

# **Human Rights Discourse and Interculturality: Insights from the Margins**

## **Direitos Humanos e Interculturalidade: Perspectivas a partir das Margens**

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### **ABSTRACT**

By questioning universalist claims in discursive articulations of human rights, this article promotes the need to make human rights more meaningful and effective for the lives of those who are impoverished, oppressed, excluded or discriminated against in different cultures and contexts. Taking into account the current scenario ambiguously marked by globalization and plurality, as well as the rise of postcolonial Africa and Asia, in addition to Latin American decolonial discourses, the article advances an intercultural approach to human rights that considers more fully different voices, understandings and interpretations, as well as power structures and relations that play a role in eclipsing and obstructing the freedom of postcolonial discourses. In contrast to a top-down imposition of an abstract discourse on the universalization of human rights, this paper proposes a bottom-up approach to human rights that takes seriously the multiplicity of traditions and cultures that inform people's worldviews and everyday life.

### **KEYWORDS**

Human Rights. Interculturality. Decolonial Theories. Postcolonial discourses.

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**RESUMO**

Interrogando as reivindicações universalistas em articulações discursivas dos Direitos Humanos, este artigo promove a necessidade de tornar os direitos humanos mais significativos e eficazes para as vidas daqueles que são empobrecidos, oprimidos, excluídos ou discriminados em diferentes culturas e contextos. Levando em consideração o atual cenário marcado ambigualmente pela globalização e pela pluralidade, bem como a ascensão da África e da Ásia pós-colonial, além dos discursos decoloniais latino-americanos, o artigo sugere uma abordagem intercultural dos direitos humanos que considera mais plenamente diferentes vozes, entendimentos e interpretações, bem como estruturas e relações de poder que desempenham um papel em eclipsar e obstruir a liberdade de discursos pós-coloniais. Em contraste com uma imposição de cima para baixo de um discurso abstrato de universalização dos direitos humanos, esse artigo propõe uma abordagem de baixo para cima dos direitos humanos que leva a sério a multiplicidade de tradições e culturas que informam as visões de mundo e a vida cotidiana das pessoas.

**PALAVRAS-CHAVE**

Direitos Humanos. Interculturalidade. Teorias decoloniais. Discursos Pós-Coloniais.

Since the early 1970s, human rights discourse has swept across the globe, becoming common currency in world politics<sup>2</sup>. Approaching the end of the 20<sup>th</sup> century, not only was there a significant increase in the use of the term “human rights” in official documents but the number of countries ratifying important international treaties protecting human rights also proliferated. According to Emilie Hafner-Burton and James Ron, 150 countries have ratified the two principal human rights treaties, namely, the International Covenant on Civil and Political Rights (ICCPR) and the Covenant Against Torture and Other Cruel, Inhuman, or

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<sup>2</sup> See HAFNER-BURTON, Emilie M. and RON, James. “Human Rights Institutions: Rhetoric and Efficacy”. *Journal of Peace Research* 44/4, 2007, p. 379.

Degrading Treatment or Punishment (CAT)<sup>3</sup>. On top of that, new global social movements employ the language of “rights” or “human rights” in their reasoning; such movements include women’s movements, green movements, and indigenous peoples’ movements<sup>4</sup>. Despite the sweeping use of human rights language, important questions have been asked about its efficacy. In the opening chapter of his book *If God were a Human Rights Activist*<sup>5</sup>, Boaventura de Sousa Santos denounces the “disturbing reality” that human rights has been turned into a hegemonic discourse on human dignity. According to him, “a large majority of the world’s inhabitants are not the subjects of human rights. They are rather the objects of human rights discourses”<sup>6</sup>. His charge raises the question of “whether human rights are efficacious in helping the struggles of the excluded, the exploited, and the discriminated against, or whether, on the contrary, they make those struggles more difficult”<sup>7</sup>. But, contrary to other critics, he does not dismiss human rights language per se. Instead, he is interested in learning whether or not human rights can be used in a counter-hegemonic way”<sup>8</sup>.

Among human rights scholars and activists, there has been a concern about protecting human rights discourse against its critics<sup>9</sup>. Of particular concern is the defense of the universalist claims of human rights discourse. This article goes in a different direction. In line with de Sousa Santos’ quest, it is concerned with making human rights—a discourse on human dignity—more meaningful and efficacious for the lives of those who are impoverished, oppressed, excluded or discriminated against in different cultures and contexts. Taking into consideration the current globalized and plural world landscape, the emergence of postcolonial

<sup>3</sup> HAFNER-BURTON and RON, 2007, p. 390.

<sup>4</sup> STAMMERS Neil, “Social Movements and the Social Construction of Human Rights”. *Human Rights Quarterly*, 21/4, 1999, p. 989.

<sup>5</sup> SANTOS, Boaventura de Sousa. *If God were a Human Rights Activist*. Stanford, CA: Stanford University Press, 2015.

<sup>6</sup> SANTOS, 20015, p. 1.

<sup>7</sup> SANTOS, 20015, p. 1.

<sup>8</sup> SANTOS, 20015, p. 1.

<sup>9</sup> See, for instance, LITTLE, David. *Essays on Religion and Human Rights: Ground to Stand On*. New York, NY: Cambridge University Press, 2015. See especially chapter 1 and the afterword starting on page 363.

Africa and Asia, and what has been called, the coloniality of power in Latin American decolonial theories, I suggest an intercultural approach to human rights, which takes into full consideration different voices, understandings, and interpretations, and the power relations that play a role in eclipsing and obstructing the freedom of postcolonial discourses. In contrast to a top-down imposition of an abstract universalizing human rights discourse, I suggest that in order to be more meaningful and efficacious for everyone, human rights must be reconsidered from the bottom up, taking seriously the multiplicity of traditions and cultures, which inform people's worldviews and everyday life. For this to happen, human rights discourse must be freed from epistemological coloniality in order to flourish.

An intercultural approach to human rights is one in which religious traditions and cultural differences are taken into account as people from different cultures become full subjects of human rights; that is, participants in the production of human rights discourse. One of the reasons why human rights discourse seems so foreign in different cultures around the world is that this discourse has privileged Western thought and tradition as standard and central, relegating other rationalities and epistemologies to a secondary role, when not totally dismissing them<sup>10</sup>. This article, in paradox, centralizes the dialogue and interweaving of different epistemologies for the construction of an intercultural approach to human rights, which emphasizes respect, solidarity, conviviality, dialogue, and collaboration<sup>11</sup>. Such an approach, I argue, can make human rights more meaningful and effective to the millions who, in spite of being objects of human rights discourse, have not been taken as seriously as subjects of human rights.

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<sup>10</sup> One could press this line of argument further to dismiss a discourse based on rights in its entirety as a Western discourse. Although that line of thought is perfectly logical, my approach here is one that takes the acceptability of human rights language by the international community since the last quarter of the 20<sup>th</sup> century as a valid and real framework informing international relations, and does not see it as eminently flawed.

<sup>11</sup> ZWETSCH, Roberto E. "Apresentação". In: *Conviver: Ensaio Para uma Teologia Intercultural Latino-Americana*. Roberto E. Zwetsch (Ed.). São Leopoldo, Brazil: Sinodal/EST, 2015, p. 18.

### Three Cases to Set the Table

There is a significant distance between the universal ambition of human rights language and its universal efficacy. Part of that gap exists because of a lack of contact between that language and the worldview of individuals and communities, which should benefit from it. Let's consider three examples in which human rights discourse does not seem to fully speak to the reality lived on the ground:

- 1) Commenting on a human rights speech delivered by a UN human rights officer in a visit to his country, a Pakistani Catholic priest said: "That speech did not have much meaning for the Pakistani people. God was not mentioned even once"<sup>12</sup>. For him, in order for the UN officer to speak in a meaningful way to Pakistanis about human rights, human rights discourse needed to be woven together with the cultural and religious fabric of that society. Without that, it remained a foreign discourse, which could not appeal to the conscience of his people.
- 2) Another similar example can be found in the still-common practice of honor killing<sup>13</sup>. According to Sharmeen Obaid-Chinoy, a member of the Forum's Young Global Leaders community: "From its origins to its execution, 'honor' killing is entirely community sanctioned. It is difficult to change a mindset in a society where people feel it is acceptable to punish a woman for transgressions against perceived codes of honor, even if it results in the death of a person"<sup>14</sup>.

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<sup>12</sup> Recollection of a conversation with a Pakistani priest in Washington, DC, some years ago. Details about the occasion and identity of the priest are intentionally omitted.

<sup>13</sup> According to the World Economic Forum, 5,000 women are killed every year in the name of honor. Stephanie Thompson, "5,000 women a year are still being killed in the name of 'honor'," *World Economic Forum*, (July 22, 2016), retrieved from <https://www.weforum.org/agenda/2016/07/honour-killings-pakistan-qandeel-baloch/>. Accessed on Dec 17, 2017.

<sup>14</sup> Quoted by Stephanie Thompson, *Ibid.* Sharmeen Obaid-Chinoy, a member of the Forum's Young Global Leaders community, won an Oscar in 2015 for *A Girl in the River*, a documentary about a woman in Pakistan who survives an honor killing.

Unless something takes place on the cultural level, leading the community to reconsider some elements in its moral tradition, international condemnation on the basis of human rights violation will not be enough to protect the lives and human rights of those women and girls. Change will only be possible if one takes full account of the local moral traditions and of the religious language used to sanction those killings.

- 3) The third case, which I describe more thoroughly, speaks even more directly to the main argument of this article. There are disputes within the international community as to whether or not the protection of environmental rights must be considered as a form of human rights. More individualistically-oriented states resist the idea of putting environmental rights on the same level as fundamental human rights. On the other hand, most indigenous peoples around the world cannot understand themselves apart from the environment. For them, protecting the rights of nature is inherently connected to protecting their own rights and survival. Let's take the case of Brazil, a country stuck in the middle of such debate. Environmental rights have gained a prominent place in Brazilian law, since they were inscribed into Brazil's democratic constitution of 1988<sup>15</sup>. The Constitution provides the framework for the regulation of environmental protection, specific federal laws have been passed to protect the environment, and two important national agencies have been created to put those laws into effect. On top of that, aggressions against the environment and administrative breaches have been criminalized. Yet, the enforcement of such protection has been significantly flawed. The application of the law protecting indigenous lands (a constitutional right) remains loose, and its interpretation has

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<sup>15</sup> BARROSO, Luis Roberto. "Constitutional Law". In: *Introduction to Brazilian Law*. Fabiano Defentti and Welber Barral (Ed.). Alphen aan den Rijn, The Netherlands: Kulwer Law International, 2011, p. 18. I could have picked basically any Western country for this case. I chose my country of birth, Brazil, for its well-known environmental policies and for all the discussions Brazil elicits among environmentalism since it houses 60 percent of the Amazon rainforest, the largest and most biodiverse remaining rainforest in the world.

become a matter of political taste. Indigenous peoples trying to protect their rights, lands and the environment are often murdered<sup>16</sup>. On top of that, due to the powerful agribusiness lobbying, existing protective regulations continue to be rolled back. The indigenous people who have lived in the rainforest for centuries perceive themselves as part of that larger living organism. Their communities suffer the most immediate impact of the disregard for environmental rights. They understand with more clarity than most people in Western societies that destruction of the environment implies their own death. Indigenous forms of wisdom and knowledge have been displaced in the Western world. Without the reinstatement of their cosmologies as valid and important knowledge, an important piece of human self-understanding will remain missing in human rights discourse. Thus, the efforts of many indigenous leaders to raise awareness in international forums propose an encounter between these different “worlds” and distinct cosmologies<sup>17</sup>.

The three cases above exemplify how abstract universalizing language in human rights discourse might not be nuanced enough to make human rights meaningful and equally efficacious for specific social groups in different cultures. A broader and deeper dialogue, which takes cultural difference seriously without giving up on the challenge to

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<sup>16</sup> In 2014 only, Global Witness documented 116 killings of environment and land defenders in 17 countries around the world. Brazil was the worst affected country, with 29 deaths. Indigenous communities continue to take the hardest hit in land-related conflicts, which tend to discriminate peasants and indigenous communities by branding them anti-development groups standing over against the pro-development powerful corporations. See Global Witness, *How Many More? 2014's Deadly Environmental-activists/how-many-more/*. Retrieved from <https://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/>. According to David E. Toohey, just in the opening decade of the 21<sup>st</sup> century, 1,150 activists were murdered in the Amazon region. According to his report, ranchers tend to be responsible for the murder of indigenous peoples. See TOOHEY, David E. “Indigenous Peoples, Environmental Groups, Networks and the Political Economy of Rainforest Destruction in Brazil”. *International Journal of Peace Studies* 17/1, 2012, p. 73, 88.

<sup>17</sup> See GOMES, Ana Maria and KOPENAWA, Davi. “O Cosmo Segundo os Yanomami: Hutukara and Urihi”. *Revista UFMG*, 22/1&2, 2015, p. 142-159.

protect human rights or the well-being of all individuals and communities, is called for. Accordingly, a dialogical approach, where different cultures and cosmologies may encounter and make sense of one another, is crucial today. Bringing cultural differences and religious traditions back to the table in a dialogical and intercultural manner is fundamental for human rights to become a language for everyone, and for all human beings, including individuals and communities living in greater vulnerability, to claim their place as real subjects of human rights.

### **On the Universality of Human Rights Discourse**

Questions about particularity and universality have been of great significance for human rights as a modern discourse on human dignity. In pluralistic societies, no particular worldview should be universalized. Different traditions compete with one another to inform societal moral values and norms. Since the moral claims of a given tradition cannot easily transfer to followers of other traditions, notions of secularity have emerged, allowing for different traditions to coexist in the common public arena. In such context, moral values that can be universalized must result from appeals to reason, which thus becomes a common and universal denominator. But even that does not resolve all problems, because there are different rationalities and ways of reasoning. Modern appeals to reason in the ‘West’, for instance, tend to eclipse non-Western forms of knowing and reasoning.

In the peak of Western secularization, religion was displaced from its public role. As Dietrich Bonhoeffer put it, in the world come-of-age it is possible to address all important issues of life “without recourse to God as a working hypothesis”<sup>18</sup>. Secularity was the backdrop against which the discourse on universal human rights was constructed<sup>19</sup>. In a secularized and pluralistic world, one needs a moral compass that is

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<sup>18</sup> ALVES, Rubem. *A Theology of Human Hope*. Washington, DC: Corpus Books, 1969, p. 29.

<sup>19</sup> METZ, Johannes B. *Theology of the World*. New York, NY: Herder and Herder, 1969, p. 13.

independent from and goes beyond any particular religious or traditional morality. According to this framework, religious language, relegated to the private sphere, fulfills at most a secondary role, informing or justifying particular understandings of human rights in the context of a specific religious tradition, since it does not reverberate beyond the adherents of that particular faith.

For most non-Western societies, though, religion continues to be central to inform worldview and communal life. Religious language in such contexts remains a crucial source for any meaningful comprehension of human rights<sup>20</sup>. Life in community and the traditions that sustain it inform the moral codes, which in turn protect the existence of those communities and societies as well as their members. Thus, religion, in its plural forms, remains an important source of moral values and a resource that cannot be neglected in human rights discourse. Religious traditions “determine, at least in part, the moral values and norms to which their followers adhere”<sup>21</sup>. That influence cannot be ignored by human rights scholars and advocates.

The question then becomes how to deal with the multiplicity of cultural and religious traditions in light of the universalistic demand of human rights, which can only work if it speaks to all human societies and protects all human beings. Can there be any universal language that is truly free of traditional influences and equally applicable in different cultural settings? As Alasdair MacIntyre has forcibly argued, different theories of justice and competing rationalities<sup>22</sup> coexist in the world. If he is right, human rights discourse cannot claim a universality that is not shaped within a particular tradition. At the end of the day, all human discourses, in spite of universalizing aspirations, are grounded in competing traditions.

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<sup>20</sup> The resurgence of religion and theology in the public sphere in Western societies since the 1970s shows that this is true also in the “West,” in spite of the prevalence of secularizing discourses in that context.

<sup>21</sup> AN-NA’IM, Abdullahi A. et al, “Preface”. In: *Human Rights and Religious Values: An Uneasy Relationship?* Abdullahi A. An-Na’im et al (Ed.). Grand Rapids, MI: William B. Eerdmans, 1994, p. x.

<sup>22</sup> MCINTYRE, Alasdair. *Whose Justice, Which Rationality?* Notre Dame, IN: University of Notre Dame Press, 1988, p. 1ff.

Wouldn't we do better, then, by situating all human languages, including human rights discourse, in the traditions they emanate from? If we do so, one would have to acknowledge that even within what one could generally name Western discourses, human rights competes with other Western moral discourses based on notions of utility and social contract, just to mention two. Although MacIntyre may be right as for the need to acknowledge different traditions and sources of rationalities, such move would be an incomplete and inefficient solution to our problem. Swinging the pendulum and focusing entirely on the cultural embeddedness of human rights discourse would leave us unable to deal with the universal demand to protect human rights<sup>23</sup>. A universalizing framework is thus necessary, and the modern language of rights has gained enough international support to be considered a kind of lingua franca. Irrespectively of its critics, that language shapes international relations and discourses on politics and ethics. Instead of opposing it, I propose that we reflect on the means through which its universalistic ambitions can more fully take account of difference, making it more efficacious in the sense that anyone in any culture can claim to be a subject of human rights.

U.S. Presbyterian theologian David Little has provided a sophisticated framework for understanding the universality of human rights, which takes different religious traditions into account. In his two-tiered argument for the universality of human rights, his second tier, in particular, takes different interpretations, concerns and languages into account. According to Little, human rights language is rooted in the natural rights tradition<sup>24</sup>. As such, it does not depend on religious belief. For many centuries, rights language has been present in the writings of a number of philosophers and in documents produced by modern states. Nevertheless,

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<sup>23</sup> The acknowledgement of the embeddedness of human rights discourses in particular traditions by itself would simply make us unable to deal with the universalizing demands of human rights protection which partially emerged from the recognition that in the contemporary world society the responsibility to protect individuals from dehumanizing treatment as that seen in the Fascist regimes that emerged between the two world wars goes beyond the sphere of national sovereignty developed by the modern states.

<sup>24</sup> LITTLE, David. *Essays on Religion and Human Rights: Ground to Stand On*. New York, NY: Cambridge University Press, 2015, p. 8.

only in response to the atrocities seen during World War II, was human rights language codified. Its codification into international law was key to give it its current status as an internationally compelling moral and legal language, and a global movement, which shapes politics and ethics around the world. The passing of the Universal Declaration of Human Rights (UDHR) in 1948 was a landmark for the contemporary human rights movement. The UDHR is considered by many to be the “single most influential document of the 20<sup>th</sup> century”<sup>25</sup>. The worldwide human rights movement includes a set of internationally accepted documents, treaties and conventions, intergovernmental organizations, governmental agencies, and civil society organizations, working as a complex web with the common goal of protecting rights that, in the language of the UDHR, every human being is entitled to. Regardless of race, ethnicity, religion, nationality, gender, sex, age, economic and social strata, and culture, everyone is “entitled to basic rights and every country [is] obligated to protect such rights”<sup>26</sup>.

As Little suggests, the preamble of the UDHR is unapologetically universalistic, functioning as a conscience for humankind, outraged in the wake of the atrocities committed against millions of human beings before and during the WWII<sup>27</sup>. Little is concerned with the multiple attacks such universalist ambition continues to suffer. His book effectively responds to those attacks, strongly affirming the philosophical grounding for human rights language as a “moral language that is universal in character”<sup>28</sup>. By moral, he means that such language addresses fundamental matters of human welfare; whereas, by universal he means that it can justifiably apply to all human beings, everywhere. To counter critiques of the hegemonic nature of human rights discourse, Little affirms that the UDHR and other

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<sup>25</sup> KAMMINGA, Menno T., review of J. Morsink. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. [Pennsylvania Studies in Human Rights] [Pennsylvania Studies in Human Rights]. Philadelphia, PA: University of Pennsylvania Press, 1999, Tijdschrift voor Rechtsgeschiedenis/Revue d’Histoire du Droit/The Legal History Review 68/4, 2000, p. 605.

<sup>26</sup> TOTTEN, Samuel & KING, Milton. *Human Rights: Issues in Focus*. Hillside: Enslow Publishers, Inc., 1989, p. 19.

<sup>27</sup> LITTLE, 2015, p. 25.

<sup>28</sup> LITTLE, 2015, p. 34.

human rights documents such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESR) take a thin approach in their moral foundations, adopting a language that is non-comprehensive; that is, not taking a position “on philosophical or theological controversies regarding the ultimate grounds and nature of moral life and responsibility, let alone metaphysical and cosmological ideas related to them”<sup>29</sup>. Consequently, such language is in theory religiously neutral—or secular. In spite of its universal foundation, it permits that different communities ground its justification in their own cultural or religious traditions and values.

Little proposes, thus, a two-tiered approach to the justification of human rights. The first tier, a natural or secular justification, “serves to hold people everywhere accountable to the terms of the language”<sup>30</sup>. The second tier takes plurality into consideration, making room for multiple “‘extranatural’ justifications for human rights language”<sup>31</sup>. Thus, religious language can play a role on this level, although limited to mobilizing adherents of a particular faith to the cause of human rights.

Little debates several arguments that question the universality of human rights discourse or the idea that human rights discourse has the natural rights tradition as its foundation. I do not intend to revisit those debates here. My particular interest is in the reception, interpretation, and efficaciousness of human rights discourses particularly from a Global South perspective. Thus, I focus on the second tier of Little’s approach, where he makes room for diversity in his universalistic argument. I argue, though, that this second tier cannot take the back seat in contemporary human rights discussions, particularly in considering the formerly colonized world.

### **Human Rights in Postcolonial Perspective**

The UDHR did not fall from heaven. It was as much the result of honest aspirations of freedom, peace, and justice as the product of power

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<sup>29</sup> LITTLE, 2015, p. 35.

<sup>30</sup> LITTLE, 2015, p. 6.

<sup>31</sup> LITTLE, 2015, p. 6.

politics, intrigue, lobbying and bargaining<sup>32</sup>. The ascendance of human rights to a place of prominence in the postwar world took place in the midst of tense negotiations and fears. The main proponents of the United Nations Charter, the so-called Big Three – Britain, the Soviet Union, and the United States – along with France and China, admitted by courtesy into that powerful circle, had conflictive views on how prominent human rights should be in the new organization vis-à-vis the protection of national and colonialist interests. On the other hand, among the other 45 allied countries invited to the San Francisco Conference in 1945 to prepare the UN Charter, there was some fear about how human rights would be used, as “the addition of human rights references to the Charter might encourage stronger states to intervene in their affairs under pretext of championing the rights of their citizens”<sup>33</sup>. Contradictory views on human rights quickly spread through the still colonized nations, and persisted in the postcolonial period.

In spite of that, human rights language became prominent in the Third World—the movement of nonaligned countries—and its solidarity against colonialism. However, the meaning of “human rights” varied, and the rights stressed in the anticolonial struggle differed from those usually stressed by the Western European powers and the United States. The effort from anti-colonialist movements brought, for instance, the demands for self-determination to the center stage in human rights discourse, giving birth to the right of self-determination. And, as Kathryn Sikkink has argued, less powerful states, including many in Latin America, played a protagonist role in shaping the language of the international protection of human rights<sup>34</sup>. At the same time, there were tensions between the interest

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<sup>32</sup> These are some of the words used by Lebanese Philosopher Charles Malik, one of the UDHR drafters, in his diary to express discomfort at the San Francisco Conference, in 1945, at the confection of the UN Charter. Malik Diary, no. 2102, “Reflections on the Conference,” cited in GLENDON, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York, NY: Random House Publishing Group, 2001, p. 19. Kindle Edition.

<sup>33</sup> GLENDON, 2001, p. 20.

<sup>34</sup> For more on this conversation, see, for instance, TERRETTA, Meredith. “‘We Had Been Fooled into Thinking that the UN Watches over the entire World’: Human Rights, UN Trust Territories, and Africa’s Decolonization”. *Human Rights Quarterly* 34, 2012, p. 329–360; TERRETTA, Meredith. “From Below and to the Left? Human

of the most powerful states and the Third World nations who feared the manipulation of human rights language for interventionist ends. It was in the midst of such tension and much negotiation that human rights discourse developed.

Particularly for what Glendon refers to as “the smaller nations”<sup>35</sup>, the Third World nations, the encounter with human rights language never took place in abstract. It developed, instead, in a highly complex, concrete and politicized environment, where the meaning of the term varied depending on who was using it, and aspirations of freedom and self-determination were central to how human rights discourse was understood. In the context of the social movements and of many Third World human rights actors, priority was set on how the term “human rights” was interpreted and used by the most powerful nations, which rights needed to be uplifted in the international sphere (like the right of self-determination), and to what extent the peoples at the fringes of power were actual subjects of human rights.

This matter remains of the greatest relevance for human rights advocates in the 21<sup>st</sup> century, helping them to question the efficacy of human rights discourse to the large number of impoverished and marginalized communities and individuals around the globe. Such question cannot be responded to only in terms of abstract concepts about the universal nature of human rights or the neutrality of human rights language. It can only be properly addressed when all the interested voices, particularly the voices of those who have been pushed to the margins of the current

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Rights and Liberation Politics in Africa’s PostcolonialAge”. *Journal of World History*, 24/ 2, 2013, p. 389-416; and SIKKINK, Kathryn. “Latin America’s Protagonist Role in Human Rights”. *Sur – International Journal on Human Rights*, 22/12, 2015, p. 207-219.

<sup>35</sup> GLENDON, 2001, p. 15. Glendon borrows this term from Carlos Romulo, the Filipino leader who called himself “a third world soldier at the UN”. See ROMULO, Carlos and ROMULO, Beth Day. *Forty Years: A Third World Soldier at the UN*. New York, NY: Greenwood Press, 1986. She also mentions the use of a similar expression by Churchill’s foreign affairs advisor, Sir Alexander Cadogan, in his disdain of the complaints coming from representatives of the other 45 nations invited to the San Francisco summit against the self-appointed power of the permanent members of the UN Security Council. He referred to them as “little fellows yapping at our heels”. GLENDON, 2001, p. 12.

globalized order, are fully taken into consideration—and no longer as “the little fellows,” but as full participants in a serious and ongoing conversation shaping the ideas of human dignity and peaceful coexistence that have inspired the contemporary international human rights movement. For such conversation to be meaningful, the diverse cultural and religious foundations of human rights discourses must be put in dialogue with one another. The apparent neutrality of human rights language hides the fact that it is still grounded in Western modern moral discourses, not taking full account of many other cultural contributions.

### **Building Human Rights Interculturally**

Women, indigenous peoples throughout the world, ethnic and religious minoritized groups, and migrant and displaced populations, among others, continue to have their fundamental rights violated in different places and contexts. Whereas international and constitutional provisions have been important instruments for the acknowledgement of their rights, it is their mobilization, and the mobilization of others in solidarity with them, that has given visibility to their demands for greater protection of their rights. The number of people around the world who are oppressed, tortured, killed, and left out of societal structures remains colossal. In a country like Brazil, for instance, a young black woman is two times more likely to be killed than a young white woman<sup>36</sup>, Universal validity, thus, cannot be taken for granted. It can only be embodied as a social construct based on global participation. In other words, “The Universal Declaration of Human Rights has to be interpreted from all possible points of view and integrated into all traditional frameworks, in order to acquire universal validity”<sup>37</sup>.

Therefore, human rights as a legal and moral language must be reflected upon dialogically and interculturally. As Andre Droogers states,

<sup>36</sup> Agencia Brasil, “Risco de Jovens Negras Serem Mortas é Duas Vezes Maior que o de Brancas.” Retrieved from <http://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2017-12/risco-de-jovens-negras-serem-mortas-e-duas-vezes-maior-que-o-de>. Accessed on 12/14/2017.

<sup>37</sup> AN-NA’IM, 1994, p. xi.

“Human Rights presuppose a minimum of communality and a minimal intercultural communication”<sup>38</sup>. The international human rights movement as we know it today took shape almost at the same time that most of Africa and many countries in Asia were transitioning into a postcolonial era. Up to that point, Western culture was accustomed to see itself “as the apogee and ultimate criterion to all the other cultures in the world”<sup>39</sup>. Postcolonial Africa and Asia—and the Third World movement that they formed with other eclipsed peoples during the Cold War—promoted the rehabilitation of cultures formerly considered primitive, which in turn made an impact upon the political-ethical dimension, serving as a “weapon to struggle against growing Western influence”<sup>40</sup>. Although such development is commonly associated with other hermeneutical discourses (postmodern ones), which emphasize contextuality and fragmentation, Andre Droogers sees the postcolonial situation as promoting cultural integration. With the emergence of new faces and voices in the international arena, the myth of “the ‘primitive isolate’ no longer existed”<sup>41</sup>. He is right in seeing the role played by postcolonial actors as moving beyond binary modern discourses (on both the right and left wing of the spectrum). According to that logic, constructions based on “oppositions between extremes – such as the pairs universal/local, rational/irrational, science/religion, tribal religions/world religions”, are no longer helpful<sup>42</sup>. We must move beyond such dichotomies, towards a constructive perspective focused on meaning-making processes<sup>43</sup>.

However, Droogers cautions that there is still a need to take power relations into consideration: “At any rate, in the context of a discussion on human rights the power dimension cannot be ignored”. Attention to culture cannot be divorced from power analysis. The discussion of power

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<sup>38</sup> DROOGERS, Andre. “Cultural Relativism and Universal Human Rights”. In: AN-NA’IM, Abdullahi A. et al, “Preface”. In: *Human Rights and Religious Values: An Uneasy Relationship?* Abdullahi A. An-Na’im et al (Ed.). Grand Rapids, MI: William B. Eerdmans, 1994, p. 79.

<sup>39</sup> DROOGERS, 1994, p. 79.

<sup>40</sup> DROOGERS, 1994, p. 80.

<sup>41</sup> DROOGERS, 1994, p. 89.

<sup>42</sup> DROOGERS, 1994, p. 84.

<sup>43</sup> DROOGERS, 1994, p. 85.

is complimentary to culture, particularly as a tool for either the preservation of the status quo and/or for the promotion of an alternative order<sup>44</sup>.

Droogers', therefore, is not simply offering/promoting/ situating? another culturalist approach. It is also political and ethical. However, by moving culture to the center of the conversation, he acknowledges a universal element that is often absent in dominant human rights discourse. In defining human beings by "their capacity to produce signification, to give meaning to the world they live in and to the events that happen to them or that they help to bring forward," Droogers reminds us that this capacity to produce "culture" is in itself a universal feature to all human beings<sup>45</sup>. Thus, it cannot be neglected in our attempts to make human rights universally valid.

The emergence of a postcolonial reality, therefore, contributed to the democratization of human rights as it allowed non-Western individuals and communities to claim their place as subjects of human rights; that is, as constructors and interpreters of human rights discourse, no longer standing merely as potentially protected by an abstract universalistic language that does not speak to their world.

### **Liberating Interculturality: Human Rights from and to Everyone**

Boaventura de Sousa Santos' indignation with the disturbing fact that the large majority of impoverished people around the world are not full subjects of human rights strongly echoes in the hearts and minds of many people living in situation of vulnerability and exclusion. If human rights discourse is not efficacious to the destitute who form the majority of the world's population, its legitimacy can be rightly questioned. Thus, more urgent than defending the language of human rights against its detractors is the need to answer his question. Can human rights discourse "be used in a counterhegemonic way?"<sup>46</sup>

<sup>44</sup> DROOGERS, 1994, p. 85, 86.

<sup>45</sup> AN-NA'IM, 1994, p. 6.

<sup>46</sup> SANTOS, 2015.

Argentinian philosopher Enrique Dussel agrees with the idea that intercultural dialogue must be a cultural and political priority on the global level. However, considering the asymmetric power relation between the Global North and the Global South, “it is necessary that this global dialogue begins with an inter-philosophical dialogue among the world’s post-colonial communities”<sup>47</sup>. He urges philosophers of the Global South, thus, to claim an even more protagonist role in setting the agenda for a global intercultural dialogue as they “come together to define and claim for themselves a philosophical practice—generating its topics and methods from its own historical, socio-economic-political realities and traditions—that is critical of and goes beyond the European ‘I’ which, by virtue of its colonial history, has asserted itself as the universal standard of humanity and philosophy”<sup>48</sup>.

What Dussel proposes is a plural universality, or a “pluriversality,” where each of these voices can assert “the particularity of their own traditions and the creative possibilities of their own situation” in a kind of dialogue which, on one hand, seeks “a common ‘similarity,’” continuously recreating in turn “its own analogical ‘distinction,’ which diffuses itself within a dialogical, reciprocally creative space”<sup>49</sup>. Such dialogical framework stretches the reach of the question “What is the meaning of human rights for those living in the margins?” which de Sousa Santos asks. This “pluriversal” formula allows for the whole and the parts to be interwoven in a way that makes all parts active subjects in the production of human rights discourse. Dussel proposes an epistemological turn necessary to make human rights meaningful for those who had previously been pushed aside by a self-proclaimed world center, modern Europe, which, in the process, universalized its own epistemology to the point of eclipsing other forms of knowing. Such eclipsing of the other violates the freedom upon which human rights discourse is supposed to be based.

Thus, from a Global South perspective, human rights need to be historicized, and in order for that to happen, human rights discourse cannot

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<sup>47</sup> DUSSEL, Enrique Dussel. “Agenda for a South-South Philosophical Dialogue”. *Human Architecture*, 11/1, 2013, p. 3.

<sup>48</sup> DUSSEL, 2013, p. 3.

<sup>49</sup> DUSSEL, 2013, p. 3.

ignore the ignominy of the modern coloniality of power<sup>50</sup>. Franz Fanon was already aware of the lasting and damaging distortions colonialism imposed on those it oppressed:

[C]olonialism is not simply content to impose its rule upon the present and the future of a dominated country. Colonialism is not satisfied merely with holding a people in its grip and emptying the native's brain of all form and content. By a kind of perverse logic, it turns to the past of the oppressed people, and distorts it, disfigures and destroys it<sup>51</sup>.

The reversal of that distortion requires epistemological disobedience, a decolonial epistemology which unmasks the coloniality of power. Anibal Quijano introduced the term “coloniality of power” to refer to the epistemological and cultural dimension of modern/colonial oppression, which outlives colonialism and very often goes unchecked. In the words of Walter D. Mignolo, this is “the invisible and constitutive side of ‘modernity’”<sup>52</sup>. Colonial power in the political and economic spheres goes side-by-side with the coloniality of knowledge. Thus, “if knowledge is colonized one of the tasks ahead is to de-colonize knowledge.” That task is thus the task of de-coloniality, which not only operates on the level of political and economic power, but also on the subjective level of knowledge production<sup>53</sup>. Decoloniality denounces the complicity of modernity/rationality and an exclusionary notion of Totality “that negates, excludes, occludes the difference and the possibilities of other totalities”<sup>54</sup>, uplifting alternative forms of knowledge and knowing. The problem we are dealing with in this essay, therefore, is not related to the idea of universality per se, but to a totalizing and authoritarian notion of universality, the one experienced when the coloniality of power goes unchecked.

<sup>50</sup> QUIJANO, Anibal. “Coloniality and Modernity/Rationality”. *Cultural Studies* 21/2-3, 2007, P. 168-178.

<sup>51</sup> FRANZ, Fanon. *The Wretched of the Earth*. New York, NY: Grove Press, 1961, quoted by MIGNOLO, Walter D. “Delinking: The Rhetoric of Modernity, the Logic of Coloniality and the Grammar of De-coloniality, *Cultural Studies* 21/2-3, 2007, p. 449.

<sup>52</sup> MIGNOLO, 2007, p. 451.

<sup>53</sup> MIGNOLO, 2007, p. 451.

<sup>54</sup> MIGNOLO, 2007, p. 451.

From the perspective of most non-European peoples, there is a memory and still very visible marks<sup>55</sup> of military, political, social and cultural domination which are present in all peoples impacted by the European colonialism in all continents. Such domination was codified in terms of gender, race, ethnicity, and nationality, among others, as objective and rational. For Quijano, the critique of this Eurocentric paradigm of modernity/rationality is urgently necessary in order for formerly colonized peoples to be free from the distorted images imposed on them. Epistemological decolonization, or decoloniality, then, is a key step “to clear the way for new intercultural communication, for an interchange of experiences and meanings, as the basis of another rationality which may legitimately pretend to some universality”<sup>56</sup>. In fact, the move from authoritarian and totalizing universality to intercultural universality (or pluriversality) is not an easy one. Before making such a move, it is necessary to “liberate intercultural communication from the prison of coloniality,” freeing “all peoples to choose, individually or collectively, such relations”<sup>57</sup>. Thus, I call the notion of interculturality advanced here a liberative decolonial interculturality, which historicizes human rights discourse, and takes power disparities in all its dimensions—the coloniality of power, knowledge, and being—into account, thus enabling a liberative intercultural human rights discourse to flourish.

David Little’s two-tiered philosophical grounding of human rights is comprehensive enough to take difference into account. However, his

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<sup>55</sup> Marks of violence and domination are everywhere, being particularly visible formerly colonized societies, but also in the hierarchized global order vis-à-vis the coloniality of power. In Brazil, the largest Latin American country, and the one with the largest population of African descendants outside the African continent, a recent research showed that illiteracy is twice as much present among black and dark-skinned (identified in the Brazilian census as “pardo” or brown) Brazilians than among those who claim to be white. Statistics retrieved from <http://www.dw.com/pt-br/brasil-tem-duas-vezes-mais-analfabetos-entre-n%C3%A3o-brancos/a-41895241>. Accessed on Dec 21, 2017. Whenever and in whatever manner non-European populations are subalternized, the coloniality of power can be perceived. For the idea of subalternization, see RATUVA, Steven. “The Subalternization of the Global South: critique of Mainstream ‘Western’ Security Discourses”. *Cultural Dynamics* 28/2, 2016, p. 211-228.

<sup>56</sup> QUIJANO, 2007, p. 177.

<sup>57</sup> QUIJANO, 2007, p. 178.

concern with universality does not go far enough to consider the full implications of difference in human self-understanding in non-western cultures, or of the profound and multifaceted power asymmetry which cannot be ignored by those approaching human rights from “the underside of history”<sup>58</sup>. The dialogical approach to human rights proposed in this chapter, not conceding to postmodern cultural relativism or reified understandings of multiculturalism, affirms human rights’ pretensions to universality interculturally, from the bottom-up, allowing for all stakeholders to rightfully claim their place as subjects of human rights.

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<sup>58</sup> BONHOEFFER, Dietrich. “After Ten Years” In: *Dietrich Bonhoeffer: Writings Selected with an Introduction*. Robert Coles (Ed.). New York: Orbis Books, 1998, p. 114.

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