Joseph Prabhu has written a gorgeous essay "highlighting some of the difficulties involved in the ideas and principles underlying the UDHR [Universal Declaration of Human Rights]" and "suggesting a way forward." I applaud his lucid, measured and fully convincing discussion of the difficulties. And although I think he somewhat underestimates the value (indeed necessity) of what he calls the "supra-cultural" model of cross-cultural dialogue, and is not entirely persuasive in his all-too-skeletal discussion of what he calls "the inter-cultural model," in my view his critique is itself a substantial step forward, precisely because it highlights the potential for misuse of human rights crusades. We live in an era when there is a global imbalance of power and those with the influence, the money, and the guns (including cosmopolitan elites from all over the globe) are busily promoting their parochial cultural sensibilities under the banner of a universal civilizing project justified in terms of human rights, thereby confirming the original fears of the Executive Board of the American Anthropological Association when it refused to endorse the Universal Declaration of the Rights of Man on the grounds that it was an ethnocentric document.

What is intellectually at stake in debates about the form, substance, and ontological standing of human rights? Consider the following two views, the first expressed by President George W. Bush and the second by Judge Richard Posner (see Shweder 2004 a, b).

President Bush: "America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations and no nation is exempt from them. We have no intention of imposing our culture, but America will always stand firm for the non-negotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice and religious tolerance."

Judge Posner: "I shall be arguing first of all that morality is local, and that there are no interesting moral universals. There are tautological ones, such as 'murder is wrong' where 'murder' means 'wrongful killing' or 'bribery is wrong,' where bribery means 'wrongful paying.' But what counts as murder, or as bribery, varies enormously from society to society. There are a handful of rudimentary principles of social cooperation - such as don't lie all the time or don't break promises without any reason or kill your relatives or neighbors indiscriminately - that may be common to all human societies, and if one wants to call these rudimentary principles the universal moral law, that is fine with me. But they are too abstract to be criterial. Meaningful moral realism is therefore out, and a form (not every form) of moral relativism is in. Moral relativism implies that the expression 'moral progress' must be used with great caution, because it is perspectival rather than objective; moral progress is in the eye of the beholder" (Posner, 1999: 6).

Perhaps President Bush is a bit too disingenuous in stating that we have no intention of imposing our culture and Judge Posner a bit too wry in the particular way he formulates the "rudimentary principles of social..."
cooperation” but those contrasting comments do draw our attention to a central (even if ancient) issue that haunts all human rights crusades, namely, whether rightness or goodness are objective things that human actions or practices can be said to possess in varying degrees. President Bush, speaking here as a human rights crusader, is the philosophical "cognitivist" and the child of Plato. He presupposes that rightness or goodness are objective and transcendental properties, that moral judgments (like scientific ones) are either true or false and that moral progress amounts to discovering - presumably by means of either theological or secular modes of reasoning - the "non-negotiable demands." In contrast, Judge Posner is the philosophical "emotivist" and the child of the ancient Greek sophists (and David Hume). He argues that meaningful moral judgments (such as, “that's right” or “that's good”) about actual actions and practices (he alludes, for example, to such cultural practices as infanticide and female genital modifications) are neither true nor false; they are merely expressions of personal or collective choice based primarily on feeling states (such as attraction or repulsion) because, he suggests, there really is no objective property out there to be represented or described with terms like right or good.

Joseph's Prabhu's welcome (and sympathetic) account of "the two critiques of UDHR" is in many ways a reminder of the intellectual costs of thinking or pretending that one can duck the debate between cognitivists and emotivists or just set it to the side for the sake of righteously getting on with one's preferred human rights crusade. In a similar vein, I would point to what I take to be the rather incoherent (and hence intellectually dismal) state of the now all-too-popular argument that there is some kind of inherent tension between Human Rights and Culture (see Susan Okin's essay "Is Multicultural Bad for Women?" for a seminal statement of the argument). For the most part, those who are most eager to invoke an opposition between rights and culture have not convincingly resolved (and most have not even addressed) the issues raised by Joseph Prabhu's analysis (and Judge Posner's emotivist remarks): namely whether "rights" are objective or subjective, discovered or made up, products of reason or expression of personal or collective preference and taste; whether there is a rational basis for extending the authority of rights claims beyond the scope of those who have agreed to honor them; and perhaps most importantly, whether the rights that have been invoked in global efforts to regulate or even eradicate the cultural practices of peoples in other societies are simultaneously both concrete enough to be decisive with regard to specific cultural practices and objective enough to make authoritative universal claims.

Not even the brilliant, intellectually balanced and admirable Joseph Prabhu succeeds at doing that. In his short essay, which is so rich in useful distinctions (for example, between universalism at the level of practical norms and pluralism at the level of moral doctrines, between universalism and uniformity), he notes that he is unable in this context to spell out the methodology of the "cross-cultural hermeneutic" associated with his preferred "inter-cultural" model of cross-cultural dialogue. I don't think a promissory note is really enough, given the obstacles that are set before us in the earlier sections of the paper. And here, speaking as a defender of some version of the supra-cultural model, I do wonder how it is possible for there to be a cross-cultural dialogue (beyond the sort of "dialogue" that goes on in the Tower of Babel) without some type of commitment to a supra-cultural model of universal moral goods. Invoking, as I would (and have), a universal base set of (even very abstract and inherently irreconcilable) objective moral goods (for example, the idea that it is unjust to treat different cases alike and like cases differently) is not the same as denying or underestimating the cultural specificity and provincial character of the many and various historical manifestations of those goods in the practices.
of the different peoples of the world. To invoke a supra-cultural base set of that sort is simply to identify the moral forms that make it possible for us to transcend our familiar cultural world and (under ideal conditions of cross-cultural dialogue) to ultimately recognize the real and recognizable goods in cultural practices that may have initially seemed strange, alien, or even barbaric. I call that version of the supra-cultural model "Moral Realism Without the Ethnocentrism" (Shweder 2004b; also 2004a, 2005); and I now look forward to bringing it into dialogue with Joseph Prabhu's version of an inter-cultural approach to understanding communal differences in moral judgments.

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References


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Response to Joseph Prabhu

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Date: 04-06-06 13:26

Web Forum kick-off on Joseph Prabhu’s essay

What I’d like to see discussed in other responses:
1. The United Nations’ Universal Declaration of Human Rights is not a “document for the ages,” though I think and hope it has some creative elements for those ages. Dr. Prabhu is right: it issues from “the West” at a particular moment (e.g., very-late-colonial history) and from the hands of a special caste of people. Questions:
   a. What are the boundaries (physical, intellectual, spiritual, of this “West?”) While sacred scriptures and some documents pre-the 17th or 18th century anticipated human rights, was there argument for them before “the Enlightenment?” What do we mean by “Enlightenment?” It gets a bad press these days; is the Human Rights case jeopardized because of its “Enlightenment” origins?
   b. What would this “the West” have to give up in order to help bring forth a “universal document?” What would the “non-West” bring?
2. If people in “the West” believe that, though it is to be criticized, the case for human rights on UDHR terms merits defense and expansion, on what grounds and toward what ends do its “missionaries” make their case?
3. Let’s stop kidding, and ask: is there any possibility that any kind of “universal” grounding for human rights and human rights ethics is attainable in a pluralistic world? Would such grounding be salutary? Could it do justice to the best in the separate traditions now critical of the UDHR’s best?
4. The drive for the UDHR on intellectual levels is toward an ethic for all. If we cannot attain that, can we come to some congruences on outcomes if we cannot agree on “inputs?” Isn’t the assumption behind universalists some idea that a society of consensus would be the base from which dissent is expressed? What if (as Nicholas Rescher points out at book length) “dissensus” is the human condition, near the base of polities? And if it is, how are societies formed, governed, regulated, if “human rights” is to be the goal?
5. On the other hand, if dissent is too broad and varied, is there a possibility for society (at least free society) at all? Or won’t we have chaos?
6. Isaiah Berlin argued that while free societies cannot find agreement on absolutes, they can still help assure freedom. What are some of the terms on the basis of which this can be done?
7. Dr. Prabhu offers the “inter-cultural” model as the best hope for further work on Human Rights? What’s not to like about it? Does it show promise?

The year before the end of apartheid, I taught at the University of Cape Town, South Africa. In one seminar we studied six religious and quasi-religious approaches to human rights. We did ask there about “what would one need to give up to make progress?” A Japanese conferee said, “Dogma” and “Monotheism.” He was just one person, perhaps a maverick, but his intervention suggests how radical reconceptions would/will have to be.

Can one “get by” on pragmatism: that is, members of a national or religious or “the world” community, describe a practical approach to rights, without trying to settle metaphysical “down deep” roots questions?
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