Shadows of Universalism: The Untold Story of Human Rights around 1948

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International politics has taught us to regard all claims of universal truths with suspicion. This skepticism need not imply an automatic endorsement of cultural relativism, although it has the tendency of going in that direction—often with predictable outcomes—as evidenced by many of the debates on human rights since War World II and, most notably, by the Asian values debate since the 1990s. To the extent these discussions allow themselves to be shaped by the interminable play of contraries, it seems that universalism cannot but structure—and simultaneously be structured by—its opposites, be it cultural relativism, particularism, or any such terms. One is tempted to say that this is true of almost all arguments of universalism, and we can hardly adopt a stance against them without taking refuge under one of their contraries. Or can we? Even if there is no escaping the logic, the impasse should not deter us from raising a different set of questions. For example, what's at stake when somebody decides to take up a cause for—or against—the universality of human rights?

This question is bound to take us to the politics of universalism—a universalism of human rights—which turns out to be more difficult to

analyze than it is to generalize about the ubiquitous politics of human rights. The latter, in the wake of the cold war and its aftermath, has been exhaustively studied by historians and political theorists. Among them, Samuel Moyn offers perhaps one of the most compelling critiques to date.[1] In *The Last Utopia*, he rejects the narrative of continuity by distinguishing the recent invention of human rights from the earlier idea of natural rights in European legal and theological traditions on the one hand and from the rights of man in the age of revolutions on the other. Tracing human rights to the rise of new social movements mobilized around this idea and to the American foreign policies based on its principles after the inauguration of President Jimmy Carter in 1977, Moyn remaps the discursive terrains of the discourse of human rights essentially as an American idea—if not an imperial American ideology—that rivaled a number of other ideas and norms that have shaped the modern world, predominantly, anti-colonial self-determination and national sovereignty. This revisionist narrative stresses the role of social movements and their relationship to cold war politics, but the implied proprietary questions—who invented human rights? when and where?—appear to persist in new genealogical guise, even as the universality of the concept itself is being contested.

Not that a proprietary claim—the European invention of *droits de l'homme* and the American reinvention of human rights—is particularly interesting or deserves more attention than universalism. The problem lies precisely in the indeterminacy of where the proprietary ends and where the universal begins; one term invariably turns around to invade the other through a perpetual sleight of hand. The ceaseless rounds of conceptual departures and arrivals—which rarely present themselves to thought— often transform the proprietary claim into the condition of the universal on behalf of (Western) philosophy, historiography, law, political theory, and other branches of knowledge. We have witnessed this conceptual

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1. See Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass., 2010).

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move—adroitly transforming who invented *X* and where? to the truth of *X*—asserting itself over and over again in the manner of a productive dialectic of general and particular. This dialectic presents us with the second difficulty—the first being the interminable play of opposites—in our attempt to understand the universalism of human rights. Depending on how it is framed and to whom it is addressed, the dialectic of general and particular may well mask some fundamental political situations, past or present, that determine the kinds of questions one may legitimately put to the challenge of universalism.[2]

And there is the third difficulty in regard to the legibility of the discursive structure of human rights. In the common conceptual play of contraries and mirrors, certainly not without implicit references to the West and the rest, there has been a geopolitical itinerancy of universalism—always with the telos of human progress—that seems oddly transparent to itself, so transparent that one can no longer detect the displaced terms in the fashioning of positive terms—or, in this case, how the concept of human rights as a universal may be related structurally to some other terms, such as *civilized* and *uncivilized.* The displaced terms, as I try to elaborate in my essay, are precisely what allow the politics of human rights and its universal aspirations to be fully operable at some fundamental levels. I call them the shadows of universalism.

The problem is that these shadows are occluded as a rule by the fetishistic focus on positive terms we regularly encounter in the history of ideas, conceptual histories, and keyword studies. Our scholarly preference for positive terms—which I call verbal fetishism—has unfortunately been amplified by keyword studies popularized by Raymond Williams.[3] Williams's approach to terms such as *culture* and *civilization* through English,

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2. Nick Nesbitt argues that the idea of the rights of man evolved not simply from the European notion of natural rights but through the circulation of ideas and their reinvention under Caribbean colonial conditions. His reframing of the idea in an alternative genealogy suggests the kind of difficulty I am trying to highlight here. See Nick Nesbitt, *Universal Emancipation: The Haitian Revolution and the Radical Enlightenment* (Charlottesville, Va., 2008).

3. The common fallacy of allowing a word—why not two, three, or more words or a half-word and why not grammatical structure—to take the place of a concept without thinking carefully about the one or the other or their relationship goes far beyond keyword studies and seems endemic to humanistic and scientific studies in general. More recently, this verbal fetishism is getting exacerbated by Google's n-gram dataset—also known as Big Data historical research—which simply substitutes word frequencies in printed materials for a record of intellectual ups and downs in a given time period. But it is well known that a universal discrete machine—that is, the computer— can process numerical symbols and letters/words (what Claude Shannon called Printed English) very well, but the machine cannot process human concepts except by reducing them to discrete word units. See Claude Shannon, "Prediction and Entropy of Printed English," "Communication Theory-Exposition of Fundamentals," and

French, and German etymologies cannot but obviate the kind of radical conceptual transformation I set out to study here.[4] By tracking down the potent shadows of universalism that condition the positive terms of human rights rather than form their opposites, we may be able to identify and analyze the discursive structure of universal human rights in recent history.

In that sense, my essay is an experiment in method, and it is devoted to a tentative formulation of a number of conceptual thresholds in our reflections on universal human rights. What I propose to do is figure out how we may reground the discussion of human rights in a less parochial understanding of the values, limitations, opportunities, and failures of the universal aspirations around the mid-twentieth century. To do that, we must begin by laying the ghost of proprietary genealogy of ideas to rest and reclaim the freedom to explore significant translingual and transcultural meetings of minds and concepts in the multiple temporalities of global history. I would like to reclaim that freedom here in order to explore what the discursive structure of human rights looked like around 1948, how it evolved in the making of the Universal Declaration of Human Rights (UDHR), and where we stand with respect to the future of universalism. If Moyn insists that the making of the UDHR had no more significance than as a minor episode of "diplomatic penmanship" in the hands of a small group of elites at the UN, I argue that such conviction could only have derived from his own disavowal of universalism as a political problem in human rights rather than from any meaningful corroboration by the events on the ground between 1945 and 1950.[5]

In the first section, I examine the internal contradiction of human rights as a universal proposition by exploring the historical gap opened up between the classical (nineteenth-century) standard of civilization in international law and the situated enunciation of human rights. I argue that the reiteration and disavowal of the classical standard of civilization performs one of those political acts that inadvertently reveal the stakes of the uni-

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"Information Theory," *Collected Papers*, ed. N. J. A. Sloane and Aaron C. Wyner (New York, 1993), pp. 294–308.

4. See Raymond Williams, "Culture" and "Civilization," *Keywords: A Vocabulary of Culture and Society* (New York, 1976), pp. 87–93, pp. 57–60.

5. See Moyn's essay in this issue. Interestingly, Paul Lauren, who does not share Moyn's disavowal of universalism as a political problem, begins his study of human rights by quoting Margaret Mead: "Do not make the mistake of thinking that a small group of thoughtful, committed people cannot change the world; indeed, it is the only thing that ever has" (Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* [Philadelphia, 1998], p. 1).

versal as well as the generalized discursive structure of human rights. From this, we learn that the precipitation of human rights to the politics of decolonization and self-determination after 1948 has not been some Third World distortion or hijacking of the wonderful liberal idea of civil and political rights of the individual—as is often alleged by well-meaning scholars—but owes its actualization and political destiny to a prior, violent provocation, a confrontation with the attempted reassertion of the classical standard of civilization.

I then analyze the moment of confrontation itself in the second section, focusing on one of the most acrimonious debates on the floor of the General Assembly in the United Nations. The debate I reexamine took place in the fall of 1950—two years after the UN adopted the UDHR—when the General Assembly began its deliberations on the covenants of the International Bill of Human Rights. In the course of that debate, the exceptionality of the "uncivilized status" of colonial and non-self-governing peoples in international law became a flashpoint: Should "uncivilized" societies—that is, nonsovereign peoples—be prevented from enjoying universal human rights? That question and the storm it triggered amongst the newly independent nations cast a long shadow upon the subsequent unfolding of human rights. It appeared that participants from both sides of the debate understood that the struggle over the right to have human rights was a political struggle fought out on the ground of universalism.

The third and fourth sections of my study center on the figure of P. C. Chang, a Chinese ambassador who rose to prominence in the UN and became one of the principal architects of the UDHR in 1946–48. A passionate critic of cultural relativism and colonialism, Chang resolved to refashion human rights into a universal moral idea and did much to contribute to what many still view as a Western document. Debates on the earlier drafts of the UDHR amply show how Chang attempted a translingual reworking of the plural human within the framework of rights talk. The ground of universalism he fought to reclaim in his capacity as vice chair of the UN Commission on Human Rights was the presumed meeting ground between Confucian moral philosophy and European Enlightenment thought. That precarious ground, however, did not come from nowhere since the idea of the plural human had already been deeply embedded in the development of modern theories of political pluralism and in the human rights activism of prewar China (1927–37). I suggest that this earlier history of global engagement with human rights must also be brought into our rethinking of universalism.