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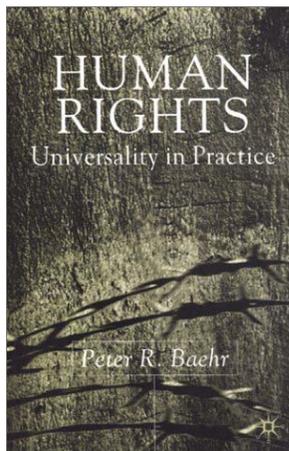


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Practicing Universality: The Inter-Disciplinary Imperatives of Human Rights

By Andrew Fagan

Human Rights: Universality in Practice by Peter R. Baehr. Hampshire, UK: Palgrave, 2001. 178pp.

The academic study of human rights is a growth industry. Courses and entire degree schemes devoted to the study of human rights are continuously sprouting across university faculties in North America, the United Kingdom, and the continent of Europe. There are no foreseeable grounds for doubting the continuation of this trend. Human rights appear to have captured the collective conscience of a new generation of students unhappy with the injustices of an increasingly globalized political and economic order. The emergence and growth of this particular community have been largely matched by a corresponding growth in human rights textbooks, of varying degrees of complexity and intellectual sophistication. Peter Baehr's book should be read and assessed within this context. Baehr's book aims less at presenting any particularly original or sophisticated insights into the theory or practice of human rights, and more at providing human rights students with a general overview of the fundamental themes and issues that they can expect to be confronted by during the course of their studies. The contents of Baehr's book are therefore general and wide-ranging. Over the course of eleven chapters Baehr cuts across the boundaries of various academic disciplines in discussing issues—such as the universal basis of human rights and the potential tensions between individual autonomy and collective rights claims—and the institutional framework for the provision of human rights in both international and regional settings. The relative generality and comprehensiveness of Baehr's analysis may be particularly appealing to those concerned with the inter-disciplinary study of human rights, rather than those who have more traditional interests, such as the international law of human rights, or the philosophical basis of human rights as moral rights, for example.

Baehr is, of course, not alone in attempting to address an inter-disciplinary human rights audience. Other recent examples include Michael Freeman (2002) and Jack Donnelly (2002). However, it would be fair to say that Baehr's book compares unfavorably with either Freeman's or Donnelly's on a number of grounds. I will substantiate this claim in due course. For the moment—and in an attempt to penetrate beyond the substance of Baehr's text so as to better evaluate it—I shall concentrate upon an analysis of what an inter-disciplinary approach to the study of human

rights might mean. Must the study of human rights include an inter-disciplinary core, one which entails a more holistic perspective than is typically found within existing, separate academic disciplines? Certainly books such as Baehr's appear to be addressing just such a need.

The Inter-Disciplinary Study of Human Rights

Within academia one advocates an inter-disciplinary approach at one's peril. To outsiders, academic labor and expertise can sometimes resemble the vision of a bygone era of manufacturing production in which each individual had their own narrowly specified and allotted task and function. Any attempt to transgress the confines of one's own place in the division of labor represented a potentially hostile incursion into some other operative's sovereign territory and was subject to numerous taboos. This world has, of course, changed dramatically in recent decades. In the so-called "real world" flexibility in the approach to one's own employment is widely upheld as an indispensable means to one's self-preservation. Academia, though, appears to have largely bucked this trend towards multi-skilling. Academic advancement continues to be based upon one's ability to claim possession of some specific aspect of academic expertise. The acquisition of academic capital is facilitated by an ever-narrowing focus upon a particular subject-matter with which one hopes to be recognized as one of the leading authorities at any given time. The fundamental ethos of academia continues to drive its devotees towards becoming the master of one trade and one trade only. To be a jack of many trades is, well, to be just a jack. Inter-disciplinary teaching and research is best seen in this light. To be associated with such ostensibly nebulous university schemes as "area studies" or "cross-cultural studies" is to run the risk of being treated as an object of suspicion or, worse, pity by colleagues and graduate students alike. Within a culture in which the principal object of labor runs fundamentally counter to the multi-skilling ethic, spreading oneself too thinly runs the risk of being condemned to confinement within a veritable and highly marginalized academic Alcatraz.

Although human rights courses are a relatively recent addition to university curricula, academics who claim an interest in teaching and writing upon human rights are particularly exposed to the taboo against inter-disciplinary study. The growth of academic interest in human rights is apparent in the number of academics who claim human rights as one of their teaching and research interests. For the most part, this emerging constellation of human rights academics comprises academic lawyers, political scientists, philosophers, sociologists, anthropologists, and others whose approach to human rights continues to be conducted through the conventions of their respective academic affiliations. On this view, there appears to be no single, discrete object of study and no element or property that would enable these various approaches to the study of human rights to be combined in some fashion so as to form a single, coherent community of academic scholarship. To paraphrase Marx, there may presently be no single class of human rights academics "for itself," but this does not necessarily imply that there exists no basis for the existence of such a class "in itself." To advocate an "inter-," rather than a "multi-" disciplinary approach to the study of human rights rests upon the claims that such potential does exist and, further, that the study of human rights is best served by developing a core inter-disciplinary perspective and thereby suspending, at least for this specific purpose, existing academic divisions of labor.

One could cite numerous examples to illustrate my claim. I shall briefly consider just one: the rights of women. Fully understanding any particular case of the systematic violation of the rights of a

given community of women cannot be achieved by a single specialist alone but requires the co-operation of various academic specialists. . An academic lawyer, for example, will be able to detail the precise legislation that aims to protect women in any given instance. This is undoubtedly of value, not least to the women themselves. However, what of the cases where the victims do not seek legal redress and protection? Understanding such all too real occurrences may require sociological or anthropological analysis. The lawyer is not well placed to identify structural or cultural conditions which may militate against women asserting or even identifying their basic human rights. More complicated scenarios are not difficult to envisage. What of those situations in which the victims are in a position to protest against their treatment but no legal mechanisms exist to support their claims? The limits of legal competence in the field of human rights are set by the fact that not all human rights are legal rights, recognized by the authorities to whom countless individuals are exposed. Understanding this situation may require the expertise of a political scientist or even, dare I say it, a moral philosopher. The former may enable one to understand more fully the political system in which such rights are violated, whereas the latter can provide a form of moral justification for the women's grievances in the absence of any established body of legal rights. The ultimate purpose of such academic co-operation is not simply to better understand how and why violations of women's rights continue to occur but rather to develop tangible and effective means for preventing such occurrences in the future. The ivory tower is not a legitimate place of abode for the scholar concerned with human rights.

If you accept the argument of the above paragraph you have probably gone some way towards accepting the case in defense of a multi-disciplinary approach to the study of human rights. I have presented the scholarly interest in human rights as a very "this-worldly affair" that is best served by the combination of various academic specialists, united in their commitment to fully realizing the aspirations of the human rights doctrine, enshrined in the various declarations, covenants, and practices of communities of people across the globe. This vision poses few challenges to the existing division of academic labor. On this view, what is required is an approach in which human rights issues continue to be viewed through several academic perspectives. Any given human rights scenario may be interpreted and represented in varied terms: legal, sociological, anthropological, political, economic, or philosophical in accordance with the academic conventions and practices of the scholars involved. What this view continues to exclude, however, is some general perspective that distills the several perspectives in order to present one, meta-perspective. This is precisely what an inter-disciplinary approach to human rights promises and this is the approach inter-disciplinary human rights texts, wittingly or unwittingly, ultimately support.

I am not suggesting that fully understanding the complexities of human rights theory and practice requires enacting some revolutionary changes in the academic division of labor. The study of human rights continues to require the particular skills of the many different academic specialists currently involved in the exercise. Nor do I propose the establishment of some singular academic field of study devoted entirely to human rights within which all of the various disciplines are simply subsumed or assimilated. I am arguing, however, that fully understanding human rights is best facilitated by the inclusion of an inter-disciplinary, holistic perspective that is not beholden to the specific conventions of any specific academic discipline, or collection of disciplines. This does not mean, though, that I envisage basing such an understanding upon some version of Thomas Nagel's

(1986) “view from nowhere.” While to some, such a view may seem to be entirely compatible with the universalizing and purportedly objective thrust of the fundamental principles of human rights, it simply is not possible to achieve a coherent perspective on human rights that is entirely free from the contingencies of time, place, and personality. In saying that, I am not attempting to make some strong, first-order philosophical claim concerning the ultimate origins of human rights as a moral doctrine. Philosophical debate continues to rage across this particular terrain and I would not wish to blunder across any one’s line of fire at this point in time. What almost all of the contributors to the debate accept, however, is that the successful implementation and application of human rights principles entails the co-operation of those individuals and communities who are the intended beneficiaries of the rights in question. To this extent one must pay due attention to actually existing social and cultural conditions. Thus, an inter-disciplinary approach to understanding human rights entails the development of perspectives grounded within the dialectics of universalizing principles and local circumstances. It aims to supplement existing academic representations of human rights issues and scenarios with a perspective that aids understanding by transcending the seams created by an undue dependence upon separate academic conventions.

An inter-disciplinary approach adequate to this task must first, and most importantly, seek to combine existing and separate expertise in a way that is complementary rather than contradictory or contentious. To return to my earlier example of women’s rights, at present differing academic perspectives are far too frequently set against one another so that one is asked to choose between, for example, either a legal or a philosophical analysis in attempting to account for some particular object of study. One’s choice is, of course, likely to be heavily influenced by one’s own academic affiliations if for no other reason than one may feel authorized to speak on matters of one’s own discipline and not upon those of others. However, many human rights issues and situations are not singly legal, philosophical, political, or sociological but all of these things and more, simultaneously. An inter-disciplinary approach aims to account for these significant congruences. Similarly in terms of methodology, an inter-disciplinary approach entails the development of methods and modes of analysis that, for example, aim to combine quantitative and qualitative approaches without setting them against one another, as is so often the case within the social sciences. Fully understanding any specific violation of women’s rights will require an analysis of both women’s subjective experiences of themselves and their cultural conditions, as well as a full appreciation of precisely how widespread the violation is.

Let there be no doubt that I have an axe to grind. I have argued elsewhere for a more holistic approach to and understanding of human rights (Fagan 2002). The cause of human rights is best served, pragmatically speaking, by encouraging the development of a perspective which entails and enables overcoming internal distinctions and divisions within the human rights community, understood as comprising all of those who take an explicit and relatively consistent interest in human rights causes, including scholars, students, and activists. The protection and promotion of individuals’ human rights are better served by, for example, practitioners and theorists coming together in various forums with the aim of learning from one another and developing a consolidated and comprehensive understanding of human rights and the obstacles that confront even an adequate realization of the doctrine.

Inter-disciplinary Practice

Developing an inter-disciplinary approach to understanding human rights is a formidable task. It requires going against the grain of contemporary academic culture and expanding one's academic and intellectual horizons. Establishing and consolidating an inter-disciplinary component of human rights requires assimilating themes, bodies of literature, and ways of looking at the human realities from numerous disciplines. This is clearly not going to appeal to everyone. However, the prospects for success in this venture can be enhanced by the publication of texts that aim to do just that. Unfortunately, Human Rights: Universality in Practice falls disappointingly short of such expectations.

The book cannot be criticized for a lack of thematic scope. Baehr succeeds in comprehensively surveying the general terrain of contemporary human rights. If only at a superficial level, he satisfies the inter-disciplinary requirement of an analysis that intersects and transcends various academic disciplines, ranging from philosophy to political science and law, exemplified by his analysis of topics ranging from the universalism/relativism debate (chapter two) to the role of non-governmental organizations in the promotion and protection of human rights (chapter ten). The book also explicitly aims to address an enduring concern of contemporary human rights' scholarship: that the apparent widespread support for human rights principles is not met by the actual implementation of human rights instruments – justification out-runs implementation. Successfully addressing this issue precisely requires the combination and assimilation of various forms of academic expertise. However, it is difficult to offer any further praise for the book.

In general terms Baehr's analysis suffers from a normative complacency combined with an overly parochial use of empirical examples. Thus, in respect of the first charge, his analysis of the universalism/relativism debate fails to adequately gauge the complexity of the issues in question and concludes with a mere assertion that human rights are increasingly supported across the globe by peoples from very different cultures and societies. He identifies an "emerging consensus" in support of human rights (18) but fails to specify precisely who is to be numbered among the ranks of the supporters of human rights. It is probably safe to accept as valid the claim that the cause of human rights enjoys greater support today than ten years ago without having to resort to extensive empirical surveying. Those of us who do support human rights cannot but welcome such developments. However, at the level of justification, such support is not a sufficient validation of the ultimate truth of human rights as a moral doctrine. In more pragmatic terms, if the political aspirations of the supporters of human rights are better served by a specification of precisely which individuals and communities are beginning to support human rights. Baehr's mere reference to an emerging consensus is as much as he seems prepared to offer, however.

There can be little doubt that many critics of human rights have sought to present philosophically spurious arguments from relativist premises. This assault upon human rights typically takes aim not so much at human rights themselves as at the moral philosophy that the doctrine necessarily draws upon. An inter-disciplinary approach to human rights must, therefore, engage with a forbidding and largely intellectually abstruse body of literature. Baehr may be forgiven, to some extent, for failing to demonstrate his philosophical competence in this respect. He cannot be forgiven, however, for his failure to adequately engage with some of the even more fundamental

and general issues thrown up by this material. He fails to consider such issues as the ultimate origins of moral beliefs, or the epistemological properties of moral claims. Instead, he opts for a mere assertion of an empirically unsupported and largely anecdotal claim concerning the current appeal of human rights. His omission is compounded by a failure to adequately consider such potentially counter-factual phenomena as so-called Asian values and the apparently growing trend to associate Western civilization with the foreign policy of the United States in areas of the world not renowned for their historical support of human rights. In the face of this, Baehr's assertion that there exists an emerging consensus in support of human rights is utterly complacent. This complacency cannot be excused by a lack of philosophical training alone. Anyone writing upon the theory and practice of human rights should be expected to approach such issues as the ultimate justification for human rights in a sufficiently sophisticated fashion.

This charge of complacency may also be applied to his discussion of states' gross violations of human rights. His discussion of this issue does provide a relatively detailed and comprehensive survey of much of the relevant literature. Thus he analyses the issues of slavery, the right to life, torture, genocide, and disappearances. In so doing, he demonstrates extensive knowledge of the institutional basis of the various instruments and declarations covering such violations. However, his analysis completely fails to engage with the more fundamentally normative questions surrounding this most topical of human rights issues. For instance, is it morally right for one state to intervene in the affairs of another legally sovereign state in order to protect the fundamental rights of people within that state? If so, on what grounds? What gravity of violation should trigger such international action? Do all members of the "international community" share an equal duty in this respect, or can some members delegate their duties to more powerful members? Baehr fails to address such questions. Satisfactorily doing so would require an understanding of the philosophical and legal principles of state intervention (at the very least) combined with a knowledge of the workings of the political institutions through which these principles are—or are not—enacted. Adequately addressing such questions requires the cultivation of the inter-disciplinary approach I have been lauding. Baehr fails in this respect. All we are left with is his insistence that such violations must stop(!) (30-31). This may be sufficient for a demonstrator's placard, but it is not adequate for the purposes of academic analysis.

The pedestrian character of Baehr's analysis is most apparent in his tendency to rely upon evidence gleaned from his native Netherlands. The study of human rights lends itself to comparative empirical analysis. One's understanding of the progress of implementing human rights, and even what counts as "implementation" in differing places, benefits significantly from comparing instances from across the globe. This task requires deploying the skills of the comparative political scientist and the ethnographer. Unfortunately, Baehr appears to believe that one may draw general conclusions about such topics as the relationship between collective rights' claims and individual autonomy, and human rights and foreign policy from an almost complete dependence upon evidence of the Dutch experience of such phenomena (chapter five). Accounting for this degree of parochialism other than as a result of the sheer laziness of the author is difficult. His dependence upon evidence drawn from his own backyard causes him to neglect such pressing concerns as, for example, the rights of indigenous minorities and their claims for compensation. He might, to cite just two examples, have considered the ongoing dispute between various representatives of native Australians and native Canadians and their respective governments over land rights claims (Short, 2003; Sansom, 2003) The paucity of his analysis belies the book's sub-title "universality in

practice”(!) For some readers, including myself, this is simply unforgivable. My imposition of the criteria of inter-disciplinarity upon Baehr’s text may be somewhat exacting in many respects but to rest such claims as he does upon such scant and inadequate evidence is truly exceptional, in the worst possible sense of that term.

Ultimately the book fails to deliver on its promise. Baehr is a highly respected human rights scholar and has written extensively on human rights issues from a number of perspectives. This book fails to accurately represent the author’s academic credentials. It is as if he set out to paint a broad landscape scene, in the Dutch master style, and returned with a mere sketch of a village green. The cause of developing an inter-disciplinary understanding of human rights is ill served by such misplaced ambition. In the final analysis, the combination of normative complacency and empirical parochialism serves to largely obscure the issue of universality, so boldly proclaimed in the book’s title. Had the book sought to explicate a single discipline’s perspective on human rights, this may have been less of a problem. The international law of human rights, for example, need not engage with the issue of universality to any significant degree. However, the necessary appeal to an inter-disciplinary analysis contained within the themes of the book serve to condemn the book’s weaknesses to a higher level of failure. In the end, the discussion and the analysis contained within the book appear overly amateurish.

Conclusion

The charge of amateurism haunts and bars the path towards inter-disciplinary scholarship. Why take the risk of being condemned as a jack of too many trades when one has already established oneself as a master of one? On the face of it, reviews such as this one may have the effect of setting back the inter-disciplinary cause to which I am committed. Baehr appears to have fallen victim to his own hubris. To a certain extent, of course, the inter-disciplinary cause entails a degree of intellectual risk to those committed to it and shortcomings and wholesale failures are bound to occur in this emerging field of human rights scholarship. However, certain fundamental aspects of human rights scholarship require just such a commitment. If we are to teach ourselves and our students adequately about human rights, some of us are going to have to set our sights on a broader academic horizon. Successfully bearing this particular cross requires an unusual combination of talents: the naivety and enthusiasm of the amateur combined with the rigor and sophistication of the professional. Whoever said that the practice of universality would be easy!

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