

The Universalism of Human Rights

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The human rights culture : a study in history and context / by Lawrence M. Friedman. - New Orleans : Quid Pro Books, 2011. - 203 p. - (Contemporary society series). - ISBN 978-1-61027-070-0 ; 978-1-61027-071-7 (pbk) ; 978-1-61027-072-4 (Kindle) ; 978-1-61027-073-1 (ebk) <http://quidprolaw.com/?p=1448>

As the title suggests, Friedman deals with contemporary human rights culture, which he believes to be a product of modernity. The author reasons that the rise of expressive individualism, which has paved the way for human rights consciousness, is unique to our times and to the developed world. Affluence has allowed the individual to flourish and has given rise to demands for basic rights as a kind of safety net against the perils of individualism. For the author, these trends can be observed all over the developed world, be it in the West or in Asia.

Having noted the dearth of literature on this topic, Friedman undertook to write his book with the aim of giving a sociological account of the human rights movement.

He grapples with questions like “Why is the human rights movement so seductive” and “What led people to decide that all human beings are and should be equal in law and society”? Indeed, even the most egregious dictators on earth pay lip service to its principles and sign declarations pledging commitment to its tenets. While Friedman recognises that it is our minds that give power to the movement, he notes that human rights obligations have gained in symbolic potency over the years. This stems from the fact that the world is increasingly globalised and that countries cannot cordon themselves off against its ideational forces.

The idea of global convergence is central to the book. Friedman maintains that human rights are universal because modernity is quasi omnipresent. This in turn leads to the creation of one big global culture which can be observed in developed nations and among the elite strata of developing ones. While this is an interesting observation, can a culture really be considered global if it excludes large parts of the world’s population? After all, modernity has not reached swathes of the developing

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world and globalisation has only increased the gap between the disenfranchised and the elite.

On top of this, Friedman's argument that humans emphasise the differences between increasingly similar cultures appears to be an oversimplification. While respect for human rights may be universal in the Western world, cultural values vary immensely. Even if Friedman denies the existence of distinct national souls that are fundamentally different from the modern soul, international relations clearly reveal distinct national conceptions within the West itself. Moreover, attempts to plead that modern England is closer to its Japanese counterpart than to its own state in medieval times does not speak against the heterogeneity of the modern world.

Later in the book, Friedman unpacks the debate on cultural relativism and minority rights in order to contrast this with the movement's central premise: universalism. Accusations that the human rights movement is ethnocentric and a form of imperialism are rejected by Friedman. In addition, arguments that Western cultural norms promote individualism, which is incompatible with traditional cultures, are equally dismissed. The author's conviction stems from the fact that norms and values are portrayed as fluid and changeable over time. Human rights norms are thus not Western, but modern, and can therefore be adopted by any culture provided it is exposed to modernity.

The inviolability of human rights is also explored in the section on state sovereignty, where the implications of international interconnectivity are closely analysed. Even though the author notes that sovereignty is a fundamental principle in the literature on international law, he recognises that it is losing ground. This is because the concept of universal human rights is in

conflict with the idea of national supremacy as it erodes the state's right to ignore its obligations. He further argues that global trade and the spread of mass culture, combined with faltering economic sovereignty, foster democracy and the rule of law. On the downside, states increasingly struggle to uphold a welfare state as globalisation weakens governments' defences through outsourcing and external attacks on the domestic market.

Although Friedman's argument that the human rights movement can be placed into a social and historical context is convincing, his outlook remains fundamentally Western. It is indeed tempting to think that democracy and human rights will inevitably become universally accepted. However, contemporary examples illustrate that while some cultures endorse modernity in the form of development, they simultaneously cling to traditional values. Moreover, one would have to consequently surmise that countries which reject individualism as being alien to their national culture are automatically not to be considered modern and thus incapable of embracing the values of the human rights culture.

As professor of law at Stanford and a legal historian, it comes as no surprise that the book has a legal taint and is peppered with references to case law. Furthermore, Friedman covers a range of issues including the rule of law, women's rights, and privacy in the context of the human rights movement. The breadth of the book renders it a useful introduction for political scientists and lawyers, as well as for those wishing to gain insight into this contemporary phenomenon from a sociological, historical and legal perspective. Indeed, the author gives a comprehensive summary of the main historical developments leading to the formation of a modern human rights culture, picking

examples from America, Europe and Africa. This enables the reader to piece together a number of historical events to see the bigger picture.

Finally, the book is user-friendly and the author's conversational style makes the text easy to absorb. While this is one of the book's main strengths, the informality leads the reader astray at times. This is especially the case in the conclusion, where a potpourri of subjects are haphazardly

clumped together as if during an impromptu dinner debate, without the author concretely getting down to the crux of the matter. However, the numerous cross-cultural references compensate for this weakness, as the reader is submerged in a world beyond his own and given a taste of the world's cultural diversity. All in all, the book is an informative and stimulating read providing a peek into value systems outside the West.