

## *The pursuit of grounds*

AS THE INTRODUCTION to one of the more recent human rights readers notes, the effort to establish or assert ‘“some particular ground” upon which right-holders can justify their claim to rights . . . has framed the dominant discourse on human rights’ (Dunne and Wheeler, 1999: 4). Indeed, any discussion of the broader issues raised by human rights seems condemned to endlessly patrol the beat mapped out by the polarities of universal and communitarian or relative grounds for rights and, as Dunne and Wheeler make clear, the associated epistemological debate between various forms of foundationalism and anti-foundationalism. It seems impossible to entirely avoid situating one’s efforts to grapple with the questions raised by systemically inflicted injury on that particular compass, so that if one is not anchored on one side of the debate there is an inexorable slide along the well-travelled path towards the other pole. Yet this chapter is shaped by a profound reserve concerning the debate between universalism and cultural relativism. This reserve is not the natural impatience with reflection expressed by some activists. Rather, it is rooted in a suspicion that, at the level of abstraction in which the debate circulates, the polarity of relative and universal not only has little to offer actual problems of response to abuse, but may itself, somewhat paradoxically, remain trapped within what could be rather sweepingly summarised as a modernist Western cultural milieu. Thus it may not only be the dominant figures of the universal that are, in the end, somewhat parochial. Despite the alacrity with which it has been picked up internationally, the dichotomy itself, and the apparently logical imperative that demands a choice one way or the other, may in some important respects be generated and sustained by the history of the development of the state and of colonialism.

From this position of reserve, then, the chapter considers aspects of these two interlocking metatheoretical debates (in part through a discussion of alternative or more critical approaches to the conceptualisation of rights, or ethics). These debates have certainly been central to scholarly exchange on

questions of rights (as well as on ethics more generally); they have also been prominent in the politics of international rights promotion and in the effort to understand what we do when we pursue human rights in the international or the domestic arena. Yet while it seems impossible to avoid direct engagement with questions of universal versus relative truth, or of the presence or absence of ontological grounds for knowledge, and impossible to escape positioning on those trajectories, no position on those trajectories seems entirely satisfying. This chapter is written tentatively then, in the hope that working with questions of abuse can gradually leave aside the universal-relative dichotomy. In the context of this discussion the chapter returns to some of the themes raised in Chapter 1 – the limited value of the push for certainty and the sometimes creative function of uncertainty, and the metaphor of conversation or dialogue (or multilogue, in James Tully's term). While not quite clearing a path out of the universalist-relativist debate, a rich sense of dialogue offers at least a counterpoise or a place to start the unravelling of what seems an unnecessarily confined and too all-encompassing dichotomy. The case studies in the following chapters will directly and indirectly continue to explore these themes.

Chapter 2 considered one group of universalist claims underpinning what remains perhaps the dominant liberal construction of human rights. The categories of 'human' as radically autonomous individual, of 'state' as minimalist administrator, of 'reason' as formal, abstract and segmented, but also of 'community', 'family', 'property', – the categories which are the stuff of leading liberal rights models – offer a 'particularism masquerading as the universal' (Taylor, 1992: 44). Such a construction of universality has a nasty habit of operating to exclude many people from the ultimate community it claims as its own. Richard Rorty points clearly to this danger when he warns against labelling those committing atrocities in the former Yugoslavia (or elsewhere) as irrational or inhuman – that is, as falling outside the defining criteria of membership in the moral community of the human (Rorty, 1993). It may be, as some postmodern approaches would suggest, that the identity of the universal can only be forged by the exile of what it is not; that our categories of the human, for example, must work to cast some as sub-human. Whether or not this dynamic is intrinsic to all universals, it has clearly operated on a number of levels in the dominant models of rights. As argued in the earlier chapters, the claims to universality which mark and enable these models of rights have in practice excluded and made invisible categories of person and of abuse. Rights practices are not limited to liberal conceptualisations of society, but theories of rights generally build on presumptions carried in the workings, both hidden and explicit, of those concepts. Moreover, differing, even opposed, modern accounts of society, knowledge, order, or wealth creation can share fundamental points of departure with the liberal myths of origin. It is the presumed universal appli-

cability of notions not only of rights but for example of the interest-maximising individual, as well as the historical and material power of 'Western' modes of life in which these notions are embedded, that have ensured that the history of human rights is not one of darkness gradually overcome by light, but a more mixed and painful account.

It is not surprising, then, that disquiet at universalist claims is quite widespread, particularly, in Ashis Nandy's words, 'at the fag end of that phase of domination that we stand today, ready to pick up the fragments of our lives and cultures that survive after European hegemony and intrusion' (1998: 142). There are, however, other ways of thinking about the gesture to universality. We appeal, sometimes passionately, to the primacy of a sense of the universal or of the particular in a range of quite different contexts. The infliction of suffering, for example, is a powerful mechanism to isolate and enclose. To call upon universal principles or solidarity in the face of that enclosure is to reach out for, and to recognise, connection to what is beyond it. Such a reaching out and recognition bears little relation to the search for meta-ethical certainty. Or we support the Universal Declaration as an international agreement that can have considerable practical value in working against systemically inflicted abuse while offering a powerful symbol of an aspiration for social orders that do not turn upon violent or exploitative subordinations. Support for international frameworks on rights need not imply an ontological claim.

In a similar way, 'relativism' can draw attention to the textures of particular times and places and can note the reality of deep and incommensurable difference. It can be a call for prudence and attentiveness to what is to hand in the face of crusading moral certainty or be a protest against a long, painful and largely overlooked history of exile of our or others' ways of being from the languages that define truths and certainties. Or the polarity between universal and relative may be a way of referring to an everyday, but potentially searching, experience – the recognition of difference, even extraordinary difference, and the experience of significant communication and commonality, despite this difference, or conversely of a gulf that perhaps makes a joint enterprise unworkable, or both.

These and other gestures to what is shared widely and what is perhaps shared more intimately have strong purchase on notions of 'universal' and 'relative', and are often called in to support one side or the other. The peculiar intensity of the dichotomy, however, may derive from quite different and more limited roots in particular historical, political and conceptual accretions – shaped in the kind of dense layering that Michel Foucault's work, most famously, has studied. It is this fundamental imbrication with the dominant constitution of political community that guarantees the argument between the two terms such embedded and knotted obduracy. Here this layered history can only be suggested, rather than investigated.

Certain powerful accounts of sovereignty seem to be the primary hinge around which the terms of the debate between universalism and relativism turn. As suggested in chapter 2, the early modern accounts of political possibility that helped to conceptualise the development of the Westphalian order may not have so much replaced the universalism of Christendom with the particularism of the state system as they have provided a new way of articulating – together – both universal and particular. The state and the power of the sovereign (or of sovereignty) was particular. Its freedom to follow its own faith, or management of faiths, was supreme. The power of sovereignty was the power (in principle) of the particularist government to override all other claims to (worldly) authority. Despite radical shifts in the state system since Westphalia, this broadly constitutive element continues to serve as a powerful inscription of particularism. But within the evolving European state system this particularism and differentiation was held within the scope of both complementary and competing principles of universality and sameness. The norm of sovereignty in interstate relations is a principle of both differentiation and uniformity – the traditional realist image of states as billiard balls captures this quite well. The ‘uniformity’ may be understood in practical and political terms, as the result of carefully crafted criteria for sovereignty, standardised expectations regarding its operations and agreement to certain rules of the game, as well as a long history of interactions. For many powerful accounts of political life within the state, however, the underlying mechanisms by which the authority of the particularist sovereignties was seen to be founded, and which legitimised the break from the universalist claims of Christendom, were not pragmatic but themselves universal – the figure of everyman, or of a primal community, exercising reason. Even without an imagined moment of origin, the human community, in the space of the state, was understood as creating itself, guided by its new-found tools of enlightened self-interest, reason and science. The figure of the rational subject became the new seat of universality whether that subject was envisaged as prior to – and the foundation of – community or as possible only in the context of community. The rational community was particular, autonomous and co-terminous with the state, or heading towards a universalist Kantian federation of rational states. ‘Man’ was seeking mastery of his own natural and political universe and was becoming ‘himself’. But he was doing this through the medium of the state – either as ultimate community or as stepping-stone to universal citizenship.

Clearly, states themselves, as the particular, were not understood as simply *ad hoc* fragments of humanity. Rather, state-building practices over several centuries ensured that they came to take on the mantle of fundamental unit of political community, the *sine qua non* of human community and, to a greater or lesser extent, the theatre of ethical life. Moreover, in the dominant versions at least, states came to be understood as constituted by an essentially uniform

people, whether that uniformity was conceived of as the expression of ethnicity, shared culture and will, as the assemblage of atomised individuals holding identical rights, or defined around primary commitment to civic institutions and language. Thus the state identified as bounded but unified and primary political community gained an essentially ontological, rather than contingent, political significance, quite independent of the composition of actual states and leaving aside the matter of the cost of ideals of uniformity. In many discussions around ethics and rights the state retains this significance. Although either community or universality may receive priority as the context for moral growth, the pull between particular and universal seems intrinsic to, and indeed, constitutive of dominant understandings of the state and the state system.

The tenor of this interweaving antinomy, however, was given new dimension and vehemence by the extended and violent encounters with the altogether other orders of difference provided by colonialism. Colonialism was not just confrontation with difference, of course. It was confrontation in the context of battles for possession, survival and identity, of centuries of 'ethnic cleansing' and forced labour, justified through theoretical (but actively applied) hierarchies of being; and, later, as colonised people struggled to free themselves via the only route available – that offered through the state system – it was confrontation in the context of a new, mostly twentieth-century, round of state making. We may all – the 'West', as well as those regions directly or indirectly colonised – still be struggling to come to terms with Western Europe's violent encounter with difference. The nexus of universal and relative gained new dimensions, and in both practical political and theoretical work may still echo the 'problems' posed by 'pacification' of colonised peoples within empire. As Ashis Nandy, writing of India, suggests, colonialism tended to absolutise 'the relative difference between cultures'. One 'could not be both Western *and* Indian' – for the purposes of colonialism, one was constructed as the antithesis of the other (1983: 73, 71). At the same time, the clash between belief in universality and the confrontation with difference could be (and frequently was) resolved through an ascending scale of achievement, with modern Western rationalism defining the pinnacle and the standard through which achievement was measured. Nineteenth-century theories of 'separate development' categorised colonised peoples according to a complex map of how morally and intellectually capable different societies were of eventually reaching the universal standards of Western rational government (some would never make it), thus justifying a practical relativism (and autocracy) in the context of an eventual but endlessly deferred (liberal) universalism.

The analysis is sometimes offered (for example, by Ken Booth drawing on the work of Michael Carrithers and Bernard McGrane) that the discipline of anthropology, which followed in the wake created by colonialism, articulated one complex avenue for Western response to other peoples. Anthropology

undertook 'to judge cultures in their own terms', to discover and interpret cultural authenticity (Booth, 1999: 50). Anthropology has gathered a rich and extraordinary store of observation, interaction and theory making. But arguably it has also constituted 'culture' as an object of discourse: an object in the epistemic matrix guiding the social sciences and an object in the world – a reified 'black box' as Booth notes (1999: 36). In so doing anthropology gave theoretical and empirical expression to a new dimension in debates about the universal and the relative. The zone of difference and potential relativity became, in practical terms, vast. Moreover, each culture regarded could be regarded 'equally'. Indeed all were equally objects of knowledge, separate and equidistant from the knowing subject, all attesting to the position of anthropologist as *cogito*, and all ideally held in the anthropologist's single gaze. This is another enactment of existence according to the terms of a 'Western' epistemic framework. Meanwhile, following the waves of post-war decolonisation, the plethora of new states at all stages of development have been straining the state system, pulling farther apart the dual poles of uniformity and particularity that have contributed to defining that system, and so (as Hedley Bull pointed out in 1977) rendering the sociality of relations between states increasingly problematic.

While certainly drawing on both older and wider ruminations, the nexus between universalism and relativism may thus be essentially built into crucial aspects and phases of the international system of states – into debates around and particularly following the early modern shaping of that system (debates that remain crucial in the ways we think about the person and political community) and then embedded in the entangled dynamics of colonialism and its afterwash. If we take this suggestion seriously, two points follow. One is that what seems so etched into the nature of things that we cannot evade it, so logical that if you are not identified with one pole you must be moving towards the other, is a lengthy set of exchanges about the state and the nature of sovereignty (exchanges which emerged in response to particular problems), and about a not-so-distant, not-so-buried history, laid like transparencies on top of each other. Moreover, neither matter is settled: the constitution of sovereignty is yet again transforming, while the significance of colonial histories is an issue of intense political and philosophical negotiation and debate in many arenas. The universal-relative dichotomy may be more an *expression* of these struggles rather than any ultimate frame for understanding them. As a result, perhaps, the terms of the dichotomy rarely seem to shed light on problems of what to make of or how to deal with actual cultural difference and genuine gulfs of understanding. Another way of putting this, and the second point to be derived, is that this dichotomy is not resolvable in its own terms. Relativism and universalism may presume and require each other, and both are going to have something to say about courses of action in the modern state system, but not as statements of

permanent truths. Some of these questions will be picked up in the discussion of the Asian Way debate later in the chapter.

To approach the universal-relative dichotomy from a slightly different direction: much modern understanding of political life starts, explicitly or sometimes quite unconsciously, with a principle of radical fragmentation. This principle of fragmentation *can* act as the basis for, or perhaps the twin of, abstract universality – the ‘individual’ as universal human – it certainly poses sociality as a question. What we deem to be fundamental will establish what we believe needs explanation and justification – what seems to be a question. We may posit universals in part because we start from an assumption of radical separateness – of state from state, community from community, human from animal, individual from everything. Of course it makes sense to think of people as in significant ways separate, potentially autonomous, and so forth. But people can also be understood as interconnected, not only with each other but with all of existence, past, present and perhaps in some respects future, in ways that are also profoundly significant. This fundamental biological – and perhaps not only biological – reality, opens ways of thinking about the person that we have scarcely begun to explore.

The presumptions of essential separateness and universality are interdependent. To consider this within the metaphors of the (Lockean) liberal subject discussed in chapter 2, we presume ourselves to be autonomous self-interested individuals, with instrumental relations to ourselves and others. For this liberal, or simply modern, orientation to life, what balances the particularism of individual autonomy is the universality of our status as individuals. Recognising our common vulnerability and, for most contemporary renderings of this story on the basis of our individual but common autonomy, using the processes of our common reason, we join together in society. This universality may be more substantive, so that we share specific rights (to life, liberty and property) simply because we are all autonomous individuals. Or the nature of universality may be more procedural (but still essentially rational and self-interested), where we determine virtually all, or at least some level of, our fundamental rights by negotiation. Various positions of strong to weak universalism can be based on this spectrum. But it may be this construction of the self as innately separate which makes a question of *why* we should care for each other. In particular, it sets the question of *why* we should care for those beyond our borders, beyond the separate ‘self’ of the nation and the self-interested community of the state (since the story of the contract provides an answer for why we would care for fellow-citizens). Moreover, there is only one genre of answers that can make sense in this construction of the self and the state: somewhere on the spectrum of universal to relative. The debate between relativism and universalism is often not, then, one about whether it is better to be loving or destructive, or even whether

it always and everywhere makes sense to say that it is better to be loving than destructive – as for example Booth (1999) proposes.<sup>1</sup>

### Some theorists

This section considers the work of some contemporary theorists who have attempted in different ways to bridge or to circumvent the polarity of relative and universal, while nevertheless taking positions on the question – the first (two) relativist, the second universalist. One effort to edge outside of the framework of relativism versus universalism that structures discourses around rights can be found in the work of Richard Rorty and Chris Brown. Both writers lever their efforts through a critique of the search for epistemic certainty regarding what is essential to human nature or what grounds morality; they argue for abandoning the quest for ‘premises capable of being known to be true independently of the truth of the moral intuitions’ which emerge in the course of people’s lives together. ‘Such premises are supposed to justify our intuitions, by providing premises from which the content of these intuitions can be deduced’ (Rorty, 1993: 117). Rorty is particularly concerned to reject rationality as ‘the shared human attribute which supposedly “grounds” morality’ (Rorty, 1993: 116). The traditional consequence of eschewing ultimate grounds for morality is to find yourself classified a relativist, and Rorty and Brown are no exceptions here.

However, in somewhat different ways, both Rorty and Brown support a ‘human rights culture’, which Rorty declares morally superior. Rejecting the search for a rationalist basis for morality or understanding, Rorty proffers a fundamentally pragmatic view of knowledge, where all inquiry can be understood ‘as practical problem-solving . . . [and] every belief as action-guiding’ (1993: 119). Debates about abstract human nature lead us away from the practical problems of people’s political interactions. More dangerously, the work of discerning and upholding such abstract categories tends to function by excluding certain groups of people from the ‘pure’ category of human – from ‘people like us’. The emergence and growth of a human rights culture does not reflect a proper grasp of an essential truth, but rather the increased material and physical security in the wealthy developed states and the growth of a kind of empathy. Here Rorty, like Zygmunt Bauman or Bhikhu Parekh, emphasises the importance of feeling, in sharp contrast to the dismissal of feeling and the prioritising of rationality and reason in modernist philosophies. For Rorty, empathy is the product of a ‘sentimental education’ in which people hear ‘sad and sentimental stories’ that slowly lead them to identify with the plight of others (1993: 119). It is the potential gradual emergence of such fellow-feeling that would enable a ‘progress of sentiments’ and a way to approach living better together. ‘This sets aside Kant’s question “What is Man?” and substitutes the



question “What sort of world can we prepare for our great-grandchildren?”’ (1993: 121, 122).

While drawing on Rorty’s work, Chris Brown emphasises the contextual nature of the qualities that have made various Western societies ‘the freest and generally most congenial’ of communities (1999: 111). Respect for rights has been possible *because* of these qualities, but rights themselves do not express or contain the complex tissue of these qualities in essential form. Thus the export of the formal structure of rights to other communities may have little beneficial impact, as it is not rights in isolation but the whole web of community relationships and ways that makes freedom and congeniality possible. Neither writer appears to believe that one can not make moral judgements about practices in one’s own or others’ culture – the work of both clearly makes such judgements and claims. Both consider that such judgements do not depend on the existence of universal grounds.

The reflections of both writers, barely sketched here, are instructive. Chris Brown’s insistence on the contextual nature of ethical possibility is a valuable reminder of the immense complexity of effective political and social change. If systemically inflicted harm is not solely a matter of the relationships between government and citizens but is embedded in social practice and in the social and political institutions and forms in which identities take shape and value is assigned, change is not simply a matter of legislation, less intrusive government or the ‘correct’ principles. Nor is it achieved largely by formal international norm setting arrived at by elites (although this can play a role). Rather, the movement away from violence and oppression may involve a subtle, lengthy and difficult process of renegotiation of political, economic and social relationships. The difficulty of this process, however, seems no good reason not to engage in it. Indeed, and here I move away from Chris Brown’s more communitarian emphasis, we are already engaged inextricably with each other; the choices concern how we pursue and conduct those engagements.

Chris Brown prioritises the role of community, and community here, as in most such discussions, appears to be co-terminous with the state. Moreover, the sense of state-as-community (an ideal model, as Brown makes plain) presumes an already high level of shared cultural and political norms – the ideal uniformity of the state, usually underpinned by ethnic uniformity or close complementarity, as mentioned above. But, as with the category of ‘culture’, there is little that is unproblematical about ‘community’. While the significance of community is not questioned here, communities themselves are multidimensional, open-woven webs, with unclear, overlapping boundaries. The state as community, while again critical to contemporary forms of life for those of us who live in working states, is a highly attenuated chequerboard construction of recent origin. Many states are already a patchwork of significantly different ethnic and cultural communities. With the pace of international migration, this phenom-

enon can only increase. The need for difficult negotiation between communities or across cultural difference within the state is already a reality. Nor, in practical, lived life, does community – as a sustained process of mutual responsibility and deliberation, to borrow loosely from the terms of Brown's Hegelian construction – stop at the edges of borders. Family, ethnicity, religion, work, trade are some of the factors that can nurture ties of mutual, collective obligation of greater or lesser power irrespective of borders. Even when they are not classifiable under 'community', people's individual and collective enmeshment with aspects of others' lives in other places are often extensive and significant. The political, commercial, ecological and conceptual structures of our lives are often already densely transnational, whether or not we are aware of that.

In similar fashion, Rorty's essay notes the lack of any 'morally relevant transcultural facts' (1993: 116). Rorty seems to be talking philosophy here – his argument at this point is concerned to reject the existence of ultimate grounds for morality (without rejecting morality itself). But the situation may be far more deeply entangled than either simply denying or asserting transcultural moral facts would allow. It is true, for example, that infanticide is a quite different proposition in poverty-stricken rural western China than it is in Australia, or indeed Beijing. But if one were thinking prosaically about living in Vietnam, marrying a Czech, doing business in Bangladesh, or more pointedly, working on peace building in Bougainville, a denial of morally relevant transcultural 'facts' would be perplexing indeed. Rorty's statement seems to be caught in the closure of the bounded state versus unbounded reason – to deny the one is to be thrown back to the other. The possible lack of ultimate, or ahistorical, grounds for morality seems no reason to assert the complete incommensurability of cultures or even a clear line of demarcation between cultures. The texture of living and communicating in a distinctly different culture, or across different cultures, seems hardly touched by such a simple opposition. However imperfect, the reality of communication and exchange seems at least as notable as that of an incommensurability of or conflict between value systems. Both are negotiated every day by many millions of people.

The rejection of transcultural moral facts also seems to turn upon a sharply delineated division between self and other – a division that is not itself an inevitable consequence of rejecting an ultimate ground in which all things can be freely translated into each other. This clear either-or alternative perhaps falls under the enchantment of dualisms that belongs, at least in part, with the rationalism Rorty disowns. But, in practice, relations between communities and cultures, and across places (and perhaps also, in a different way, across times), are often densely interactive, although also difficult. To use the metaphor of conversation, they are dialogic relations, while, to borrow from an early theorist of dialogue, '[t]rue differentiation presupposes a simultaneous resemblance and difference' (Karcevskij, in Holquist, 1990: 25).

Rorty's essay begins by referring to the savage conflict between Serbs and Bosnians. The reference serves as a warning about the cost of counting some people as inhuman, but it is sometimes read as an assertion of the impossibility of judgement across cultures (e.g. by Dunne and Wheeler, 1999: 9). To use the essay and that perhaps inaccurate reading as a springboard – the reference is a reminder of the inadequacy of notions of 'culture' in grappling with some of the deepest gulfs and the sharpest breaks between worlds thrown up by violence and extreme abuse. As so-called 'low intensity' – but high impact – conflict around the world has demonstrated, protracted violence reshapes cultures and leaves instead a 'culture of violence'; studies of the former Yugoslavia, Sri Lanka, Northern Ireland, Mozambique, and so on (e.g. Kaldor, 1998), depict it quite clearly. The need for revenge, and feelings of hatred, fear, anger, powerlessness and grief, among other factors, can create 'differences' and gulfs – not only between those locked on opposite sides of the dispute but between those inside and outside the experience – in the face of which notions of 'culture' have little to offer. It is not traditional culture that has 'legitimised' the savagery in the Balkans. Nor do notions of culture necessarily shed much light on the collective capacity to not see or not register extreme and violent forms of abuse happening in your midst – the 'states of denial' that Stanley Cohen has documented (2001).

While rejecting transcultural moral facts, Rorty's argument is also clearly shaped by a belief in caring for each other and an optimism about where such 'capacities for friendship and intermarriage' and for 're-creation of the self, through interaction with selves as unlike itself as possible' can lead us (1993: 132). Such capacities surely suggest their own forms of morally relevant transcultural *regard*. Rorty suggests that there is no need to ground these capacities in anything beyond themselves, only to cultivate them more assiduously. The 'sad and sentimental stories' that he recommends to that end may be more than anything else a way of emphasising a sense of moral obligation grounded not in a narrow construction of reason but one that has everything to do 'with love, friendship, trust, or social solidarity' (1993: 122). Elsewhere, Rorty has argued (1989) that human similarities (in particular our capacity for pain and humiliation) outweigh our differences. Solidarity grows, although not inevitably, out of the awakening of feeling rather than via the instructions of reason. This is clearly not an argument for 'anything goes'.

Discussions of human rights in the international context often (directly or half-unconsciously) address liberal societies as if they already had matters of human rights, or of the embedded infliction of suffering, essentially sorted out. Perhaps because of their concern to make it clear that they do not judge 'all contexts to be equally moral' (Brown, 1999: 113), Brown and Rorty make this assumption of moral superiority explicit. Rorty, for example, while maintaining a critical edge in certain references to his own society, makes the extraordinary

assumption that liberal societies care more for others and takes for granted that a human rights culture, which he implies is essentially a culture of care, is 'our culture'. The problem of rights in the international arena thus slides into one of whether and how we can transfer our moral superiority, or crucial elements of it, to others; the task for others is to become 'rich, lucky and liberal' like us. Whatever the undoubted achievements of the liberal state and the culture of reason pursued by the Enlightenment, this form of address remains deeply self-delusory. It overlooks, among other factors, the persistent violent marginalisation of significant groups within liberal societies (and systemically imposed exclusion and humiliation, and the violence that accompanies them, can be just as lethal as more overt political abuse). It fails to question the historical and contemporary nature of the engagement of various liberal states and entities with other societies. What role have 'we', in the safe, wealthy and often powerful liberal states played in the insecurity, impoverishment and disempowerment of others? While not clear-cut, the answer to this question would not allow us such simple and superior innocence. How is an ethic of care to be given shape? Through a 'human rights culture' (which, if it is a liberal rights culture, is caring in certain contexts but *not* in others), or is it through 'our culture' (which is even more ambiguous)?

It is ironic that after drawing such a sharp line between 'our culture' and those of others, between self and other, the value of interaction seems to suggest the remaking of others in our image. Such self-regarding ethnocentrism undermines communication. This is partly because we are suffering delusions not only about ourselves, but also about others. The sweeping presumption of superiority slides down the familiar paths by which the 'West' has traditionally handled the difference of other societies, regarding itself as containing the criteria of achievement. As a result, despite the central place of sympathy in the argument, there is little space for actual engagement across cultures. This counters the essay's chosen path of practical problem solving, which depends precisely on engagement to make sense. Pragmatism by itself offers no clear highway through the din of circumstance (and a pragmatism which turns on an autonomous, self-interested subject may differ from a pragmatism with a different understanding of the person in the world). Even while Rorty questions the gulf drawn between 'us' and 'them' and suggests that the source of much violence is being 'deprived of . . . security and sympathy', the sense of superiority counters this work by erecting a powerful barrier between 'us' and 'them'. It implicitly reduces the density of life in 'other' places to the casualty lists presented on the world news, and it allows in through the back door precisely that crude and widespread form of relativism which Rorty's essay exposes: that 'other people' do not care so much about each other, and that abuse is what, after all, they are used to. This is the relativism that calls forth equally assertive and simplified universalisms. This careless reductionist glance at other places supports the essay's

elitist, culturally reified and narrowly determinist account of the mechanics of political change – that morality rests with the rich and powerful. The charge that change comes from above may not be such a problem – change comes from all directions. It remains significant, however, that people respond in different ways to evidence of others' suffering – that it is not only the safe and secure who object to or act on other's abuse; that the safe and secure may often do little.

It seems that the essay can be read as leading in two different directions: relativist, but also universalist. This reflects in part Rorty's efforts to uncouple moral possibility from the presumption of a singular underlying truth or a formal ontological principle – in particular (for Rorty), from reason. 'Sympathy' could perhaps be cast as an alternative ground, or as too fluid and mutable to serve such a purpose. But the relativism and the universalism of the 1993 essay also reflect the inability to step aside from the broader conceptual architecture within which the dichotomy operates. Is this to say that, in this text at least, Rorty is a closet universalist? Perhaps, in both the better and the worst senses of the word; but it may also suggest that the dichotomy is not adequate for talk about the complex interweaving of difference and continuity that makes up both cross-cultural interaction and moral life.

An effort to recast the spectrum of relative and universal, rather than to step outside it, can be seen in the work of Andrew Linklater. Drawing on Marxist and critical theory (particularly Habermasian discourse ethics) as well as Kantian perspectives, Andrew Linklater's work is highly attuned to the patterns of exclusion associated with the operation of claims to moral universality. The comments here will focus on aspects of his 1998 text *The Transformation of Political Community*, which arguably provides one of the richest elaborations of Linklater's vocational commitments. While 'unapologetically universalistic', his work is an effort to elaborate a conception of universality that escapes the shadowed side of exclusion and occlusion – one that does not exile difference. Complementing this is a concern with the transformation of community, away from the formation of identity through the construction of aliens and enemies without and the marginalised within. Dialogue is both the mechanism for and the goal of this refiguring of community; engaging with others, in particular the excluded, concerning 'the ways in which social practices and policies harm their interests' is central to Linklater's vision (1998: 7). Both 'community' and 'the universal' are thus re-oriented and refocused, away from an essentially static core of identity towards a commitment to inclusiveness, community building and the process of widening boundaries. This is an effort both to conceptualise a *universalised* or open community and to find within cosmopolitan ethics a place for the intimacies and loyalties of community through new constitutions of citizenship 'which bind sub-state, state and transnational authorities and loyalties together in a post-Westphalian international society' (1998: 8). Linklater

is thus pursuing a 'new articulation of universality and particularity' which harmonises both within a reconstitution of political community (1998: 49).

In order to revive universalism as an orientation capable of referring to a complex of non-exclusionary practices, political forms and institutions, Linklater understands the core universal principles as procedural rather than substantive. What constitutes the universal here is thus less visions of the good life than what needs to be in place for true dialogue to be possible. (This goal, it would seem, is likely to involve a subtle web of substantive principles.) Universality is the 'responsibility to engage each other . . . in open dialogue', in particular about the welfare and interests of the interlocutors (1998: 101). Such exchanges need not imply consensus – people may engage in dialogue without achieving 'any lasting resolution of ethical differences' (1998: 96), while many may seek to 'cooperate to eradicate unjust exclusion without assuming that they will ever converge around one universalistic conception of the good life' (1998: 99). Presumably, however, they must all be committed to open communication and its preconditions. While critical of Rorty's relativism, Linklater also draws on Rorty, particularly on the understanding that we have to start from where we are. He combines this, however, with critical theory's insight that diverse social arrangements already contain the resources with which to work towards their transformation.

This is a vision of some power. It can be read on two levels, although Linklater himself may not make much of this distinction. At one level, the 1998 text appears to be addressed to a nest of quandaries, and opportunities, facing Western Europe for the foreseeable future. The populations of the European Union member states are grappling with the need for new institutional frameworks capable of responding to the revolutions of political structure, citizenship and sovereignty in the region. As Linklater, discussing Western Europe, notes:

[W]hile the majority of states may remain committed to pluralist principles [i.e. agreement on the basic norms pertaining to order and co-existence within the state system], . . . a small minority may embark upon collaborative projects which breach the sovereign principle which has been central to international relations since the Peace of Westphalia. (1998: 7,8)

However, EU member states have not only embarked on the extended experiment of the union, with its attendant reshaping of democratic structures and forms, transnational justice, the relationships between capitals and restless substate regions, and so on. At the same time rapid changes in both international migration flows and European demographic patterns have meant that immigration and refugee movements may substantially affect the ethnic and cultural fabric of Western Europe over the next fifty years. How to deal with so-called 'third-country migration' is an extraordinary and potentially explosive challenge for

the EU and its member states, with significant ramifications for the nature of political community and citizenship. 'Accepting cultural diversity while not "losing" the essence of the established culture has stimulated widespread interest in the foundational values of citizenship in [the EU] states' (Gowers, 2001: 23). *The Transformation of Political Community* is turned towards contributing to this 'collaborative post-Westphalian project' and the debates around 'foundational values' it generates. The motif of dialogue is an effort to provide conceptual underpinnings for an approach to the transnational dynamics changing the form of citizenship in the EU that is positive and expansive while remaining sensitive to the needs of local communities.

This is not to suggest that the 1998 text engages directly with policy debates or the practicalities of social arrangements. Rather, it articulates an orientation to political life that supports a dynamic concept of citizenship – one that may be particularly relevant to Europe's contemporary and fundamental problems. Linklater's text provides a careful intellectual grounding of the potential for dialogic communities in the major traditions of European philosophy and, to a lesser extent, European and 'great power' history – that is in debates about the nature and constitution of the modern state and of moral community. Through tracing key debates on political community, and on the claimed necessity of modes of (violent) exclusion to the operation of community, this discussion contextualises and relativises the belief in the inevitability of violent conflict and exclusion as integral to political life. This is 'starting from where we are', where that place is understood as a confluence of (indigenous) intellectual traditions and public philosophies around the state and morality. Linklater's emphasis on dialogue is of course applicable beyond Western Europe. All broadly liberal or democratic states face issues of citizenship, migration and cultural and political diversity. But the sense of the human and the models of dialogue that take shape in Linklater's text are deeply rooted in the contending Westphalian traditions of the rational universal subject, even if that subject is conceived in procedural rather than overtly substantive terms. This is a vision for the radical reform of elements of modern liberal states, particularly those undertaking the collaborative experiments of the EU, which is effectively addressed to European policy and scholarly circles.

While grounded in the context of debate over Western Europe, the universalism of Linklater's argument can stand as a commitment to inclusive and participative political frameworks, a dynamic concept of citizenship and openness to the circumstances and societies of others. The text makes claims at another level, however, which according to its own logic is that of the true ground of its argument, and so moves from exploring underlying principles for policy orientations in particular fields to a search for deeper justification at the level of ultimate things. This second level of Linklater's text, and the second way in which universalism figures in the text, thus refers to universal reason and a universal

communication community, where 'all individuals should be regarded as if they were co-legislators in a universal moral community' (1998: 37). As with the patterns of idealism discussed in chapter 2, a central role is given to theory as the transformative agent and vehicle of truth. This is a vision of arrival, instructed by theory: 'a philosophy of ultimate ends' in which the shape of the world will, not necessarily but ideally, come to embody theory (1998: 40). Linklater endeavours to counter the fixity of visions of arrival by presenting ultimate things as procedural. But leaving aside the question of how far procedural and substantive can be kept separate, what is presented may be less a 'thin universalism' than a thin and quite particular sense of people and of dialogue. It is important, however, that neither level of the text cancels the other.

What appears to be the 'thinness' of this conception of 'people' may be suggested by Linklater's discussion of dialogic communities. Dialogic communities do not demand convergence; they emphasise listening, a self-critical openness to learning and sensitivity to social context and difference, as well as awareness of the inequalities of power and wealth and concern to reduce such inequalities: 'cultural differences are no barrier to equal rights of participation within a dialogic community' (1998: 85). As advice on comportment, these principles are excellent. But even as an ideal of open community they seem too severed from the reality that we are already part of a long, difficult history of 'communication'. This multilayered history of exchange has been very different from the open community imagined above, but it is the history – including the configurations of power, of resistances and, for many, of suffering – in which collective and individual psyches have taken shape. Differences between cultures (among other differences) have been and are being shaped and reshaped in significant part through their long experiences of imperium. Differences of wealth and power have been and are a crucial effect of these histories and on-going experiences. Entering dialogue we are already complex and fractured, and already interwoven with each other, in ways that 'equal rights of participation' seem quite unequal to disentangling. This does not mean that communication is not possible, that societies are entirely captives of their histories, or that histories are only about hegemony. But it would seem necessary to acknowledge and work with these histories and their patterns of trauma. The abstraction of the communicative ideal offered seems to bear little relation to the actual lives of 'concrete others' – it is difficult to ground it in something other than a convergence of theoretical architectures. This abstracted idealism is itself a 'thinness' and perhaps a way of not encountering the rawness of people's lives.

This vision of dialogue suffers from problems similar to those of certain early social contract theorists: to enter into true dialogue, unimpeded by real differences in power, or inhibitions of other kinds, would seem to demand the qualities that could only be the result of already inhabiting a nearly perfect dialogic community (e.g. see Connolly on Rousseau, 1995: 138). Are only those



cultures or individuals which are already 'cosmopolitan' and secure able to be interlocuters? Linklater seems to narrow the conception of dialogue when he notes Habermas's point that '[w]hat guides participants is a commitment to be moved simply by the force of the better argument' (1998: 92). But this is a profoundly rationalist conception of interaction. 'Argument' may be only one small part of what takes place in encounters where anything of significance is at stake or change is possible. Socratic dialogue is not a form of communication for some cultures (such as Indigenous Australian cultures). And what of feeling? Since what is being discussed is ideal exchange, those exchanges for which the need for dialogue may be most intense hardly have a place – for example, a meeting between disputing factions, or over questions embedded in hatred, grief, trauma, fear, or fragile or rigid identity, or with people who place other values above a training in argument.

Nor is it clear, despite the considerable sensitivity of the argument to others, in which 'language' or in what 'communicative space' the dialogue would take place. In a way that is broadly reminiscent of Rawls's veil of ignorance or even of the space of the original contract in Locke, Linklater seems to presume that there is a neutral communicative space, underwritten by rationality, in which we can all meet once the distortions of power have been removed and despite the particularities of culture, history and circumstance. *The Transformation of Political Community* looks forward to 'a tribunal which is open to all others' (1998: 102). But that tribunal may be life: we are already engaged, although there is no 'level playing field'. Linklater surely answers Rorty's rejection of transcultural applicability. But this observation does not need to be restated in an ontological mode of address. Moreover, this higher level of claim reintroduces the spectre of a universal that in effect excludes, and which has little chance of actually engaging with the 'wildly different' or even many 'concrete others'.

But Linklater may depart too quickly from Rorty's advice that we have to start from where we are. 'To make dialogue central to social life is necessarily to be troubled by the ways in which society discriminates against outsiders unfairly by harming their interests while denying them representation or voice' (1998: 7). Perhaps we could pause longer over this sense of being troubled – which is where many of us find ourselves – and with the harm that troubles us and our efforts to understand the causes of that harm, rather than moving so quickly to outlining an ideal world as an antidote. Perhaps, too, we could stay longer with the particularity of 'concrete others'. This is not to criticise the intentions or intuitions shaping Linklater's argument, but rather to suggest that, in moving so clear-sightedly down the road towards ultimate ends, we may be elaborating steps on a complex intellectual chessboard before we quite understand what we are saying, the context in which we are speaking or whom we are addressing. While troubled, it is still possible to work for political community that does not

systemically generate suffering, or for more participatory or open political structures. And it is possible to call for all people to be treated as co-legislators in a universal moral community, or as our brothers and sisters, or as children of God, or any of the ways in which people have articulated a sense of each other's value, if we can do so without proclaiming or even hoping for a privileged avenue to truth.

A slightly different approach to this disagreement can be made through the epistemological framework of Linklater's text. '[H]uman subjects cannot perceive the world other than through the distorting lens of language and culture which has already made them what they are as moral subjects' (1998: 48). Linklater makes this point his basis for a rejection of any 'Archimedean standpoint which permits objective knowledge of any permanent moral truths' or that 'transcends the distortions and limitations of time and place', indicating a concurrence here with postmodernism and with Rorty's rejection of rationalism (1998: 48). Linklater's reference to the distorting lens reproduces exactly the three-part structure that is the backbone of what could be loosely called 'classical' epistemology, that is, the world (reality, the object of knowledge), the person, (the knowing subject) and language (or science). In broad terms, these three zones are understood to be *ontologically* distinct, or distinct as objects in themselves, thus positing the existence of a division far beyond the simply observed difference between words and things. For such epistemologies, the gulf drawn between the knowing subject and the object of knowledge is mediated in various ways, well or badly, by language and its methodological cousins. Language, according to this family of models, is the lens or the 'dark glass'. The relationship of language to reality may be understood as essentially representational or as expressive, while the quality of language as a medium may be seen as clear or as clouded and unreliable – either way it is constituted as paradoxically both link and impediment between knower and known. The real tension and essential relationship here tends to be understood as one between knower (subject, mind) and the world (reality), with language the connective medium. It is this family of epistemologies – the meta-theories of knowledge – that many postmodernists, following certain directions in philosophy from the early part of twentieth century (taken, for example, by Wittgenstein, or by the philosophers of language such as Saussure, Bakhtin, Peirce) if not before, have questioned or abandoned.

Classical epistemology (as that term is used here) is not simply an enquiry into knowing, or an effort to make investigative methods more reliable, stringent or sensitive. The ultimate goal of epistemology as a meta-theory is rather to ground knowledge in certainty or truth. Such epistemology does not simply ask 'How do you know that?', but rather 'How do you ground each level of knowledge until you reach a foundational ground, in which, ideally, knowledge itself can be secured.' If, as in some forms of epistemology, our tools of

language or science are understood as deeply fallible, we can never attain the certainty of reality or truth but only its footprint. Only certain sorts of grounds, generally highly abstract, are accepted as potentially ultimate with various constitutions of reason (or Reason) being a leading modern contender. Thus, for example, Wittgenstein's comment: 'As if giving grounds did not come to an end sometime. But the end is not an ungrounded presupposition: it is an ungrounded way of acting' (1977: 110). This approach is not an epistemology in the sense discussed here but a critique of such approaches. Rejecting such epistemology is thus not rejecting the possibility of knowledge or the value of sophisticated investigative methodologies or explanatory structures *per se*. It does not deny the existence of the world, or make rigorous science or indeed religious training impossible. Language can be understood as having representational, expressive and other functions and manners, without constituting it as the medium through which distinct domains of being are aligned. Rejecting such epistemology is rather to step aside from a quite particular spectrum of ways by which ultimate guarantees that we are *right* in what we know is sought.

The classical epistemologies enable a range of philosophical moves that become untenable once the tripartite epistemological structure is no longer understood as fundamental. Clearly, for example, the ontological divisions between the domains support the notion that there is an ultimate truth or reality, distinct both from the messiness and uncertainties of lived life and from the eye of the observer; thus they support strong theories of foundations. They support, too, the idea that with the correct propositional form or the right system we can capture (or approximate) some part of this truth. The route to knowledge is to forge the least distorting lens or the best theory. Theory (somewhat paradoxically) thus becomes immensely important, although its importance lies in the notion that it can lead us to what is beyond it – a key with which we can in principle unlock the confusion of events to find reality behind the door. In Linklater's formulations, for example, the space of the human beyond the distortions of language and culture constitutes the edenic zone of neutrality, of reason and of perfect communication, where people can in principle, as perhaps they are not quite able to in the imperfection of life, meet without distortion. Without this epistemology, such a zone of reason becomes entirely perplexing. The ideal of the communication community rests here, in the space made possible by certain, deeply embedded forms of epistemology.

*The Transformation of Political Community* is in part a critique of the state as 'one of the main pillars of exclusion' (1998: 145). But is the universality elaborated in that text itself part of the same political landscape as the state? Linklater sees the impetus to political change coming from the conceptual alternative to the particularism and exclusion of states – an alternative which may be the state's intellectual twin. The numerous practices involved in 'being a state', however, are arguably not so totally consumed by particularism but

may move in various directions, with only some, indeed powerful, elements dedicated to maintaining or enforcing particularism. Transformation could conceivably and perhaps does emerge also from this side of the equation.

In its effort to put mutuality at the heart of political life, *The Transformation of Political Community* deals with questions and themes that are of critical importance to the work undertaken here. Dialogue and expanding and interrogating the boundaries of community are shared underlying motifs. Linklater's text offers a systematic vision of the imperative to and nature of true dialogue, and sets about demolishing notable theoretical obstacles to such communication. Here, by contrast, there is no effort to elaborate a full theory of dialogue. Nor, however, can this more everyday emphasis on the need for attentiveness to people and circumstances throw much systematic light on the problem of real differences in power and the corrosive effects that decades or centuries of such differences have wrought on people's state of being – the kind of difference that, for example, most indigenous peoples struggle under every day.

One closely related move on the spectrum of universal and relative that can be touched on here is exemplified by those arguments that appeal to minimal universalism. Andrew Linklater's universalism is one highly elaborated form of minimal universalism. There are other, somewhat less far-reaching, arguments, put forward, for example by Bhikhu Parekh, Joseph Camilleri or Ken Booth. While developing the idea differently, all three appeal to the notion that different cultures (perhaps all cultures) and religious systems share an overlapping and general consensus according to which the most blatant abuses of human rights can be judged. Moreover, we can work at increasing the zone of agreement or shared meaning (while accepting, as Linklater underlines, that it may not be others who are most called upon to change). The comment above on the reservation with which the universal-relative polarity might best be treated is relevant here. However, when debate is captured by extreme polarities, a minimalism such as Parekh's allows the maintenance of at least some flexibility and tension between the competing principles.

One of the places that the search for signs of spontaneous agreement on values or for reassurance as to the existence of ontologically grounded universals sometimes leads is the religious or spiritual traditions. Ken Booth's 1999 essay ('Three Tyrannies'), for example, takes this route. On the ethical front, the spiritual traditions seem to offer what could be termed 'universals', though less in the form of propositional truths than of injunctions: be loving, be just, do no harm and so forth. (This is the language of obligation, rather than of 'rights claims', as Donnelly points out.) If one asked why one should do no harm, the answer might be that if you follow this injunction attentively, you will know why you follow it; there will be no need to ask why. Or the answer might be, 'Because that has been revealed to us by God', which is indeed an ontological ground but one that is frequently presented as elusive or unknowable. Or if you are asking

within one of the traditions committed to the discipline of eschewing ontology (such as Buddhism), the answer might be: 'Someone who talks of such things cannot make even a cup of tea.' God, Mind, the One who Cannot be Named, the Beloved, the world as sacred, the pathless path, *shunyata* (often translated as emptiness) – these gestures do not lend themselves so easily to the language of liberal rights universals, although they can offer subtle and powerful ways of recognising and working against suffering and harm. In practical terms religions have been perpetrators of violence and abuse at least as much as other primary forms of group formation and identification.<sup>2</sup> This may be tied to a 'hardening' or a freezing of their ontological or their metaphysical orientations – the result of 'the ardent, murderous, moral passions' that Ashis Nandy associates with the monotheistic faiths and the modern nationalist versions of Hinduism, but could be linked slightly differently to the need to assert a superior and singular truth against all contending possibilities (1983: 98).

In *The Intimate Enemy*, and in other texts, Ashis Nandy writes of an alternative universalism to those that have emerged from the modern West. Nandy hints at, rather than elaborates, this alternative. The West 'may have a well-developed language of co-existence and tolerance and well-honed tools for conversing with other civilisations . . . But, culturally, it has an exceedingly poor capacity to live with strangers. It has to try to overwhelm them or proselytise them' (1998: 143). Presumably, the alternative universalism would not try to overwhelm or proselytise. It is not organised according to the binary principles of either-or but rather around the more fluid potentials of both-and. Thus, in the discussion of the fracturing effects of and resistances to colonialism in *The Intimate Enemy*, Nandy sets out to show that 'when psychological or cultural survival is at stake', polarities such as the universal versus the parochial, the realistic versus the spiritual, the efficient, rational and sane versus the non-achieving and insane break down (1983: 113). The directness of suffering can spark in the victim of the system imposing that suffering an

awareness of a larger whole which transcends the system's analytic categories and/or stands them on their head . . . [so that] the parochial could protect some forms of universalism more successfully than does conventional universalism . . . and that the non-achieving or the insane may often have a higher chance of achieving . . . freedom or autonomy without mortgaging their sanity. (1983: 113)

This alternative universalism is not elaborated because it is not organised around the assertive maintenance of central principles or clear binary antonyms – like the traditional Hinduism that Nandy describes, which remained without an exclusive self-concept until a modernising reform movement in the nineteenth century, and then borrowed for its name the term used by Muslims to describe the unconverted (1983, 103). Despite this, Nandy indicates such universalism via its 'alternativeness'. It would seem to do this alternative some

injustice to include it without demur in those more conventional claims to universality which remain forgetful of their own history and partiality, as another sign of the underlying correctness of that more assertive universalism it rejects.

### **The 'Asian Way' debate**

One of the more prominent public debates regarding human rights in the international domain over the past decade, and certainly one which engages the full force of the polarisation of universal and relative truth, is that gathered under the rubric 'the Asian Way'. This is the argument that the West's preoccupation with rights is for various reasons misplaced in the Asian cultural and social context. This argument has many different and not always compatible threads that nevertheless come together in strategic concord against the international promotion of human rights by many Western governments and non-governmental organisations. The most high-profile form of the debate is cast (and is discussed here) in terms of the so-called 'soft' authoritarianism of much of East Asia versus Anglo-American liberalism, but the underlying threads are more widely relevant. The scope of the debate is quite different from Nandy's 'alternative universalism'. Indeed, at its more strident and formalistic, the dispute would likely be seen by Nandy in terms of East Asia trying to beat the West at its own game.

Four themes dominate criticisms by certain East Asian governments and intellectuals of Western (or, more precisely, liberal) models of rights. These are: the individualistic focus of liberal rights; their antagonistic form, as opposed to models of harmony in, most prominently, Confucian political thought; the primacy given to civil and political rights at the expense of economic development; and the promotion of rights as essentially a means of asserting Western cultural hegemony and so undermining the national competence, sovereignty and self-determination of the state in regard to domestic conflicts. It is important to note, however, that criticism of the liberal model of rights and its operation in non-Western societies goes beyond the arguments of the 'Asian Way', which tends to be associated with governments.<sup>3</sup> While not canvassing the whole debate, which at least until the Asian economic crises of the late 1990s received wide if erratic public exposure, there are three elements of it particularly relevant to this discussion.

The first element is that, however little (or much) the 'Asian Way' may mean in regard to traditional shared political guidelines among the widely varying states of Asia, upholding that 'Way' acts as a counter to the context and manner in which rights and other political 'virtues' have been in large part not only promoted but more fundamentally understood. The 'Asian Way' debate is shaped by many historical and political factors: the broader history of colonialism and

processes of cultural decolonisation underway throughout much of Asia; the economic success (until recent problems) and consequent self-assertion of East Asia; regional politics within East Asia itself; the standard political dynamics generated by using human rights platforms as a means of competing for international prestige; some governments' need for a self-righteous fig-leaf to cover abusive activities; plus the natural friction between areas of genuine political and social difference. But the debate is also shaped by the fact that, despite efforts to the contrary, human rights promotion internationally is coloured by the evangelical assumption that the 'West' is the holder of a unique truth which it must impart to the 'East', groping in darkness. The fundamental political questions raised by the persistence of the abuse and degradation of people in the world of interactions in which we all now, to different degrees, participate can easily be cast as a struggle between freedom and tyranny, between Athens and Persia, in which the liberal West comes to represent, naturally, freedom. The accusations and counter-accusations and arguments as to who is most to blame may act as a diversion for us all to look aside from some of the nastier realities of the world we create.

The 'Asian Way' debate is sometimes viewed by rights activists and supporters both in Asia and the West as merely a front for self-serving authoritarian and violent regimes (or actions). It often operates just like that, but the truth of this observation does little justice either to the significance of the argument or to the different levels at which it can operate. It is true, as Rodan and Hewison (1996) make clear, that the cultural patterns claimed by some Asian governments to represent the 'East' are often scarcely culturally specific but are rather expressions of a strong cross-cultural conservative political agenda and philosophy. In this sense the 'Asian Way' debate may be evidence not of a relativist 'clash of civilisations' but of a resurgent conservative convergence:

the more interesting and profound development embodied in the changing position of Asia in the global political economy, and the attendant assertion of 'Asian-ness', is the apparent development of comparable configurations of political ideologies in the 'West' and 'Asia', a fact that is obscured by the proclaimed cultural dichotomy. (Rodan and Hewison, 1996: 30)

Or the official cultural assertion of some East Asian administrations seems part of 'beating the West at its own game [as] the preferred means of handling the feelings of self-hatred in the modernized non-West' (Nandy, 1983: xiii).

But it is also true, despite the conservatism of pronouncements by Asian political and business elites, that the charge of 'cultural imperialism' or cultural insensitivity in response to the manner of much rights promotion has weight. This is not because killings, torture, intimidation and exploitation are more acceptable in an Asian context than elsewhere (as Wong Kan Seng, Singapore's foreign minister, commented in his address to the 1993 Vienna Conference on

Human Rights, 'no one claims torture as part of their heritage') but because of a persistent Western assumption that the story we generally tell about rights and therefore about good government is the essential one – that 'they' have the problem and 'we' the answer.

The second point is that a marked characteristic of the 'Asian Way' debate is the level of generality at which it is often conducted. This generality is counterproductive. It allows opportunism to hide behind both serious questions and ethnocentric fervour, thereby weakening and confusing the possibility of response to these very different phenomena. There are significant questions regarding human rights at stake in this argument. The 'Asian Way' debate can demand consideration of the potential for diverse non-abusive forms of political organisation or it can broach the difficulties of how to grapple with the concrete problems of abuse in ways effective for differing circumstances. Must the bundle of things we mean by 'rights' flow only from liberal models of the individual and the state, or may there be a number of paths, in practice, along which social requirements for levels of mutual respect, political participation and the restraint of systemically imposed harm can develop? The real complexities of the social evolution of such practices are easily lost, however, once discussion slides into airy judgements about 'East' and 'West', with either tacit or overheated assertions of cultural (and national) superiority very close behind.

In the extremes of this argument 'cultures', of both the 'East' and the 'West' become strangely absolute, homogenous and unchanging, despite the fact that some of the traditions claimed as national touchstones are of very recent origin – inevitably, since fundamental dimensions of modern state practice in Asian states are in many cases scarcely decades old. As suggested in the discussion at the beginning of this chapter, it is less 'culture' than the state and its right to interpret culture and define community that is at stake here. In order to make the idea of culture an appropriate weapon for the fight, claims about the 'Asian Way' ignore the dynamic character of complex political community. Yet change and difference – the persistence of sometimes explosive conflict over social directions, an often long history of co-existence or struggle between different interpretations or dimensions of cultural traditions (e.g. between variant traditions of Confucianism), the economic and social revolutions of rapid industrialisation and modernisation and confrontation over specific patterns of exploitation, intimidation or discrimination – mark many Asian states. The version of the cultural iconography that is given precedence is determined by many factors, including concurrence with the contemporary dominant economic and political interests.

The reification of culture – turning it into a weapon – may be the expression, in this case, of a long history. It may draw directly on the dynamics of colonialism, where the gulf between coloniser and colonised was subject to tight



internal patrol (Nandy, 1983), and also on the work of early anthropologists, who worked to delineate the absolute distinctiveness of societies and cultures. In this way the battlelines of domination and also of one form of resistance are drawn. This long history attests also to the unequal but dense and 'intimate' interaction and reshaping of cultures. Writing during the Suharto era, Indonesian poet and commentator Goenawan Mohamad asked 'are human rights the same as Coca Cola?', drawing an implicit comparison between those 'American products' that are welcomed and those that are treated with suspicion (1994: 65). Nandy reflects on this intimate conflictual interweaving by looking at the internalisation of 'Western' or modernised selves within 'Asians' – an 'adored enemy [who] is a silent spectator in even our most private moments and the uninvited guest at our most culturally typical events' (1998: 144). This modern self is pitted against frozen 'clandestine or repressed part-selves . . . These hidden or part-selves can now usually re-enter the public domain only in pathological forms – as ultra-nationalism, fundamentalism and defensive ethnic chauvinism' (1998: 146).

The third element, closely related to the other two, is that the problems of grappling with difference – which are fundamental to the challenge hidden within this debate – are reduced to an abstract, arid confrontation between universalism and relativism. Moreover, those who see the 'West' to be upholding global standards of rights tend to presume that they represent universality and so equate the 'East' with the relative or particular (or opportunistic). It is implied that without adherence to a quite particular construction of universality, only opportunism is left. The crude riposte to this charge – that Asia is different – simply converts the insinuation into a weapon for the other side. This argument works both ways, making Asian rights activists vulnerable to charges of representing foreign ways and powers and so betraying the achievements of hard-fought national liberation struggles. Notions of human rights are imported from the political culture of Western Europe, according to this position, and are therefore alien to Asia. But the problems posed by the systemically inflicted abuse of people are essentially practical, if difficult and far-reaching in their implications. To insist that these problems must be resolved principally through the abstract (and mutually constitutive) polarity of relative and universal truth distracts us from this practicality and further entrenches the generality, vehemence and impasse of the debate by asking us to think about questions of how we live together fundamentally outside the circumstances of people's lives.

Goenawan Mohamad's discussion<sup>4</sup> of the sexual abuse, torture and murder of Marsinah, a 23-year-old Indonesian labour activist, is one kind of response to the charge that concern with rights indicates the intrusion of Western influence and compromises national sovereignty. He argues that human rights are

not essentially a matter of international precepts and principles, Western or otherwise. Rather, they start as a recognition of real harm and a 'story of violence and suffering' – from the immediate reality of the face of the victim. The workers who pressed the issue of Marsinah's murder with the authorities did so not because they were influenced by international propaganda or Western values, but because 'they found the murdered woman so close to their daily life'. 'Human rights are born not because they fall from the sky, or come from a textbook from a Western university, but because people make complaints and search for freedom from a sense of profound exploitation. In other words, human rights are born from real conditions' (Mohamad, 1994: 78). Mohamad argues that what we need is not 'lofty principles' but 'a type of history. In order to fully embrace human rights we need the experience of knowing the capacity of mankind to abuse any such limits, especially when we ourselves are in threat of fear. In other words, we have to perceive the issue from the point of view of the victim' (Mohamad, 1993).

There are real differences in emphasis and value between and within the overlapping networks of political cultures touched by this debate. And differences can also be overlaid. The dichotomies in terms of which the debate is standardly cast are those of the individualistic West versus the communitarian East, political rights and ideals of freedom versus economic rights and goals of development, and national cultural and political autonomy (often seen as giving priority to models of harmony) versus global or modern culture (often identified with conflict). However, rather than being drawn into questioning or defending the primacy of either of the contending values proposed – the individual or the collective, or harmony or conflict of interest, and so on, it is worth considering the circumstances within which the juxtaposition is being placed on any occasion and questioning the apparent naturalness of each pole of the dichotomy. The purpose of doing so is not to remove the differences but to shift them away from the zone of timeless oppositions into that of more concrete political problems.

By what processes, for example, does one group come to stand as the 'individual' in any given instance and another as the 'community'? In practice in East Asia the state has taken to itself the identity of 'community' over and above the various traditional collectivities (of extended family, village, ethnic or religious grouping) in which the individual was immured and which are called upon as evidence of a collective state of being.<sup>5</sup> Indeed these traditional collectivities, as spheres of power in potential competition with the state, are hardly welcomed. It makes a difference which activity of the state is being justified in terms of an identification with the traditional continuities of community. Is the individual (one of) the class of Singaporean landowners whose property is acquired peremptorily by the government as part of the provision of public housing? Again, is the individual one of the East Timorese youths who demon-

strated (thereby exercising the supposedly individual right of free speech) during the Suharto era, and so faced the violent response of the Indonesian military, here representing the collective, or is the individual a worker attempting to organise an independent trade union? When is the debate one about community versus individual good and when is it about which individuals, groups and classes have the opportunity to determine the kind of community they want and for whose benefit it operates? In any society, power lies with the ability to call upon an unquestioned and so all but invisible normality as the reference points that map out community.

Again, the assertion of the 'right to development' or of the functional primacy of economic over political rights raises the question 'Development for whom?' Who makes up the community whose standard of living is to improve, and how is it constituted? It is widely assumed by figures on both 'sides' of the Asian Way debate that economic development is central to the promotion and protection of human rights (although what this can mean more specifically varies enormously) as it is also widely accepted that poverty is a direct contributor to major forms of abuse. But poverty can be sustained by patterns of maldevelopment that themselves incorporate systemically imposed repression and abuse. The expression the 'Asian Way' is often a reference to the overriding priority given by some states to economic growth at the expense of other political and social goals or values. In this context 'Asian' values means simply what is good for business elites – often simply social stability, with few standards governing the use of labour or accountability regarding economic activity. It could be argued, however, that the purpose of economic *rights* is not simply that people have sufficient to live but that they have sufficient to enable them to take part effectively in society – to take part, even at a simple and partial level, in the dynamics of power which shape their community. As the later discussion of East Timor makes plain, the question 'Development for whom?' becomes particularly pertinent if the process of growth acts to disenfranchise or further marginalise sections of the population.

The 'Asian Way' debate is one of the sharper political expressions of the polarisation of universal and relative truth, and indeed of a range of dichotomies – political versus economic, individual versus collective, East versus West – that explicitly or implicitly mould international rights talk. In particular, it may have grown out of the moment of judgement – of 'we', the virtuous and clean, facing 'you', the unclean – in which so much discussion of human rights becomes trapped. Rather than bringing clarity, however, these terms often seem to entrench our understanding and construction of rights more unreflectively into patterns of alternating competition and convergence, the shifting strategic alliances that make up the emerging hegemonies of the global political economy. Thus they obscure the problems of identifying and responding to the infliction of injury and suffering.

## Dialogue

The Asian Way debate, with its contradictory trajectories of conflict, grievance and genuine questions, gives some indication of the operation of and the obfuscation stemming from the universal-relative dichotomy in practice. Writing of such exchanges as 'the existing, official mode of dialogue', Ashis Nandy traces the psychological fracturing which has been one, still living, effect of colonialism. He investigates the 'hidden or disowned selves', the 'subjugated selves' shadowing both the non-West and the West and their encounters, and so underlines the complex undercurrents and often violent histories of cross-cultural dialogue (1998: 146). (Nor is colonialism the only history of domination and conflict that is relevant here.) All these selves, he suggests, must be able to take part, or else they enter the debate as the pathologies of dogmatism, fundamentalism and ultra-nationalism. Like Linklater, Nandy outlines principles he regards as fundamental to 'an authentic conversation of cultures', principles that are entirely compatible with Linklater's. Nandy, however, does not seek to secure his principles as more than demands, advice or persuasion, grounded in centuries of conflict, exchange and reflection. Because colonialism is the focus of his work (with particular reference to India), Nandy's texts also bring to the fore a perspective that is particularly relevant to work on human rights and abuse: that is, an emphasis on working with history, particularly that history which has shaped the lineaments of the current relationship, and thus also on self-reflection. 'A dialogue is no guarantee against future aberrations, but it at least ensures self-reflexivity and self-criticism. It keeps open the possibility of resistance' (1998: 148).

Dialogue has been a crucial element in the approaches to ethics of most of the theorists discussed in this chapter, whether relativist, universalist, or neither. For the approaches to working with problems of abuse proposed here, this flexible but potent metaphor of conversation is also critical. Dialogue is put forward here not as the basis for an integrated theory but as a trajectory for reflection – a metaphor that may offer some practical, as well as theoretical insights and possibilities. In chapter 1, the complexity, density of relationship, and openness to learning implied by dialogue were contrasted to the delivery of a message, with its relative lack of engagement, paucity of relationship and one-way direction. When we consistently approach rights promotion like the delivery of a message, this tells us something about how we in effect understand rights, abuse and social change, and how we believe the significance of what is said to be established (at least as that applies to social change). It also reflects on the relationship between the deliverers and the receivers of the message. In a message the 'truth' or significance of the communication could be understood to be essentially contained in the words; by contrast, in a conversation, the significance lies also in part in the nature of the interaction over time and the

character of the relationship. If human rights provide a way of working with the systemic infliction of suffering rather than being essentially a means of conceptualising the limits of government in a liberal state, then the category of abuse is not limited to the relationship between individual and state but is more generally entrenched in ways of constructing community (in which the institutions of the state are, of course, often pivotal). Response to systemic infliction of injury may thus demand less the assertion of a singular truth than long-term engagement with the social practices in which much abuse is embedded or sustained.

In this chapter, dialogue is also suggested as one way of stepping aside from the intensity of the polarity of universal and relative values as apparently contending homes for truth, meaning or rights. The hopelessly entangled knot of universal versus relative values can be understood as itself a particular kind of construction – not a spontaneous opposition or unavoidable moral choice but a product of the history of the state system. This does not mean that the polarity therefore has no weight or substance. At one level the dichotomy sets the coordinates for sovereignty. ‘Universality’ in this context can be understood quite pragmatically, or perhaps historically, as those (changing) areas subject to more than just national competence. Sovereignty has always in practice been a complex balance of national and international forces. Struggles over its changing reach and character are important in a number of arenas (including human rights) and are intrinsic to the system of states.

In discussions of international ethics, however, universality commonly appears as not merely another, sometimes contrasting, sometimes complementary arena of governance, but as an ontological domain of rationality, or of ethical life or the universal subject. But whether understood pragmatically or ontologically, or both, universality versus relativism is not a dispute that can be finally resolved across the board in favour of one term of the polarity or the other. It is misleading for the ontological version of this polarity to appear as in fact a debate about the nature of morality, or the last word on community, or to be expected to shed light on the problems of working across difference. The antinomy of universal and relative is an expression of the history of the state system (or elements of that history), not a master key to its interpretation. The notion of dialogue offers an alternative to elements of this overworked dichotomy. Dialogue offers a reminder that we are already working with analogy and difference, and across sometimes profound borders of one kind or another. We are already engaged with each other and ‘[e]xistence, like language, is a shared event’ (Holquist, 1990: 28). The image of entirely discrete, separate and self-contained subjectivities, like the image of discrete, separate cultures which, without an ascertainable underpinning ground, would collapse into a cacophony of subjectivist contention is only one, quite particular, way of picturing our existence.

Reflecting on dialogue as a motif can suggest other subtle shifts of theoretical and practical emphasis and orientation. Some of these shifts are already apparent from comments quoted above by Linklater, Nandy or Rorty. There is, for example, an openness about notions of dialogue, particularly if one does not limit the word (as properly one should) to only two interlocutors. There are others engaged, and what they bring to the engagement is not predictable. Dialogue emphasises listening and attentiveness to circumstances and to others. If we are pursuing human rights, or even sustainable operations in fractured circumstances, this is a crucial orientation, if one that is often ignored. While theoretically simple to the point of naivety, attentiveness or creating the conditions for listening can be complex and challenging in practice. Conversation, and the understanding it sometimes makes possible, is a mutual achievement. The shifting of attention from the decentred interaction of dialogue to the formal conditions under which ideal communication is possible seems to move away from this openness. Moreover dialogue is not monologue or the enunciation of singular truths. An emphasis on interaction among a number of interlocutors draws attention not only to difference and otherness, but to the partiality of our insights, judgements and observations. Partiality does not appear in this context as a failure to achieve wholeness or totality, but as a natural condition of being part of interactions and exchanges. Partiality is a condition of potentially sharing, extending or changing understanding – one's own, someone else's, or both. It is a condition of learning.

Highlighting dialogue thus draws attention to the contextual and interactive dimension of our understanding. Particularly if we are thinking of slow and difficult 'conversations' over generations or centuries, rather than hours, meaning may then appear less as locked inside propositions (as the classical models of epistemology indicate) and more as existing in relation to the pattern and character of exchanges.<sup>6</sup> Ultimate standpoints may seem less central or less exclusive and settled. One site in which universality is regularly invested is notions of 'the human'. Tzvetan Todorov has commented that 'it is not possible, without inconsistency, to defend human rights with one hand and deconstruct the idea of humanity with the other' (1987: 190). But what might be most important for notions of human rights is to enrich, extend and open our understanding of 'the human' and 'humanity'. For this, a 'deconstruction' in which the partiality and the character of the notion becomes plain is a valuable step. This would seem both part of listening to others and the self-reflection to which Nandy refers. Such a 'deconstruction' need not leave a gaping hole where care for others and ourselves was once held. 'Deconstructing humanity' may instead equip us with a more discriminating awareness of our sense of humanity and of its adequacy to our commitment to rights, in this case, or to community which does not systematically generate suffering. It may entail a more attentive and productive regard to other ways of understanding the person, community,

and of our relationship to life forms more generally. And so it may encourage a more open and self-reflective sense of the person, of relationship and of political order.

Recognising the partiality of our understanding and, in this case, the unreliability of some of our tools, also requires an acceptance of uncertainty. Abuse can be clear, and statements regarding human rights, or human wrongs, can at times be made with great confidence and power. But there is a great deal to be uncertain about. Atrocity and grave harm raise fundamental questions about the nature of political community that few communities and few states can avoid entirely, or answer satisfactorily, while at a personal level abuse interrogates our relations with each other and what is often our indifference towards and fear of each other (Cixous, 1993). The problems of responding to suffering bring us up against the limits as well as the strengths of the available mechanisms and presumptions regarding rights and ethics – whether liberal or other models. And the closer we come to the ‘face of the victim’ the more obdurate the problems can be. A change of government, or of particular laws, or a significant increase of resources can sometimes remove certain kinds of harm. The legal system, or a process of reconciliation, can be a public recognition of abuse, and may offer some redress. But effective response to entrenched violence and injury and – to return to the example of Serbia, Bosnia and Kosovo – the problems of the emergence of non-abusive political relationships at all levels of social order admit of no easy solution.

There seems often an element of vulnerability about our knowing. Dialogue is one response to this vulnerability. Perhaps one difference between those in the contemporary West and the German population in the 1940s, or (on a different level of intensity) people who carried out some of the more extreme forms of control and intervention in the lives of Indigenous Australians in the 1970s, is that we have had the opportunity to listen to the victims of those actions. It is not necessarily a strong difference, and it must be built upon in institutional or other forms. Nor is it the only or necessarily the most important difference, but it does remain significant. Encountering the victims can also be avoided, suppressed or delayed, as colonialism again reminds us. Notions of dialogue have little to add to the transactions of power (of which dialogue is a part), except to note, with Nandy, that exchange can keep open the possibility of resistance. History provides good reasons not to trust the processes of coming to understandings, but such processes remain both a central and a tenuous element of the tools that we have for living together.

Most fundamentally, perhaps, rights can themselves be understood as a mechanism for recognising and participating in the referential life of self and other, for constituting political relationships, in the broadest sense, that not only enable the claim to participation but support the processes by which others are heard.

Rights are a particular kind of conceptual, social and political tool with a dense and ambivalent history of both emancipation and exclusion. While rights are not grounded in some figure of the universal subject or of reason, it is equally important not to limit an understanding of rights to a function solely within the state, congruent with citizenship. It is true that the legal framework of rights rests overwhelmingly with states and that these frameworks are often a fundamental dimension of working with questions of the social infliction of injury. At the same time, patterns of abuse cross borders, and are often embedded in the structures of international transactions (as dependency theorists show); similarly, the effects of abuse are frequently not contained within the state (as refugee flows, as only the most obvious example, demonstrate). Bonds of solidarity, which can stimulate response to abuse, also cross borders. Moreover, while rights are a form of institutional or political practice, they are also aspirational. They are an available language for asking and, in part, for answering 'How can we live well together, how can we build and sustain non-injurious relationships at all levels?' We need to keep asking this question because we answer it differently at different times, and sometimes in better ways than at others. And we need to ask it not only of ourselves, but of others.

The contractarian story poses a version of this question and imagines a universal state as a response, with universal man as its sovereign. This story has at times legitimised pressures to uniformity within states and conflict among them. Questions and answers about how to live together, however, are in operation not only within states but within and across the various and intersecting communities we inhabit – of which states remain a fundamental and complex, but not the only operative, dimension. Nor need questions of human rights seek universal laws upon which to base claims to certainty or an achieved or definitive political form but rather acceptance of the uncertain processes of constructing our collective lives and the on-going need, not for a metalanguage but to work with each other.

The history of rights offers a substantial body of experience – both negative and positive, incomplete, not always relevant to particular circumstances, but valuable – while the idea of human rights offers a number of crucial injunctions. At the simplest level, it is important to remember that human rights (at least as they are understood here) are not so much 'about' individuals but are a way of approaching community and relationship – a way that gives primacy to mutual respect. It is in this sense that rights assert the vulnerability and the value of people, individually and collectively. Rights also uphold participatory ideals of collective or political life. For in order to give voice to suffering and to work against the infliction of suffering, people need to be able to take part to some reasonable degree in shaping and reflecting upon the contours of their common and individual lives – to take part in dialogue, not only to speak but to be listened to. Notions of rights are thus one way of entering into the processes



of considering and of constituting what kind of society it is that we sustain; they are mechanisms by which people engage in the on-going struggle with questions of what community can be under present (or future) circumstances. There is also a dynamism to notions of human rights. This is partly because, as an ethic, participation is inherently open-ended. But it is also because ideas of human rights continue to challenge us to recognise the value and the vulnerability of people across the barriers of otherness and of suffering.<sup>7</sup>

In practical terms, rights make sense within the referential field of some world of interaction. The claim to human rights, however, and the recognition of abuse are always potentially efforts to move beyond the definition of group boundaries to recognise the possibility of a participation that is not exclusionary and that does not impose uniformity. The relevance of the assertion of the universality of human rights lies here – not in staking out the territories of the universal but as a challenge to look across the boundaries of state or community or worldview, to look out from where we are, often to networks of interaction and patterns of cause and effect already in place. Rights thus problematise community and its natural exclusions, as well as providing mechanisms with which to build it. In this sense, thinking about rights in international politics provides insight into something fundamental to the notion of human rights itself – the need to work across borders of one kind or another – but that is obscured by the habit of thinking within the terms of the state, with its illusory homogeneity. In a similar fashion, rights promotion can itself be understood as a participatory process and an act of many-sided communication. As a working practice and a participative civility, rights indeed have a Western history, or more accurately a range of Western histories. They may also have non-Western histories and certainly non-Western potentials which cannot be so easily dismissed after quick canters through other traditions fail to find enough of the major themes of liberalism.

NOTES

- 1 Booth's comment here is in danger of functioning like G. E. Moore's use of evident facts (e.g. 'The sun rises every morning') to establish the basis of a claim to epistemological certainty (Wittgenstein, 1977).
- 2 As Goenawan Mohamad notes: 'Unfortunately, religious principles have never been shown to drive the hearts of man away from torture, from imprisoning people for ten years or more without trial, or from remaining silent when one should properly speak up. These lofty principles can suddenly disappear the instant the prison door is closed and the joy of the exploitation of others re-emerges. These principles can even make us feel as though we are the ones-in-the-right, we are the pure ones – and therefore have a sort of licence to liquidate the opinions or presence of others' (1994: 66).
- 3 For example, see Kothari and Sethi (eds), *Rethinking Human Rights* (1991), the journal *Lokyanan*, the writings of Chandra Muzaffar and Beng-Huat Chua.
- 4 In an unpublished address to the Australian Institute of International Affairs, Brisbane, 1995.

## *The question of rights*

- 5 The absorption of community into state is hardly surprising given the histories of inter-community violence, close to the surface or more deeply buried, that mark many states. But the processes by which traditional collectivities have come to be bound to each other are not natural historical continuities. There is nothing simple about the state as upholder of the collective good.
- 6 This is the sense of saying that the appeal to universals can operate differently in different contexts. One would not say to Aung Sang Suu Kyi, for example, that she should not appeal to a universal. That is in part because, on one level, she is engaged precisely in a struggle with a violent, extremist definition of 'sovereignty'. But she is at the same time protesting, with a power and integrity that is rooted in the circumstances of her speech, against the suffering imposed on people.
- 7 '[T]he awareness of death and suffering . . . [is] one of the strongest incentives for life, the basis of human solidarity' (Fromm, 1960: 212).