

Human Rights & Human Welfare

Volume 5 | Issue 1

Article 3

1-2005

Margot Morgan on The Politics of Justice and Human Rights: Southeast Asia and Universalist Theory by Anthony J. Langlois. Cambridge: Cambridge University Press, 2001. 214 pp.

Margot Morgan
Rutgers University

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Asian Studies Commons](#), [Comparative Politics Commons](#), [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), and the [International Relations Commons](#)

Recommended Citation

Morgan, Margot (2005) "Margot Morgan on The Politics of Justice and Human Rights: Southeast Asia and Universalist Theory by Anthony J. Langlois. Cambridge: Cambridge University Press, 2001. 214 pp.," *Human Rights & Human Welfare*: Vol. 5 : Iss. 1 , Article 3.
Available at: <https://digitalcommons.du.edu/hrhw/vol5/iss1/3>

This Book Notes is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

The Politics of Justice and Human Rights: Southeast Asia and Universalist Theory by Anthony J. Langlois. Cambridge : Cambridge University Press, 2001. 214 pp.

Anthony J. Langlois' book centers on "the Asian values debate." On one side of this debate are those who believe that human rights reflect an understanding of human dignity which can and should be universal in application. On the other side are those who argue that the dominant human rights discourse derives from Western notions of individualism, rationality, and justice-principles which conflict with community-based value systems of Asian cultures. Langlois critiques both advocates of universal human rights and those who argue for Asian exceptionalism. He seeks to alter the terms of debate, reconceptualizing the notion of human rights by demonstrating what a universal system of rights can and should be. Synthesizing the theories of Cass Sunstein and Chantal Mouffe, Langlois succeeds in developing a new understanding of human rights which incorporates the notion of the universal while providing a space for conflict and disagreement over the substance and meaning of rights.

Of the book's five chapters, the first two deal exclusively with the Asian values debate. Drawing on his own fieldwork, Langlois offers a summary of the claims to national exceptionalism made by the leaders and intellectuals of Malaysia, Indonesia, and Singapore. He then presents a critique of these claims arguing that none of the 50 individuals he spoke with in these countries took the claims made by their leaders as anything more than political maneuvers. The majority of the people he interviewed expressed a clear belief in some form of justice and humanism, though this view infrequently corresponded to Western understandings articulated within human rights doctrine. Langlois concludes that 1) there is a "universal" belief in "justice," loosely defined and 2) there is not, and cannot be, agreement on the content or origins of "justice" either within cultures or between them.

Langlois then demonstrates that the doctrine of human rights is incapable of forging a universal understanding of justice because, though it speaks a universalist language, it emerged from the specific context of Western Enlightenment. To accept the doctrine of human rights, one must first accept its philosophical premises—Western rationalism and liberalism—doctrines which are culturally specific and inconsistent with non-Western idioms.

Having offered a salient critique of the current understanding of human rights, Langlois redirects his energy towards constructing an alternative conception. His solution is to shift the issue of human rights from the moral sphere to the political. By grounding human rights discourse in democratic political institutions "in which persuasion, debate and conflict are permanent features," no one moral or philosophical conception of rights need "trump" all others (11). The political sphere provides a space for ongoing debate and discussion on the specific rights issues, within an institutional setting that ensures our understanding of rights will continue to evolve in accordance with our collective human experiences.

Having proposed moving the rights debates from the moral/philosophical to the political sphere, Langlois introduces Cass Sunstein's concept of "incompletely theorized agreement" in order to demonstrate how rights issues can be adjudicated without a universal claim to justice or truth. Sunstein's concept derives from his observations of the American legal system. In his thinking, though people may disagree on abstract conceptions of "the right," they can find common ground on issues of greater particularity which allow them to accept that specific court decisions reflects

the interests of justice. For human rights this means basing agreement about rights on specific contexts and cases, appreciating pluralism of belief, and grounding human rights discourse in the legal realm.

Langlois recognizes that Sunstein's theory is not without its problems. It is derived from American legal practice, and analogous rights decisions made by international courts-which are unlikely to achieve universal assent for such courts lack the legitimacy accorded by Americans to the American legal system. This leads Langlois, drawing on Chantal Mouffe, to conclude that "it is the very debate about what the content of human rights should be which operates to ensure that they are observed" (158). Since every culture has some notion of justice, it remains for us to engage in a never-ending, cross cultural, political discussion of rights which will allow for our conception of rights to continue evolving.

Langlois' work is a brave attempt to reconceive the human rights debate, yet it is not without its problems. Langlois' discussion of his case studies-on which he basis his critique of universalism-is much too brief to be compelling. Furthermore, although he argues that his chief desire is to concretize the discourse of rights, his discussion of Mouffe's political theory is filled with abstraction. While Langlois' argumentation and contestation about rights is great, it offers no practical suggestions for the ways in which this might be politically feasible. Transforming human rights from a philosophical into a legal and political project requires the establishment of legal and political institutions that are equipped to take on the task. Langlois provides the justification for their existence, yet he lacks a plan of action for implementing his vision.

Overall, Langlois makes an important contribution to the contemporary discussion of human rights, one which should prove useful to anyone interested in the theoretical underpinnings of the discourse. By shifting the terms of the debate away from abstract, philosophical ideals, and by embracing the ideological pluralism that exists both within and across cultures, Langlois offers a fresh approach to the subject of rights and the problem of cultural relativism.

*Margot Morgan, Rutgers University
January 2005*