

# Toward a Multicultural Conception of Human Rights<sup>\*</sup>

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FOR THE PAST few years I have been puzzled by the extent to which human rights have become the language of progressive politics. For many years after World War II human rights were part and parcel of Cold War politics, and were so regarded by the Left. Double standards, complacency toward friendly dictators, defense of trade-offs between human rights and development—all made human rights suspect as an emancipatory script. Whether in core countries or throughout the developing world, progressive forces preferred the language of revolution and socialism to formulate an emancipatory politics. However, now that those approaches are decidedly out of favor, those same progressive forces find themselves resorting to human rights to reconstitute the language of emancipation. It is as if human rights has been called upon to fill the void left by socialist politics. Can the concept of human rights fill such a void? My answer is a qualified yes.

The specification of the conditions under which human rights can serve a progressive politics illuminates some of the dialectical tensions that lie at the core of Western modernity.<sup>1</sup> I identify three such tensions. The first is that between social regulation and social emancipation—a creative tension which forms the basis of the paradigm of modernity. Yet at the end of the twentieth century emancipation had ceased to be the "other" of regulation and had become its double. Until the late sixties social regulation was met by the strengthening of emancipatory politics. Today we witness a double social crisis: the crisis of social regulation, symbolized by the failures of the regulatory and welfare states, and the crisis of social emancipation, symbolized by the crisis of the

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social revolution and socialism as paradigms of radical social transformation. Human rights politics, which has been both a regulatory and an emancipatory politics, is trapped in this double crisis, while attempting at the same time to overcome it.

The second dialectical tension occurs between the state and civil society. The modern state, though a minimalist regulatory state, is potentially a maximalist state, to the extent that civil society reproduces itself through laws and regulations which emanate from the state and for which there seems to be no limit as long as the democratic rules of law-making are respected. Human rights are at the core of this tension: while the first generation of human rights was designed as a struggle of civil society against the state, considered to be the sole violator of human rights, the second and third generations of human rights resort to the state as the guarantor of human rights.

Finally, the third tension occurs between the nation-state and what we call globalization. The political model of Western modernity is one of sovereign nation-states coexisting in an international system of equally sovereign states, the interstate system. The privileged unit and scale of both social regulation and social emancipation are the nation-state. The interstate system has always been conceived of as a more or less anarchic society, run by a very soft legality. On the other hand, internationalist emancipatory struggles, namely, working-class internationalism, have always been an aspiration rather than a reality. Today, the selective erosion of the nation-state due to the intensification of globalization raises the question whether social regulation and social emancipation are both to be displaced to the global level. We have started to speak of a global civil society, global governance, global equity, and transnational public spheres. Worldwide recognition of human rights politics is at the forefront of this process. The tension, however, lies in the fact that in very crucial respects human rights politics is a cultural politics. We can even think of human rights as symbolizing the return of the cultural and even of the religious at the beginning of the twenty-first century. But to speak of culture and religion is to speak of difference, boundaries, particularity. How can human rights be both a cultural and a global politics?

My purpose here, therefore, is to develop an analytical framework to highlight and support the emancipatory potential of human rights politics in the double context of globalization on the one hand, and cultural fragmentation and identity politics on the other.

## ON GLOBALIZATION

Globalization is a very difficult term to define. Most definitions focus on the new world economy that has emerged since the 1970s as a consequence of the globalization of the production of goods and services and financial markets. As a result, transnational corporations (TNCs) and multilateral financial institutions have risen to new and unprecedented preeminence as international actors.

I prefer a definition of globalization that is more sensitive to social, political, and cultural factors. What we usually call globalization consists of sets of social relations; as these sets of social relations change, so does globalization. There is strictly speaking no single process called globalization; there are, rather, globalizations: bundles of social relations that involve conflicts, and hence both winners and losers. More often than not, the discourse on globalization is the story of the winners as told by the winners. The victory appears so absolute that the defeated end up vanishing from the picture altogether. Thus, I define globalization as the process by which a given local condition or entity succeeds in extending its reach over the globe and, by doing so, develops the capacity to designate a rival social condition or entity as local.

The most important implications of this definition are the following. First, in the Western capitalist world system there is no genuine globalization. What we call globalization is always the successful globalization of a given localism; there is no global condition for which we cannot find a local root, a specific cultural embeddedness. The second implication is that globalization entails localization. We live in a world of localization as much as we live in a world of globalization. The reason why we prefer the term globalization is that hegemonic scientific discourse tends to prefer the story of the world as told by the winners. There are many examples of how globalization entails localization. The English language, as *lingua franca*, is one such example. Its expansion as global language has entailed the localization of other potentially global languages such as French.

Once a given process of globalization is identified, its full meaning and explanation may not be obtained without considering related processes of relocalization occurring in tandem and intertwined with it. The globalization of the Hollywood star system represented the French or Italian actors of the 1960s—from Brigitte Bardot to Alain Delon, from

Marcello Mastroianni to Sophia Loren—who then symbolized the universal way of acting, as rather ethnic or parochially European.

One of the transformations most commonly associated with globalization is time-space compression. This process cannot be analyzed independent of the power relations that account for the different forms of time and space mobility. On the one hand, there is the transnational capitalist class, in charge of the time-space compression and capable of turning it to its advantage. On the other hand, there are subordinate classes and groups, such as migrant workers and refugees, that are also doing a great deal of physical moving but are not at all in control of the time-space compression. There are those, for example, who heavily contribute to globalization but who, nonetheless, remain prisoners of their local time-space. The peasants of Bolivia, Peru, and Colombia, by growing coca, contribute decisively to a world drug culture, but they themselves remain as "localized" as ever. Tourists represent a third mode of production of time-space compression. Global competence sometimes requires the accentuation of local specificity. Most tourist sites today must be highly exotic, vernacular, and traditional in order to enter the market of global tourism. Different modes of production of globalization account for these asymmetries. I distinguish four such modes which give rise to four forms of globalization.

I call the first one *globalized localism*. It consists of the process by which a given local phenomenon is successfully globalized, be it the worldwide operation of TNCs, the transformation of the English language as lingua franca, the globalization of American fast food or popular music, or the worldwide adoption of American intellectual property law and new *lex mercatoria*.

The second form of globalization is *localized globalism*. It consists of the specific impact of transnational practices and imperatives on local conditions that are thereby destructured and restructured in order to respond to transnational imperatives. Such localized globalisms include free-trade enclaves; deforestation and the massive depletion of natural resources to pay for foreign debt; the touristic use of historical treasures, religious sites, ceremonies, arts and crafts, and wildlife; ecological dumping; the conversion of sustainability-oriented agriculture into export-oriented agriculture as part of "structural adjustment"; and the ethnicization of the workplace.

The international division of globalism assumes a distinct pattern. The core countries specialize in globalized localisms, while the choice of

*localized globalisms is imposed upon the peripheral countries.*<sup>2</sup> *The world system is a web of localized globalisms and globalized localisms.*

The intensification of global interactions entails two other processes that are not adequately characterized either as globalized localisms or localized globalisms. The first one I call *cosmopolitanism*. Cosmopolitanism is the cross-border solidarity among groups that are exploited, oppressed, or excluded by hegemonic globalization. The prevalent forms of domination do not exclude the opportunity for subordinate nation-states, regions, classes, or social groups and their allies to organize transnationally in defense of perceived common interests and to use to their benefit the capabilities for transnational interaction created by the world system. Cosmopolitan activities involve, for example, South-South dialogues and organizations; new forms of labor internationalism; transnational networks of women's groups, indigenous peoples, and human rights organizations; cross-border alternative legal services; North-South anticapitalist solidarity; transformative advocacy non-governmental organizations (NGOs); networks of alternative development and sustainable environment groups; and so on. In spite of the heterogeneity of the organizations that took part, the contestation of the World Trade Organization meeting in Seattle on November 30, 1999 was a good example of what I call cosmopolitanism.<sup>3</sup>

The other process that cannot be adequately described either as globalized localism or as localized globalism is the emergence of issues which, by their nature, are as global as the globe itself and which I would call, drawing loosely from international law, the *common heritage of humankind*. These are issues that only make sense when referred to the globe in its entirety, such as the sustainability of human life on earth, or such environmental issues as the protection of the ozone layer, the Amazon, Antarctica, biodiversity, or the deep-sea bed. I would also include in this category the exploration of outer space. All these issues refer to resources that, by their very nature, must be administered by trustees of the international community on behalf of present and future generations.

Concern with cosmopolitanism and the common heritage of humankind has undergone great development in the last decades. But it has also elicited powerful resistance, showing that what we call globalization is in fact a set of arenas of cross-border struggles.

It is useful to distinguish between hegemonic globalization from above and counterhegemonic globalization from below. What I called

*globalized localism* and *localized globalisms* are globalizations from above; *cosmopolitanism* and the *common heritage of humankind* are globalizations from below.

#### HUMAN RIGHTS AS AN EMANCIPATORY SCRIPT

The complexity of human rights is that they may be conceived either as a form of globalized localism or as a form of cosmopolitanism; in other words, as a globalization from above or as a globalization from below. My purpose is to specify the cultural conditions under which human rights may be conceived of as globalizations of the latter kind.

As long as human rights are conceived of as universal, they will operate as a globalized localism, a form of globalization from above. Human rights will always be an instrument of Samuel Huntington's "clash of civilizations," that is to say, of the struggle of the West against the rest. Their global competence will be obtained at the cost of their local legitimacy. To operate as a cosmopolitan, counterhegemonic form of globalization, human rights must be reconceptualized as multicultural. Progressive multiculturalism is a precondition for a balanced and mutually reinforcing relationship between global competence and local legitimacy. Progressive multiculturalism, as I understand it, is a precondition for a balanced and mutually reinforcing relationship between global competence and local legitimacy. In order to operate as a cosmopolitan, counterhegemonic form of globalization, human rights must be reconceptualized as multicultural and universal, the two attributes of a counterhegemonic human rights politics in our time.

Human rights are not universal in their application. Four international regimes of human rights are consensually distinguished in the world in our time: the European, the Inter-American, the African, and the Asian.<sup>4</sup> Human rights are not universal as a cultural artifact, a kind of cultural invariant, a global culture. Even though all cultures tend to define ultimate values as the most widespread, the question of universality is a particularly Western cultural question.

The concept of human rights rests on a well-known set of presuppositions, all of which are distinctly Western: a universal human nature that can be known by rational means that is essentially different from and higher than the rest of reality; and a concept of the individual as possessing an absolute and irreducible dignity that must be protected

from society, the state, or other forms of hierarchies.<sup>5</sup> Because all these presuppositions are clearly Western and liberal, and easily distinguishable from other conceptions of human dignity in other cultures, one might ask why the question of the universality of human rights has become so hotly debated.

A review of the history of human rights in the postwar period shows that human rights policies, by and large, have been at the service of the economic and geopolitical interests of the hegemonic capitalist states. The generous and seductive discourse on human rights has allowed for unspeakable atrocities that have been evaluated and dealt with according to revolting double standards. Writing in 1981 about the manipulation of the human rights agenda in the United States in conjunction with the mass media, Richard Falk spoke of a "politics of invisibility" and of a "politics of supervisibility."<sup>6</sup> As examples of the politics of invisibility he spoke of the total blackout by the media on news about the tragic decimation of the Maubere people in East Timor (taking more than 300,000 lives) and the plight of the hundred million or so "untouchables" in India. As examples of the politics of supervisibility Falk mentioned the relish with which the postrevolutionary abuses of human rights in Iran and Vietnam were reported in the United States. The same could largely be said of the European Union countries, the most poignant example being the silence that kept the genocide of the Maubere people hidden from the Europeans for a decade, thereby facilitating ongoing smooth and thriving international trade with Indonesia.

The Western, and indeed the Western liberal, mark on the dominant human rights discourse can be found in many other instances: in the Universal Declaration of 1948, which was drafted without the participation of the majority of the peoples of the world; in the exclusive recognition of individual rights, with the only exception of the collective right to self-determination which, however, was restricted to the peoples subjected to European colonialism; in the priority given to civil and political rights over economic, social, and cultural rights; and in the recognition of the right to property as the first and, for many years, the sole economic right.

But this is not the whole story. Throughout the world, millions of people and thousands of NGOs have been struggling for human rights, often at great risk, in defense of oppressed social classes and groups that in many instances have been victimized by authoritarian capitalistic

states. The political agendas behind such struggles are usually either explicitly or implicitly anticapitalist. A counterhegemonic human rights discourse and practice have been developing, non-Western conceptions of human rights have been proposed, cross-cultural dialogues on human rights have been organized. The central task of an emancipatory politics of our time, in this domain, consists of transforming the conceptualization and practice of human rights from a globalized localism into a cosmopolitan project.

There are five premises for such a transformation. The first is that it is imperative to transcend the debate on universalism and cultural relativism. This is an inherently false debate whose polar concepts are equally detrimental to an emancipatory conception of human rights. All cultures are relative, but cultural relativism, as a philosophical posture, is wrong. All cultures aspire to ultimate concerns and values, but cultural universalism, as a philosophical posture, is wrong. Against universalism, we must propose cross-cultural dialogues on isomorphic concerns. Against relativism, we must develop cross-cultural procedural criteria to distinguish a progressive politics from a regressive politics, empowerment from disempowerment, emancipation from regulation. To the extent that the debate sparked by human rights might evolve into a competitive dialogue among different cultures on principles of human dignity, it is imperative that such competition induce transnational coalitions to race to the top rather than to the bottom. (What are the absolute minimum standards? The most basic human rights? The lowest common denominators?) The often voiced cautionary comment against overloading human rights politics with new, more advanced rights, or with different and broader conceptions of human rights,<sup>7</sup> is a latter-day manifestation of the reduction of the emancipatory claims of Western modernity to the low degree of emancipation made possible or tolerated by world capitalism. Low-intensity human rights act as the other side of low-intensity democracy.

The second premise is that all cultures have conceptions of human dignity, but not all of them conceive of it as a human right. It is therefore important to look for isomorphic concerns among different cultures. Different names, concepts, and *Weltanschauungen* may convey similar or mutually intelligible concerns or aspirations.

The third premise is that all cultures are incomplete and problematic in their conceptions of human dignity. The incompleteness derives from the very fact that there is a plurality of cultures and thus is best vis-



ible from the outside, from the perspective of another culture. If each culture were as complete as it claims to be, there would be just one single culture. To raise the consciousness of cultural incompleteness to its possible maximum is one of the most crucial tasks in the construction of a multicultural conception of human rights.

The fourth premise is that all cultures have different versions of human dignity, some broader than others, some with a wider circle of reciprocity than others, some more open to other cultures than others. For instance, Western modernity has unfolded into two highly divergent conceptions and practices of human rights—the liberal and the social-democratic or Marxist—one prioritizing civil and political rights, the other prioritizing social and economic rights.<sup>8</sup>

Finally, the fifth premise is that all cultures tend to distribute people and social groups between two competing principles of hierarchical belongingness. One operates through hierarchies among homogeneous units; the other operates through separation among unique identities and differences. The two principles do not necessarily overlap and for that reason not all equalities are identical and not all differences are unequal.

These are the premises of a cross-cultural dialogue on human dignity which may eventually lead to a *mestiza* conception of human rights, a conception that instead of resorting to false universalisms, organizes itself as a constellation of local and mutually intelligible local meanings, and networks of empowering normative references.

#### TOWARD A DIATOPICAL HERMENEUTICS

In the case of a cross-cultural dialogue the exchange is not only between different knowledges but also between different cultures. These universes of meaning consist of constellations of strong *topoi*—the overarching rhetorical commonplaces of a given culture, which function as premises of argumentation and make possible the production and exchange of arguments. Strong *topoi* become highly vulnerable and problematic whenever "used" in a different culture.<sup>9</sup> The best that can happen to them is to be moved "down" from premises of argumentation into arguments. To understand a given culture from another culture's *topoi* may thus prove to be very difficult, if not impossible. I therefore propose a *diatopical hermeneutics as the basis for cross-cultural conversation*.

A diatopical hermeneutics is based on the idea that the *topoi* of an individual culture, no matter how strong they may be, are as incomplete as the culture itself. Such incompleteness is not visible from inside the culture itself, since aspiration to the totality induces taking *pars pro toto*. The objective of a diatopical hermeneutics is, therefore, not to achieve completeness—that being an unachievable goal—but, on the contrary, to raise the consciousness of reciprocal incompleteness to its possible maximum by engaging in the dialogue, as it were, with one foot in one culture and the other in another, accounting for its *diatopical* character.<sup>10</sup> A diatopical hermeneutics requires not only a different kind of knowledge, but also a different process of knowledge creation. It requires the production of a collective and participatory knowledge based on equal cognitive and emotional exchanges, a knowledge-as-emancipation rather than a knowledge-as-regulation.<sup>11</sup>

A diatopical hermeneutics can be conducted between the *topos* of human rights in Western culture and the *topos* of *dharma* in Hindu culture, and the *topos* of *umma* in Islamic culture. It may be argued that to compare or contrast a secular conception of human dignity (the Western one) with religious ones (the Islamic and the Hindu) is incorrect or illegitimate.<sup>12</sup> Against this argument, I have two responses. First, the secular-religious distinction is a distinctly Western one and thus what it distinguishes when applied to Western culture is not equivalent to what it distinguishes when applied to a non-Western culture. For instance, what counts as secular in a society in which one or several non-Western cultures predominate is often considered, when viewed from inside these cultures, as a variety of the religious. The second response is that in the West secularization has never been fully accomplished. What counts as secular is the product of a consensus, at best democratically obtained through a compromise involving some religious claim. For this reason, conceptions of secularism vary widely among European countries. In any case, the Judeo-Christian roots of human rights—starting with the early modern natural law schools—are all too visible.<sup>13</sup> Under such conditions, I argue, the secular-religious distinction must be itself subjected to a diatopical hermeneutics.

According to Panikkar, *dharma*

is that which maintains, gives cohesion and thus strength to any given thing, to reality, and ultimately to the three worlds (*triloka*). Justice keeps human relations together; morality keeps oneself in harmony;

law is the binding principle for human relations; religion is what maintains the universe in existence; destiny is that which links us with the future; truth is the internal cohesion of a thing.... Now a world in which the notion of Dharma is central and nearly all-pervasive is not concerned with finding the "right" of one individual against another or of the individual vis-à-vis society but rather with assaying the dharmic (right, true, consistent) or adharmic character of a thing or an action within the entire anthropocosmic complex of reality.<sup>14</sup>

Seen from the *topos* of *dharmā*, human rights are incomplete in that they fail to establish the link between the part (the individual) and the whole (reality), or even more strongly in that they focus on what is merely derivative, on rights rather than on the primordial imperative, the duty of individuals to find their place in the order of the entire society and of the entire cosmos. Seen from the perspective of *dharmā* and, indeed from that of the *umma* as well, the Western conception of human rights is plagued by a very simplistic and mechanistic symmetry between rights and duties. It grants rights only to those from whom it can demand duties. This explains why, according to Western human rights, nature has no rights: because no duties can be imposed on it. For the same reason, it is impossible to grant rights to future generations: they have no rights because they have no duties.

On the other hand, seen from the perspective of the *topos* of human rights, *dharmā* is also incomplete due to its strong undialectical bias in favor of the harmony of the social and religious status quo, thereby occulting injustices and totally neglecting the value of conflict as a way toward a richer harmony. Moreover, *dharmā* is unconcerned with the principles of democratic order, with individual freedom and autonomy, and it neglects the fact that, without primordial rights, the individual is too fragile an entity to avoid being run over by whatever transcends him or her. Moreover, *dharmā* tends to forget that human suffering has an irreducible individual dimension: societies don't suffer, individuals do.

At another conceptual level, the same diatopical hermeneutics can be attempted between the *topos* of human rights and the *topos* of *umma* in Islamic culture. The passages in the Qur'an in which the word *umma* occurs are so varied that its meaning cannot be rigidly defined. This much, however, seems to be certain: it always refers to ethnic, linguistic, or religious bodies of people who are the objects of the divine plan of salvation. As the prophetic activity of Muhammad progressed, the

religious foundations of the *umma* became increasingly apparent and consequently the *umma* of the Arabs was transformed into the *umma* of the Muslims. Seen from the perspective of the *topos* of the *umma*, the incompleteness of individual human rights lies in the fact that on its basis alone it is impossible to ground the collective linkages and solidarities without which no society can survive, much less flourish. Herein lies the problem with the Western conception of human rights: its failure to accept the collective rights of social groups or peoples, be they ethnic minorities, women, or indigenous peoples. This is a specific instance of the much broader difficulty of defining the community as an arena of concrete solidarity and as a horizontal political obligation.

Conversely, from the perspective of the *topos* of individual human rights, the concept of the *umma* overemphasizes duties to the detriment of rights and is bound to condone otherwise abhorrent inequalities, such as the inequality between men and women and between Muslims and non-Muslims. As unveiled by diatopical hermeneutics, the fundamental weakness of Western culture consists of its overly rigid dichotomy between the individual and society, which makes it vulnerable to possessive individualism, narcissism, alienation, and anomie. On the other hand, the fundamental weakness of Hindu and Islamic culture consists of the fact that they both fail to recognize that human suffering has an irreducible individual dimension, which can only be adequately addressed in a nonhierarchically organized society.

The recognition of reciprocal incompletenesses and weaknesses is a condition *sine qua non* of a cross-cultural dialogue. A diatopical hermeneutics builds on both the local identification of incompleteness and weakness and on its translocal intelligibility. The mobilization of social support for its emancipatory claims is only achievable if such claims have been appropriated in the local cultural context. Appropriation, in this sense, cannot be obtained through cultural cannibalization. It requires cross-cultural dialogue and a diatopical hermeneutics. Abdullahi Ahmed An-na'im<sup>15</sup> provides a good example of a diatopical hermeneutics between Islamic and Western culture.

There is a long-standing debate on the relationships between Islamism and human rights and the possibility of an Islamic conception of human rights.<sup>16</sup> This debate covers a wide range of positions, and its impact reaches far beyond the Islamic world. Two extreme positions can be identified in this debate. One, absolutist or fundamentalist, is held by those for whom the religious legal system of Islam, the Shari'a,

must be fully applied as the law of the Islamic state. The Shari'a must prevail in instances of irreconcilable inconsistencies between the Shari'a and the Western conception of human rights. For example, regarding the status of non-Muslims, the Shari'a dictates the creation of a state for Muslims as the sole citizens, non-Muslims having no political rights; based on the premise that peace between Muslims and non-Muslims is always problematic and confrontations may be unavoidable. Concerning women, there is no question of equality; the Shari'a commands the segregation of women and, according to some more strict interpretations, even excludes them from public life altogether.

At the other extreme, there are the secularists or the modernists who believe that Muslims should organize themselves in secular states. Islam is a religious and spiritual movement, not a political one, and, as such, modern Muslim societies are free to organize their government in whatever manner they deem fit and appropriate to the circumstances. The acceptance of international human rights is a matter of political decision unencumbered by religious considerations. Just one example, among many: a Tunisian law of 1956 prohibited polygamy altogether on the grounds that it was no longer acceptable and that the Qur'anic requirement of justice among cowives was impossible for any man, except the Prophet, to achieve in practice.

An-na'im criticizes both extreme positions. The *via per mezzo* he proposes aims at establishing a cross-cultural foundation for human rights, identifying the areas of conflict between Shari'a and "the standards of human rights," and seeking a reconciliation and positive relationship between the two systems. For example, the problem with the historical Shari'a is that it excludes women and non-Muslims from the application of this principle. Thus, a reform or reconstruction of Shari'a is needed. The method An-na'im proposes for such "Islamic reformation" is based on an evolutionary approach to Islamic sources that looks into the specific historical context within which Shari'a was created out of the original sources of Islam by the founding jurists of the eighth and ninth centuries. In the light of such a context, a restricted construction of the other was probably justified. But this is no longer so.

Following the teachings of Ustadh Mahmoud, An-na'im shows that a close examination of the contents of the Qur'an and Sunna reveals two levels or stages of the message of Islam, one of the earlier Mecca period and the other of the subsequent Medina stage. The earlier message of

Mecca is the eternal and fundamental message of Islam and it emphasizes the inherent dignity of all human beings, regardless of gender, religious belief, or race. Under the historical conditions of the seventh century (the Medina stage) this message was considered too advanced, was suspended, and its implementation postponed until the appropriate circumstances emerged in the future. The time and context, says An-na'im, are now ripe for it.

What is significant about An-na'im's approach and what distinguishes a diatopical hermeneutics from Orientalism is the attempt to transform the Western conception of human rights into a cross-cultural one that vindicates Islamic legitimacy rather than relinquishing it. In the abstract and from the outside, it is difficult to judge whether a religious or a secularist approach is more likely to succeed in an Islam-based cross-cultural dialogue on human rights. However, one would be inclined to suggest that, in the Muslim context, the mobilizing energy needed for a cosmopolitan project of human rights will be more easily generated within an enlightened religious framework. If so, An-na'im's approach is very promising.

In India a similar *via per mezzo* is being pursued by some human rights groups, particularly by untouchable social reformers who seek to ground the struggle of the untouchables for justice and equality in the Hindu notions of *karma* and *dharma*. The reformers revise and reinterpret these concepts or even subvert them selectively in such a way as to turn them into sources of legitimacy and strength for contestation and protest. An illustration of such revisions is the increasing emphasis given to "*common dharma*" (*sadharana dharma*) in contrast with the "*specialized dharma*" (*visesa dharma*) of caste rules, rituals, and duties. According to Khare, the *common dharma*,

based on the spiritual sameness of all creatures, traditionally promotes a shared sense of mutual care, avoidance of violence and injury, and a pursuit of fairness. It traditionally promotes activities for public welfare and attracts progressive reformers. Human rights advocates might locate here a convergent indigenous Indian impulse. The *common dharma* ethic also eminently suits untouchable social reformers.<sup>17</sup>

The "Indian impulse" of the *common dharma* provides human rights with cultural embeddedness and local legitimacy whereby they cease to

be a globalized localism. The revision of the Hindu tradition to create an opening for human rights claims is thus another good example of a diatopical hermeneutics. The outcome is a culturally hybrid claim for human dignity, a *mestiza* conception of human rights.

A diatopical hermeneutics is not a task for a single person writing within a single culture. For example, An-na'im's approach, though a true *exemplar* of diatopical hermeneutics, is conducted with uneven consistency. In my view, An-na'im accepts the idea of universal human rights too readily and acritically, becoming surprisingly ahistorical and naively universalist as far as the Universal Declaration goes.

The diatopical hermeneutics conducted by An-na'im from the perspective of Islamic culture, and the human rights struggles organized by Islamic feminist grassroots movements following the ideas of "Islamic reformation" proposed by him, must be matched by a diatopical hermeneutics conducted from the perspective of other cultures and particularly from the perspective of Western culture. This is probably the only way to embed in Western culture the idea of collective rights, the rights of nature and of future generations, and of duties and responsibilities vis-a-vis collective entities, be they the community, the world, or even the cosmos.

#### DIFFICULTIES OF A PROGRESSIVE MULTICULTURALISM

A diatopical hermeneutics offers a wide range of possibilities for debates going on in the different cultural regions of the world system on the general issues of universalism, relativism, the cultural frames of social transformation, traditionalism, and cultural revival.<sup>18</sup> However, such a dialogue is only made possible by the temporary simultaneity of two or more different contemporaneities. The partners in the dialogue are only superficially contemporaneous; indeed each of them feels himself or herself only contemporaneous with the historical tradition of his or her respective culture. This is most likely the case when the different cultures involved in the dialogue share a past of interlocked unequal exchanges. What are the possibilities for a cross-cultural dialogue when one of the cultures *in the present* has been itself molded by massive and long-lasting violations of human rights perpetrated in the name of the other culture?

Cultural imperialism and epistemicide are part of the historical trajectory of Western modernity. After centuries of unequal cultural exchanges, is the equal treatment of cultures fair? Is it necessary to render some aspirations of Western culture unpronounceable in order to make room for the pronounceability of other aspirations of other cultures? It is precisely in the field of human rights that Western culture must learn from the South<sup>19</sup> if the false universality that is attributed to human rights in the imperial context is to be converted into the new universality of cosmopolitanism in a cross-cultural dialogue. The emancipatory character of a diatopical hermeneutics is not guaranteed a priori and indeed multiculturalism may be the new mark of a reactionary politics.

One of the most problematic presuppositions of a diatopical hermeneutics is the conception of cultures as incomplete entities. The dilemma of cultural completeness is as follows. If a given culture considers itself complete, it has no interest in entertaining an intercultural dialogue. If, on the contrary, it enters such a dialogue out of a sense of its own incompleteness, it makes itself vulnerable and, ultimately, offers itself up to cultural conquest.

It may be argued that only a powerful and historically victorious culture, such as Western culture, can grant itself the privilege of proclaiming its own incompleteness without risking dissolution. This line of argument is particularly convincing when applied to those non-Western cultures that in the past have endured the most destructive "encounters" with Western culture that led in many cases to their utter cultural extinction. This is the case of indigenous peoples' cultures in the Americas, Australia, New Zealand, India, and elsewhere. These cultures have been so aggressively *incompleted* by Western culture that the demand for incompleteness as a precondition for a diatopical hermeneutics is a ludicrous exercise.<sup>20</sup>

The problem with this line of argument is that it leads logically to two alternative outcomes, both of them quite disturbing: cultural closure or conquest as the sole realistic alternative to intercultural dialogue. In a time of intensified transnational social and cultural practices, cultural closure occults and implicitly condones chaotic and uncontrollable destructuring, contamination, and hybridization. Such processes reside in unequal power relations and in unequal cultural exchanges, so much so that cultural closure becomes the other side of cultural conquest. The question, then, is whether cultural conquest can be replaced



by intercultural dialogue based on mutually agreed upon conditions and, if so, what conditions.

### CONDITIONS FORA PROGRESSIVE MULTICULTURALISM

The conditions for a progressive multiculturalism vary widely across time and space, mainly according to the specific cultures involved and the power relations among them. However, I venture to say that the following contextual procedural orientations and transcultural imperatives must be accepted by all social groups interested in intercultural dialogue.

#### 1. From Completeness to Incompleteness

Cultural completeness, the starting point, is the condition prevailing before intercultural dialogue starts. The true beginning of this dialogue is a moment of discontent with one's own culture, a sense that it does not provide satisfactory answers to some of one's queries, perplexities, or expectations. This sensibility is linked to a vague knowledge of and an inarticulate curiosity about other cultures and their answers. The moment of discontent involves a preunderstanding of the existence and possible relevance of other cultures and translates itself into an unreflective consciousness of cultural incompleteness. The individual or collective impulse for intercultural dialogue and thus for a diatopical hermeneutics starts from here.

Diatopical hermeneutics deepens as it progresses in the cultural incompleteness; the objective of a diatopical hermeneutics is to create a self-reflective consciousness of cultural incompleteness.

#### 2. From Narrow to Wide Versions of Cultures

Far from being monolithic entities, cultures have rich internal variety. The consciousness of such variety increases as the diatopical hermeneutics progresses. Of the different versions of a given culture, one must be chosen which represents the widest circle of reciprocity within that culture, the version that goes furthest in the recognition of the other. As we have seen, of two different interpretations of the Qur'an, An-na'im chooses the one with the wider circle of reciprocity,

the one that involves Muslims and non-Muslims, men and women alike. In the same way and for the same reason, the untouchable social reformers emphasize "*common dharma*" to the detriment of "*specialized dharma*." The same must be done within Western culture. Of the two versions of human rights existing in our culture—the liberal and the social-democratic or Marxist—the social-democratic or Marxist one must be adopted for it extends to the economic and social realms the equality that the liberal version only considers legitimate in the political realm.

### 3. From Unilateral to Shared Times

The time for intercultural dialogue cannot be established unilaterally. Each culture, and therefore the community or communities that sustain it, must decide if and when they are ready for intercultural dialogue. Because of the fallacy of completeness, when one given culture starts feeling the need for intercultural dialogue it tends to believe that the others feel an equal need and are equally eager to engage in dialogue. This is probably most characteristically the case with Western culture, which for centuries felt no need for mutually accepted intercultural dialogue. Now, as the unreflective consciousness of incompleteness sets in in the West, Western culture tends to believe that all other cultures should or indeed must recognize their own incompleteness and be ready and eager to enter into intercultural dialogue with the West.

If the cultures and social groups involved must agree upon the time to enter into an intercultural dialogue, the time to end it provisionally or permanently must be left to the unilateral decision of each culture and social group involved. There should be nothing irreversible about a diatopical hermeneutics. A given culture may need to pause before entering into a new stage of the dialogue; or it may feel that the dialogue has caused more harm than benefit and, accordingly, wish to end it indefinitely. The reversibility of the dialogue makes it an open and explicit political process. The political meaning of a unilateral decision to terminate the intercultural dialogue is different when the decision is taken by a dominant culture or by a dominated culture. While in the latter case it may be an act of self-defense, in the former it will probably be an act of aggressive chauvinism. It is up to the politically progressive forces within a given culture and across cultures—what I have called cosmopolitanism from above—to defend the emancipatory politics of diatopical hermeneutics from reactionary deviations.

#### 4. From Unilaterally Imposed to Mutually Chosen Partners and Issues

Intercultural dialogue is always selective both in terms of partners and of issues. The insistence that neither partners nor issues be unilaterally imposed and that they be mutually agreed upon is probably the most demanding condition of a diatopical hermeneutics. The specific historical, cultural, and political process by which the otherness of a given culture becomes significant for another culture at a given point in time varies widely. But in general, colonialism, liberation struggles, and postcolonialism have been the most decisive processes behind the emergence of significant otherness. Issues of discussion are problematic because in a given culture some issues are not easily translatable into another culture. In addition, in every culture there are always non-negotiable or even unspoken issues. A diatopical hermeneutics has to focus not on the "same" issues, but on isomorphic concerns, on common perplexities and the uneasiness from which the sense of incompleteness emerges.

#### 5. From Equality or Difference to Equality and Difference

Cultures tend to distribute people and groups according to two competing principles of hierarchical belongingness—unequal exchanges among equals, such as exploitation, and unequal recognition of difference, such as racism or sexism—and thus according to competing conceptions of equality and difference. Neither the recognition of equality nor that of difference suffices to found an emancipatory multicultural politics. The following transcultural imperative must thus be accepted by all partners in the dialogue if a diatopical hermeneutics is to succeed: people have the right to be equal whenever difference makes them inferior, but they also have the right to be different whenever equality jeopardizes their identity.

### CONCLUSION

As they are now predominantly understood, human rights are a kind of esperanto which can hardly become the everyday language of human dignity across the globe. It is up to the diatopical hermeneutics sketched

above to transform human rights into a cosmopolitan politics connecting mutually intelligible and translatable native languages of emancipation. This project may sound rather Utopian. But, as Sartre once said, before it is realized an idea has a strange resemblance to utopia.

#### NOTES

Earlier versions of this essay prompted intense debates on different occasions and it would be fastidious to mention all the people from whose comments this version has so greatly benefited. Nevertheless, I would like to mention two crucial moments in the framing of my ideas as they stand now: the "First National Seminar on Indigenous Special Jurisdiction and Territorial Autonomy," held in the first week of March 1997 in Popayan (Colombia), organized by the Consejo Regional Indígena del Cauca (CRIC) and by the Colombian Government and attended by more than five hundred indigenous leaders and activists; and an unforgettable seminar at the Center for the Study of Developing Societies in New Delhi, on April 25, 2000, whose participants included, among others, D. L. Sheth, Ashis Nandy, Shiv Visvanathan, Shalini Randeria, Achyut Yagnik, Gabrielle Dietrich, and Nalini Nayak. Many thanks to all of them, and also to Rajeev Bhargava and Elizabeth Garcia. My special thank you to Maria Irene Ramalho.

1. Elsewhere, I deal at length with the dialectical tensions in Western modernity. See Boaventura de Sousa Santos, *Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition* (1995).

2. It has been claimed that the new global economy, based on informational capital, has eliminated the distinction between core, peripheral, and semiperipheral countries. See Manuel Castells, *The Rise of the Network Society* 92, 112 (1996). In my view, the distinction holds as well as the hierarchy it contains. More than ever it resides in the specific mix of core and peripheral activities, productions, sectors, employment systems, and the like, in each country. The predominance of core traits in the mix implies that the country specializes in globalized localisms; the predominance of peripheral traits, on the contrary, brings with it the predominance of localized globalisms. The semiperipheral countries are those with an unstable balance between localized globalisms and globalized localisms.

3. Such groups either as hyperlocalized populations (for example, the indigenous peoples of the Andean cordillera) or as hyper-transnationalized populations (such as the indigenous peoples in Brazil, Colombia, or India displaced by "development projects," and illegal immigrants in Europe and North America) experience a space-time compression over which they have no control.

Thus, I don't use cosmopolitanism in the conventional, modern sense. In Western modernity cosmopolitanism is associated with rootless universalism and individualism, world citizenship, and negation of territorial or cultural borders or boundaries. This idea is expressed in Pitagoras's "cosmic law," in Democritus's *philalalia*, in the medieval ideal of the *res publica Christiana*, in the Renaissance conception of "humanitas," in Voltaire's saying that "to be a good patriot one needs to become the enemy of the rest of the world," and, finally, in early twentieth-century labor internationalism.

4. For an extended analysis of the four regimes, see Santos, *supra* note 1, at 330-37.

5. Raimundo Pannikar, *Is the Notion of Human Rights a Western Concept?* 81 Cahier 28,30 (1984).

6. Richard Falk, *Human Rights and State Sovereignty* (1981).

7. Jack Donnelly, *Universal Human Rights in Theory and Practice* 109-24 (1989).

8. See, e.g., *Human Rights in Cross-Cultural Perspective: A Quest for Consensus* (Abdullahi A. An-na'im ed. 1992) [hereinafter An-na'im, *Human Rights*]; *Human Rights: Cultural and Ideological Perspectives* (Adamantia Pollis and P. Schwab eds. 1979) [hereinafter Pollis and Schwab].

9. In intercultural exchanges one very often experiences the need to explain and justify ideas and courses of action which in one's own culture are so self-evident and commonsensical that to provide an explanation or justification for them would be strange or awkward, if not utterly foolish.

10. Etymologically, *diatopical* evokes *place* (Gr. *topos*), *two* (Gr. *di-*), and *through* or *cross* (Gr. *dia-*).

11. See Santos, *supra* note 1, at 25, for the distinction between these two forms of knowledge, one that progresses from chaos to order (knowledge-as-regulation) and the other that progresses from colonialism to solidarity (knowledge-as-emancipation).

12. It has often been stated that Hinduism is not a well-defined, clearly identifiable religion in the sense of Christianity or Islam "but rather a loosely coordinated and somewhat amorphous conglomeration of 'sets' or similar formations." Wilhelm Halbfass, *Tradition and Reflection: Explorations of Indian Thought* (1991).

13. Ashis Nandy has been one of the most influential and consistent critics of Western secularism as applied to the Indian context. See Ashis Nandy, *The Twilight of Certitudes: Secularism, Hindu Nationalism and Other Masks of Deculturation*, 1 Postcolonial Studies 283 (1998). Bhargava provides a detailed and insightful analysis of the concept of secularism. He highlights the complex issues raised by the concept in the Indian context and offers a new and innovative perspective on secularism in Western societies. *Secularism and Its Critics* (Rajeev Bhargava ed. 1998).

14. See Panikkar, *supra* note 5, at 28,39; see also Kenneth K. Inada, "A Buddhist Response to the Nature of Human Rights," in *Asian Perspectives on Human Rights* (Claude Welsh, Jr. and Virginia Leary eds. 1990). According to David Knipe, *dharmā* is "the spiritual duty in accord with cosmic law and order; perhaps the closest Sanskrit word for 'religion.'" David Knipe, *Hinduism: Experiments in the Sacred* 156 (1991).

15. An-na'im, *supra* note 8; Abdullah An-na'im, *Toward an Islamic Reformation* (1990) [hereinafter An-na'im, *Islamic Reformation*].

16. Besides An-na'im, *Human Rights*, *supra* note 8, and An-na'im, *Islamic Reformation*, *supra* note 15, see Kevin Dwyer, *Arab Voices: The Human Rights Debate in the Middle East* (1991); *Faith and Freedom: Women's Human Rights in the Muslim World* (Mahnaz Afkhami ed. 1995). On the broader issue of the relationship between modernity and Islamic revival, see, e.g., Hisham Sharabi, *Modernity and Islamic Revival: The Critical Tasks of Arab Intellectuals*, 2 *Contention* 127 (1992); Ali Shari'ati, *What Is To Be Done: The Enlightened Thinkers and an Islamic Renaissance* (1986).

17. R. S. Khare, "Elusive Social Justice, Distant Human Rights: Untouchable Women's Struggles and Dilemmas in Changing India," in *Changing Concepts of Rights and Justice in South Asia* 198, 204 (Michael Anderson and Sumit Guha eds. 1998).

18. For the African debate, see Henk Prodece, *Beyond Universalism and Relativism*, 6 *Quest* 45 (1992); Mogobe B. Ramose, *African Democratic Traditions: Oneness, Consensus and Openness*, 6 *Quest* 63 (1992); Ernest Wamba dia Wamba, *Some Remarks on Culture Development and Revolution in Africa*, 4 *J. of Historical Sociology* 219 (1991).

A sample of the rich debate in India can be found in *Multiculturalism, Liberalism and Democracy* (Rajeev Bhargava, Amiya Bagchi, and R. Sudarshan eds. 1999) and in Thomas Pantham, *On Modernity, Rationality and Morality: Habermas and Gandhi*, 1 *Indian J. of Social Science* 187 (1988).

A bird's-eye view of cultural differences can be found in Johan Galtung, *Western Civilization: Anatomy and Pathology*, 7 *Alternatives* 145 (1981).

19. Elsewhere, I deal in detail with the idea of "learning from the South." Santos, *supra* note 1, at 475-519.

20. In this essay I concentrate on the diatopical hermeneutics between Western culture and the "great Oriental cultures" (Hinduism and Islam). I am aware that a diatopical hermeneutics involving indigenous peoples' cultures raises other analytical issues and demands specific preconditions. Focusing on the indigenous peoples of Latin America, I deal with this topic in Boaventura de Sousa Santos and Mauricio Garcia Villegas, *El Caleidoscopio de Justiças en Colombia* (2000).