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Human Rights and International Relations

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HUMAN RIGHTS AND INTERNATIONAL RELATIONS. By *R.J. Vincent*. New York: Cambridge University Press. 1986. Pp. viii, 186. Cloth, \$34.50; paper, \$8.95.

Few issues divide cynics from idealists as sharply as the role of human rights in foreign affairs. R.J. Vincent's¹ book, *Human Rights and International Relations*, attempts to bring some order to this debate by providing a history of rights thinking in Western and three selected non-Western cultures, a survey of the current practice in human rights discussion, and finally, a proposal on the role human rights should play in the foreign policy of the developed nations.

After a carefully argued and rather abstract discussion, Dr. Vincent concludes that the most urgent human right in need of protection is the right to life, which he defines as the right to subsistence and security. This primary right also includes the liberty necessary to assert it.² However, this seemingly limited definition of human rights in international society imposes enormous correlative duties on the developed world, making the book more appealing as a work of political philosophy than as a prescription for policymakers.

Dr. Vincent divides *Human Rights and International Relations* into three parts, entitled *Theory*, *Practice*, and *Policy*. The first part traces the development of ideas critical of the modern conception of human rights from ancient Greece to the present. It begins with an analysis of the Greek concept of nature, which provides a tool for constructing an ideal world based on rational principles, as contrasted with the everyday world. The Stoics, influenced by the cosmopolitanism of the Hellenistic and Roman periods,

broke open the enclosed community of the *polis* and upheld the individual as an independent moral agent. The master concept, making this development possible, was that of reason yoked to nature.

. . . The individual belonged to a universal community which existed by nature and whose rules were apprehended by the use of reason. [p. 21]

Christianity reinforced these two concepts with its doctrines of individual salvation and universalism. The Reformation, which began by legitimizing absolutist princes, no matter how unworthy, as divinely ordained, ended by recognizing a right of resistance derived from the

1. R.J. Vincent is a Fellow of Nuffield College, Oxford.

2. Liberty may also be a basic right . . . in the sense that it is essential to the enjoyment of all other rights, including the right to life. . . . [H]aving a right to life means having at least the liberty to protest and mobilize opinion against its deprivation — having some access to institutions that guarantee it. Otherwise life is merely something for the provision of which one thanks the despot and hopes for the best.

Pp. 125-26 (footnote omitted).

ruler's obligation to govern justly. In the process, the focus shifted from individual duties to rights, culminating in the French Revolution. This, in turn, led to criticisms from thinkers as diverse as Burke, Bentham, Hegel, and Marx. After discussing these criticisms, and works by contemporary philosophers, Dr. Vincent notes that "a strength of the theory of human rights [is] in its capacity to absorb criticism in a way that enriches the theory" (p. 36). The effect of the criticisms has been to create lists of economic and group rights, with much of the international political debate centering on competing versions of the rights thesis.

Dr. Vincent concludes the first part with a discussion of cultural relativism, which he defines as the belief that rules of morality vary from place to place and that those rules can be derived from, and have validity only in, that cultural context.³ His discussion has three sections. In the first portion, the author develops what he concedes is a crude picture of the differences among cultures in thinking about human rights by focusing on modern African, Chinese, and Islamic societies (p. 38). The African section is primarily an examination of the Banjul Charter on Human and People's Rights, which was passed in 1981 by the Organization of African Unity. This document refers both to individual and collective rights. Dr. Vincent concludes that the African statesmen have reversed the traditional Western hierarchy of rights (civil and political, economic and social, collective) by emphasizing the right of national self-determination, followed by the right to development, and then, finally, individual rights. Contemporary Chinese thought, in turn, reflects the Marxist suspicion that individual rights are a bourgeois doctrine used to thwart the goals of the proletariat. Thus, while human rights rhetoric may have served certain historically useful purposes (for example, in the French Revolution and in the struggle against fascism), it cannot be used to oppose the ultimate emancipation of man that will come with communism. Under this theory, human rights are regarded as the rights of groups to independence and development. Finally, in Islam human rights are connected with obligations owed to God. Unlike Christianity, Islam has never distinguished between the political and spiritual realms and therefore has never developed an independent set of political rights (pp. 43-44).

In the second section of the discussion of cultural relativism, Dr. Vincent notes that the twentieth century has seen a gradual breakdown of the idea that the only subjects of public international law are states. In the process, he argues that states have a limited present obligation not to violate human rights. Therefore, documents such as the Universal Declaration of Human Rights are more than simply non-binding resolutions of the General Assembly; they may be authorita-

3. P. 37. Dr. Vincent refers to this as the *strong* version of cultural relativism. P. 54.

tive interpretations of the United Nations Charter or, perhaps, reflective of customary international law. Also the International Court of Justice in its *Barcelona Traction*⁴ decision, referred to obligations *erga omnes*, obligations that all states owe to all other states and for whose breach any state may seek redress. The Court mentioned that one source of these obligations is "the principles and rules concerning the basic rights of the human person" (p. 46; quoting *Barcelona Traction*). Dr. Vincent suggests that these obligations may have become *jus cogens* as well; that is, peremptory norms binding on all states and from which no derogation is permitted.

Dr. Vincent concludes this section by reflecting on the "strong" version of cultural relativism. He argues that two erroneous implications flow from this strong version: that each culture has an equally valid pattern of life, and that moral claims from outside the culture have no validity within it. According to Dr. Vincent, the first contention is wrong because cultural relativism merely observes that values are endogenously derived; it cannot rank cultures as equal or unequal. The second contention is dismissed because it is "morally obnoxious" (pp. 54-55). The author comments that for a moral claim to be taken seriously, its claimants must want to persuade others of its validity (p. 56). He notes that the three international *political* communities — Western, Marxist, and Third World — all seek to persuade each other to accept their version of human rights, suggesting a universal *moral* community. Thus, the lesson from cultural relativism is not that a human rights debate is pointless, but that sensitivity to the cultural claims of the other participants is useful in reaching consensus.

The second part, *Practice*, tries to show the shape of the current cross-cultural debate on human rights. In particular, Dr. Vincent builds upon the previous section by showing that even though many of the ideas underlying human rights are predominantly Western, "[t]he gradual accumulation of standards of right conduct, expressed in international conventions . . . becomes . . . the measure of consensus in an evolving international society rather than the expression of the hegemony of one state or culture within it" (p. 108). Although the author looks at human rights discourse in both East-West and North-South relations, he focuses on the latter. The South, in Dr. Vincent's opinion,

asserts not merely the particular priority of the right of subsistence, but also a general priority to economic and social rights over civil and political rights. In its most exaggerated form, it makes the exercise of all economic and social rights a prerequisite for the exercise of all other human rights and fundamental freedoms. [p. 78]

However, the South has not been very successful in persuading the West of this hierarchy, causing it to seek compromises in international

4. *Barcelona Traction, Light & Power Co. (Belg. v. Spain)*, 1970 I.C.J. 3.

conferences and at the United Nations in order to obtain a limited legitimization of its priorities.

The West has responded to these arguments with a doctrine of "basic human needs," in which economists provide a list of essential physical requirements such as food and water, while lawyers add to this a list of civil liberties on the theory that broad-based economic development cannot take place in a repressive environment (pp. 85-86). This approach, according to Dr. Vincent, reflects the thinking of institutions such as the World Bank, and rejects Third World arguments that it is the international system itself that beggars the South and that the cure is to protect the rights of nations. Dr. Vincent concludes by accepting a modified version of the doctrine of basic needs. He questions sweeping statements about priority of rights, arguing instead that rights are interdependent and that it is short-sighted to look at individual or group rights in isolation (p. 89). He sees group rights deriving from rights of individuals and criticizes the Southern doctrine to the extent that it ignores domestic oppression and focuses exclusively on external exploitation. By contrast, "basic human needs" is an acknowledgment by the West that a prerequisite for assertion of other individual rights is the right to life, which involves a right to both subsistence and security.

The final part of *Human Rights and International Relations, Policy*, is an attempt to apply the interdependence-of-rights thesis. It is here that Dr. Vincent has his greatest difficulty. In chapter 7, he compares the "morality of states" model of international relations, which stresses the centrality of states as international moral agents, with the "cosmopolitanist morality" view, which regards individuals as part of a global community. Noninterventionism is the guiding principle under the former conception, whereas under the latter view an outrage in one part of the world is a matter of concern for all. The author endorses a modified morality of states: he accepts that global institutions have not developed to the point where world politics can be effective without regard to states, although international law does permit certain limited interventions such as counter-intervention and assistance to successful secessionist movements (p. 125). Humanitarian intervention is limited to situations which "outrag[e] the conscience of mankind" (p. 125). Thus, while states can judge other states by their own conception of morality, they cannot impose that conception on others. Instead, he argues, states should "reach out with those communities for a conception of basic human rights which is 'neutral with respect to the main political and economic divisions in the world'" (p. 126).

The problem with Dr. Vincent's thesis is that it is inadequate for locating, and, especially, solving the problems that give rise to the most serious human rights affronts. Dr. Vincent notes that the duty

imposed on developed countries by recognizing the right to life is, at a minimum, to avoid depriving others of their basic rights (which might involve reshaping the international economic order to eliminate its structural violence) or, at a maximum, to transfer resources to the Third World (p. 127). But while virtually all would agree that starvation, for instance, is an affront to human dignity, the cause of the suffering and the appropriate solution are not purely technical questions, as Dr. Vincent seems to believe. The author writes, “[t]he possibility of a technical solution to [the problem of starvation], not engaging the major ideologies in an argument about their superiority to the others . . . makes it score some points on the scale of practicability as an international policy” (pp. 147-48). Yet the proposed responses to recurrent food shortages are likely to be influenced sharply by one’s political preferences. Thus, we do not escape from the problem of politically expedient use of human rights discourse because the states that are likely to be judged illegitimate for failing to meet their citizens’ basic needs are the states that adopt policies of which we disapprove. For example, is the government of a famine-stricken country illegitimate simply because it has refused to implement land reform or has collectivized its agricultural system, in either case with disastrous consequences?

Another shortcoming of Dr. Vincent’s thesis occurs in the East-West context where, because hunger is less pervasive, there is less agreement on what constitutes a human rights affront. It is also not clear that there is a genuine dialogue between the East and the West where each side seeks to persuade the other of its moral position. In the absence of such a dialogue, human rights claims are not reflective of a shared morality, but represent yet another interest to be factored into East-West politics. This criticism also applies, though with less force, to the North-South context. For human rights claims to go beyond interests, the participants must believe in the consensus they are forming.

Dr. Vincent has provided a thought-provoking book about the role human rights ought to play in foreign policy. One can only hope that it will encourage the participants in the international human rights debate to argue in good faith.

—*Sandip Bhattacharji*