

Bindu Puri*

**Dr. Bindu Puri teaches Philosophy in Kamala Nehru College, University of Delhi, New Delhi, India*

This paper seeks to examine the apparent tension between the modern human rights discourse with its stress on individualism and freedom and the ascendancy and (contextualising) influence of the community, which is involved in the notion of culture. The argument advanced in the paper states that this is based in the original location of the human rights discourse within the framework of modern liberal ideology. There are other ways in which human rights can also be understood. The consequent relocation of human rights discourse could have bearings on understanding the need for culture and locating the problematic in cultural imperialism. Thereby it would also contribute towards developing a more meaningful understanding of multiculturalism. The paper seeks to work towards this understanding in the following pages.

View from nowhere!

The human rights discourse is part of the hegemonic, imperialist core of the modern, individualistic liberalism with its emphasis on the 'individual' in her/his uniqueness. Therefore, one of the claims, often resolutely made, is that human rights as inalienable rights belonging to individual human beings are unique and universal. This derivation of the human rights discourse from modern epistemology is clear enough. The latter locates one's knowledge of the world in one's capacity to take a disengaged view of it: disengaged from any specific context in which one happens to be situated. Nagel, the philosopher, has characterised this as 'the view from nowhere'. What enables one, as a rational human being, to take this view is one's reason or one's rationality itself, understood in the sense of one's capacity to carry out procedures in one's thought which have pre-given criteria of correctness. The modern idea of freedom derives from this concept of rationality. An individual's freedom consists in the rational ordering of her/his desires so that they can be maximally satisfied. Human dignity consists in upholding this freedom. Every human being is potentially rational and, therefore, the potential locus of freedom and dignity. Human rights are rights that belong to human beings qua human beings, as beings who can exercise freedom through reason.

Tension between Human Rights and Right to Culture

The liberal humanist argument for human rights comes with certain powerful epistemological assumptions— assumptions about the unique and rational individual who is equal to every other unique and equally rational individual. Any such individual is rational by virtue of being able to transcend the specificities of his or her context and attaining a disinterested and non-contextual view-point. This non-contextuality is also where his freedom is located. Given this kind of a

framework, the tension between human rights discourse and the right to a culture emerges for the following reasons;

- (i) At the surface level itself, this stress on the ‘unique’ individual is obviously compromised by the primacy of the group implied in the notion of culture. The free individual person assumed by liberal ideology finds opposition in the arena of social action, hemmed in as it were by a whole gamut of cultural networks and ties.
- (ii) More importantly, the liberal conception of human rights rests upon the possibility of rationality pre-defined as the capacity to have a non-contextual and disinterested view.

The whole concept of the contextual determination in and by a particular culture is inimical to the ‘view-from-nowhere’, disinterested rationality that is at the heart of the notion of the modern, rational individual. Individuals as existing within parameters defined by specific cultural experiences of self-identity cannot be rational unique humans *qua* humans equal to all other such humans. Yet as increasingly ‘presenced’ in the post-modern world, it is this cultural experience and cultural identity, which gives individuals a sense of self and leads to various complexities and conflicts in actual life situations. It is precisely in such conflicts and their resolutions and in the moral problems arising from them that the need for human rights discourse first seems necessary. Quite paradoxically that same human rights discourse includes the right to culture. How is a conceptual reconciliation to be made here? Why does the human rights advocate speak about the right to culture if; (a) the notion of a culture is problematic in terms of individual liberty and (b) culture is a powerful contextualising phenomenon and thereby not happily placed vis-à-vis the epistemological assumptions of liberalism and rationality.

Human Rights: A Contextualised Moral Judgement

It might, perhaps, be possible to understand the notion of the right to culture if the whole human rights discourse is removed from the language of liberal humanism and relocated within the language of morals. The basic premise of this relocation argument is that human rights is primarily a moral notion. Once this is accepted then it becomes possible to ask questions like: ‘How do human rights enter into our idea of the good life?’

It is my contention that the ‘view-from-nowhere’ rationality is of not much help in dealing with questions of this kind at all. Yet such questions do arise in the contexts of human rights, as I will presently discuss, which is why it can be contended that the natural habitat of the entire discussion on human rights, dignity and freedom is not in procedural rationality but in the area which Aristotle called ‘*phronesis*’.[1] One way of understanding *phronesis* is to think of it as implying that clarity about goodness or about the good life can be achieved only in and through one’s active intelligent engagement in a moral practice. Any actual moral practice involves ways of discriminating between right and wrong, between the good and the bad, between what will constitute fulfillment or what will lead to fragmentation. Involvement with the moral practice is what gradually deepens one’s sense of the good and one’s ability to articulate and resolve the increasingly complicated moral perplexities which life brings up. The good is not something, which opens up to the rational disengaged view. In fact, it is as though concealed to such a view

and therefore unclear and dubious. Human rights discourse belongs to the area of moral engagement and moral practice.

Important consequences would flow from such argument. It would mean that human rights accrue to man as a moral being. Therefore, their authority and enforcement is a moral authority and can be evaluated from within a moral way of life. A sincere exponent of human rights must then be a good human being. She/he must be a good man, a good daughter/son, a good wife/husband, a good mother/father, a good citizen and a good member of society. As because the engagement in moral practice is not a matter for abstract judgement, it can be seen in the life well-led. Further the sincere involvement with the moral practice gradually deepens the person's own moral sensibility making it difficult to make an unjust claim. The idea that this is the area, to locate the whole talk of human rights in, seems correct given the fact that the violation of human rights carries a sense of moral injury or moral affront rather than that of legal injury alone. Witness the fact that one would feel very differently about the violation of the basic human dignity of a person, than about the violation of her/his right to contract and partnership. The human rights discourse, even as it is located within modernity, quite strangely often plays up this sense of moral injury.

Another argument that seems to indicate the correctness of the relocation could be derived from the sense of an innate difficulty one would feel from within the moral way of life, when there is the application of the human rights discourse to hardened criminals, terrorists etc. This could be experienced besides the fact that their rationality may be a pristine example of the disengaged procedural model. In fact, the more disengaged and rational the crime the more moral perturbation the human rights discussion in that context would evoke. This could be because human rights accrue to human beings by virtue of their goodness and not their uniqueness or their rationality.

What implication does such relocation have for human rights and the culture debate? Through the attempted argument for their relocation human rights could possibly be based in an individual's active moral engagement in the world. I shall now further argue that such moral engagement is necessarily a moral practice contextualised by a form of life, certain habits of thought, a culture. In fact one's involvement with moral notions, introduction to moral practice, is more often than not, through one's acquaintance with and understanding of one's own culture. We learn about the good and the bad from our own little stories. The *Khasis* (name of a tribe) in northeast India are told by their elders stories about the rivers and the mountains. They speak of fulfillment in terms of, "*bam kwai haeieng U Blei*"— literally translated as 'chewing betel nuts in God's house'. U blei cannot perhaps even be translated as God. The Vaishnavite Hindu (one who follows Vishnu, the most important deity of the Hindu Trinity) from southern India has her/his own very distinct stories and way of learning and inculcating moral practice. Therefore, the right to culture is perhaps the most basic human right in the absence of which we might not be able to, in terms of the argument above, become eligible for human rights.

I use the word culture here in the sense of the meaning it acquired in the course of the 19th and 20th century debate in the West in the discipline of anthropology— which defined culture as "a way of life of a people, including their attitudes, beliefs, values, arts, science, modes of perception and habits of thought and activity".[2] This definition is of course not without problems. For instance its incorporation of various terms like science and arts in the definition of culture, presupposes a certain pre-defined epistemological framework. Does this mean that cultures, which do not profess

a science or an art in the acceptable sense of the term, are lesser cultures? However, I will not go into these problems here. This argument is strengthened by the fact that it is able to aid an understanding of the conflicts that may arise between an individual and her/his culture. If a person who first imbibes a sense of the ethical from and through her/his cultural symbolism and practice, wishes to reject or leave that culture as a morally responsible person and in the exercise of her/his basic human rights to freedom and equality, there could be two main lines of argument. First, the culture has somehow lost the power to reflect and articulate a sense of the right and wrong and alienated the individual moral agent. And second, the individual feels the need for the freedom grounded not in morality but in homogeneity and homogenising equality, which does away with her/his cultural contextuality. She/he can then cite the catchwords of procedural rationality, i.e., freedom, rationality and equality, thereby justifying her/his refusal to be part of a certain form of life.

In this case, though it might appear as if the conflict is between the modern rational individual and the group: it is in fact a conflict between an individual and a form of life, a certain view of the world, a concept of art, a sense of cosmology etc. The individual in such conflict never leaves her/his contextuality but only jumps from one form to another. Cultural identity being replaced by a modern self, far from being non-contextualised, has its own set of powerful assumptions.

This argument has attempted an alternative understanding of human rights as located in ‘phronesis’ or moral engagement. This moral engagement is necessarily structured in-the-world and flows out of a certain context. As I have tried to show, moral practice is learnt and perfected through participation in a certain set of values provided by one’s culture. An advocate for human rights must on this reasoning be a participant in moral engagement. That engagement would in all likelihood be actualised through participation in a culture, thereby making it possible to understand the notion of the right to culture as a basic human right. The integration of culture and the human rights discourse is natural when human rights are thus relocated. Such integration is also, in my view, important to any understanding of those actual situations in which human rights application is deemed relevant in the world today.

Plurality of Cultures and Cultural Imperialism

However, if every human being *qua* human being has a basic right to her/his own culture then how can plurality of cultures co-exist without the ever-present dangers of cultural imperialism? At the present time plurality of cultures is an indisputable fact. In fact, it has now become a matter of great celebration in the West. However, whether we do accept plurality of cultures or not there remains the problem of understanding both plurality of cultures and the problematic in cultural imperialism.

There has been a long history of cultural imperialism in the world. Let us take the extreme case of 16th century European cosmography. Here the non-European other was either not the other at all, because she/he was at least as yet, devoid of subjectivity and part of nature. Or she/he was part of the devil’s realm— a realm reference, which was indispensable in characterising European culture. The argument for imperialism proceeded by demanding unity or by rejecting difference.

In the Indian tradition itself there has been a different kind of experience of cultural imperialism. In the Indian experience in the ascendancy of the dominant 'brahminical' culture there has been a marginalization and relegation to the periphery of the less dominant cultures, like all the tribal cultures. The argument here again does not recognise the "other" as a culture at all. It is for example often argued that the tribal mind is innocent of any proper metaphysics or epistemology. The difference from the earlier imperialism is of course, that it proceeds to reject the less dominant in its own quite composite reality. And it does this by simply rejecting difference and oversimplifying the composite Indian cultural reality.

Witness for example the interaction between major cultures in India and the tribal cultures. It may be tempting to assume that movement here must have been from the centre to the periphery and the tribal cultures must have been takers rather than givers. The truth however may be different. Many of the tribal cultures in India have survived through to the present times with their unity and vitality minimally impaired. One proof is that their languages are still palpable going concerns. A living language is the embodiment of a living culture. Survival such as this ensures that they could not have been pure takers but must have had a sustaining creative centre of their own. This of course does not mean to say that they never received elements from outside but only that they assimilated them in terms of their own creative core. It is possible then to problematise cultural imperialism in the following terms: I have a basic human right to be a participant in my own culture, to articulate its concerns. However all my human rights are located in my own moral engagement in the world. As a person sincerely engaged in moral practice I cannot espouse the exclusive right to this, unless of course I deny moral engagement to individuals belonging to other less dominant groups which I cannot do without seriously damaging the sincerity of my own moral agency.

I would like, at this point, to depart from the argument to make a few comments on cultural imperialism in the context of the Indian experience. In India we have experienced a variety of cultural imperialisms: (a) Imperialism of the brahminical and other dominant traditions i.e. the Urdu culture; (b) British imperialism in the colonial and early post-colonial era; (c) the cultural imperialism of modern western modernity, which is a phenomenon still affecting the mainstreams of Indian culture, i.e., Indian art, thought, literature, practice etc.

What is interesting is that in the Indian context these imperialisms take on one another in interesting ways. As such, modernity and the brahminical ascendancy as well as the other dominant traditions have to sort each other out. It is English vs. Sanskrit, English vs. Hindi, English vs. Urdu, Hindi vs. other regional languages etc. The marginalised sections, the peripheral cultures appear to be insulated from this struggle. This, however, is not the case. The struggle between the dominant cultures frequently spills over into the domains of the smaller cultures; and it soon turns into a war of domination over the latter. This leaves them with only a minimal chance of survival. Their own sources of energy, springs of action tend to dry up and their marks of identity, such as their rituals, dances, and ways of dressing up become alienated from this source. Either they take on new meanings or become denuded of any meanings at all. Those cultures, which do manage to survive this onslaught, might emerge from it revitalised and renewed. Perhaps the flourishing of regional literatures in India is just such a phenomenon.

Multiculturalism and Cultural Relativism

The acceptance of multiculturalism is conceptually and morally implied in the espousal of one's own right to culture as that right rests upon reciprocity of regard. To the extent that moral notions are learnt from early years through participation in a culture and a language, it is possible to see the crucial role of the (human) 'right to culture'. Such a right qualifies a person's sense of identity and capacity to engage in moral behaviour. If human rights claims belong to the area of moral engagement then the plurality of cultures and acceptance of that plurality needs to be lived out rather than abstractly espoused. This involves a genuine attempt to recognise the other cultures as different from one's own and as legitimate powerful alternative sources of learning moral notions.

Individuating the other culture

Is it in any sense possible for me as an individual participant in a particular culture to go beyond this abstract acceptance and achieve an actual understanding of another culture? Can I know another culture? The following considerations may be relevant in answering this question: At one level it seems that cultures can be easily individuated. The definition that I gave earlier spoke of a culture as a way of life of a people including their attitudes, beliefs, arts, science, and modes of perception and habits of thought and activity. Armed with this definition we may think that it is possible to individuate cultures and know them. However it is not that easy. For one thing each of the terms involved in the definition is problematic. Further if concepts such as values, attitudes, beliefs, arts, science etc are to be cross-culturally available, which they must, if they are to help one to know the other cultures, then be themselves independent of any culture.

This brings us to the idea that there is a core of human consciousness that is not contaminated by reference to any culture— that is purely non-contextual. And this question has not only been answered affirmatively in the modern West but its ramifications define western modernity in many ways. A major part of the western tradition has focused on an articulation of this culture-free pristine core of human consciousness. A non-contextual vision, as such, gives the rational perceiver— free of cultural determinations— the right to judge all cultures and further arranges them in an impartial hierarchy as greater and lesser cultures. Such a disinterested rational viewer knows all cultures remaining himself outside all determinations and cultures. However, on closer examination this vision of the 'view-from-nowhere' man is an impossibility— even the notion of a view from nowhere is in itself far from innocent and heavily laden with its own powerful contextuality. To quote Gellner: "It is not possible for us to carry out a conceptual strip-tease and face bare data in total nudity. We cannot as Marx put it divide society into two halves, endowing one with the capacity to judge the other. We can only exchange one set of assumptions for another." [3] Therefore, other cultures cannot be known from the standpoint of the disengaged non-contextual observer.

Cultural Relativism

It might be said that I can know other cultures as identifiable different forms of life, i.e., I can know of them but never "know" them. So my own culture is the only thing that I can have an authentic grasp over. About other cultures I can say that they are there and nothing more. This is the position of cultural relativism. The fundamental problem with this position is that it is as a matter of fact

false. One can and does have authentic knowledge of another culture. If at times that can be partial and mistaken, so can the knowledge of my own culture.

It is useful to make a distinction between the inner life of a culture and its outer life as witnessed in the behavior and practice of that particular culture. One might then say that I understand or know another culture to the extent that I have an access to the inner life of that culture. That access depends precisely on my ability to leave the disinterested analytic rational stand and become a part of the life of that culture. One way in which this can be done is by learning to wield the language of the people belonging to that culture in the way that a native speaker of language wields it. This in a sense is the mirror of that form of life. I may begin with translations which do not give me the form of life at all but simply try to approximate to my cultural frameworks, but gradually a whole new world might open up in this clearing achieved by language, clearing here almost in a Heideggerian sense. At that point I might see the problem with my earlier translation itself. Thus as a natural speaker of Hindi, a fluent speaker of English already straddling two world-views, I learn the Khasi language. I translate, “*Bam la ka bam*”, as “eat and eat”, which is really not the sense of it at all. It is perhaps something I cannot translate in the world-views of either the Hindi speaking Indian cultural framework to which I belong or in the English speaking modern culture. It has to do with the world-view of the Khasi, the way food is cooked and served, in fact her/his whole way of life, the significance of eating together etc.

Yet this incommensurability was not something I knew immediately. I grew into it: I learnt it in the way I learnt and unlearnt and relearned the translation. My knowledge of the language, my access to Khasi culture was something that gradually deepened. That deepening gave me an access to the inner life of the culture. This deepening and this access is a sensibility or a regard, which is the opposite of the rational and the disengaged. It is part of one's moral engagement with the different other and therefore an essential necessary constituent of life-in-the-world.

From a Rational to a Moral Approach

In a sense this entire argument has moved on a central assumption. That one can move away from the modern construction or de-construction of man *qua* man in her/his uniqueness and rationality, in her/his disinterested core rationality. One can move to a concept of man *qua* man as an engaged moral agent in-the-world, and in-the-world-in-a-context. It is as such that she/he has rights, human rights, a basic right to her/his culture and a sensibility towards other cultures. Such sensibility also is part of one's moral engagement with the world and thereby one's sense of oneself, structured as our existence is necessarily with forms of life other than our own. The response to the other cultures then must move from that of the modern so-called disinterested evaluator, the traditionalist imperialistic rejectionist, to that of the interested morally engaged human *qua* human. This is obviously a large assertion. But the fate of multiculturalism depends largely on the cogency of the assertion and the possibility of ‘phronesis’.

1. I am indebted for this understanding to Mrinal Miri
2. Simon Blackburn, *Oxford Dictionary of Philosophy*
3. E. Gellner, *Culture, Identity and Politics*, CUP, 1988