

HUMAN RIGHTS AND CIVIC RESPONSIBILITY

AQUILINE TARIMO, S.J.

Abstract

International human rights debate is apparently declining because the plight of the poor is not adequately addressed by the theories of academia and international politics. The competing approaches among scholars and political organizations tend to confine the human rights debate within the parameters of speculative disputes and conflicting ideals. The claim put forward in the paper asserts that unless human rights debate recognize the basic needs of the poor it will become irrelevant as well as lose its opportunity to promote just societies, and thereby left to survive under the whims of power brokers and the control of the global market.

Introduction

In rights discourse the challenge to overcome the discrepancy that exists between theory and practice remains elusive. A settled conclusion is required because of the prevailing disagreements among nations over the validity of human rights standards. The kind of conclusion required, however, must be able to transcend radical relativism, abstract universality and ideological competition. There are three points that we have to bear in mind when searching for this conclusion: first, there is a tendency among human rights scholars to separate theory from practice; second, the disparity between ethical universalism and cultural relativism is exacerbated by ideological competition at the international level; and third, promotion of universal standards of human rights is often perceived as an implicit way of endorsing the political hegemony of the powerful nations.

On the international political scene factors that obstruct implementation of human rights standards include disagreements among political ideologies, struggles for cultural supremacy, unclear meaning of state sovereignty, and the tension between civil-political rights and socioeconomic rights. The same tension is extended to the foundational claim, which generates a dichotomy between historical and transcendental dimensions. In the same fashion cultural relativism generates an absolute incompatibility between moral systems¹ and individualism generates a separation between different categories of human rights. To this end, a number of scholars tend to limit the debate to the opposition between individual rights and communal rights.² The methodological confusion generated by these approaches has resulted in a lack of direction in the human rights debate.

From interdisciplinary, cross-cultural, and evaluative perspectives,³ this paper examines methodologies of implementation, enforcement, and innovation of human rights debate. It begins with a narrative from the slum of Kibera, followed by analyzes of methodological disagreements over how to promote human rights standards, and concludes with the claim that rights discourse will become irrelevant unless it takes seriously the rights of the poor. Such consideration aims at discouraging the politics of self-interest and ideological supremacy.

The Rights of the Poor in African Slums

The slum of Kibera in Nairobi, Kenya is the largest slum in Africa with a population of about one million. It covers approximately 550 acres.⁴ It is “one of the most studied slums in Africa, not only because it sits in the center of the modern city, but also because UN-Habitat, the United Nations agency for human settlements, is headquartered close by.”⁵ This slum is surrounded by the wealthy suburbs of Kilimani, Upper Hills, Karen, and Langata. The influx of people to the slum is a result of people escaping unemployment from rural areas.

The slum of Kibera, as an informal settlement, has no health services, clean water, schools, playgrounds, or sanitary services. Houses are built of temporary materials such as mud, plastic, cardboard, and second-hand corrugated iron sheet. Most of them are without ventilation, cemented floor, or proper windows. Another serious problem is overcrowding. One room is shared by several family members. There are no accessible roads or drainage systems to evacuate sewage and rain water. The public walkways are partially blocked by filthy garbage. In most places the sewer finds its way into open drainage trenches, public walkways, and dumping areas. The lack of a proper sewage system creates stagnant water which becomes a breeding ground for mosquitoes. The pit-latrines are health hazard because they are used by many people, too close to houses, and without maintenance. In addition, there is no clean water for domestic use. The environment of the slum is completely unfit for human habitation. Wild animals of the Kenyan national parks, comparatively, live in a much better environment than the slum dwellers.

Most residents are unemployed and a small number are casual laborers. Others are involved in the roadside business of hawking various wares. Kibera is a breeding ground for street children who run away from home due to the lack of food. Parents cannot feed their children because most of them are unemployed, and those who work as casual laborers for multinational companies only earn about one dollar a day. The multinational companies, mostly from rich countries, make huge profits by exploiting slum dwellers and manipulating local leaders.

With so many non-governmental organizations in Nairobi one wonders whether the government and the international community pay attention to the dehumanizing conditions found in the slum. International conference dignitaries, non-governmental organization leaders, and famous personalities from many institutions, for many years, have visited the slum. Yet nothing has been done to change the situation. The persistence of the situation in Kibera is a result of the failure of leadership and governance. The problem could be linked to deliberate negligence on the part of policymakers. The slum dwellers feel that discussions about their life situation are plenty, but there is no political will to address the problem because of greed. This form of injustice is located in self-interest and the lack of political will on the part of those who benefit from the situation.

We cannot rely on multinational companies and predatory leadership to change the situation. Most of the multinational companies are profit-oriented. Because of the situation the burden of poverty is not lessening as we expect. There is increasing environmental degradation, hunger, and disease. The culture of exploitation and corruption destroys structural policies intended to defend the poor. In recent years the slum has even become a tourist attraction for curious visitors. A number of non-governmental organizations use the misery of the slum dwellers to raise money for

private use. In this case the slum is an investment of the privileged. Mismanagement, corruption, and predatory leadership have led to the disappearance of the sense of social justice in many institutions. Clearly, the poverty witnessed in the slum today is more acute than it was four decades ago when Kenya became independent.

The environmental, social, and economic conditions of the slum are shocking. Housing, health services, education, sanitary, and food situations are pathetic. The dehumanizing condition of Kibera does not result from the scarcity of resources, but from the inability of the government to offer workable solutions. The situation highlights two extreme worlds: the world of abundance and the world of impoverishment. We have to ask ourselves this question: How do we approach the human rights debate vis-à-vis the growing number of slums, a situation that reveals the denial of basic human rights? The narrative of Kibera brings into our mind the challenging conditions of life in the growing number of slums and serves as a platform for further investigation of the ethical implications of the plight of the slum dwellers in modern cities.

The slum of Kibera is one example among many slums found in African cities today. The answer to why such a place exists is more complex than the common belief that the poor are poor because they are lazy. Similarly a search for methodologies that can address the situation is saturated with endless disputes and disagreements because of difference in cultural traditions, development theories, and political ideologies. Scholars and activists alike have been grappling with this challenge for a long time. The option of presenting the narrative of the slum of Kibera in this evaluation is not intended to scare the wealthy category of people. On the contrary, it is intentionally selected to justify the claim that if human rights rhetoric cannot make a difference in the slums, then it is an irrelevant rhetoric, and as such it is appropriate to ignore it.

The following analysis of methodologies discloses the difficulty of promoting human rights in a way that can overcome the challenge of implementing human rights standards in urban environment, where the gap between the poor and the rich is constantly widening.

The Legitimacy of Human Rights Standards

The legitimacy and recognition of human rights norms derive from the claim that they are founded upon fundamental values. It is these values that make human rights norms legitimate and acceptable. As moral entitlements, human rights are connected to identity and self-determination. Claims of validity depend on the moral agents who act within the context of the life and the value system they inhabit. From the perspective of historical evolution human rights norms derive from socio-cultural, economic, and political transformations. They have relevance wherever there is injustice irrespective of culture, religion, or place. They “seek to allow human beings, individually and in groups to give meaning and value to their lives, to pursue their own visions of the good life.”⁶ Such choices justify the claim that freedom of conscience deserves respect. Human rights norms are relevant because they defend human dignity, self-determination, and the common good as necessary conditions for human flourishing.

Human rights, argues Ignacio Ellacuria, “should be understood as the unfolding of the common good.”⁷ For him, human rights and the common good are a single problem. It is impossible to speak of a common good where there is a denial of human rights. The common good “is that point where rights and duties converge to reinforce one another.

When human rights are ignored, and when the pursuit of individual interests unjustly prevails over the common good, then the seeds of instability and violence are sown.”⁸ Human rights and the common good are mutually correlative, and specify the minimum standards required for a society that is just. Without the link proposed by Ellacuria human rights could be interpreted as a principle of self-interest and selfishness expressed in terms of non-interference.

In the modern world the standards of human rights have become the most effective moral criterion to judge individuals, social relationships, institutions, and state. Human rights standards have acquired international recognition because of the influence they have garnered since the end of the Second World War. Conversely, diversity and misunderstanding among religio-cultural value systems and various meanings of the good life do not present another option that could be considered just and accepted by everybody. Under these circumstances it could be argued that human rights, as a struggle for mutual recognition and mutual care, is the sole paradigm in which fundamental disagreements are dissolved. So far, in the search for a common morality, there are no other respectable alternatives to human rights standards.

The preceding investigation has presented the challenges raised when we encounter the condition of the poor. This was followed by the challenge of justifying the legitimacy of human rights standards. The segments which follow investigate the challenges associated with implementation, enforcement, and innovation of human rights standards across cultural, political, and ideological divides in a way that can promote progress for all.

Universalism, Multiculturalism, and Relativism

For Jack Donnelly, there are two categories of ethical universalism.⁹ The first category is abstract and indefensible. This category derives from transcendental experience that claims a sacred character to the foundation of rights. The second category is founded upon the claim that human rights are universal insofar as they derive from universal historical experiences. There is a necessary interdependence between transcendental and historical dimensions of human experience. For him, “universal human rights, properly understood, leave considerable space for cultural particularity, and other forms of diversity and relativity.”¹⁰ An inclusive and historical concept of universality requires us to be sensitive to the identities and needs of others. Such substantive universality operates at the level of applying what is claimed by the Universal Declaration of Human Rights.

A number of universalistic approaches have, however, failed to develop an attitude of treating human rights proportionately because they do not situate ethical questions within life struggles nor do they examine carefully the conditions of life in which the moral agent is situated. A number of liberal approaches, for example, do not see the need to attend to the special concerns of local cultures in a search for concrete solutions. Their approaches tend to remove questions of human rights from the concrete struggle of life. They attach human rights to persons who are distinct from concrete experience. But when the concept of person is abstracted from experiential contexts and identities then the rights discourse becomes an attempt to construct a system that protects the interests of the privileged class. When human rights are turned to privilege their universal character is negated, with a possibility of losing the common moral ground and the sense of common humanity that we share. Appealing to imagination alone cannot

penetrate historical conditions and social relationships. In criticizing such abstract approaches, Seyla Benhabib argues that with a definition of a person restricted to “generalized other” we may remain stuck at the meta-ethical level of the discourse.¹¹ If the practical standpoint is not taken into account, then there will be no universality that can be justified empirically. A universalistic moral theory removed from the concrete challenges of life will eventually fall into epistemic inconsistencies that jeopardize its claim of fulfilling the demands of universality.¹²

How can we ground a universal understanding of human rights which is inclusive and acceptable everywhere? What is often taken for granted in universal moral theories is that a person’s identity derives from the process of historical consciousness, which includes being shaped by the circumstances of life. Experience teaches that a claim to universality based upon historicized justification serves as an overlapping consensus of divergent conceptions of the good. Cultural identities are variables that stand to justify the validity and realization of human rights norms. Such a claim confirms that the processes of historical consciousness justify the validity of human rights standards.¹³ Therefore, in the process of establishing a link between human rights and common morality we must maintain the balance between particularity and universality.

Culture is a depository of experience and knowledge. As such, values are relative to the culture from which they derive and evolve. In recent years, however, claims of ethical universality have been confronted with the reality of cultural relativism. Cultural relativism derives from differences among value systems, life contexts, understandings of the human person, and the meaning of the good life. There are two categories of cultural relativism. The first category sees irreconcilable difference that completely rules out any rapprochement. It cherishes uncertainty in the process of making moral judgment. It does not consider the possibility of applying the principle of overlapping consensus as a means to facilitate dialogue in the process of addressing problems that cut across cultures, religions, and political divides. The second category of cultural relativism upholds claims of socio-cultural difference while at the same time leaving a space for dialogue and change.

People from different cultural systems have different conceptions of the human person and the good life. This correlation validates the claim that cultural differences justify contextualization of moral knowledge. Such perspectives mold diverse understandings of human rights. I wish, however, to argue that traditions themselves are subject to change insofar as the conditions of life change. Static cultural traditions and moral norms do not exist. The encounter between value systems provides the stage where different understandings of human rights converge. Such convergence is justified by human dignity and the common good, which leads to the overlapping consensus of the concept of universal human rights.

A moral agent is situated at the crossroads of different dimensions of historical consciousness. To dismiss any one dimension is to misunderstand the complexity of morality. The point of contention is that a moral action is complex in the sense that it always contains different variables that ought to be considered in moral discernment. It is not simply the significance of certain elements that matters, but the significance of how all the elements that constitute the whole interact to produce meaning. The concern is not simply to realize certain elements and dimensions of the moral agent taken in isolation. Rather, it is the question of focusing on the entire complex web of multiple elements and

various dimensions of human action. Interpreting human action entails evaluating the human person as a whole. Nothing that influences the process of human consciousness should be left out. Diverse dimensions of human experience fashion the perception, attitude, and action of the moral agent. Based on this observation I argue that promoting human rights is an enterprise that requires consideration of different experiences arising from different dimensions of human experience and social institutions.

Another claim worth of consideration is that realization of human rights ideals depends on the formation of the moral agent in relation to the context of life and cultural traditions. The interdependence of these dimensions fashions the value system which anchors rights discourse. This approach takes into account three key points: that there is a need to theorize out of experience rather than to allow theory to limit experience; that it is wrong to start with abstract norms and then seek to justify their applicability in particular cultures and contexts;¹⁴ and that moral imaginations and traditions emerge from specific contexts of life, value systems, and worldviews.¹⁵ While accepting that cultural diversity could strengthen rights discourse it is also appropriate to admit that cultural traditions are limited, and as such they need regular evaluation, self-criticism, and transformation. The weaknesses of cultural relativism include rigidity, self-centeredness, and isolationism. Radical relativism upholds that moral traditions are unchangeable. But in reality cultural traditions and moral norms are always subject to change. With this in mind cultural traditions, as social constructs, should not be approached as ends in themselves; instead, they should be approached as realities which are open to change.

Moral norms are embedded in a complex web of diverse experiences arising from social relationships. Ethical norms are situated within the historical-cultural realities in which moral agents are nurtured. Efforts geared to promote human rights must therefore be more than a mere application of a set of conventions. They have to take into account diverse experiences of life in terms of value systems and cultural traditions. In order to understand the contemporary challenge of promoting human rights one must go beyond a mere rediscovery of traditional belief systems, cultural traditions, and political ideologies. One must venture to take seriously the innovation of moral norms. Such an enterprise requires creative thinking and localized initiative. Attempts to contextualize the human rights debate should not be seen as ill-founded efforts intended to destroy what has been achieved; rather, we should see these efforts as a manifestation of moral maturity that intend to promote human rights from the viewpoint of social relationships. Moral norms are historical because “cultural configurations of symbols and circumstances are in constant change. Moral norms have meaning in relation to this changing field of action.”¹⁶ The trajectory of a moving field of values must be traced vis-à-vis the changing conditions of life.

Critics claim that liberal approaches to human rights fail to extend claims of the civil-political rights beyond abstract considerations. Inability to take socio-economic rights seriously has in fact weakened the human rights debate. Abstract universalism and cultural relativism, with their tendency toward exclusion and imposition have retarded efforts geared toward changing the condition of the poor, the condition of the people of the slum of Kibera. Exaggerated cultural relativism obstructs transformative initiatives while abstract universalism ignores concrete engagement geared to promote socio-economic rights. Rights claims, I wish to argue, are not only abstract; they are also ascribed to persons who live in concrete historical conditions. We have therefore to

challenge approaches characterized by a language that separates civil-political rights from socioeconomic rights, and individual from community. A debate trapped in this dichotomy cannot benefit humanity. Different categories of human rights complement one another. Following the same argument Simeon O. Ilesamni concludes that a society that promotes only one category of rights projects an image of truncated humanity.¹⁷ One-sided emphasis enforced by pluralism of interpretations without clear commitment fails to produce concrete impact.

Internationalization of Human Rights Standards

Internationalization of human rights became necessary after the Second World War because the world needed a worldwide system of accountability and responsibility. Such an initiative became possible when cooperation between states was required to protect refugees and victims of war, torture, discrimination, and genocide. With the help of the United Nations Commission of Human Rights, human rights have become an international moral criterion for judging international relations, with the capacity to challenge state authority, impose limitations upon the arbitrary exercise of power, override the privilege of state sovereignty, and hold governments accountable.

International consensus for collaboration is founded upon accepted moral standards. Global cooperation can use common resources to create a better world for all. If we cannot achieve this objective then we will be destroyed by conflict of interest and ideological competition. We need to change the way we undertake international relations as a means to transform social relationships. Although there are competing ideologies, identities, and loyalties, it is appropriate to formulate methodologies that can bring nations together. The survival of the poor will depend on how nations are able to live in harmony by facing the worldwide challenges emerging from various conflicts of interests. A cross-cultural understanding of human rights is possible when there is a willingness to engage everybody in serious conversations in the search for appropriate models of interdependence and common good that transcend national borders. Such initiatives require a substantial investment from the international community. International investment is essential for building the global common good. This willingness has enabled human rights standards to be incorporated within various legal documents, national constitutions, and education programs.

Internationalization of human rights standards depends on the initiative of implementation. In this respect Abdullahi An-Na'im writes:

If we are to bridge the gap between the theory and practice of human rights in the contemporary world, we must all be ready to modify those conceptions which seem to frustrate the efficacy of international cooperation in the field of human rights. This would require a modification of the meaning of state sovereignty in order to enhance the principle of international accountability for violating human rights.¹⁸

The international community must be able to establish moral criteria that can override domestic jurisdiction when violation of human rights is persistent. States should be encouraged to abandon outdated laws in favor of human rights standards. Every society is encouraged to evaluate how well it maintains international standards of human rights. For

this course of action to be successful there must also be a concerted effort geared to developing effective modalities of implementation. “To achieve this end, human rights advocates need to undertake a massive educational effort, drawing on all institutions and other normative resources of each community in support of universal human rights.”¹⁹ In the long term, civic education produces an attitude that can transform social relationships.

United Nations and International Politics

The United Nations Charter states that one of the purposes of the United Nations is to achieve international cooperation in addressing problems of a humanitarian character and to encourage respect for human rights standards.²⁰ The Universal Declaration of Human Rights, as the spiritual and historical foundation of all human rights charters, occupies a special status among the standards that regulate international relations. The centrality of the Charter derives from the fact that it is viewed more as a moral guideline designed to inspire than as a legal system. In order to establish respected universal standards of human rights, remarks Makau Mutua, there must be a “cross-cultural legitimacy of any such enterprise that would lie in a truly democratic, diverse, and participatory framework.”²¹ An approach of this sort cultivates involvement and commitment by everybody.

For sixty years the challenge of the United Nations has been how to make the Universal Declaration of Human Rights acceptable to all nations. “The process of setting standards at the international level requires consensus building. It also calls into play competing national interests, cultures, and ideologies.”²² Such an observation suggests that there is a need to pay attention to the weaknesses of the United Nations and international politics in view of making the values of inclusion and participation obligatory and to achieve a form of legitimacy that can transcend cultural, political, religious, and economic divides.

Since the end of the Cold War carrying out international politics within the framework of the United Nations has experienced many problems. Inaction at the international level is caused by inequalities expressed in terms of economic disparity between rich and poor countries. That is to say, the challenge of promoting human rights is necessarily linked to poverty, to political division between rich and poor countries, and to the challenge of building a consensus about the responsibility of the state. The dispute over protecting human rights remains unsettled because poor countries fear that such a framework would breed hegemony, interference, and the loss of state sovereignty. In search of consensus, Bertrand G. Ramcharan, the former Commissioner for Human Rights at the United Nations, argues:

What needs to be done, through careful diplomacy, to build a consensus widely shared is that human rights norms developed over the past sixty years must be upheld by all, and that this includes civil and political rights as well as economic, social and cultural rights. As part of this consensus, there must be agreement on how to tackle situations of gross violations of human rights.²³

Even after the Cold War powerful nations are still fighting for supremacy. This attitude is contrary to the United Nations Charter which emphasizes principles of equality and self-determination of all peoples. “Commitment to equality has characterized the United

Nations ever since its existence and the member states committed themselves to the pursuit of international cooperation for the promotion of human rights.”²⁴ Such confirmation supports the development of all peoples as a standard measure for the realization of human rights ideals.

The dynamics of international politics is most often influenced by political motives that uphold self-interest instead of the global common good. “Proposals have been put forward by the international community to ensure that a minimal level of humanity is respected.”²⁵ Competing national interests explain why the international community lacks coherent principles for decision-making. The United Nations, under pressure from powerful nations, tends to embrace compromise politics. Under these circumstances it has often opted for silence. Its silence over acts of genocide in Rwanda and Darfur, for example, has revealed an inconsistency in the United Nations’ way of proceeding by showing that the international standards of decision-making are unclear, inconsistent, and biased. These examples confirm the claim that reform of the United Nations is urgently required.

Human rights provisions cannot be realized unless institutions that support them are willing to guarantee a movement from formulation to implementation. Most often, weaker states are compelled by powerful states to endorse international formal declarations. In reality the forced signatories will not do anything to halt human rights violations. “Ratification of treaties means little where the state has no political will in their domestic application and implementation. In some cases, states will pay lip service to certain standards but take no steps to consolidate them.”²⁶ But approaching human rights as a political concept allows us to address a wide range of human rights issues while circumventing divisive disputes over moral foundations.²⁷ Political action, as a means of social interaction, promotes self-discovery and mutual acceptance.

Innovation of Human Rights Debate

Recently there has been a strong push to recognize the interrelationship between civil-political rights and socioeconomic rights in order to resolve the tension between different categories of rights. But protecting human rights standards is possible only insofar as there are effective methodologies of implementation, enforcement, and innovation. Such initiative needs a larger response sustained by international accountability along with localized framework of implementation. There must be appropriate models of helping each society to build systems that can promote both civil-political rights and socioeconomic rights as ways of fighting poverty.

In order to keep the momentum of enforcement and innovation of human rights active there must be a continuous process of appropriation at the level of institutions. As such, advocates of human rights are expected to identify weaknesses within institutions by devising effective methodologies of human rights education. Promoting human rights standards requires continuous reinterpretation, evaluation, and appropriate methodologies of implementation. Constant evaluation strengthens the rights discourse because it enables it to dialogue with the changing conditions of life. Such engagement motivates critical reflection and self-appropriation. Approaches proposed for evaluation require us to make sure that international standards of human rights are promoted with due respect to the evolving value systems of different societies. Embarking on the process, rights

discourse ought to localize itself as a means of responding to local challenges with localized methodologies.

The existing rights discourse seem to lack a transformative vision because it endorses the very systems which are responsible for making the fulfillment of basic needs inaccessible to the poor. For example, liberal approaches “reflect the experience of the dominant class and its interests. The limits of human rights discourse include losing sight of the great proportion of human beings who lead a sub-human life and to whom no one pays attention. The language of human rights ought to provide conceptual tools that present oppression as institutional and structural.”²⁸ This could be possible by encouraging collective action geared toward challenging the status quo. Let there be no mistake that the rights of the poor, under the norms of the common good and interdependence, are legitimate. Such affirmation is justified by the claim that the rights of all persons are limited by the rights of others, and the individual owes duties to the community which enables everyone to flourish.

Religions, of course, can also play a constructive role in the effort to promote human rights if they avoid tendencies of exclusion, imposition of uniformity, authoritarianism, and fundamentalism.²⁹ They are expected to acknowledge democracy by respecting principles of pluralism, freedom of conscience, and the right to choose. Religions, under the inspiration of love of neighbor and community service, can promote human rights education and the transformation of the public conscience. Such contributions are possible if religious teachings change with the changing conditions of life. Similarly religions should avoid the temptation of opting for silence and neutrality in the midst of human rights violations. It is immoral to be silent in the midst of human suffering. These demands could become reality if there were an effort to formulate an expression of human rights grounded in the spiritualities of social transformation and social action.

With respect to the preceding discussion I argue that methodological shifts are required, because rights that can mean something for poor people fighting to survive, rights that can mean something for dehumanized women, rights that “can mean something for the youth whose future we render improbable everyday, must include economic needs. If a bill of rights is to make any sense, it must include among others, economic rights. That is the least we can strive for if we are ever going to have societies that respect basic human needs.”³⁰ For the poor, rights discourse will only be relevant insofar as it takes seriously the economic rights.

The dynamics of rights discourse should be conceived as an open-ended process constantly perfecting itself. It is inappropriate to approach rights discourse as if it has been settled once and for all. We must continually move back and forth in interactive dialogue with all cultures, taking into account that religio-cultural backgrounds are important in forging a common ground for moral norms. Realization of human rights ideals cannot depend solely on laws. It is about changing attitudes toward others, ordering conflict of interests, reconstructing social relationships, reorganizing social structures, and challenging outdated traditions. The spirituality of human rights is not designed to justify self-interest; rather, it is about mutual recognition, capability building, and social transformation.

Human rights debate should be situated within different value systems, because when profound changes in mentality become necessary it is not enough to cling to those

strategies that offer information alone. The challenge of promoting human rights must take into account what each group of people is, including its historical background and cultural traditions. Only such an historical encounter enhances the real possibility of protecting human rights. Such initiative must be accompanied by a search for new ways of reconciling particular moralities with common morality. Claims of universality and cultural difference can be constructive only insofar as they are not consumed by tendencies of imposition and exclusion.

Conclusion

The movement of globalization, which is dominated by multinational companies and financial institutions, shows no interest in establishing systems of moral responsibility that can guarantee the global common good. The free market and multinational companies by themselves cannot guarantee the rights of the poor because their dynamics are focused on how to maximize profit. For them, rights to subsistence are unjustifiable, and the economic needs of the poor are nobody's business. In this situation we need approaches that can promote a culture that engages public conscience and commitment from all institutions of moral formation and concrete engagement. A commitment of this magnitude requires multiple approaches to be undertaken simultaneously.³¹

Civil-political rights, from the perspective of the poor, will only be meaningful insofar as one enjoys socio-economic rights. The poor, as bearers of the experience of suffering, are the ones who can judge whether we have achieved an inclusive understanding of human rights and the common good. The situation of the poor reflects the community's failure to uphold the value of mutual care. Indeed, the extent of suffering of the poor shows how far we are from being a community of persons who care for one another. The plight of the poor is the standard measure of how ideals of human rights have been implemented. We cannot talk about common good without taking into account the condition of the poor.³² Since this is the case, then responsibility toward the poor is no longer an option, but an obligation. The poor are not the object of charity but persons to be freed from the oppressive forces generated by social structures.

The international human rights debate is, apparently, declining because the plight of the poor is not adequately addressed by the theories of academia and international politics. The paper demonstrated how the competing approaches among scholars and political organizations have confined the human rights debate within the parameters of speculative disputes and conflicting ideals. The claim put forward stated that unless human rights debate recognize the basic needs of the poor it will become irrelevant as well as lose its opportunity to promote just societies, and thereby left to survive under the whims of power brokers and global market.

Another challenge we have to address is the attitude of the people from industrialized countries, who tend to feel that whenever the well-being of the poor is raised they are somehow blamed as well as pressurized to give their wealth to the people who do not deserve it. Some of them, unconsciously, tend to act in an uncomfortable manner, by unleashing unfriendly arguments of self-defense, without knowing that the plight of the poor brings into play the issue of civic responsibility. Human rights debate necessarily calls us into the sense of shared responsibility and the common good.

About the Author

Address: Hekima College
Joseph Kangethe Road, Off Ngong Road
P. O. Box 21215
00505 Nairobi, Kenya

E-mail: tarimo@hotmail.com

Notes

¹ Critics claim that the Universal Declaration of Human Rights cannot be universal because its philosophical framework emerges from a single worldview. That is to say, the content of what is referred to as universal human rights varies from one culture to another. Even if cultures and nations agree that human rights must be respected there would be considerable variation about how to honor these ideals. For further elaboration, see Warren Lee Holleman, *The Human Rights Movement: Western Values and Theological Perspectives* (New York: Praeger Publishers, 1987); Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press, 2002); and Aquiline Tarimo, S.J., *Human Rights and Cultural Differences* (Morogoro: Salvatorianum, 2004).

² For a study that elaborates the aforementioned characteristic, see Rhoda E. Howard, *Human Rights in Commonwealth Africa* (Totowa, New Jersey: Rowman and Littlefield Publishers, 1986).

³ I do not wish to present a comprehensive historical evolution of human rights, human rights-related events, apology, or a list of specific rights from the perspective of theology, philosophy, or political science. Such studies have been already undertaken, extensively, in the last six decades. My focus is to evaluate the impact of these studies in concrete life without being rendered captive to theoretical disputes.

⁴ Christine Bodewese, *Parish Transformation in Urban Slums: Voices of Kibera, Kenya* (Nairobi: St. Paul Publications, 2005), 31.

⁵ Wikipedia: The Free Encyclopedia, "Kibera: Geography and Culture," <http://www.en.wikipedia.org/wiki/kibera> (accessed November 23, 2009).

⁶ Jack Donnelly, "The Relative Universality of Human Rights," *Human Rights Quarterly* 29, 2 (May, 2007) 281-306, at 288.

⁷ Ignacio Ellacuria, "Human Rights in a Divided Society," in Alfred Hennessey, S.J., and John Langan, S.J., eds., *Human Rights in the Americas: The Struggle for Consensus* (Washington, D.C.: Georgetown University Press, 1982), 52-65, at 59.

⁸ Pope John Paul II, "Respect for Human Rights: The Secret of True Peace," at <http://www.nccbuscc.org/sdwp/international/humanrights> (accessed March 30, 2010).

⁹ Donnelly, "The Relative Universality of Human Rights," 281-291.

¹⁰ *Ibid.*, 281.

¹¹ The meaning of "generalized other" and "concrete other" are discussed in Seyla Benhabib, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), 148-177. "Generalized other" refers to the way of understanding a person from the abstract standpoint while "concrete other" refers to the way of understanding a person from the standpoint of particularity, needs, and context of life.

¹² *Ibid.*, 152.

¹³ Excellent studies of cultural relativism, identity, and the contextualization of different understandings of human rights are found in Adamantia Pollis and Peter Schwab, eds., *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger Publishers, 1979); Issa G. Shivji, *The Concept of Human Rights in Africa* (London: Codesria Book Series, 1989); Abdullahi Ahmed An-Nai'm and Francis M. Deng, eds., *Human Rights in Africa: Cross-Cultural Perspectives* (Washington, D.C.: The Brookings Institution, 1990); and Claude E. Walsh Jr., and Robert I. Meltzer, eds., *Human Rights and Development in Africa* (New York: New York University Press, 1984).

¹⁴ See, for example, Jürgen Harbemas, *Moral Consciousness and Communicative Action* (Cambridge, Massachusetts: The MIT Press, 1991), 21-188.

¹⁵ Emmanuel M. Katongole, "Hauerwasian Hooks and the Christian Social Imagination," in L. Gregory Jones, Reinhard Hutter, and C. Rosalee Velleo Ewell, eds., *God, Truth, and Witness: Engaging Stanley Hauerwas* (Michigan: Grand Rapids, 2005) 131-152.

¹⁶ Tod Swanson, "The Persuasive Voice of Oscar Romero," *Journal of Religious Ethics* 29, 3 (Spring, 2001): 127-144, at 143.

¹⁷ Simeon O. Ilesamni, "Civil-Political or Social Economic Rights for Africa? A Comparative Ethical Critique of a False Dichotomy," *The Annual of the Society of Christian Ethics*, 17 (June, 1997): 192-212, at 212.

¹⁸ Abdullahi Ahmed An-Na'im, "Islam, Islamic Law, and the Dilemma of Cultural Legitimacy for Universal Human Rights," in Larry May et al., eds., *Applied Ethics: A Multicultural Approach* (New Jersey: Prentice-Hall, 2000), 83-93, at 90.

¹⁹ *Ibid.*, 91.

²⁰ United Nations Charter, Article 55 (c).

²¹ Makau Mutua, "Standard Setting in Human Rights: Critique and Prognosis," *Human Rights Quarterly* 29, 3 (August, 2007): 547-630, at 553.

²² *Ibid.*, 557.

²³ Bertrand G. Ramcharan, "Evolution of Human Rights Norms and Machinery," <http://www.scu.edu/ethics/practicing/focusareas/globalethics/human-rights-norms.html> (downloaded November 10, 2009): 1-24, at 3.

²⁴ United Nations Charter, Articles 55, 56.

²⁵ Hans-Joachim Heintze, "Human Rights Standards, International Humanitarian Law, and Refugee Law," <http://www.ruhr-uni-bochum.de/ifhv/news/tashkent-speech%heintze.pdf> (accessed October 18, 2009).

²⁶ Mutua, "Standard Setting in Human Rights: Critique and Prognosis," 573.

²⁷ Donnelly, "The Relative Universality of Human Rights," 293.

²⁸ Mark Engler, "Toward the Rights of the Poor: Human Rights in Liberation Theology," *Journal of Religious Ethics* (March, 1999): 339-361, at 345.

²⁹ Among others, see James E. Wood, Jr., "An Apologia for Religious Human Rights," in John Witte, Jr., and Johan D. van der Vyver, eds., *Religious Human Rights in Global Perspective: Religious Perspectives* (Boston: Martinus Nijhoff Publishers, 1996) 455-483.

³⁰ Claude Ake, "The African Context of Human Rights," in Larry May et al., eds., *Applied Ethics: A Multicultural Approach* (New Jersey: Prentice-Hall, 2002), 94-100, at 98.

³¹ For an excellent analysis of institutional transformation, see Paul Steidl-Meier, "Is Poverty an Injustice?" in Francisco Jiménez, ed., *Poverty and Social Justice: Critical Perspective* (Tempe, Arizona: Bilingual Press, 1987), 101-114, at 102.

³² David Hollenbach, S.J., *Claims in Conflict: Retrieving the Catholic Human Rights Tradition* (New York: Paulist Press, 1979) 204-205. For further elaboration, see Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton, New Jersey: Princeton University Press, 1980); U.S. Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (Washington, D.C.: U.S. Catholic Conference, 1986) nos. 79-84; William R. O'Neill, S.J., "No Amnesty for Sorrow: The Privilege of the Poor in Christian Social Ethics," *Theological Studies* 55, 4 (December, 1994), 634-656; and Stephen Pope, "Proper and Improper Partiality and the Option for the Poor," *Theological Studies* 54, 2 (June, 1993): 250-264.