Human Rights: 
A Universal Goal or Neoliberal Dream?

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Human rights discourse is now inseparable from the discourse of globalization. As the world becomes increasingly interconnected, disparities amongst populations are more apparent and harder to ignore. Not only do these disparities promote the desire to intervene from both individuals and nations who view themselves as morally and materially superior, but such disparities also promote violence and civil unrest as disadvantaged populations begin to demand more ethical treatment and protection from their respective governments. Universalized discourses of human rights advanced through globalization must then contend with the question of culture. What many view as the imperialist infiltration of Western, or more specifically American, morals, norms, and products, has simultaneously facilitated the erosion of cultural differences and construction of global human solidarity. Examining the pitfalls of universalizing a singular form of human rights therefore requires an exploration of the potential outcomes of competing rights discourses. I will therefore begin by outlining and analyzing two dominant conceptualizations of the nature of global politics and human relations, namely the ‘Clash of Civilizations’ and Cosmopolitanism. After exploring theories of universal human rights, I will move into analysis of the potential of their actualization by employing political theorist Hannah Arendt’s concept of ‘freedom’ as a foundation to discuss human rights in a modern, practiced context.

I will begin this exploration with a brief analysis of Samuel Huntington’s 1993 article “The Clash of Civilizations,” a model of cultural relativism that in effect negates the potentiality of universal human rights. This paradigm is developed around the relationship of “the West to the Rest” that provides “a political perspective on culture, phrased in the standardized national security language” (Pieterse 137, 138). Culture is therefore politicized, and conflict forms along the fault lines of civilizational tectonic plates. The main conflict Huntington predicts is between
the West and Islam-Confucian states. In this hypothesis, “war is everlasting” (Pieterse 138). Huntington’s theory of a clash of civilizations understands culture as immutable and differential. Cultures are structured along the oppositional bounds of East versus West and North versus South. These boundaries are formed by “the north-south polarity of imperialism and the colonising and colonised world; and the east-west polarity of capitalism-communism and the cold war” (Pieterse 140). The power dynamics within this model are of violent conflict, domination, and subordination. Huntington recommends cultural alliances, specifically advising for the alliance of Western nations against the Islamic-Confucian cultural states to prepare for the inevitable clash. The clash of civilizations is therefore similar to a Hobbesian construct of humanity, in which “humans are in a state of permanent conflict and competition to survive at everyone else’s expense” (Mahoney 12). The consequences of framing human nature in this way are that “in the natural condition of mankind ‘nothing can be unjust. The notions of right and wrong, justice and injustice have no place’” (Mahoney 12). This has grave consequences for the notion of universal human rights predicated upon human sameness, necessarily denying their ability to exist at all.

This model of “the West and the Rest” further burdens human rights rhetoric as it is riddled with notions of cultural relativism, or, more appropriately, cultural differentialism (Pieterse 140). While cultural relativism has the potential positive consequence of serving in defense of cultural diversity and empowerment, it also creates strong nationalistic and racist strands of thought that stifles global human rights discourse from taking hold. Thus, “to be a relativist about value is to maintain that there are no universal standards of good and bad, right and wrong” (qtd. in Mahoney 168). In denying that “there are any legitimate basic moral convictions,” cultural differentialism reduces the concept of a common humanity to nothing
(Mahoney 170). The ‘clash of civilization’ model is therefore incompatible with universal human
rights, instead dooming humanity to unceasing warfare.

Oppositional to Huntington’s model is the theory of principled cosmopolitanism, which “seek[s] to give expression to the awareness of being part of a shared humanity” (Mansbach and Rhodes 185). Principled cosmopolitanism supports the development of universal ethics while protecting different cultures from the onslaught of homogeneity through Westernization, or, more specifically, the American-centric ‘McDonaldization’. Unlike pragmatic cosmopolitanism driven by the various features of globalization, principled cosmopolitanism is driven “by the moral consciousness of belonging to a single human race” (Mahoney 185). The universality of human rights emerged as a concept advanced by the United Nations in the aftermath of World War II. However, although this exact rhetoric emerges from the West, the concept of human rights has spanned cultures globally throughout history. As human rights scholar Jack Mahoney has observed, the “various non-Western representatives [who took] part in the sectional and plenary UN discussions on the draft Declaration made it quite clear that basically the idea of human rights was not entirely foreign to their culture and way of thinking” (Mahoney 66). This contradicts Huntington’s conceptualization of cultural relativism, and instead supports the assertion by Thomas Paine that “man did not enter into society to become worse than he was before, nor to have fewer rights than he had before, but to have those rights better secured” (qtd. in Mahoney 28). Desire for human rights can be, and have been, widely vocalized in a multitude of cultural histories.

Principled cosmopolitanism in theory therefore promotes respect for cultural differences without promoting cultural differentialism. Through its focus on human solidarity, this theory highlights that while “traditions, communities and practices shape our
identities...[these] should not preclude an ability to criticize, challenge, and question the content of these identities and the practices they prescribe” (Mahoney 95). In fact, oftentimes cultural relativism is used as a tool by those in power to promote the status quo. Human rights scholar Jack Mahoney observes how “complaints of the divisiveness of rights talk are characteristically uttered by the secure and powerful in society” (103). Universal human rights are therefore oftentimes rejected as implausible due only to the aspirations of the elite, whereas almost invariably “appeals to universal human rights arise in a context of social weakness and vulnerability and from the experience of injustice or of unfairness, all of which call to be remedied as a matter of human decency” (Mahoney 103). Principled Cosmopolitanism thus attempts to maintain the agency of what has been classified as the Global South, or ‘developing states,’ while still promoting global standards of human morality.

While the rejection of human rights may often be accomplished through the exploitation of cultural differences, barriers to rights implementation erected by those in control stand as a serious impediment to success. The shift of international relations into a highly marketized and non-sustainable system has produced a “grossly unequal set of relations among the peoples of the world, with weak structures of legal authority and even weaker sentiments of human solidarity” (Mahoney 67). While human solidarity leads to the acceptance of universal human rights, the fostering of this human solidarity is in many ways dependent on having one’s own needs met first. Amartya Sen’s theory of “capabilities” then becomes relevant, as nations compromised by weak bureaucracies or little access to resources makes the implementation of rights more difficult (Mahoney 78). Principled cosmopolitanism counteracts this impediment by advocating for universal ethics, not universal laws. Instead of imposing laws impossible to implement in already struggling nations, “states must use, and be permitted to use, their
resources to create a culture which is congenial to human rights (Mahoney 172). Under this model, with a common understanding of what basic rights are necessary, states can act within their means to implement these rights accordingly.

The remaining barrier to tackle here then is that of conflicting human rights. Globalization, according to Mahoney, has resulted in the worldwide recognition of three main areas of human rights: economic justice in the face of global poverty, environmental justice in the face of global environmental disorders, and HIV/AIDS justice in the face of worldwide pandemic (Mahoney 173). However, while many individuals view economic security, environmental protection, and healthcare access as basic human rights, as conflict occurs between them a difficulty arises in determining what specific right achieves priority status. For example, environmental protection conflicts with economic development as poverty-ridden nations are forced to choose between human survival and the environmental effects of their economic activity. Principled cosmopolitanism proposes that by facing and negotiating both rights “realistically at an international, and ultimately global, level, well above the self-interest of individual countries…justice can be done to both rights” (emphasis added: Mahoney 177). Therefore, conflicting rights do not necessarily signify an end to the possibility of universal human rights, but instead require international cooperation brought about by recognition of human solidarity.

However, it is important to highlight the implied interventionist aspect hidden within this ‘international’ negotiation of conflicting rights. When competing rights are solved “above the self-interest of individual countries,” whose interests are truly being protected within this global system (Mahoney 177)? Some supporters of cosmopolitanism, believing humanity is entering a historical shift from a period of modernity classified by sovereign nation states into a
period of global citizenship enabled by increasingly porous borders, often cite the emergence of
global institutions such as the United Nations, the World Trade Organization, and the
International Monetary Fund as evidence of the narrowing of economic and cultural differences
among once distinctly independent states. These global institutions, far from being representative
of diverse viewpoints from across the globe, should not be simply taken as superficial evidence
of a global community. Instead, supranational institutions must be interrogated in regards to the
few – mostly ‘Western’ – nations holding the power to both facilitate international cooperation
and prioritize particular discourses of human rights centered upon individualistic notions of
freedom.

Principled cosmopolitanism, while in theory promising a world order most suitable
for those favoring the acceptance and implementation of universal human rights, encounters
impediments in its actualization. In a world where ‘global governments make global mistakes’,
principled cosmopolitanism will supposedly “create and develop a variety of bodies, networks,
movements, and enterprises which transcend national walls and which seek to give expression to
the awareness of being part of a shared humanity” (Mahoney 185). Such networks are made
possible by the growing awareness of cultural difference as well as core human similarity
brought about by processes of globalization. This recognition of humanity’s core spurred by
globalization, however, is not one devoid of the influences from dominant discourses of morality
propagated by the Western leaders of the globalization process. The appeal to theories of human
rights can potentially be made universal in scope, but the global implementation of such theories
without risking the erasure of marginalized cultures remains up for debate. This potential for
erasure is manifested in arguably the most important universal human rights document thus far –
“The Universal Declaration of Human Rights Document” (UDHR) – adopted by the United
Nations General Assembly on December 10\textsuperscript{th}, 1948. The UDHR presumes a universal definition of human rights in stating that “a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge” (UDHR). By attempting to set a global standard for human rights, the UDHR undercuts the ability to uphold universal rights and freedoms on the basis of this document until every nation is able to understand the basic concept of freedom in identical, or ‘common,’ ways. The UDHR’s climatic assertion that all nations must have a common understanding of universal human rights is therefore also its greatest weakness.

Given the shortcomings of the UDHR, what then constitutes the common core of humanity necessary to implement universal human rights? For German-born American political theorist Hannah Arendt, rights cannot be understood as simply implied by the shared humanity of an increasingly cosmopolitan worldview. Arendt necessitates taking the role of the state into account in enabling the actualization of human rights - especially in regards to her theorization of ‘freedom’ as the primary human right. Because Arendt equates humanity with freedom of action, and because Arendt also understands the basis of humanity as existing among unique others, freedom – or human rights – is attainable through acting among others within the political sphere. In other words, ‘freedom’, as Arendt defines it, is born from one’s potential to be judged by her opinion and action within a community; freedom through action cannot occur without the presence of others. Freedom is thus a “fact of everyday life” in the political realm. In this model, “action and politics, among all the capabilities and potentialities of human life, are the only things of which we could not even conceive without at least assuming that freedom exists” (Arendt [2006] 145). The political realm, sustained only by continual human action, is crucial to freedom because “to be free and to act are the same” (Arendt [2006] 151). The deprivation of
human rights is subsequently witnessed in the denial of an individual’s right to freedom, a denial of the significance of one’s opinions and the effectiveness of one’s actions (Arendt [1958] 296).

In “The Origins of Totalitarianism,” Arendt illustrates this loss of human rights, or freedom, through a loss of the ability to act in the political realm by using the Jewish People’s experience following World War I as an example. In this situation where an individual becomes nothing but human – i.e. a stateless individual – history demonstrates that their existence as a mere human does not impose any obligations for protection onto others. Instead, universal human rights, being the ability for all to act in the public sphere, are collapsed into contingent, historicized political rights of citizens – those who are recognized by the state apparatus as more than simply human. Arendt’s critique therefore purports that there are no real grounds for enacting universal human rights, or at the very least our universal humanity cannot be the grounds to do so. Describing the civil wars and subsequent mass migrations following the end of World War I, Arendt paints a picture of migrants who “were welcomed nowhere and could be assimilated nowhere… once they had been deprived of their human rights they were rightless, the scum of the earth” (Arendt [1958] 267). Denationalization illuminated the “constitutional inability of European nation-states to guarantee human rights to those who had lost nationally guaranteed rights,” and “the very phrase ‘human rights’ became for all concerned – victims, persecutors, and onlookers alike – the evidence of hopeless idealism or fumbling feeble-minded hypocrisy” (Arendt [1958] 269). The increasing visibility of abuses suffered by stateless peoples, and even individuals within state borders belonging to minorities outside of the recognized citizenry, led to a more globalized awareness of people’s entitlement to certain rights. Arendt explains how, as humans

We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and
opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation. The trouble is that this calamity arose not from any lack of civilization, backwardness, or mere tyranny, but on the contrary, that it could not be repaired, because there was no longer any ‘uncivilized’ spot on earth, because whether we like it or not we have really started to live in One World. Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity all together (Arendt [1958] 297).

This ‘completely organized humanity’, defined by its reliance on a global system of sovereign borders, must necessarily be questioned and challenged if truly universal human rights are to become possible. Freedom’s dependence on a political, public space in which individuals are judged by their opinions and actions is not, however, synonymous with a dependence on current governmental institutions. Rather, Arendt’s ‘freedom’ is defined by the human capacity to continuously begin – a capacity all humans are endowed with by virtue of being born. The political sphere is a public sphere of mutually judged actions – of ‘natality’ – not a global political system of rigid borders and national identities. Humans, while unique in their actions, are fundamentally equalized in the shared ability to act – or rather to be human.

It therefore remains up for debate whether or not the liberal nation state, recognizable by its attempts to legislate universal human rights, is best poised to actually enact this goal. In other words, does the liberal or cosmopolitan conceptualization of human rights require necessarily finite, contingent polities and political entities to codify and guarantee the application of said rights? The state as the implementer of human rights will always create the possibility of improperly or incompletely acting in the name of universal human rights (one example of which would be a state invoking universal human rights to justify a politically expedient military intervention). Because of this mismatch between ‘human rights’ and ‘citizen rights’ as
articulated by Arendt the liberal nation state's project to legislate universal human rights - of creating that 'universality' for its people - is necessarily predicated on excluding some other group of people. Thus, while human rights are integral to the development of the liberal nation state, universal human rights may be only an aspirational concept ultimately incompatible with the global spread of liberal nation states and the creation of a global citizenry.

This paradox is evidenced by treaties guaranteeing the rights of minorities following the creation of the League of Nations. Arendt ([1958] 275) elucidates how the Minority Treaties said in plain language what until then had been only implied in the working system of nation-states, namely, that only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin.

Thus, in articulating the need for universal human protection based on a common thread of human sameness, the Minority Treaties exposed the beliefs held by powerful states that indeed certain individuals were more naturally entitled to such rights than others. It is interesting to note here that most often the very nations that highlight discrepancies in human rights and material conditions of the ‘Other’ and that create global institutions and treaties to rectify said discrepancies are the very nations that only recently engaged in imperial expansion. What, then, differentiates these new rights based upon global governance born from a single cultural standpoint from the imperial expansion of the past?

New crosscultural patterns and structures of interconnectivity increasingly reinforce the claim that “we owe duties of justice to all the persons of the world and thus that normative theories of global politics should focus first on the interests or welfare of persons rather than states” (Mahoney 186). Universal human rights become desirable in this global system of justice connected by the theoretical thread of the sameness of humankind. While in theory
universalizing human rights seems just and even obligatory, the power of nation states in
delineating who is entitled to these rights highlights the potential impossibility of enacting this
goal by following the lead of Western nation-states. While I do not seek to question the notion
that all individuals are entitled to basic freedoms based solely on their innate humanity – which I
surely do believe – what I do seek to do is problematize the largely naturalized notion that the
‘liberal’ nation state is the exemplar against which all people lacking Western, individualized
conceptions of freedom must judge their shortcomings on.

I therefore would like to part with a number of questions through which to encourage
further analysis and critique of the seemingly benign concept of universal human rights as it
stands today: What rights get to be universal human rights? Who or what has the power to
prioritize these rights? Is there any way to make human rights universal without engaging in
orientalism or cultural erasure? And, lastly, does the modern structure of global political order
comprised of nation-states and rigid borders need to be abolished in order to truly universalize
human rights and freedom?


