

Cultural Relativism in R.J. Vincent's "Human Rights and International Relations"

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R.J. Vincent posits a substantial defence of his 'doctrine of the minimum content of human rights' against the competing doctrine of 'cultural relativism' in the third chapter of his *Human Rights and International Relations*. (Vincent, 1986, p.37f.) The author frames the 'cultural relativist' argument largely in terms of the uncompromising formulation derived from Ruth Benedict's *Patterns of Culture* – captured in her famous dictum that all cultures are 'coexisting and equally valid patterns of life'. (Benedict, 1938, p.278) In accordance with this thesis, he anticipates three core claims of the 'relativist' position. First, it assumes that 'rules about morality vary from place to place'. Second, it asserts that 'the way to understand this variety is to place it in its cultural context.' Finally, it alleges that 'moral claims derive from, and are enmeshed in, a cultural context which is itself the source of their validity.' (Vincent, 1986, p.54) Vincent's defence takes as its starting point a 'Grotian' emphasis on 'international society'. From this, he draws the conclusion that state conduct within the international system, including the norm of non-intervention, is limited by a concurrent imperative to protect individuals' basic rights. His subsequent argument manifests as a series of hypothetical solutions to the 'relativist' position which he defines along legal and sociological lines. Vincent asserts both 'present and general obligations' within the realm of international human rights law while simultaneously rejecting the proposition that the connection between cultural relativism and egalitarianism is 'logically required'. (ibid, p.54)

The following essay will confront each of Vincent's arguments, which we will divide thematically according to their sociological content. It will argue that Vincent is successful in combating cultural relativist opposition to universal human rights, insofar as his core argument in favour of 'basic rights' pre-emptively eschews questions of relativism. Additionally, he highlights that cultural egalitarianism does not necessarily follow from relativism and, hence, problematises the utility of the relativist doctrine as a buttress against imperialism. However, Vincent fails to address key points of analysis which serve to weaken his position. Principal among these is his precarious suggestion that a 'common culture of modernity' may serve as a means of reifying culturally-derived values with an entrenched Western tradition of human rights.

International Society and Basic Rights

Vincent's key contribution to human rights discourse is his contention that the international society of states may inhere certain principles of universal human rights. Vincent explicates that his project is to elucidate a set of 'basic rights' – to 'seek what is basic to our humanity, not to our membership of this or that political community.' (ibid, p.14) In Vincent's formulation, 'basic' rights – a 'right to life, as a right to subsistence as well as security' are *a priori* to civil-political or social-economic rights. Furthermore, 'basic' rights belie ideological engagement, 'engaging the major ideologies in an argument about their superiority to the others, and not requiring them to dissolve themselves for the strategy of basic needs to be put into effect.' (ibid, p.147) Hence, it appears on the surface that Vincent's argument is immediately rendered immune to relativist contestation by virtue of its ideological aridity. In other words, if all that can be guaranteed is subsistence rights, the argument against cultural relativism may be moot altogether.

This position implies a strong degree of pluralism and is ultimately difficult to falsify. Subsistence rights require no further justification on cultural, pragmatic or legal grounds because to discuss competing human rights regimes

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presupposes that the 'human' exists to benefit from these rights. In Habermasian terms, basic rights are 'equipped with a universal validity claim because they can be justified *exclusively* from a moral point of view'. While specific conceptions of social or economic rights require justification through 'moral arguments' in conjunction with 'ethical-political' and 'practical' considerations, 'basic rights' can be justified by virtue of simple moral argument. (Habermas, 1998, p.190) We may consider Vincent's position here as broadly commensurate with Donnelly's 'ideal type' of 'strong cultural relativism', which assures 'a few basic rights with virtually universal application'. (Donnelly, 1984, p.401) However, Vincent is unwilling to strictly adhere to the 'bare rights' position. There is also the question of rights promotion and global 'principles of social justice' which extend beyond naked subsistence. Vincent's argument, therefore, takes on an idealistic flavour. He espouses an ethical discussion which considers competing claims of national or regional morality with the demands of 'social cooperation on a global scale'. (Vincent, 1986, p.119)

Cultural Egalitarianism and Imperialism

Having established an inalienable 'baseline' for human rights formation in an international society, Vincent turns to key conceptual issues with the cultural relativist challenge. He argues that there is no inherent 'egalitarianism' to individual rights claims – the relativist doctrine 'cannot rank cultures as equal or unequal.' (ibid, p.54) This is hardly an original position. As noted by several of Vincent's contemporaries, a relativist position which offers no means of justifying individual rights claims risks degenerating into nihilism. (Renteln, 1988, p.58) It is a reasonable proposition, insofar as it highlights that mere scepticism is insufficient. Arbitrary rights claims assume no challenge against imperialism unless they can offer a means of asserting moral authority. Recognising that the inverse also applies, Vincent immediately extricates himself from the most overt form of imperialism – state intervention. (Vincent, 1986, p.113) However, this argument assumes a radical form of ethnocentric relativism which eschews the notion of universalism altogether. Contrary to Vincent's suggestion, 'thinner' versions of cultural relativism might just as easily recognise that certain morals cross-cultural boundaries and, hence, may validate universal moral standards. Common cross-cultural standards need not simply be the domain of the 'natural rights' discipline. (ibid, p.64) Ironically, Vincent considers the possibility of a 'cross-cultural enterprise' briefly, although he dismisses it on the grounds that 'anyone determined to find (or not find) similarities across cultures will shape the evidence to fit the thesis'. (ibid, p.49)

Cosmopolitanism and Modernity

Vincent concludes his defence by proposing a solution to the problem of competing human rights claims. He couches this proposition in Kantian terms – the challenge is to find a balance 'between insistence on the human rights that everyone ought to enjoy...and the recognition that the existence, content and importance of these rights is contested.' (ibid, p.55) In other words, a plurality of cultural interests does not preclude the possibility of a universal moral standard. Despite his protestations to the contrary, this leaves him squarely under the blade of Hume's guillotine. (ibid, p.39) As noted, Vincent eschews the notion that there is an objective means of 'ranking' the moral validity of culturally-contingent rights. But he does not extend his argument to its natural conclusion. In the absence of an objective moral standard, it may equally follow that there are no valid cultural standards or, otherwise, that they are all equally valid. Nor is there any implicit guarantee that, in the realm of competition over the content of international rights, power politics will not prevail. (cf. Bull, 2002, p.83) As Morgenthau posits, when national and supranational systems of morality come into conflict, the individual pours 'the contents of a particular national morality into the...empty bottle of universal ethics.' (Morgenthau, 1985, p.272) Whether we agree with Morgenthau's prescription or not, it nonetheless highlights the fact there is no implicit requirement that states should engage in the 'challenge' of human rights at all. States may claim the right of international recognition of a set of 'national' ethics just as they may claim the universal applicability of particularised ethical frameworks – whether they are defined along cultural, civilizational or national lines.

Even if we were to accept the premise that states engage in human rights discourse and that the legal principles of *jus cogens* and *ius genium intra se* are empirical evidence of this phenomenon, we are left with a procedural problem. (Vincent, 1986, p.47, 104) This is the question of participation – as Vincent himself notes, 'the enjoyment of human rights might result only from participation in a real community, and not from some abstract connection to human society as a whole.' (ibid, p.48) Which community, whose participation, in what manner and how should we

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value individual contributions? Having previously extricated himself from the problem of imperialism, Vincent suggests that the community of action should be that of a Western 'common moral world'. This is rendered implicitly in his statement that the practical utility of individual rights claims can be measured in terms of their 'subversiveness' and explicitly in his assertion that Western doctrine of 'self-determination' could be weaponised as a means of emancipation. (ibid., pp.52, 112) Vincent's claim is dubious on two fronts. First, the self-determination argument smacks of *circulus in probando* – a valid claim to 'cultural relativity' surely presupposes that the culture in question is asserting such on the pretext of an inimitable cultural identity. Second, Vincent inadvertently anchors the normative value of individual rights claims to the overriding moral value of Western modernity. Nor is his bid for escape convincing. In the process of discussing a hypothetical, he resorts to an empirical assertion that the 'three worlds of democracy' – West, East and South, are integrated and actively contest one another. (ibid, p.51) Certainly correct, but a 'common universe of discourse' does not necessarily imply a common culture of modernity. (ibid., p.74)

Through framing human rights narrowly within the political vernacular of 'Western' modernity, Vincent leaves himself vulnerable to attack. Post-colonial theorists have since obliged. Santos' seminal text, *Toward a New Legal Common Sense* offers an alternative path towards global cosmopolitanism. Rather than taking an overriding 'Western' modernity as a starting point, Santos draws attention to the existence of counter-hegemonic human rights discourses – 'non-Western conceptions of human rights' and 'cross-cultural dialogues'. The author proposes a lateral approach to transforming human rights claims into a 'cosmopolitan project' which eschews both universalism and relativism in favour of a 'competitive dialogue among different cultures on principles of human dignity'. (Santos, 2002, pp.271-272) Relative to Vincent's 'common universe', this latter approach has two key benefits. Initially, it eliminates the issue of nascent imperialism altogether. Through reframing historically-contingent notions of 'universal human rights' as a 'globalised Western localism', Santos draws attention to the fact that claims to universalism are distinct from claims of cosmopolitanism. The latter depends on the emancipatory value of human rights claims and whether they can be mobilised within localised cultural contexts. (ibid, p.275) Second, it takes into account the primary challenge offered by one of the original champions of cultural relativism – that human rights 'evaluations are relative to the cultural background of which they arise'. (Herskovits, 1948, p.63) In contrast with Vincent, who considers 'cross-cultural' dialogue in terms of a potentially subversive project, Santos simply assumes that 'all cultures are problematic vis-à-vis human rights'. Hence, it is the goal of cosmopolitanism to 'fill in the gaps' by engendering reciprocal recognition of rights deficiencies, with the goal of overall elimination of such deficiencies. (Santos, 2002, p.272) Even in the absence of an underlying coordination mechanism, certain cultures might nonetheless appropriate rights claims from alternative cultural contexts on the basis of their emancipatory potential.

Conclusion

Vincent's search for a 'minimum content' of human rights and a return to the principle of *ius gentium intra se* laid the foundation for the 'solidarist' turn in English School International Relations thought. Vincent self-assuredly constructed his argument as an antidote to the realist proclivities of his immediate predecessor, Bull, who in his earliest writings asserted that 'the framework for international order is inhospitable also to demands for human justice'. (Bull, 2012, p.85) In the end, Vincent's conclusion in *Human Rights and International Relations* is modest relative to Bull's. The international society can accommodate the pursuit of 'basic rights' but may or may not be capable of anything more. In his aspirations towards global social cooperation, Vincent falls short of offering a compelling case for eliminating claims of cultural relativism. To the extent that relativism undermines claims of universalism, we might equally argue that Vincent's attachment to a 'universalism' founded upon Western modernity implicitly belies claims of cultural relativism. The 'civilising' processes of an international society may provide for a 'floor' of common decency, but there is no guarantee that a moral order founded on Western modernity is capable of contending with cultural pluralism. As highlighted by later authors within the postcolonial tradition, a 'cosmopolitan' discourse unhindered by an attachment to a 'Western globalised localism' may function as an alternative means of engendering cross-cultural rights norms.

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