

BOOK REVIEW ESSAY

The Turn to Human Rights in Postcolonial Studies: A Review of Recent Scholarship

Pheng Cheah. *Inhuman Conditions: On Cosmopolitanism and Human Rights*. Cambridge: Harvard University Press, 2007.

Joseph Slaughter. *Human Rights, Inc.: The World Novel, Narrative Form, and International Law*. Fordham: Fordham University Press, 2007.

Sidonie Smith and Kay Schaffer. *Human Rights and Narrated Lives: The Ethics of Recognition*. New York: Palgrave Macmillan, 2004.

In recent years, a spate of texts concerning the relationship between human rights, Postcolonial Studies, and literature, have been published. Some of these texts, such as Joseph Slaughter's *Human Rights, Inc.* (2007), for instance, look at works like Tsitsi Dangarembga's *Nervous Conditions*, which might once have been read as postcolonial, through paradigms such as the "human rights novel" or the "global novel." Or they consider, as Sidonie Smith and Kay Schaffer do in their *Human Rights and Narrated Lives* (2004), how postcolonial life narratives in truth commissions, war tribunals and journals serve as potent vehicles for advancing human rights claims. Yet, despite Smith and Schaffer's largely positive evaluation of the force of human rights discourses in improving the lives of marginalized peoples, the liaison between human rights discourses with their figure of the "universal human," and Postcolonial Studies, has been a complicated and troubled one; the turn to human rights has often been disparaged by postcolonialists, ranging from critiques of the supposed universality of human rights as an imperialist discourse, to arguments, such as Pheng Cheah's in *Inhuman Conditions* (2007), that current human rights discourses in international law are ultimately one more instantiation of global capitalism.

Sidonie Smith and Kay Schaffer's *Human Rights and Narrated Lives* (2004), Pheng Cheah's *Inhuman Conditions* (2007), and Joseph Slaughter's *Human Rights, Inc.* (2007), all take the concept of the "universal human" as their central focus. This figure, as postcolonial critics have referred to it, consists of a symbolic person who, in the Kantian Enlightenment tradition, is an end within themselves, "born with inalienable rights" by virtue of being inherently rational and freedom loving. This "universal human" is, then, a discursive

figure that stands outside both culture and history. The trope arose from the Enlightenment, was internationalized by the United Nations in its discourse of human rights, and remains a central force through which narratives of modernity acquire their power. The "universal human," I argue, has been a crucial object of analysis because it was appropriated by colonial discourses of modernity that sought to civilize the "savages,"¹ and by nationalist discourses that sought to assert their own right to "universality" in their quest to remake themselves in line with European modernity.² Thus postcolonial scholars have frequently analyzed the ways in which the "universal human" has been used as a colonizing tool, an ambivalent mode of resistance, or as an epistemically violent shaping force on indigenous epistemologies. In this review essay, I suggest that these perspectives all focus on the way that the Enlightenment "universal human" has been used by different groups in colonial and neo-colonial societies for questionable ends; the corollary of these avenues of enquiry has often been a dismissal of the "universal human" altogether, that, I argue, overlooks the distinction between the idea of the transcendent "human" in people's minds and what happens to the idea in real world instrumental relations, in the process disregarding the very real force of the "universal human," in general, as a regulative ideal.

Human Rights and Narrated Lives, *Inhuman Conditions*, and *Human Rights, Inc.*, all consider the Enlightenment idea of the "universal human" in light of very different arguments about universalism, globalization, the nation state, modernity, and imperialism. While Smith and Schaffer take the positive force of the official human rights discourses derived from the "universal human" largely for granted in their project of "speaking truth to power," Slaughter and Cheah problematize it. In the review that follows, I argue against Slaughter's implicit disapproval of the "universal human" and Cheah's explicit calls to discard the "universal human" completely. While it is true that appeals to universalism can be wrongheaded, misleading, and used to justify imperial conquest and social exploitation, Slaughter, and Cheah to a larger extent, disregard the fact that underlying claims about universalism can and have buttressed progressive causes in the past; the idea of the "universal human" has been harnessed frequently by anti-colonial, anti-slavery and enfranchisement movements all over the world. Why claim, then, as Cheah does, that the concept of "universal humanity" should be thrown out completely instead of recognizing its value as a regulative ideal, open to contextual differences? In making the latter claim, I suggest that, at a basic level, the "universal human" gestures to ideas of human dignity and individual freedom that stand outside particular historical and social conditions, but are manifested in very context specific forms, such as the Enlightenment "universal human" was. In other words, the idea of the "universal human" refers to a universally shared understanding of what is meant by concepts such as individual freedom and dignity even though their

exact constituents and the terms used to express them may vary according to cultural contexts. For instance, while a woman may express her right to free choice by wearing short skirts, she may also express the same right to free choice by donning a burqa in France, where the veil is in the process of being banned. In both instances, there is a shared understanding of a free choice as one made without external or internal constraints, even if that free choice is expressed differently in varying cultural and historical contexts. Such a concept of "universal humanity" that manifests itself differently according to various historical and social contexts suggests exciting ways of reconceptualizing the field of Postcolonial Studies by recognizing certain Enlightenment as well as non-European, context specific instances of universal ideas of human rights as valuable instantiations of progressive modernities in their own right. I lay out this argument through an examination of what the implications of the three texts' arguments and oversights on the "universal human" are for postcolonial discussions on the nation state and modernity, before exploring how their ideas regarding universal human rights discourses affect conceptualizations of resistance to neo-colonial and capitalist structures of exploitation.

The Universal Human

In *Human Rights and Narrated Lives*, Smith and Schaffer explore how autobiographical narratives are produced, received, and circulated through their reliance on the figure of the "universal human," and popularized through the international discourse of universal human rights. They examine the ways that personal narratives from local settings in East and South East Asia, South Africa, China, Australia and the US, are enabled and constrained by this international discourse and how they take on new meaning in new contexts as they connect with human rights platforms. On the whole, Smith and Schaffer confirm the effectiveness of storytelling in activating the ethical imperatives that may realize universal human rights, through the affective, emotional and cognitive dimensions of personal stories (5). Thus while Smith and Schaffer remain alert to the voices that speak of the fractures and ambiguities of this official "universal human," the majority of their analysis examines how narratives, such as post Truth and Reconciliation Commission stories, advance the extension of human rights and freedoms by remaining committed to the universal humanism of the foundational principles of the United Nations, and by normalizing them within the social fabric.

In *Inhuman Conditions*, meanwhile, Pheng Cheah questions human rights discourses and their vision of the "universal human" in totality, demonstrating the ways in which this idea is itself a product of global capital and cannot transcend the subjective, unequal relations between individuals and nations. In line with much recent postcolonial theory, therefore, Cheah argues that

the humanities should "question" the idea of the universal human and even "give it up" (9). Cheah contends that there is no transcendent "human" by arguing that the terms dignity, freedom and rationality which constitute the "human" change their meaning according to social, political and economic contexts and according to the people who have the power to realize them, people who are themselves products of the inequality engendered by global capital. Demonstrating the arbitrariness of the meaning of the terms which make up the "human," Cheah draws on Saussure to claim that language itself is "arbitrary." "It is radically mutable for no reason at all." "The arbitrariness of its signs" renders it inhuman (9). And since humans are constituted by language, Cheah argues that the human cannot be constituted without the inhuman; the human is itself a product effect of the inhuman.

However, Cheah's argument that the "universal human" should be abandoned because the "arbitrariness of its signs" produces radical differences in its social use is a specious one; all linguistic meanings, not just that of the "universal human," change according to differing social contexts. Does that mean, then, that all language should be abandoned? Since the answer is obviously no, the real question that emerges is: does the term "human" *completely* cease to refer to any common or "universal" idea when socially contingent meanings are attached to it in varying ways and in different contexts? Cheah's own examples suggest not. For instance, he buttresses his point that the terms making up the "human" lack fixed meaning through an analysis of the UN's term "dignity," demonstrating how Asian governments, Western powers and NGOs all subscribe to the notion of "dignity" but all see very different outcomes as realizations of it, each discrediting the other by pointing out that the opponent's vision of human rights is in fact contaminated by its particular site of emergence. However, the three examples of global actors that Cheah cites to support the emptiness of the term "dignity" in fact do have a shared understanding of "dignity;" all argue that their version is the most true to a transcendent ideal of "dignity;" "all are grounded in the Kantian notion of moral respect for dignity as an end in itself and something of absolute worth... as the supreme value that transcends all material interests or empirical inclinations" (158). Shared discourses, then, do amount to some level of shared meaning that gesture to an acceptance of what constitutes the "universal human." In doing so, they suggest that the figure of the universal human lies outside instrumental relations, serving as a regulative ideal that is nevertheless subject to contextual differences; one may use this regulative ideal to criticize different actors for *misusing* the idea of the "universal human" for their own ends, rather than claim, as Cheah does, that a concept like "dignity" is always already contaminated by the force field within which it is invoked, in this case by the all-encompassing power of capitalist globalization.

While Joseph Slaughter agrees with Cheah that human rights discourses are a result of certain instrumental relations, he is also interested in the specific power that the idea of the transcendental human wields in these instrumental relations. He, therefore, demonstrates that the twentieth-century rise of "world literature" that posits and strengthens the idea of the universal human, and international human rights law, are related; international law and the novel have a similar conception of the "human," a vision that the bildungsroman, a novel concerned with the "free and full development of the human personality" (4), develops. Thus the bildungsroman buttresses the authority of international law, naturalizing its dictates in the cultural consciousness of colonizing and colonized subjects. Slaughter argues that "the law projects and depends upon cultural narratives for its effective operation, legitimating, and social compulsion; and, in turn, legal norms favor and disfavor the literary forms in which those cultural narratives find social and conventional expression" (44). Literary discourses such as the bildungsroman, then, are technologies that "make common sense commonsensical" (82), or devices that naturalize discourses of human rights in national and international culture. In arguing this, Slaughter offers a subtle reading of the "universal human" and its dependent discourse of rights, one that recognizes the discourse's precarious balancing act between being transcendent or self evident, and therefore existing outside culture and instrumental relations, while simultaneously being performative, only coming into existence when it is articulated or named as such within culture and the field of instrumental relations: "Although human rights are presupposed to be self evident, they must be publicly and officially articulated as such, named as self evident to be made self evident" (14). While Slaughter's overwhelming focus is on how human rights discourses are made self evident through instrumental relations such as colonialism and capitalist exploitation, I suggest that his above statement is a promising conceptualization because, inadvertently, it allows for the making self-evident of multiple articulations of the "universal human" that are not rooted in any imperialist tradition. The implications of Slaughter's argument, then, are wide ranging; Slaughter urges us to examine our own reading practices and become self conscious about the ways they are themselves complicit in the project of realizing a world based on human rights.

Human Rights and the Nation State

Smith and Schaffer, Slaughter, and Cheah, also illuminate and extend a paradigm central to postcolonial theory: its traditional insistence on the importance of the nation state as both an agent or vehicle of freedom from colonialism, as well as an entity that circumscribes these freedoms in crucial ways. In their analysis of storytelling, Schaffer and Smith take the latter

approach, demonstrating how narratives from diverse cultural locations enable people with limited power in a national arena to nevertheless be able to demand ethical response when their stories reach the international arena. Thus, as "stories circulate beyond local contexts through extended national and transnational communication flows, they enable claimants to "speak truth to power" (4). Schaffer and Smith optimistically point out how personal stories subvert official national histories, prompting resistance well beyond the borders of the nation.

Slaughter and Cheah complicate these claims by emphasizing that universal human rights, like their modern predecessors, are channeled primarily through the nation state; normative human rights assumptions about the individual depend on the existence of an operative, national public sphere. In Slaughter's argument, the bildungsroman uses this public sphere to naturalize its narrative conventions for proper socialization of the individual, a socialization that involves proper participation in the democratic nation state. This means that "the individual must still be nationalized before being internationalized" (30). Because of Slaughter's largely one-sided focus on human rights discourses being a result of instrumental relations such as colonialism and capitalist exploitation, his evaluation of this process of nationalization of the individual through human rights discourses is negative; his analysis of Christopher Hope's bildungsroman, "A Separate Development," demonstrates the consequences when the state abuses the humanist discourse of development for the systematic repression of human rights; while human rights are articulated along the lines of human personality development, their violence is rationalized through appeals to the good of the nation and the requirements of national development.

In stressing the importance of the nation state as a mediating factor for universal human rights, Cheah also questions the viability of cosmopolitanism, a force he defines as "an intellectual ethic, a universal humanism that transcends regional particularism," and which he equates with the idea of a transcendent humanity. He contends that transnational, cosmopolitan socio-political movements for human rights such as Amnesty International cannot replace the functions of national solidarity; "although human rights are supposed to regulate and humanize the field of instrumentality" (5), they are themselves dependent on the nation state and the unequal workings of global capital for their enforcement and realization. This is a point, of course, which contradicts Schaffer's and Smith's analysis that it is precisely the belief in a wider "universal humanity" represented by cosmopolitanism that allows victims of human rights abuses to demand and gain justice. Furthermore, Slaughter and Cheah, unlike Smith and Schaffer, concern themselves mostly with officially and culturally sanctioned discourses of the universal human that need to be channeled through the nation state to achieve recognition; they do not explicitly account for alternative narratives of the "universal

human" that arise from within the nation state but relatively independently from its power structures in small interstices where the capitalist structures of globalization or political regimes of repression may have less of a hold.

Human Rights and Postcolonial Discussions of Modernity

If the universal human, and its mediation by the nation state, are both important focuses for Smith and Schaffer, Cheah, and Slaughter, so is the relationship between the universal human and the discourse of modernity. For Smith and Schaffer, the official universal human with which they concern themselves, and the condition of modernity the universal human is meant to effect, is often simplistically tied up with developmental notions such as increasing access to literacy, education, and universal "wealth, health, and future that seem to exist outside of cultural and historical contexts" (17). Although Smith and Schaffer do briefly point to the contradictions of modernity in their analysis of American prison narratives, these contradictions emerge less as a condition of an inherently contradictory, unequal modernity, and more as a result of prison activists not living up to human rights discourses thoroughly enough (168). Meanwhile, Slaughter demonstrates how human rights norms rendered in the bildungsroman, and by extension the modernity they effect, are always already defined by "paradoxical practices, prejudices, and exclusions codified in the law" (5). Thus Slaughter demonstrates how human rights discourse and the bildungsroman serve as cultural and legal apparatus to extend the colonial "Enlightenment project to modernize, normalize, and civilize (or, perhaps better, civicize) the individual and society" (5). For Slaughter, the unequal effects of capital define this modernity in crucial ways. Slaughter argues that human rights are commodified through cultural mediums such as the bildungsroman; the West is corporatized as a human rights concerned consumer, whose demand for politicized human beings from the non-West creates "an international human rights market" exemplified by the cosmopolitan literary industry and its appetite for Third World Bildungsroman. This market turns multicultural, postcolonial reading into a kind of humanitarian intervention—"a market forced imposition of certain literary norms that are almost compulsory" (35). Slaughter gives examples of texts written and circulated for Western consumption to support the supposedly humanitarian invasion of Afghanistan, including Khaled Hosseini's *The Kite Runner*, and the rallying cry for war with Iran through texts such as Azar Nafisi's *Reading Lolita in Tehran*.

Even more so than Slaughter, Cheah sees modernity as wholly defined by the corrupting power of global capital, a force that always already renders modernity fragmented and incomplete. Indeed, power itself, particularly the power of global capital, functions as a universalizing transcendental force in its irrevocable contamination of the idea of the universal human. Thus,

for Cheah, religious, social, political sources of power cannot determine modernity; these are only important objects of analysis when they buttress the unequal workings of global capital. Thus, even Cheah's analysis of Singaporean Christianity's support system for Foreign Domestic Workers (henceforth FDWs) argues that emphasis on the "humanity" of the FDWs is not cast in terms of rights discourse, but in terms of the greater "profit" that treating the FDWs humanely will bring employers; even the Church sees the assertion of human rights as an ineffective way of safeguarding humanity. In all their accounts, then, modernity is defined largely by official human rights discourses whose values are examples to develop towards, or which are themselves produced and corrupted by a capitalist modernity. Both perspectives do not sufficiently account for the ways in which the Enlightenment idea of the "universal human" can serve as a regulative ideal or for possible alternative, non-Enlightenment based, religious and cultural ideas of the "universal human" that make up modernity.

Human Rights and Modes of Resistance

Since for Cheah, there is no outside to global capital, there is also limited possibility of resistance to its neocolonial structures. Yet Cheah's reading of the inescapability of global capital here, relies on a dismissal of the universality of the idea of the "human" that disregards the distinction between the idea of the transcendent "human" in people's minds and what happens to the idea in real world instrumental relations, a distinction which human rights instruments struggle to maintain. Thus, the examples Cheah employs to demonstrate the all-encompassing power of capital often belie his argument and point to spaces within the structures of global capital in which ideas of the universal human, and therefore ideologies of resistance to inequality, survive. For instance, even Cheah's example of the capitalistically grounded church in Singapore is clearly guided by an idea of the "universal human" even if it abandons the means of human rights discourses in order to achieve its ends. Cheah quotes Father Conor Donnelly of the Singaporean Filipino Catholic Community: "Materialism tells us that man is only matter and as such he does not really 'matter.' Christianity tells us that every man has dignity because he has a soul. Materialism tells us to value things and use persons. Christianity tells us to value persons and use things" (246). Although couched in Christian terminology, this clearly contains Kant's idea of seeing people as ends in themselves, of an opposition between dignity and market price. Cheah's assertion that even victims' ideas of humanity are produced by hegemonic regimes of power is also undercut by his retelling of the words of a FDW who is haunted by the "horror," "humiliation," and "nightmare" of her experiences" (205). The rawness of these expressions suggests that her innate dignity survives in a place untouched by hegemonic regimes of

capitalist power.

Something similar is at work in Cheah's example of one FDW's acceptance of her unequal position, an acceptance that Cheah argues supports the inescapability of capitalist inequality: "As a Christian, it is okay to be a servant because God serves us and we are not servants in God's eyes. I consider myself a Cinderella. Someday I will be my own person because the money I'm saving now is for a bright future" (249). Human rights have clearly been contaminated by global capital here; the FDW can only reaffirm her dignity as a human being by being implicated in the unequal relations that cast her as a servant. Ironically however, in the words of the FDW he quotes, it becomes clear that global capital has not contaminated her rights a priori; there is a transcendent place outside global capital, which she calls "God" where she is equal, worth just as much as her employer. Furthermore, the Cinderella metaphor casts her as someone who has temporarily been subjected to inequality before she regains her inherent "own person" and "bright future." The transcendent ideas of "equality," "self-determination" and "freedom" do guide her through the contamination of her dignity by global capital. These ideas, then, can translate into substance in real instrumental relations, complicating Cheah's assertion that the abstraction "humanity" cannot be effective because it is not contextually grounded. In fact the FDW's abstractions are precisely her source of strength in dealing with her situation and function as a discourse of resistance.

Unlike in Cheah, possibilities of resistance in Smith and Schaffer, as well as in Slaughter, exist in their suggestion that human rights discourse as it is crystallized and orchestrated through law and personal narratives, does not exist separately from political arenas; "the political" is inclusive of moral, aesthetic, and ethical aspects of culture. As Smith and Schaffer put it, literature and human rights campaigns are "multidimensional domains that merge and intersect at crucial points, unfolding within and enfolding one another in an ethical relationship that is simultaneously productive of claims for social justice and problematic for the furtherance of this goal" (2). Thus Slaughter suggests ways in which the universal idea of the human in literary discourses can offer modes of resistance to colonized subjects. While the revolutionary rights rhetoric of liberty, equality, and fraternity in the bildungsroman obscures the character of its implementation in "practices and discourses bearing new forms of inequality" (5), it also becomes available for appropriation by historically marginalized subjects, such as women and religious, racial and class minorities, who were not included in human rights discourse originally. Such appropriations create strategies and opportunities for resistance in their enabling of "nonhegemonic rearticulations of universality" (5). Slaughter, Smith and Schaffer, then, refreshingly recognize the ways that the Enlightenment idea of the "universal human," and the official discourses that use it, can be used as tools of resistance. However,

neither Slaughter, nor Cheah in particular, allow for any alternative ideas of dignity and individual freedom, as the particular brand of Singaporean Filipino Christianity offers the FDW whom Cheah quotes.

Is "human rights and literature" a possible future direction for Postcolonial Studies? If so, how can the emerging field of human rights and literature add to existing conversations in Postcolonial Studies? Smith and Schaffer, Slaughter and Cheah suggest answers to some of these questions in their consideration of how the figure of the universal human interacts with postcolonial ideas on resistance to colonialism, the role of the nation state, and theories of modernity. Their reflections on how the nation state and transnational structures of global capital work through each other, like many before them, consider how the nation state sustains inequality within and outside of its boundaries. However, Slaughter and Cheah's rethinking of modernity by analyzing the failures of the "universal human," is one sided; Slaughter's focus on the human rights discourses that are produced by unequal instrumental relations, and Cheah's dismissal of the universality of the idea of the "human," overlooks the distinction between the idea of the transcendent "human" in people's minds and what happens to the idea in real world instrumental relations, in the process disregarding the very real force of the "universal human," in general, as a regulative ideal. Furthermore, Slaughter's exploration of how official and literary human rights discourses grounded in the Enlightenment tradition sustain and are inextricable from instrumental relations of power, and Cheah's emphasis on instrumental relations of global capital being completely responsible for producing discursive ideas like that of the universal human, do not account for progressive Enlightenment, and alternative, ideas of the "universal human" that arise in marginalized cultural and religious interstices where power may not have percolated as deeply. I suggest, then, that read together the texts' arguments and oversights invite a rethinking of the existing critical binaries between instrumental relations of power and discursive cultural products, the nation state and cosmopolitan structures, and between developmental visions of modernity and fragmented ones. A recuperated figure of the universal human, too often dismissed as imperialist because of its unfortunate appropriation by colonialist and capitalist structures of exploitation, lies at the heart of this rethinking because it highlights itself both as a regulative ideal and as the potential basis of alternative modernities grounded in progressive religious and cultural ideas.

Notes

1. For example, Orientalist historiography, such as James Mill's "History of British India," often characterized India as pre-modern by disparaging the lack of "universal" qualities in Indians who were not only described

as irrational but despotic. They therefore periodized Indian history as culminating in the "liberating" arrival of the British. This temporality was buttressed by the production of numerous studies of philosophy that pointedly excluded any intellectual, rational thought from the non-West. Histories of Western philosophy invariably began with the Greeks and avoided the issue of African and Oriental influences on Greek philosophical ideas. The result is a sharp distinction, still alive in the academy today, between modern/philosophy/rational/the West, in other words the qualities of the "universal human," and, pre-modern/mysticism/irrational/the non-West.

2. Hindu nationalists in India, such as the Brahma Samaj, set out to challenge characterizations of India as pre-modern and lacking in "universal" values such as rationality and freedom due to the supposedly superstitious nature of Hinduism and the oppressed state of Indian women, by stressing Hinduism's supposed emphasis on women as the goddesses of their homes, and by asserting the inherent rational monism that was supposedly central to Hinduism.

*Mukti Lakhi Mangharam
Cornell University*