ARE HUMAN RIGHTS, DEMOCRACY, AND DISTRIBUTIVE JUSTICE MERELY WESTERN VALUES?
Does the ICC have jurisdiction over the Russian invasion of Ukraine?

A. Yes
B. No

78% for Yes, 22% for No.
How should the US respond?

A. UN Security Council Resolution
B. Economic Sanctions
C. Commitment to Defend Ukraine with US forces
D. Nothing
E. Other
What do you think the outcome will be?

A. Russian annexation of Crimea only
B. Russian annexation of eastern Ukraine
C. Russian annexation of all of Ukraine
D. Complete Russian withdrawal
E. Plebescite by eastern provinces on secession from Ukraine
F. Other
Overview of Week #9

- Bill Talbott: Can we believe in universal human rights without being moral imperialists?
- Lee Kwan Yew: Western individualism vs. Confucian communitarianism
- Makao Mutua: Western individual rights vs. African community group rights
Two kinds of cultural relativism about morality

- Descriptive Cultural Relativism About Morality (DCR) = the purely descriptive claim that different societies disagree on at least some moral judgments.

- Normative Cultural Relativism About Morality (NCR) = the normative moral claim that people ought to comply with the moral norms of their own culture (or, at least, that it is always morally permissible for them to do so).

- Important point: DCR does NOT imply normative cultural relativism about morality.

- The most influential argument for NCR About Morality is the Cultural Imperialism Argument.
Do you think it was wrong for the Western Europeans to forcibly convert the American Natives?

A. Yes
B. No

- Yes: 92%
- No: 8%
There are many different versions of this argument. What they all have in common is that they begin from the claim that it was wrong for the Western Europeans to impose their moral and religious norms on the American natives and they conclude with an endorsement of Normative Cultural Relativism About Morality (NCR).

Historically, this argument has been very influential, but it is actually incoherent. Its conclusion (NCR) is incompatible with the claim that the Western Europeans’ cultural imperialism was wrong.
An incoherence in the cultural imperialism argument

- Consider the example of the Western European colonist and the American Native.
- If NCR is true, when the Western European says to the American Native that he ought to force the Native American to adopt Western European religion and morality, are his actions right or wrong?
- If NCR is true, the Western European colonist is acting rightly, because he is acting in accordance with his culture’s norms of cultural imperialism!
How to believe in universal moral norms without realizing it

- The opponent of cultural imperialism would seem to be committed to at least one universal moral norm. What is it?
- Cultural imperialism is wrong!
- To think that this is a universal moral norm is simply to think that it applies to all cultures, both those that accept it and those that do not.
Two Kinds of Universality of Human Rights

- **Subjective universality** is universality based on agreement. Human rights norms would be subjectively universal if their universality depended on their being accepted by all moral traditions or cultures.

- **Objective universality** is universality that does not depend on agreement. Objectively universal human rights norms would be norms that should be respected in virtue of the characteristics we share as human beings, regardless of whether the rights are accepted by all moral traditions or cultures.

- If you think that cultural imperialism is wrong, you are committed to some kind of objective universality, because not all cultures agree that it is wrong.
How to believe in objectively universal human rights without being a moral imperialist

- Some people think that the only basis for a belief in the universality of human rights is agreement—that is, subjective universality. Since there is much disagreement on human rights, on this view, there are not very many universal human rights (if any).

- Some people think that there could be objectively universal human rights, but only if they were self-evident. (“We hold these truths to be self-evident . . . .”)

- This is not the only way to believe in objective universality. It is possible to admit fallibility and still hold that some moral norms are objectively universal. Consider again the norm that moral imperialism is wrong. No one could reasonably claim to be infallible about it. It took millennia for human societies to discover it. If anything, it seemed self-evident to the Western Europeans that they should impose their morality and religion on the American natives.
Was it self-evident to the Authors of the Declaration of Independence that “All men are created equal”?*

A. Yes
B. No

A. Yes (82%)
B. No (18%)
“We hold these truths to be self-evident”

Abigail Adams 1744-1818  
John Adams 1735-1826

Abigail to John (March 31, 1776): “in the new code of laws which I suppose it will be necessary to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors.”

John to Abigail (April 14, 1776): “As to your extraordinary code of laws, I cannot but laugh.”
What is wrong with cultural imperialism?

- The mistaken diagnosis: *believing in* objectively universal moral norms is wrong.

- The correct diagnosis: The use of force to impose one’s own moral (and religious) beliefs on others *for their own good* [moral paternalism] is wrong.

- How could someone who believes that cultural imperialism is wrong avoid being a cultural imperialist?
Is the Western tradition a tradition of human rights?

- A tradition of religious tolerance?
- A tradition of democracy?
- A non-oppressive tradition?
- What about equal rights for women?
- No moral or religious tradition is a human rights tradition.
Are there universal norms of justice and human rights?

- The example of the Hindu justification of its caste system.
- But there are important objections to consider from Lee and Mutua.
- Then Martha Nussbaum will point the way to an affirmative answer.
Lee Kwan Yew Was Previously Prime Minister of:"}

A. Malaysia  
B. Taiwan  
C. Singapore  
D. South Korea  
E. Japan  
F. Vietnam  
G. Cambodia
Lee Kwan Yew and Makao Mutua will both argue against universal human rights. They agree:

- **A political system must be evaluated by its results.**
  
  Historical background: Jeremy Bentham (one of the founders of utilitarianism) criticized rights as “nonsense” and imprescriptible (inalienable) rights as “nonsense upon stilts”, because they were thought to hold regardless of how good or bad the results of holding them were.

- **Human rights are too individualistic for Asian/African cultures.**
  
  Historical background: Confucius emphasized duties over rights and family over the individual. Karl Marx criticized political liberties as setting up a system that produces wage slavery.
Lee Kwan Yew

- Former Prime Minister of Singapore (1959-1990). Remains an adviser to the government.
- When he first became prime minister, Singapore was one of the poorest countries in the world. Today it is slightly ahead of the US in GDP per capita ($52,000).
- Today the rate of home ownership in Singapore is 90%. What is the rate in the US?
What makes a State Confucian? It plays a role analogous to the role of the father in a family. No good father would grant family members democratic rights or other individual rights. A good father is paternalistic. He is a benign dictator, who makes laws for the good of the family and enforces them, whether or not the family members agree.

Paternalistic intervention = intervention to force the target to do something for his/her own good, though the target does not believe that the intervention is good for him/her. In paternalistic intervention, the target's own judgment about what is good for him/her is overruled by the person intervening.
Lee’s Paternalistic Defense of a “Well-Ordered State”

- “As a total system, I find parts of [America] totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behavior in public -- in sum the breakdown of civil society. The expansion of the right of the individual to behave or misbehave as he pleases has come at the expense of orderly society. In the East the main object is to have a well-ordered society so that everybody can have maximum enjoyment of his freedoms. This freedom can only exist in an ordered state and not in a natural state of contention and anarchy.”

- “The fundamental difference between Western concepts of society and government and East Asian concepts -- when I say East Asians, I mean Korea, Japan, China, Vietnam, as distinct from Southeast Asia . . . is that Eastern societies believe that the individual exists in the context of his family. He is not pristine and separate. The family is part of the extended family, and then friends and the wider society. The ruler or the government does not try to provide for a person what the family best provides.”
Lee Against Universality of Human Rights

- “The World Bank report's conclusions [on economic development] are part of the culture of America and, by extension, of international institutions. It had to present its findings in a bland and universalizable way, which I find unsatisfying because it doesn't grapple with the real problems. It makes the hopeful assumption that all men are equal, that people all over the world are the same. They are not.”

- “Each state faces a different set of problems and I would be most reluctant to dish out general solutions. From my own experience, I would say, make haste slowly. Nobody likes to lose his ethnic, cultural, religious, even linguistic identity. To exist as one state you need to share certain attributes, have things in common.”
“Let me be frank; if we did not have the good points of the West to guide us, we wouldn't have got out of our backwardness. We would have been a backward economy with a backward society. But we do not want all of the West.”

“We had the advantage of knowing what the end result should be by looking at the West and later Japan. We knew where we were, and we knew where we had to go. We said to ourselves, ‘Let's hasten, let's see if we can get there faster.’”

"Where do we go next? How do we hasten getting there when we don't know where we're going? That will be a new situation.”
Is Singapore Coming to Recognize Individual Rights to Freedom?

Is Singapore becoming less paternalistic? Consider the example of gay and lesbian rights. Under Lee Kwan Yew, gays and lesbians were severely punished. In October, 2007, Prime Minister Lee Hsien Loong told Parliament, "We recognise that homosexuals are part of our society. They have a place in our society and are entitled to their private lives."
“I'm not intellectually convinced that one-man, one-vote is the best. We practice it because that's what the British bequeathed us and we haven't really found a need to challenge that. But I'm convinced, personally, that we would have a better system if we gave every man over the age of 40 who has a family two votes because he's likely to be more careful, voting also for his children. He is more likely to vote in a serious way than a capricious young man under 30. But we haven't found it necessary yet. If it became necessary we should do it. At the same time, once a person gets beyond 65, then it is a problem. Between the ages of 40 and 60 is ideal, and at 60 they should go back to one vote, but that will be difficult to arrange.”
Should Parents Have More Votes Than Non-Parents?

A. Yes
B. No

65%

35%
Should the US make Social Security voluntary rather than mandatory?

A. Yes
B. No

78% Yes
22% No
Makao Mutua

- Dean of the University of Buffalo Law School
- SUNY Distinguished Professor and the Floyd H. & Hilda L. Hurst Faculty Scholar
- Liberal human rights have not been successful in Africa.
- Liberal human rights are too individualistic. Economic and social rights, understood as including significant group rights, are important in Africa.
“Human rights are not for me a final, inflexible truth, or a glimpse of eternity, so to speak. That is to say that I do not see the human rights project as some kind of a sacred gospel with armies of missionaries poised to save savage cultures from themselves so that they can stop churning out victims. Human rights do not have a holy writ, nor could they, because like all rights regimes, they are just a genre of socially constructed tenets that have come to define modern civilization”(19).
“Visions of universality and predestination have often been intertwined throughout modern history. And that intersection of universality and predestination has not always been a happy one: with an alarming frequency, liberalism's key tenets have been deployed to advance narrow, sectarian, hateful, and exclusionary practices and ideas. So, at the purely theoretical level, we are chastised to look not once-but twice, and again-at universalizing creeds, ideas, and phenomena. This is not to suggest that universality is always wrongheaded, or even devious, although it has frequently been those things as well-but it is rather to assume that the universality of social phenomena is not a natural occurrence. Universality is always constructed by an interest for a specific purpose, with a specific intent, and with a projected substantive outcome in mind”(19).
Against Individualism

- “This emphasis on the individual as an atomized artifact frames the development of political society in the West, and forges a normative project that produces the human rights corpus” (20).

- “This runaway notion of individualism, which is a central tenet of liberalism, has retarded the capacity of human rights thinkers to moderate selfishness with community interests” (32).

- “Bill Gates is the market equivalent of the political dictator, although that is not how he is understood in a political democracy or by the human rights corpus. In fact, Gates is a celebrated and venerated individual, the pinnacle of success in society. Yet the existence of his economic empire, which he holds personally, is a radical perversion of any egalitarian or equitable notions of human dignity” (31).
“Another problem of the liberal tradition, which has been inherited by the human rights movement, is its unrelenting focus on individualism. This arises from liberalism's focus on formal equality and abstract autonomy. The human rights corpus views the individual as the center of the moral universe, and therefore denigrates communities, collectives, and group rights. This is a particularly serious problem in Africa, where group and community rights are both deeply embedded in the cultures of the peoples and exacerbated by the multinational nature of the postcolonial state. In reality, this means that individual rights of citizens within the state must be addressed in the context of group rights. Thus group rights or the rights of peoples become important entitlements if the state is to gain the loyalties of its diverse citizens.” (34).
Have Human Rights Provided Moral Cover for Economic Exploitation?

- On the UN Universal Declaration of Human Rights (UDHR): “In terms of power or lack of it, and the consequent violations, there are no more important words than "capitalism," "imperialism," "colonialism," and "apartheid." Yet the UDHR-the single most important human rights document-sanctions the right to private property (Article 147). How credible is a document that calls itself a "common standard of achievement for all peoples and nations" (Preamble) if it does not recognize that at its writing most of the global South was under European colonial rule and subject to the vilest economic exploitation by the merchants of capital”(30-31)?

- “It is very difficult, if not impossible, to articulate a plausible argument of how a system that permits such vast differences among citizens does not violate basic notions of human dignity”(32).
- Mutua believes that human rights should not only guarantee formal equality but protect against too much inequality.
But Mutua does not oppose human rights per se

“My proposal, however, is not to throw out the baby with bathwater. Rather, it is to reconstruct the liberal project and its human rights expression in order to reclaim the tortured soul of the Africa state” (37).

If human rights are understood as rights based on equal human dignity, then some economic inequalities are incompatible with that ideal.
Which of the following is NOT one of features of human rights that Mutua objects to? Their:

A. Individualism
B. Universality
C. Inalienability
D. Infallibility