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### TERRORISM AND HUMAN RIGHTS - POWER, CULTURE, AND SUBORDINATION

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#### INTRODUCTION

1. In the aftermath of the September 11 attacks, the United States has led the Western and European worlds towards a stronger consensus that re-emphasizes the centrality of American - and Western - predestination in geopolitics. The September 11 attacks on the United States have become the pretext for the renewal of a world order centred on Eurocentric norms and processes of global governance and domination. Nothing more poignantly captures this reality than the repeated warning by senior American officials: “you are either with us, or you are against us.” The “us-and-them” dichotomy has a familiar ring and logic in the history of the West and of international law. That refrain has remained virtually unbroken in the history of the discipline and its practice. In fact, one cannot understand the history of international law without locating it in the colonial project, which gave birth to it.<sup>1</sup> That period, which I call the Age of Europe, denotes a historical and philosophical paradigm; that of European hegemony imposed over the globe, particularly the South, over the last five centuries, culminating in the domination of the Americas, Africa, Asia, and the Pacific. International law is the legal fiction that was deployed to create and justify the Age of Europe.
2. The September 11 attacks - and the subsequent declaration of the so-called global war on terrorism - provide the fuel for the further consolidation of globalization. States and other international law-making fora, such as the United Nations, have come under intense pressure from the United States and its European allies to subordinate all other interests and questions, no matter how important and urgent, to a new international security-driven order geared toward the elimination of “global terrorism.” Since the September 11 attacks have been presented as an assault on Western civilization, it is important to unpack the meaning of the term. Broken down to its bare bones, Western civilization denotes a complex of political, cultural, and economic arrangements which are rooted in liberal theory and philosophy. The current manifestation of that civilization seems to

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<sup>1</sup> Antony Anghie, “Francisco de Vitoria and the Colonial Origins of International Law,” 5 *Social & Legal Studies*. 321 (1996).

require some form of political democracy and a free-market system at home. The Judeo-Christian cultural and moral values of the West form the core social bases of Western civilization. It is out of these traditions that the current post-1945 universal human rights corpus was constructed.

3. This paper argues that the reassertion of American and European domination of the globe - under the pretext of the global war on terrorism - will have profound and long-lasting implications on human rights. It crushes dissent and virtually eliminates any opportunities for a robust dialogue on the scope of human rights, their cultural relevance, and the strategies for their enforcement. Secondly, and more importantly, the war on terrorism gives the United States the ability to define its preferred human rights, and to exclude and narrow the scope of others. Third, it allows the United States to define the opponents of its version of human rights as enemies or supporters and sympathizers of global terrorism. In this “us-and-them” dialectic, the project for the reconstruction and multi-culturalization of human rights will become increasingly difficult - if not impossible - as human rights are more openly defined and identified with the vision of the Bush administration. But there is hope beneath this mountain of despair. The unabashed and unbridled exercise of American power over the globe should remove the last pretences of any consensual processes for constructing the universality of rights and the neutrality of the institutions of global governance. Advocates for a truly universal human rights doctrine should seize the moment to underscore these deep and abiding imbalances in power. And there could be a bonus. Although it is highly unlikely, the official guardians of human rights may develop some sympathy for the position of those who have critiqued the human rights corpus for its cultural and political biases.
4. But this paper also contends that the global war on terrorism targets non-Western peoples, cultures, and causes, particularly where they diverge from - or resist subordination to - certain Western interests. The war on terrorism is mainly focused on certain Islamic traditions and political projects. This is particularly the case where some Arab and Muslim political actors and movements deem American policies in the Middle East and the Muslim world detrimental. Whether one likes it or not, the war on terrorism has exposed a deep cultural divide between the West and many in the Islamic and Arab World. In this contest, the West has not been shy to put forward its script of human history. It is a text that emphatically warns that the summit of human civilization can only exist within the perimeters of liberal theory and philosophy. It seems a foregone conclusion: Muslim societies, like all other non-Western societies, must modernize, democratize, liberalize, and adopt open, free market systems. The message is loud and clear. Islamic societies must Westernize or perish.
5. The great paradox, however, is the inconsistency of the West. Despite this vocal commitment to spreading and defending Western civilization, the West supports and protects despotic and kleptocratic regimes, if they govern societies of vital military, strategic, or economic interests to it. But only as long as such societies do not pursue interests which are inimical to - or threaten - Western capital and security. This is particularly true of the relationship of the West, especially the United States, with oil-rich or strategically important Arab or Muslim states. The West has not been reticent to jettison principle over strategic interest. In other words, even the commitment of the West to liberalism is highly instrumental and strategic: as long as it retains the hegemony of the West over the globe. That is why this paper focuses on the arrogance of power over morality and argues that the war on terrorism represents yet another fiction that the West is now constructing to strengthen its cultural and political domination of the international legal order, including human rights.

#### **EUROCENTRISM AND INTERNATIONAL LAW**

6. The effects of the September 11 attacks on the United States on human rights and the international legal regimes are best understood as a historical continuum. The unilateral actions taken by the

United States under the veil of an allied coalition expose international law as a system of "insider" groups and dominant global interests. The invocation of self-defence as a justification for U.S. military actions in Afghanistan - and the inability of any state or international institution to question or challenge them - underscore the biases of international law. Those biases, on which international law is founded, treat the universe as a theatre for European and North American military, political, economic, and cultural interests.<sup>2</sup> This global white European supremacy over non-European peoples is premised on the notion of Europe as the center of the universe, Christianity as the fountain of civilization, the innateness of capitalist economics, and political imperialism as a necessity.<sup>3</sup>

7. In this scheme of international law, the West is the point of reference for the world, and every other country or region is incidental to the European West. In the current global terror-driven crisis, public discourse implies that the Judeo-Christian tradition is the moral and naturalist foundation of civilization and reason, without which full humanity is unattainable. In historical terms, Christianity was coupled with the colonial project, fusing the church, state, and empire. Capitalism was constructed as innate in humans, and therefore the basis for the regimes of the ownership, protection, and distribution of global resources. Political imperialism - defined today as global American leadership - is an indispensable paradigm in the ordering of the relationship between Europeans and non-European peoples, with the manifest duty of European peoples to convey the gifts of civilization to backward and uncivilized races.
8. Thus international law orders the world into the European and the non-European, and gives primacy to the former. This is done by creating the notion of the hierarchy of cultures and peoples. The fundamental principles of international law evidence this inflexible view of the discipline. Sovereignty and statehood are defined in such a way as to exclude or subordinate non-European societies.<sup>4</sup> Membership in international society is a prerogative of American and European powers, which alone decide who - and on what terms - belongs to this international society and can benefit from the privileges of international law. Nowhere has this been more evident than in Afghanistan where the United States has arrogated to itself the right to dismantle the state, and to recreate it. The current crisis leaves no doubt about the identity of the masters of the universe. The international legal order erects, preserves, and advances the European and American domination of the globe.

## THE CULTURAL AND POLITICAL BIASES OF HUMAN RIGHTS

9. The international law of human rights, arguably the most benign of all the areas of international law, seeks the universalization of European cultural, philosophical, and political norms and social structures. It is largely a culturally specific doctrine which is expressed in the idiom of the same culture. The human rights corpus is driven - normatively and descriptively - by what I have called the savage-victim-saviour metaphor, in which human rights is a grand narrative of an epochal contest that pits savages against victims and saviors.<sup>5</sup> In this script of human rights, democracy and western liberalism are internationalized to redeem savage non-Western cultures from themselves, and to alleviate the suffering of victims, who are generally non-western and non-European. The images of

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<sup>2</sup>David Slater, "Contesting Occidental Visions of the Global: the Geopolitics of North-South Relations," in Beyond Law - Mas Alla Del Derecho 100 (1994).

<sup>3</sup>Mohamed Bedjaoui of the International Court of Justice captured these biases in this powerful passage: This classical international law thus consisted of a set of rules with a geographical bias (it was a European law), a religious-ethical aspiration (it was a Christian law), an economic motivation (it was a mercantilist law), and political aims (it was an imperialist law). See Mohamed Bedjaoui, "Poverty of the International Order," in International Law: a Contemporary Perspective 153 (R. Falk, F. Kratochwil, & S. H. Mendlovitz, eds., 1985).

<sup>4</sup>In order to justify colonialism, international law denied sovereignty to non-European states.

<sup>5</sup>Makau Mutua, "Savages, Victims, and Saviours: the Metaphor of Human Rights," 42 Harvard International Law Journal. 201 (2001).

the savage Taliban, the Afghan victims mired in pre-modernity, and the American saviours put the metaphor in sharp relief.

10. In the human rights idiom, North America and the European West - acting generally under the guise of the United Nations and other multilateral agencies - are the saviours of hapless victims whose salvation lies only in the transformation of their savage cultures through the imposition of human rights. The human rights corpus is presented as a settled normative edifice, as a glimpse of an eternal, inflexible truth. As a result, attempts to question or reformulate a truly universal regime of rights, one that reflects the complexity and the diversity of all cultures, have generally been viewed with indifference or hostility by the official guardians of human rights.
11. This refusal to create a culturally complex and diverse human rights corpus is all the more perplexing because the view that the human rights doctrine is an ideology with deep roots in liberalism and democratic forms of government is beyond question. In fact, an increasing number of scholars now realize that the cultural biases of the human rights corpus can only be properly situated within liberal theory and philosophy. Understood from this position, human rights are an ideology with a specific cultural and ethnographic fingerprint. The human rights corpus expresses a cultural bias, and its chastening of a state is therefore a cultural project. If culture is not defined as some discrete, exotic, and peculiar practice which is frozen in time but rather as the dynamic totality of ideas, forms, practices, and structures of any given society, then human rights is an expression of a particular European-American culture. The advocacy of human rights across cultural borders is then an attempt to displace the local non-Western culture with the “universal” culture of human rights. *Human rights therefore become the universal culture.* It is in this sense that the “other” culture, that which is non-European, is the savage in the human rights corpus and its discourse.

#### **THE SAVAGE AND THE TERRORIST AS THE “OTHER”**

12. In the pre-September 11 world - if that date is now a point of departure - the accepted wisdom in the West was that human rights composed the genius of the good society. Although there have been serious differences of opinion in the West about the proper place for human rights goals in the calculus of foreign policy objectives, there is a near-consensus that liberal democratic regimes in the South and the formerly one-party or undemocratic states elsewhere are the surest guarantee for a stable American-led world order. Such a world order would in reality be governed by free market principles, political democracy, and a minimalist guarantee of core civil and political rights. Already, there is an emergent view that democratic governance has evolved from a moral prescription to an international legal obligation.<sup>6</sup> In other words, illiberalism is not a viable option for the long term, and any deviants should be coerced into compliance. As noted by Professor William Alford, this view has come to increasingly define American foreign policy.

The United States has long history of endeavouring to enlighten, if not save, our brethren by exporting ideas and institutions that we believe we have realized more fully. These include efforts to bring “civilization,” principally in the form of Christianity, to age-old civilizations in Asia, Africa, and elsewhere; to foster “modernization,” especially as manifested through economic development; and to expound a gospel of science and technology. With the ebbing of the Cold War, democracy promotion - a capacious term used to encompass efforts to nurture electoral processes, the rule of law, and civil society, all broadly defined - has become a key organizing principle of American foreign policy, if not this nation’s interface with the world.<sup>7</sup>

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<sup>6</sup>Thomas M. Franck, “The Emerging Right to Democratic Governance,” 86 *American Journal of International Law* 46, 47 (1992).

<sup>7</sup>William P. Alford, “Exporting the Pursuit of Happiness,” 113 *Harvard Law Review* 1677, 1678-79 (2000) [reviewing Thomas Carothers, *Aiding Democracy Abroad: the Learning Curve* (1999)].

13. Clearly, the United States will not export the pursuit of happiness at the cost of its strategic or vital interests, whether short or long term, as has been demonstrated by its coddling of corrupt and undemocratic regimes which are deemed critical to it. But it is just as clear that the United States will not hesitate to use the rhetoric and language of international human rights law or political democracy to delegitimize a regime that it considers inimical to its vital interests. The Cold War was partly won on the rhetorical front. Soviet-style regimes were demonized as ungodly, savage, evil, and brutal machines bent on the destruction of their populations. It is important to recall Ronald Reagan's description of the Soviet Union as the "Evil Empire." But the attack on these regimes was not just a cultural one; it was also political, and was evidence of the political and economic confrontation between the capitalist West and the communist states.
14. After the Cold War, the US and the West emerged victorious, and without a credible or formidable foe. Russia was in shambles, and its former clients in East/Central Europe and elsewhere had rushed into the arms of the West. China was perceived as having the potential for mischief but its zest to join the American-led global market would curtail its rivalry with the West. In fact so unchallenged was the United States that the Bush administration came into power in 2001 without a coherent foreign policy, except unilateralism. Even the Palestinian-Israeli conflict, which had pre-occupied the Clinton administration, was virtually forgotten. This apparent disinterest in foreign policy ended on September 11.
15. In the past decade, particularly after the end of the Cold War, the United States started to define the phenomenon now called Islamic fundamentalism as a threat to American and Western interests. But the United States felt that those threats were largely confined to the Middle East and North Africa, and were directed against Israel and the pro-American regimes in the region. Americans have taken the September 11 attacks as evidence that "extremist political Islam" is a real threat to the country's internal security, and not just its clients abroad. As a consequence, the United States is now leading a conceptual struggle to re-define, revise, and amplify the meaning of the savage in the consciousness of Western civilization. It is a re-definition that has serious consequences for human rights both in the United States, within multilateral organizations, and in other countries. It is a re-definition that focuses on culture, political causes and struggles, religion, and nationality.
16. In Western lore, the native - defined as the non-European - has always been the savage. But in history, his savagery has been a function of his racial or ethnic ancestry, native mind, and culture. The civilizing mission, which is central to both international law and human rights, requires the definition of the native in a particular language in which he is stripped of full humanity to justify the "othering" process, or the re-creation of the non-European in the image of the European. Unless the native is stripped of human dignity, he cannot be re-manufactured. Professor Antony Anghie correctly captures this process most vividly.

The violence of positivist language [in international law] in relation to non-European peoples is hard to overlook. Positivists developed an elaborate vocabulary for denigrating these peoples, presenting them as suitable objects for conquest, and legitimizing the most extreme violence against them, all in the furtherance of the civilizing mission - the discharge of the white man's burden.<sup>8</sup>

17. While times have changed, this messianic impulse remains a central feature of American policy abroad, toward non-European societies. In the post September 11 period, there has been a revival of this imperial zealotry. In more blatant language - language that may have been politically incorrect before September 11 - American officials have openly declared the current crisis a struggle between good and evil, a contest pitting civilization against the forces of darkness. It is not lost on anyone as to who and what is described by this evil. Its cultural content is a stew of anti-American politics utilizing Islam as its scaffolding. But it is presented by American officials and the press in the United

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<sup>8</sup>Antony Anghie, "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth Century International Law," 40 *Harvard International Law Journal*. 1, 7 (1999).

States as an Islamic and Arab fanatical hatred for the West for being free, liberal, and peace-loving. For how, the press repeatedly asks, can one explain the suicidal voyage of nineteen young Arab men with promising personal futures? Completely demonic and inexplicable fanaticism, the press answers.

18. There is no introspection on why apparently “normal” individuals would carry out such attacks. There is no real desire to locate this “evil” in American policies in the Middle East, North Africa, and the Muslim world. And, of course, there is no discussion of whether those policies ought to be re-examined or revised. Instead, Arabs and Muslims - the natives of the current crisis - are presented as a dangerous if unchangeable lot. The only way to effectively address this threat, the United States has concluded, is to militarily vanquish states that consciously support the networks of attackers or those that harbour or pursue policies that imperil American and Western political and economic interests. The military defeat of those societies would then be followed by political reconstruction in which “moderate Islam” would rule or in which a more liberal, pro-Western political state would be installed. Afghanistan is the test case, to be followed possibly by Iraq, if the political winds in Washington remain constant. This is not just a project of the United States. The United Nations, other multi-lateral agencies, and the most influential European states are co-authors in varying degrees of this project.
19. It bears saying that the history of international law - including its post-1945 expression through the United Nations - is largely about ordering the lives of non-European native peoples. The purpose of such ordering is to create a world in which American and European interests are not threatened or injured by political and cultural paradigms that may be inconsistent with those interests. That is why the “othering” process is absolutely essential if Western hegemony is to be maintained. Although that process is arduous and usually only produces an elite that has no depth in its own society, the West regards that as the first and necessary step towards the recovery or reclamation of primitive, backward, and pre-modern societies. As American officials have put it, the “Afghan swamp must first be drained.” The West has no illusion that Afghani society will turn into a modern, Western political democracy overnight. But at the very least it can under the tutelage of the United Nations and other multi-lateral agencies and donors be defanged of virulent anti-Westernism, and placed on a recovery track - a linear ladder-like progression towards modernity.
20. It is important to note that the native savage has always been racialized in human rights discourse and international law. He has been defined as dumb, meek, lazy, backward, primitive, and incompetent. This is the classic European view of the native. But in Western discourse, the native has also been depicted as dangerous, particularly when he has challenged European authority in the anti-colonial movement. The Mau Mau of Kenya, for example, who took up arms against British colonialists were regarded as particularly dangerous. This is where the native savage morphs into a terrorist, primarily because he pursues his political objectives by deploying armed force as an instrument of the struggle. Both the Mau Mau and the Algerian FLN were regarded as terrorists, as was Nelson Mandela’s African National Congress. The post-September 11 crisis returns the world to the image of the native savage as a terrorist. In terms of norm-creation in human rights, this image makes it less likely that advocates of cultural pluralism will get a fair hearing. It creates an environment that is intolerant of debate, particularly if the thrust of the dissent is to question the sanctity of liberal values, which the terrorists are now accused of attacking.

## **THE EFFECTS OF WAR ON TERROR ON HUMAN RIGHTS**

21. Since September 11, the United States has enacted and promulgated laws, policies, and measures that have a profound effect on civil liberties in the United States. Some of the measures, such as the executive order to establish military tribunals to try individuals designated as terrorists, have been deemed to violate both American constitutional and international human rights standards. Outside

the United States, the Bush administration has prosecuted its war on terror without regard to both general international law and international human humanitarian law. In other words, the United States views its perceived security interests as a trump against both domestic and international law. No rule of law is sacred in the prosecution of the war against terror.

22. The blatant disregard by the most powerful state - the self-appointed champion of human rights - of certain basic human rights norms sends a terrible message to the international community and other states. It undermines the argument that human rights are foundational and fundamental, and must be safeguarded even in times of crises. Such disregard of human rights, which the United States has forcefully championed before, and for which it has used force against other states, underscores the arrogance of power over morality and international law. It gives credence to the view that human rights are a convenience which can be dispensed with once they get in the way of “hard” and “vital” state interests. What then is to prevent states which are less inclined to protect human rights from violating them, if their most vigorous advocate - rhetorically speaking - acts with such brazen hypocrisy and duplicity?
23. The American encroachment on civil liberties has already led other states to assert security as a pretext for denying human rights. The vague and broad assertions of national security interests and sovereignty provide the perfect excuse for states bent on crushing dissent. In Zimbabwe, for example, President Robert Mugabe has liberally labelled his political opponents terrorists, and has employed harsh police and security measures to muzzle, persecute, and destroy them. Israeli authorities have escalated their military attacks and assassinations of Palestinians in the Occupied Territories, all in the name of the war against terrorism. Repressive states have found new legitimacy by joining the American-led coalition against terrorism.
24. The war against terrorism allows states and powerful interests to re-define the legitimacy of any struggle, and cast it, if they wish, in an unfavourable light, and therefore justify the most extreme measures against it. Any cause or struggle - and the Palestinian case is a classic example - can be delegitimized because it is presented as detrimental to the interests of American client states in the Middle East. The broad and vague use of the term “terrorist” and their sympathizers has had a chilling effect on legitimate debate and differences on serious issues both in the academe and in popular public and political discourses. In the United States, for example, several academics and professors have been reprimanded for engaging in vigorous conversations about the subject of terrorism. Public officials, including some university administrators, have questioned the patriotism of these thinkers, and have suggested that they should either be reprimanded or officially sanctioned. Legitimate dissent is being deliberately conflated with sedition and disloyalty to the state. This stifles academic inquiry and compromises the intellectual integrity of the academe.
25. In a broader cultural and political context, the war on terror has narrowed and constricted the bounds of dissent. Since dissent has been cast as anti-Western and an attack on Western civilization, attempts to argue for alternative cultural and political norms are now suspect. Ideologies, theories, and analyses that contradict the central tenets of liberalism may be seen as fuel for those intent on attacking the West. Questions, for example, on the excessive individualism espoused by the human rights corpus or the ravages brought about by globalization are treated as attacks on the West. Insistence on the importance of economic, social and cultural rights is being viewed as a rejection of free enterprise. There simply is less room for the proponents of cultural pluralism in the construction of the human rights corpus to pursue the project of reconstruction.
26. But paradoxically, the American double-talk on human rights could open the window for a discussion on the universality of human rights, their cultural bases, and the terms of their enforcement. If - as is now the case - the state that regards itself as the home of fundamental human rights can so easily abridge them, what is to prevent cultural pluralists from re-opening debate on the cultural legitimacy of human rights? The view that human rights are culturally-specific, and that they are bound by history

and politics - that they are not in content eternal and non-negotiable - calls for the conclusion that the corpus is experimental, a work in progress. As such, the text of human rights ought to be re-opened for re-examination and reformulation to reflect the diversity and vitality of other cultures beyond the Atlantic communities.

## **AN AGENDA FOR THOUGHT AND ACTION**

27. Nothing in the recent past has posed a greater challenge to human rights than the war on terrorism. Traditional human rights advocates within the United Nations and human rights organizations, even in the West, are now faced with new limitations on the scope of their advocacy. Governments of all political stripes are now freer to pursue more muscular policies towards their dissenters. Non-Western human rights thinkers - especially those who critique the corpus as Eurocentric and challenge its universality - have been put on the defensive because of suggestions that their views may further polarize cultural and political divides and harm the march toward universality. They have also been accused of stoking and fuelling anti-Western feelings, ideologies, and causes. In this climate, it will be difficult to pursue honest and robust conversations about the cultural inclusiveness - and exclusiveness - of human rights. In a word, the project of the genuine universalization or multi-culturalization of human rights has become even more of an uphill task than before. But we should not lose sight of what has to be done to construct a culturally-plural human rights corpus.
28. Before the September 11 attacks, the promise of human rights to the Third World was that problems of cruel conditions of life, state instability, and other social crises could be contained, if not substantially eliminated, through the rule of law, grants of individual rights, and a state based on constitutionalism. Through human rights, the Third World was asked to follow a particular script of history. That script places hope for the future of the international community in liberal nationalism and democratic internal self-determination. The impression given is that a unitary international community is possible within this template if only the Third World followed suit by climbing up the civilizational ladder. But this historical model, as now diffused through human rights, cannot respond to the needs of the Third World absent of some radical rethinking and restructuring of the international order. The war on terror does not change that fact.
29. The human rights movement must abandon the savage-saviour-victim metaphor if there is going to be real hope in a genuine international discourse on rights. The relentless efforts to universalize an essentially European corpus of human rights through Western crusades cannot succeed. Nor will demonizing those who resist it. The critiques of the corpus from Africans, Asians, Muslims, Hindus, and a host of critical thinkers from around the world are the one avenue through which human rights can be redeemed and truly universalized. This multi-culturalization of the corpus could be attempted in a number of areas: balancing between individual and group rights, giving more substance to social and economic rights, relating rights to duties, and addressing the relationship between the corpus and economic systems. These substantive critiques must be carried out with urgency, otherwise the war on terror will destroy whatever consensus has developed to-date.
30. Ultimately, a new theory of internationalism and human rights, one that responds to diverse cultures, must confront the inequities of the international order. In this respect, human rights must break from the historical continuum - expressed in the metaphor of human rights - that keeps intact the hierarchical relationships between European and non-European populations. Professor Nathaniel Berman is right in his prognosis of what has to be done.

[t]he contradictions between commitments to sovereign equality, stunning political and economic imbalances, and paternalistic humanitarianism cannot be definitively resolved logically, doctrinally, or institutionally; rather, they must be confronted in ongoing struggle in all legal, political, economic, and cultural arenas. Projections of a unitary international community, even in the guise of the inclusive UN, or

a unified civilizational consensus, even in the guise of human rights discourse, may be provisionally useful and important but cannot indefinitely defer the need to confront these contradictions.<sup>9</sup>

31. Human rights thinkers and organizations must step back from paternalism and create a new basis for calculating human dignity, and identifying ways and societal structures through which such dignity could be protected or enhanced. Such an approach would not assume - ab initio - that a particular cultural practice or norm was offensive to human rights. It would respect cultural pluralism as a basis for finding common universality on some issues. Such an approach would first excavate the social meaning and purposes of cultural practices and norms - as well as their effects - and then investigate the conflicting positions in that society. Rather than demonizing and finger-pointing, under the tutelage of outsiders, the contending positions would be carefully examined and compared to find ways of either modifying or discarding the norm or practice without denigrating its practitioners. It is clear now that the zealotry of current approaches leaves no room for considered intra-cultural dialogue and introspection.
32. No single culture is original, pure, complete, or superior to others. This paper pleads for the genuine cross-fertilization of cultures to create a new multi-cultural human rights corpus. What is advocated here is the need for the human rights movement to rethink and re-orient its hierarchized, binary view of the world in which the European West leads the way and the rest of the globe follows in a structure that resembles a child-parent relationship. Thinkers and advocates in this human rights - whether they are Western or non-European - must genuinely work together to craft a human rights movement that will have cross-cultural legitimacy in all societies. Human rights can play a big role in changing the unjust international order, and particularly the imbalances between the West and the Third World. But it will not do so unless Western thinkers and advocates end their domination and grip on how human rights are defined and enforced. Nor should the war on terrorism be used as an excuse to exclude the contributions of non-European intellectuals and societies to a more universal human rights corpus.

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<sup>9</sup> Nathaniel Berman, "Beyond Colonialism and Nationalism? Ethiopia, Czechoslovakia, and Peaceful Change," 65 Nordic Journal of International Law. 421, 478 (1998).