interpretation of modern history and the political-ideological realm.

In relation to the realm of international politics, the “European view” that human rights correspond to a “universal language” that is expressive of the moral aspirations of world citizens, above and beyond the concrete relations of power in the interior of the world politics, leaves us analytically unable to understand the paradoxes that surround the different discourses about human rights and the tensions that accompany the struggles for its concretization in various contexts. In other words, in order to make cosmopolitan promises contained in human rights politics plausible, it is not necessary to dilute the internal contradictions of such a politics in ecumenical pseudo-concepts that are empty of any sociological content, such as global civil society or world citizenship. Exactly the opposite is true: the cosmopolitan possibilities emerge, if one searches to reveal the incompleteness and partiality found in the universalist discourses, in this particular case, the differences of regional, gender, ethnic power, that mark the rise of world human rights politics. Above all should be highlighted the hegemony of social actors of Northern societies in the definition of themes, the repertoire of strategies and the priorities of the transnational movements for human rights. Given these limitations, the cosmopolitan political destiny cannot depend on the “West’s” good conscious and on a supposed “reflexive capacity” to “establish a distance from ones own traditions” as defenders of the European way suggest, such as Habermas (2001:180).

On the other hand, the U.S. vision that the national interests of the United States, coincide, because of the U.S. vocation as the hegemonic democratic power, with humanitarian interests is also not convincing. It must be remembered that the adoption by the United States of human rights rhetoric dates back a little more than two decades and followed a position of unlimited and broad support for Latin America dictatorships, and involved even the teaching of non-conventional techniques for interrogating political prisoners. It should also be remembered that until just a few decades ago the United States had forms of apartheid within its own territory and even until the mid twentieth century, those penalized by racism in the interior of U.S. borders considered countries like Brazil to be paradises in terms of respect for human rights (vide Costa 2002). Even in its current form, the humanist rhetoric adopted by the country poorly hides the private interests of specific groups, as was evident in all the recent cases of “humanitarian intervention”. In

these cases, the role of the military industrial complex was decisive in the production of moral discourses to support intervention, in such a way that regardless of their real inevitability, the “humanitarian interventions” were presented as unavoidable. These cases show that the war machine presents its own systemic, imperative dynamic: it does not wait for political reasons to be activated. To the contrary, acting through lobbies, bribery, co-optation and various propaganda techniques, it places the political system in action in order to construct the arguments that legitimate the conduct of one more “just war” (vide Costa 2003).

The second order of objections to the idea that human rights expand from the center in the “West” to the rest of the world is aimed against the interpretation of modern social history contained in that vision. It concerns a historical teleology that sees those societies that were pioneers in industrialization as the bastion of values, institutions and ways of life that are, on an imaginary scale, more advanced. Such a vision ignores the interdependence and simultaneity between material and moral modernization of the industrial powers and the material, cultural and moral transformations observed in various regions of the world, in the realm of colonial and slavocrat rule.

The history of modernization of the ex-colonies does not represent the delayed repetition of European modernization. In their own way, these regions were confronted with the modern condition since colonial times and the challenges that they now face in the concretization of human rights cannot be understood without recovering the historical nexus that link them to “Western modernity”. These societies lived and live their own “decentering” of the possibilities of inclusion contained in human rights. This process did not occur in Europe’s wake, but in opposition to the European colonial domination. That is, the history of development of human rights in Europe, since the 18th century refers to a particular sequence of events that occurred in a limited set of certain societies, it does not reflect a historic law of transformation of universal applicability. The idea that the history of the construction of human rights can reproduce, in certain regions, the dynamic observed in Europe is equivocal.

It is necessary to go beyond any essentialist antimony that separates the history of modernization in the “West” and the “rest” of the world. There are, in reality, entangled histories” of modernization (Randeria 2001, Hall 1996), at the interior of which the developments that led the countries of the northern hemisphere to recently acquire a privileged position in defense of human rights, need to be seen as circumstantial and contingent. This position is not necessarily definitive – that is, it is not ontological, it is historic. It does not represent, therefore, a defined position in an ineluctable and immutable line of evolution of modernity, it is first the momentary reflex of a set of particular political injunctions.

The struggles for human rights have, since their beginnings, a multiple geographic origin. Thus, at the same time in which Europe “invented” human rights and the state of law for its own citizens, the propellants of the globalization of human rights struggled against European colonial oppression, naturally, not only in the United States, but in all the colonies.

When one properly considers colonial history, the description of modernity as a linear trajectory in which the technically more advanced countries of the North Atlantic represent - whether by design or by an internal force of logic of a evolving cycle - a certain moral vanguard of the contemporary world, loses its empiric plausibility. For this reason, if human rights should function cognitively and normatively as a propulsive force of a cosmopolitan order, any apologetic view of Western history must be avoided. The multiple histories of the social struggles for the decentering and expansion of such rights, experienced in various regions of the world have to be reconstructed.

In addition to social history, the history of ideas also offers arguments to sustain that the decentering of the aspiration for recognition contained in human rights were not restricted to the northern hemisphere. Thus, the concrete movement that characterized the reception of egalitarian ideas in many societies, in reality, produced their reinvention and reconstruction, in the light of the limitations imposed by colonialism and slavery. In these contexts, the pretension to the universalist validity of the enlightenment, reveal their

ambiguous origins, leading to new forms of exclusion, and to the production of new doctrines capable of reconciling ideas of equality and effectively existing hierarchies of status.

This involves the complex and paradoxical articulation between universal proposals of recognition and limited concepts of the human being inscribed in the first definitions of human rights. This was the case, for example, of thinkers such as Kant and Hegel who, at the same time that they performed a founding role in the doctrine of the equality of all human beings, revealed themselves resistant to recognize the equal human condition of those who lived beyond the geographic limits of Europe¹. The antinomic dividing line that was established between the enlightenment man and those who were constructed as their opposite, the inhabitants of other regions, became deepened after the second half of the 19th century by scientific racism. In its scope, the differences between the degrees of technological and material development of various populations in the world are frozen and decoded in the form of irreducible categories between members of different human groups. Here, culture, race and civilization are juxtaposed concepts: the assumed superiority of “European Culture” serves both as empiric proof of the biological superiority of whites and as a reference with which the different degrees of ineptness of non-whites for civilized life could be evaluated (Schwarcz 1993).

When transposed to other parts of the world, the tensions between universal ideals of inclusion and particularist definitions of the human being produce differing results, and can in many cases, as will be shown later, construct new forms of discrimination.

In all the modes, what is found is that the history of diffusion and reception of human rights unauthorizes the vision that they expand linearly from Europe to the rest of the world. In the context of colonial and slavocrat societies, the history of the formulation

¹ The brief *Physische Geographie* de Kant (1988, orig. 1802) is particularly illustrative of the paradoxes contained in the enlightenment view of universal equality. In this text Kant designed an image of humanity divided in biological hierarchies, in which the European was indicated as superior to all others. “In the warm countries, man matures, in all his parts, earlier, not reaching, however, the completeness of the temperate zones. Humanity is presented in its greatest completeness in the white race. The yellow indigenous

of human rights were rewritten and freed from its ethnocentrism so that these rights could function, effectively, as an ideological tool to force political and social inclusion for a large portion of their populations.

Finally, the political-ideological inconveniences related to the defense of centered concepts of human rights must be highlighted. Both in the U.S. perspective, as well in the European, the contribution of the “West” to human rights in all parts of the world corresponds to the need for globalization of democracy, as constructed in the “West”.

In the molds practiced in Western Europe and the United States, democracy could only function in those political communities that are accustomed to and trained in public discussion of their conflicts and differences, for which the normative consensus around respect for human rights may not represent a problem. The challenge of the intercultural dialogue on human rights consists precisely in properly considering forms of authority, social practices and moral aspirations that can be recognized as legitimate, but that do not correspond to the “Western standard of legitimization”. The authority, for example, of a spiritual leader or of the chief of a clan who seeks a just solution to conflicts between his followers cannot be considered, a priori, as illegitimate, even if he or she does not necessarily meet the requisites of democracy in the molds in which it is practiced in the United States or in Europe. The challenge is precisely to build intercultural parameters that allow distinguishing those forms of authority that are legitimate but that do not correspond to the requisites of “Western standards of legitimization” from authorities that are simply despotic and oppressive.

Decentering human rights in the Americas

Intergovernmental negotiations around the formation of a free trade agreement in the Americas do not offer much reason for optimism, since they reveal until now a perpetuation of existing inequalities and asymmetries of power. Nevertheless, at the heart

has limited talent. Blacks are found much lower and the lowest of all are found some of the American

of the discussions between actors of civil society in the Americas, forums and spaces have appeared that are open to the utopian imagination and visions of a more just and solidary continent. Moved by this spirit, I would like to outline the contours of a decentered vision of human rights in order to stimulate the debate about alternatives to the expansion of human rights in the Americas, avoiding at the same time the deficiencies of the U.S. and European route presented above.

The starting point for a decentered view of human rights is found in the rejection of paternalistic discourses, whether those that attribute the expansion of human rights in the Americas to the humanist vocation of a hegemonic power, or even those that indicate the progressive actors of the North of the continent as agents *per se* of universalization of human rights. Human rights must be seen not as paternalist help for development, but as part of a conflictive field of symbolic and material disputes, which comprise interests of governments, of the war machine and others and involve asymmetries of power between actors from different civil societies.

Another basic step concerns the need to reconstruct the trajectory of human rights in the Americas. As in no other part of the world, it is evident that in the Americas, the struggles for the concretization of human rights on the continent did not initiate in Europe, to the contrary, they developed in reaction to colonialism and slavery. Thus we find the ambivalence of modern history in which coexist humanist ideas and scientific racism, citizenry for men and oppression for women, liberty for whites and slavery for blacks, the state of law and colonial practices that decimate people and cultures. This ambivalence has been experienced in the American continent with unequalled intensity.

In countries such as the United States, since the end of the 18th century a direct correlation was found between the diffusion of the ideal of equality and the production and later revival of the dogma of racial inequality. That is, the ideological construction of the inferiority of the Black became more intense, to the same degree in which the egalitarian idea became enrooted, functioning as a discursive valve that guaranteed a minimum of truth

peoples". (p.17)

to the universalist rhetoric in a society that struggled so hard to recognize blacks and whites as equals. Myrdals (2000: 91) explain this contradiction:

“ The race dogma is nearly the only way for a people so moralistically equalitarian, if it is not prepared to live up to its faith. A nation less fervently committed to democracy could, probably, live happily in a caste system with a somewhat less intensive belief in the biological inferiority of the subordinate group. *The need for race prejudice is, from this point of view, a need for defense on the part of the Americans against their own national creed, against their own most cherished ideals.* An race prejudice is, in this sense a function of equalitarianism. The former is a perversion of the later”

In other regions of the Americas, new independent nations arose, distinct doctrines that sought to extend human rights to all demographic groups, breaking with the ambiguities present in the enlightenment ideology that restricted the full human condition to Europeans. The most evident case is the Black Revolution in the Caribbean region, a contemporary of the French Revolution and which sought to impose the ideal of universal equality above the color line (James 1989).

Not rarely, however, the adhesion to the universal declaration of human rights had a merely formal meaning, without any practical consequence. This was true in the Brazilian case, given that the declaration was integrated to the Brazilian constitution of 1823, at a time that the country was still a slavocrat society.

In any case, what was clear is that the construction of human rights in the Americas always followed a decentered logic and needed to be permanently in some way reinvented in order to maintain the intended universalist appeal.

The challenge raised today, for the expansion of human rights on the continent in the context of globalization and the transnationalization of politics, includes a similar force of decentering and reinvention. In this context, the government actions and the various actors working in favor of human rights, such as philanthropic foundations and NGOs, cannot produce a new axiological rehierarchization of the continent, as if the political culture and the current life forms in the economically more developed societies were morally more advanced. Human rights must be considered as an abstract set of principles of

justice that may or may not be made concrete in different cultural contexts. They involve for example, gender equality, the end of ethnic and racial oppression, but not a specific form of cultural life, by which these goals were made concrete in certain contexts. This distinction is essential because it shows that respect for human rights can only be effective when it follows the terms of moral grammar of each particular context. The perspective defended here should not be understood as a cultural relativism that transforms machismo or racism into cultural practices that should be preserved. It can be recognized for example that the United States or Canada made more significant advances than Brazil or Mexico in building equal opportunities for blacks and whites or for men and women, while at the same time, rejecting the transposition of the ethnic and gender relations of the United States and Canada to Brazil or Mexico. That means, the greater gender and racial equity found in the Canada or the United States is not an intrinsic trace of the racial and gender relations of these countries. The same model transposed to other societies could make difficult and not facilitate the chances for social recognition of women and blacks². It is a question of combating *particularisms*, while preserving regional *particularities* (Joas 1997).

Conclusions

In contemporary politics, the frontiers between the national and the international, and between domestic and foreign affairs become fluid. This is in part due to the emergence of a broad set of themes, actors and contexts of transnational negotiation located in a space above and beyond the geographic limits of the sovereign national state. Among the transnational issues, human rights occupy a place of distinction and have recently been transformed into an object of dispute between two dominant positions in world politics: the U.S. way and the European way.

The defenders of the European way intend to combat unilateralism, seen as the U.S. way, showing that the globalization of human rights does not represent a national mission of the United States. To the contrary it concerns the aspirations of world civil society. Both

² In another context (Costa 2001) I studied the formation of the bi-national anti-racist movement constituted by activists, researchers and NGOs in the United States and Brazil. Despite its merits, the alliance tends to interpret the race relations in Brazil as a pre-stage of the U.S. model.

visions agree to describe the history of human rights as a linear expansion of a center in the West to the rest of the world. In this sense, the globalization of human rights is understood as the effort to modernize and diffuse “Western” institutions and culture.

Both interpretations and expectations are denied diametrically by the history of construction of egalitarian ideas and human rights in the Americas. These values are not brought from abroad, they are built in multiple struggles against European colonial domination and slavery and have followed, since their origin, a decentered logic. In recent decades, the accelerated modernization process in the southern portion of the Americas has not necessarily led to an increase in respect for human rights. To the contrary: in many cases, we have observed a fragmentation of values and already-existing ways of life, processes that make the violation of basic rights to be considered trivial. At the time in which we are looking for visions for the Americas we wish to built, it is necessary to seriously consider the lessons that history has left us.

The networks of transnational actors that have been forming on the continent reveal an effective potential for social transformation. Their political action should not, however, lead to a situation in which the models of social relations built in the regions that have led the modernization process invariably function as a single reference that guides the emancipatory projects in all parts of the Americas. Their contribution is made in order to strengthen the struggles for recognition, while respecting the particular forms that these fights assume in different cultural contexts. Human rights should function as a political discursive framework that is flexible and open enough to include very diverse emancipatory struggles that only assume a precise meaning when decoded locally.

Such a description, even if it may sound very fluid and unprecise, seems to express the possible degree of formalization for pretensions of validity suitable to function as a tool of post-national dialogue in a continent that is marked by important cultural differences, contradictory normative expectations and strong political asymmetries.

Bibliography

- Costa, Sérgio (2001): "Social Integration in the Americas". Toronto, Summer Institute, Robarts Centre – see www.yorku.ca/robarts
- Costa, Sérgio (2002): *As cores de Ercília*. B. Horizonte, Ed. UFMG
- Costa, Sérgio (2003): "Democracia Cosmopolita: Déficits Teóricos e empíricos". *Revista Brasileira de Ciências Sociais*, no. 53
- Habermas, Jürgen (1998): *Die postnationale Konstellation*. Frankfurt/M, Suhrkamp
- Habermas, Jürgen (2001): *Zeit der Übergänge*. Frankfurt/M, Suhrkamp
- Habermas, Jürgen (2003): "Interview". *Blätter für deutsche und internationale Politik*, 7/2003
- Hall, Stuart (1996): "When was the 'Postcolonial'? Thinking at the Limit". Chambers, I. et al. (ed.): *The Postcolonial Question*. London & N. York, Routledge.
- James, Cyril L. R. (1989): *Black Jacobins*. N. York, Vintage Books, 2nd Ed.
- Joas, Hans (1997): *Die Entstehung der Werte*. Frankfurt/M, Suhrkamp
- Kant, Immanuel (1988, orig. 1808): *Physische Geographie*. Stuttgart
- Myrdal, Gunnar (2000): "Racial Beliefs in America". In Back, Les & Solomos, John (Ed.): *Theories of Race and Racism – a Reader*. N. York & London, Routledge
- Randeria, Shalini (2001): "Zivilgesellschaft. Die postkoloniale Sicht". Berlin, WZB, discussion paper
- Schwarcz, Lilia (1993): *O espetáculo das raças*. S. Paulo, Cia das Letras