

Savages, Victims, and Saviors: The Metaphor of Human Rights

Makau Mutua*

I. INTRODUCTION

The human rights movement¹ is marked by a damning metaphor. The grand narrative of human rights contains a subtext that depicts an epochal contest pitting savages, on the one hand, against victims and saviors, on the other.² The savages-victims-saviors (SVS)³ construction is a three-dimension-

* Professor of Law and Director, Human Rights Center, State University of New York at Buffalo School of Law. S.J.D., Harvard Law School, 1987; LL.M., Harvard Law School, 1985; LL.M., University of Dar-es-salaam, 1984; LL.B., University of Dar-es-salaam, 1983; Co-Chair, 2000 Annual Meeting of the American Society of International Law. In March 1999, an early draft of this Article was presented at the Faculty Workshop Series at Harvard Law School. In November 1999, a later version was presented at Yale Law School under the auspices of the Orville Schell Center for International Human Rights. I am greatly indebted to the participants at both fora for their valuable comments. I am also grateful to the following colleagues who enriched this Article with their insightful conversations: William Alford, Guyora Binder, Christine Desan, Gerald Frug, Mary Ann Glendon, Paul Kahn, Duncan Kennedy, Randall Kennedy, Martha Minow, Spencer Overton, Richard Parker, Peter Rosenblum, James Silk, Joel Singer, Anne-Marie Slaughter, Lucie White, and David Wilkins. I wish especially to thank Leila Hilal, David Kennedy, Frank Michelman, and Henry Steiner for closely reading a draft of this Article and making critically significant and vital comments and suggestions.

1. For the purposes of this Article, the "human rights movement" refers to that collection of norms, processes, and institutions that traces its immediate ancestry to the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948. Universal Declaration of Human Rights, G.A. Res. 217(III), U.N. GAOR, 3d Sess., 183d mtg. at 71, U.N. Doc. A/810 (1948) [hereinafter UDHR]. The UDHR, the first human rights document adopted by the United Nations, is the textual foundation of the human rights movement and has been referred to as the "spiritual parent" of most other human rights documents. Henry J. Steiner, *Political Participation as a Human Right*, 1 HARV. HUM. RTS. Y.B. 77, 79 (1988). Elsewhere, Steiner and Philip Alston call the UDHR "the parent document, the initial burst of idealism and enthusiasm, terser, more general and grander than the treaties, in some sense the constitution of the entire movement . . . the single most invoked human rights instrument." HENRY J. STEINER & PHILIP ALSTON, INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS 120 (1996).

2. This oppositional duality is central to the logic of Western philosophy and modernity. As described by David Slater, this binary logic constructs historical imperatives of the superior and the inferior, the barbarian and the civilized, and the traditional and the modern. Within this logic, history is a linear, unidirectional progression with the superior and scientific Western civilization leading and paving the way for others to follow. See generally David Slater, *Contesting Occidental Visions of the Global: The Geopolitics of Theory and North-South Relations*, BEYOND LAW, Dec. 1994, at 97, 100-01.

3. This Article hereinafter refers to the "savages-victims-saviors" metaphor as "SVS." The author uses the term "metaphor" to suggest a historical figurative analogy within human rights and its rhetoric and discourse.

al compound metaphor in which each dimension is a metaphor in itself.⁴ The main authors of the human rights discourse,⁵ including the United Nations, Western states, international non-governmental organizations (INGOs),⁶ and senior Western academics, constructed this three-dimensional prism. This rendering of the human rights corpus and its discourse is unidirectional and predictable, a black-and-white construction that pits good against evil.

This Article attempts to elicit from the proponents of the human rights movement several admissions, some of them deeply unsettling. It asks that human rights advocates be more self-critical and come to terms with the troubling rhetoric and history that shape, in part, the human rights movement. At the same time, the Article does not only address the biased and arrogant rhetoric and history of the human rights enterprise, but also grapples with the contradictions in the basic nobility and majesty that drive the human rights project—the drive from the unflinching belief that human beings and the political societies they construct can be governed by a higher morality. This first section briefly introduces the three dimensions of the SVS metaphor and how the metaphor exposes the theoretical flaws of the current human rights corpus.

The first dimension of the prism depicts a savage and evokes images of barbarism. The abominations of the savage are presented as so cruel and unimaginable as to represent their state as a negation of humanity. The human rights story presents the state as the classic savage, an ogre forever bent on the consumption of humans.⁷ Although savagery in human rights discourse connotes much more than the state, the state is depicted as the operational instrument of savagery. States become savage when they choke off and

4. Each of the three elements of the SVS compound metaphor can operate as independent, stand-alone metaphors as well. Each of these three separate metaphors is combined within the grand narrative of human rights to compose the compound metaphor.

5. I have elsewhere grouped the major authors of human rights as belonging to four dominant schools: conventional doctrinalists, who are mostly, though not exclusively, human rights activists; conceptualizers, mostly senior Western academics who systematize human rights discourse; multiculturalists or pluralists, who are mainly non-Western; and instrumentalists or political strategists, who are Western states and Western dominated inter-governmental organizations such as the United Nations and the World Bank. See generally Makau wa Mutua, *The Ideology of Human Rights*, 36 VA. J. INT'L L. 589, 594–601 (1996).

6. Human rights international non-governmental organizations (INGOs) are typically "First World" non-governmental organizations (NGOs) that concentrate on human rights monitoring of, reporting on, and advocacy in "Third World" states. These INGOs share a fundamental commitment to the proselytization of Western liberal values, particularly expressive and political participation rights. See HENRY J. STEINER, *DIVERSE PARTNERS: NON-GOVERNMENTAL ORGANIZATIONS IN THE HUMAN RIGHTS MOVEMENT* 19 (1991). For a further explanation of the term "Third World," see *infra* note 23.

7. The human rights corpus is ostensibly meant to contain the state, for the state is apparently the *raison d'être* for the corpus. See Henry J. Steiner, *The Youth of Rights*, 104 HARV. L. REV. 917, 928–33 (1991) (reviewing LOUIS HENKIN, *THE AGE OF RIGHTS* (1990)). Thus the state is depicted as the "antithesis of human rights; the one exists to combat the other in a struggle for supremacy over society." Makau wa Mutua, *Hope and Despair for a New South Africa: The Limits of Rights Discourse*, 10 HARV. HUM. RTS. J. 63, 67 (1997).

oust civil society.⁸ The “good” state controls its demonic proclivities by cleansing itself with, and internalizing, human rights. The “evil” state, on the other hand, expresses itself through an illiberal, anti-democratic, or other authoritarian culture. The redemption or salvation of the state is solely dependent on its submission to human rights norms. The state is the guarantor of human rights; it is also the target and *raison d'être* of human rights law.⁹

But the reality is far more complex. While the metaphor may suggest otherwise, it is not the state per se that is barbaric but the cultural foundation of the state. The state only becomes a vampire when “bad” culture overcomes or disallows the development of “good” culture. The real savage, though, is not the state but a cultural deviation from human rights. That savagery inheres in the theory and practice of the one-party state, military junta, controlled or closed state, theocracy, or even cultural practices such as the one popularly known in the West as female genital mutilation (FGM),¹⁰ not in the state per se. The state itself is a neutral, passive instrumentality—a receptacle or an empty vessel—that conveys savagery by implementing the project of the savage culture.

The second dimension of the prism depicts the face and the fact of a victim as well as the essence and the idea of victimhood. A human being whose “dignity and worth” have been violated by the savage is the victim. The victim figure is a powerless, helpless innocent whose naturalist attributes have been negated by the primitive and offensive actions of the state or the cultural foundation of the state. The entire human rights structure is both anti-catastrophic and reconstructive. It is anti-catastrophic because it is designed to prevent more calamities through the creation of more victims. It is reconstructive because it seeks to re-engineer the state and the society to reduce the number of victims, as it defines them,¹¹ and prevent conditions that give

8. In Western thought and philosophy, the state becomes savage if it suffocates or defies civil society. See generally John Keane, *Despotism and Democracy*, in *CIVIL SOCIETY AND THE STATE* 35 (John Keane ed., 1988).

9. Mutua, *Hope and Despair for a New South Africa: The Limits of Rights Discourse*, *supra* note 7, at 67.

10. There has been considerable debate among scholars, activists, and others in Africa and in the West about the proper term for this practice entailing the surgical modification or the removal of some portions of the female genitalia. For a survey of the debate, see Hope Lewis, *Between Irua and “Female Genital Mutilation”: Feminist Human Rights Discourse and the Cultural Divide*, 8 *HARV. HUM. RTS. J.* 1, 4–8 (1995); Hope Lewis & Isabelle R. Gunning, *Cleaning Our Own House: “Exotic” and Familial Human Rights Violations*, 4 *BUFF. HUM. RTS. L. REV.* 123, 123–24 n.2 (1998). See also Isabelle R. Gunning, *Arrogant Perception, World Traveling and Multicultural Feminism: The Case of Female Genital Surgeries*, 23 *COLUM. HUM. RTS. L. REV.* 189, 193 n.5 (1991–92).

11. The human rights movement recognizes only a particular type of victim. The term “victim” is not deployed popularly or globally but refers rather to individuals who have suffered specific abuses arising from the state’s transgression of *internationally recognized human rights*. For example, the human rights movement regards an individual subjected to torture by a state as a victim whereas a person who dies of starvation due to famine or suffers malnutrition for lack of a balanced diet is not regarded as a human rights victim. The narrow definition of the victim in these instances relates in part to the secondary status of economic and social rights in the jurisprudence of human rights. See generally U.N. ESCOR, 7th Sess., Supp 2, at 82, U.N. Doc. E/1993/22 (1992) (criticizing the emphasis placed upon civil and political

rise to victims. The classic human rights document—the human rights report—embodies these two mutually reinforcing strategies. An INGO human rights report is usually a catalogue of horrible catastrophes visited on individuals. As a rule, each report also carries a diagnostic epilogue and recommended therapies and remedies.¹²

The third dimension of the prism is the savior or the redeemer, the good angel who protects, vindicates, civilizes, restrains, and safeguards. The savior is the victim's bulwark against tyranny. The simple, yet complex promise of the savior is freedom: freedom from the tyrannies of the state, tradition, and culture. But it is also the freedom to create a better society based on particular values. In the human rights story, the savior is the human rights corpus itself, with the United Nations, Western governments, INGOs, and Western charities as the actual rescuers, redeemers of a benighted world.¹³ In reality, however, these institutions are merely fronts. The savior is ultimately a set of culturally based norms and practices that inhere in liberal thought and philosophy.

The human rights corpus, though well-meaning, is fundamentally Eurocentric,¹⁴ and suffers from several basic and interdependent flaws captured in the SVS metaphor. First, the corpus falls within the historical continuum of the Eurocentric colonial project, in which actors are cast into superior and subordinate positions. Precisely because of this cultural and historical context, the human rights movement's basic claim of universality is under-

rights over economic, social, and cultural rights).

12. The art and science of human rights reporting was pioneered and perfected by Amnesty International (AI), the International Commission of Jurists (ICJ), and Human Rights Watch (HRW), the three oldest and most influential INGOs. Other INGOs as well as domestic human rights groups have mimicked this reporting. On the character, work, and mandate of NGOs and INGOs, see generally Nigel Rodley, *The Work of Non-Governmental Organizations in the World-Wide Promotion and Protection of Human Rights*, 90/1 U.N. BULL. HUM. RTS. 84, 85 (1991), excerpted in STEINER & ALLSTON, *supra* note 1, at 476-79; Peter R. Baehr, *Amnesty International and Its Self-Imposed Limited Mandate*, 12 NETH. Q. HUM. RTS. 5 (1994); Jerome Shestack, *Sisyphus Endures: The International Human Rights NGO*, 24 N.Y.L. SCH. L. REV. 89 (1978-79); Theo van Boven, *The Role of Non-Governmental Organizations in International Human Rights Standard-Setting: A Prerequisite of Democracy*, 20 CAL. W. INT'L L.J. 207 (1989-90).

13. Kenneth Roth, the Executive Director of HRW, underscored the savior metaphor when he powerfully defended the human rights movement against attacks that it had failed to move the international community to stop the 1994 mass killings in Rwanda. He dismissed those attacks as misguided, arguing that they amounted to a call to close "the fire brigade because a building burned down, even if it was a big building." Kenneth Roth, Letter to the Editor, *Human-rights abuses in Rwanda*, TIMES LITERARY SUPP., Mar. 14, 1997, at 15. Turning to various countries in Africa as examples, he pointed to the gratitude of Africans, who with the help of the human rights movement, threw off dictatorial regimes and inaugurated political freedom. *Id.* He argued, further, that in some countries, "like Nigeria, Kenya, Liberia, Zambia, and Zaire [now Democratic Republic of the Congo], the human-rights movement has helped numerous Africans avoid arbitrary detention, violent abuse and other violations." *Id.*

14. This Article contends that the participation of non-European states and societies in the enforcement of human rights cannot in itself universalize those rights. It is important to note that the terms "European" or "Eurocentric" are used descriptively and do not necessarily connote evil or undesirability. They do, however, point to notions of cultural specificity and historical exclusivity. The simple point is that Eurocentric norms and cultures, such as human rights, have either been imposed on, or assimilated by, non-European societies. Thus the current human rights discourse is an important currency of cross-cultural exchange, domination, and valuation.

mined. Instead, a historical understanding of the struggle for human dignity should locate the impetus of a universal conception of human rights in those societies *subjected* to European tyranny and imperialism. Unfortunately, this is not part of the official human rights narrative. Some of the most important events preceding the post-1945, United Nations-led human rights movement include the anti-slavery campaigns in both Africa and the United States, the anti-colonial struggles in Africa, Asia, and Latin America, and the struggles for women's suffrage and equal rights throughout the world.¹⁵ But the pioneering work of many non-Western activists¹⁶ and other human rights heroes are not acknowledged by the contemporary human rights movement. These historically important struggles, together with the norms anchored in non-Western cultures and societies, have either been overlooked or rejected in the construction of the current understanding of human rights.

Second, the SVS metaphor and narrative rejects the cross-contamination¹⁷ of cultures and instead promotes a Eurocentric ideal. The metaphor is premised on the transformation by Western cultures of non-Western cultures into a Eurocentric prototype and not the fashioning of a multicultural mosaic.¹⁸ The SVS metaphor results in an "othering" process that imagines the creation of inferior clones, in effect dumb copies of the original. For example, Western political democracy is in effect an organic element of human rights.¹⁹ "Savage" cultures and peoples are seen as lying outside the human rights orbit, and by implication, outside the regime of political democracy. It is this distance from human rights that allows certain cultures to create victims. Political democracy is then viewed as a panacea. Other textual examples anchored in the treatment of cultural phenomena, such as "traditional" practices that appear to negate the equal protection for women, also illustrate the gulf between human rights and non-liberal, non-European cultures.

15 MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* 39–58 (1998).

16. See, e.g., JOSIAH MWANGI KARIUKI, "MAU MAU" DETAINEE: THE ACCOUNT BY A KENYAN AFRICAN OF HIS EXPERIENCES IN DETENTION CAMPS, 1953–1960 (1963); KWAME NKRUMAH, *AUTOBIOGRAPHY OF KWAME NKRUMAH* (1973); MOHANDAS K. GHANDI, *AN AUTOBIOGRAPHY: THE STORY OF MY EXPERIMENTS WITH TRUTH* (1957).

17. The author uses the term "cross-contamination" facetiously here to refer to the idea of "cross-fertilization." Many Western human rights actors see the process of multiculturalization in human rights as contaminating as opposed to cross-fertilizing in an enriching way. For example, Louis Henkin has accused those who advocate cultural pluralism or diversity of seeking to make human rights vague and ambiguous. LOUIS HENKIN, *THE AGE OF RIGHTS*, at x (1990). In other words, he casts cross-fertilization as a negative process, one that is contaminating and harmful to the clarity of human rights.

18. Slater argues that the "Western will to expand was rooted in the desire to colonize, civilize and possess the non-Western society; to convert what was different and enframed as inferior and backward into a subordinated same." Slater, *supra* note 2, at 101.

19. For a discussion on the relationship among human rights, political democracy, and constitutionalism, see STEINER & ALSTON, *supra* note 1, at 710–25.

Third, the language and rhetoric of the human rights corpus present significant theoretical problems. The arrogant and biased rhetoric of the human rights movement prevents the movement from gaining cross-cultural legitimacy.²⁰ This curse of the SVS rhetoric has no bearing on the substance of the normative judgment being rendered. A particular leader, for example, could be labeled a war criminal, but such a label may carry no validity locally because of the curse of the SVS rhetoric.²¹ In other words, the SVS rhetoric may undermine the universalist warrant that it claims and thus engender resistance to the apprehension and punishment of real violators.

The subtext of human rights is a grand narrative hidden in the seemingly neutral and universal language of the corpus. For example, the U.N. Charter describes its mandate to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."²² This is certainly a noble ideal. But what exactly does that terminology mean here? This phraseology conceals more than it reveals. What, for example, are fundamental human rights, and how are they determined? Do such rights have cultural, religious, ethical, moral, political, or other biases? What exactly is meant by the "dignity and worth" of the human person? Is there an essentialized human being that the corpus imagines? Is the individual found in the streets of Nairobi, the slums of Boston, the deserts of Iraq, or the rainforests of Brazil? In addition to the Herculean task of defining the prototypical human being, the U.N. Charter puts forward another pretense—that all nations "large and small" enjoy some equality. Even as it ratified power imbalances between the Third World²³ and the dominant American and European powers, the United Nations gave the latter the primary power to define and determine "world peace" and "stability."²⁴ These fictions of neutrality and universality, like so much else in a lopsided world, undergird the human rights corpus and belie its true identity and purposes. This international rhetoric of goodwill re-

20. Since the rhetoric is flawed, those who create and promote it wonder whether it will resonate "out there" in the Third World. The use of the SVS rhetoric is in itself insulting and unjust because it draws from supremacist First World/Third World hierarchies and the attendant domination and subordination which are essential for those constructions.

21. For example, Serbs sympathized with former Yugoslav President Slobodan Milošević possibly because they felt he had been stigmatized by the West. Milošević played to locals' fears of the West and used the arrogance of the discourse to blunt the fact that he is an indicted war criminal. See e.g., Niles Latham, *Defiant Milošević Hell, No, I won't go!*, N.Y. POST, Aug. 7, 1999, at 10.

22. U.N. CHARTER pmbl.

23. The term "Third World" here refers to a geographic, political, historical, developmental, and racial paradigm. It is a term that is commonly used to refer to non-European, largely non-industrial, capital-importing countries, most of which were colonial possessions of European powers. As a political force, the Third World traces its origins to the Bandung Conference of 1955 in which the first independent African and Asian states sought to launch a political movement to counter Western hegemony over global affairs. See ROBERT MORTIMER, *THE THIRD WORLD COALITION IN GLOBAL AFFAIRS* (1984). See also Makau Murua, *What is TWAIL?*, in PROC. 94TH ANN. MEETING—AM. SOC'Y INT'L L. (forthcoming 2001).

24. Dianne Otto, *Subalternity and International Law: The Problems of Global Community and the Incommensurability of Difference*, 5 SOC. & LEGAL STUD. 337, 339–40 (1996).

veals, just beneath the surface, intentions and reality that stand in great tension and contradiction with it.

This Article is not merely about the language of human rights or the manner in which the human rights movement describes its goals, subjects, and intended outcomes. It is not a plea for the human rights movement to be more sensitive to non-Western cultures. Nor is it a wholesale rejection of the idea of human rights.²⁵ Instead, the Article is fundamentally an attempt at locating—philosophically, culturally, and historically—the normative edifice of the human rights corpus. If the human rights movement is driven by a totalitarian or totalizing impulse, that is, the mission to require that all human societies transform themselves to fit a particular blueprint, then there is an acute shortage of deep reflection and a troubling abundance of zealotry in the human rights community. This vision of the “good society” must be vigorously questioned and contested.

Fourth, the issue of power is largely ignored in the human rights corpus. There is an urgent need for a human rights movement that is multicultural, inclusive, and deeply political. Thus, while it is essential that a new human rights movement overcome Eurocentrism, it is equally important that it also address deeply lopsided power relations among and within cultures, national economies, states, genders, religions, races and ethnic groups, and other societal cleavages. Such a movement cannot treat Eurocentrism as the starting point and other cultures as peripheral. The point of departure for the movement must be a basic assumption about the moral equivalency of all cultures. Francis Deng has correctly pointed out that to “arrogate the concept [of human rights] to only certain groups, cultures, or civilizations is to aggravate divisiveness on the issue, to encourage defensiveness or unwarranted self-justification on the part of the excluded, and to impede progress toward a universal consensus on human rights.”²⁶

The fifth flaw concerns the role of race in the development of the human rights narrative. The SVS metaphor of human rights carries racial connotations in which the international hierarchy of race and color is reentrenched and revitalized. The metaphor is in fact necessary for the continuation of the global racial hierarchy. In the human rights narrative, savages and victims are generally non-white and non-Western, while the saviors are white. This old truism has found new life in the metaphor of human rights. But there is also a sense in which human rights can be seen as a project for the redemp-

25 I have argued elsewhere that all human cultures have norms and practices that both violate and protect human rights. Fundamental to this idea is the notion that all cultures construct their view of human dignity. What is needed is not the imposition of a single culture's template of human dignity but rather the mining of all cultures to craft a truly universal human rights corpus. See generally Makau wa Mutua, *The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties*, 35 VA. J. INT'L L. 339 (1995).

26. Francis M. Deng, *A Cultural Approach to Human Rights Among the Dinka*, in HUMAN RIGHTS IN AFRICA: CROSS-CULTURAL PERSPECTIVES 261, 261 (Abdullahi A. An-Na'im & Francis M. Deng eds., 1990).

tion of the redeemers, in which whites who are privileged globally as a people—who have historically visited untold suffering and savage atrocities against non-whites—redeem themselves by “defending” and “civilizing” “lower,” “unfortunate,” and “inferior” peoples. The metaphor is thus laced with the pathology of self-redemption.

As currently constituted and deployed, the human rights movement will ultimately fail because it is perceived as an alien ideology in non-Western societies. The movement does not deeply resonate in the cultural fabrics of non-Western states, except among hypocritical elites steeped in Western ideas. In order ultimately to prevail, the human rights movement must be moored in the cultures of all peoples.²⁷

The project of reconsidering rights, with claims to their supremacy, is not new. The culture of rights in the present milieu stretches back at least to the rise of the modern state in Europe. It is that state's monopoly of violence and the instruments of coercion that gave rise to the culture of rights to counterbalance the abusive state.²⁸ Robert Cover refers to this construction as the myth of the jurisprudence of rights that allows society to both legitimize and control the state.²⁹ Human rights, however, renew the meaning and scope of rights in a radical way. Human rights bestow naturalness, transhistoricity, and universality to rights. But this Article lodges a counterclaim against such a leap. This Article is certainly informed by the works of critical legal scholars,³⁰ feminist critics of rights discourse,³¹ and critical race theorists.³² Still, the approach of this Article differs from all three because it

27. But genuine reconstructionists must not be mistaken with cynical cultural manipulators who will stop at nothing to justify repressive rule and inhuman practices in the name of culture. Yash Ghai powerfully exposed the distortions by several states of Asian conceptions of community, religion, and culture to justify the use of coercive state apparatuses to crush dissent, protect particular models of economic development, and retain political power within the hands of a narrow, largely unaccountable political and bureaucratic elite. Yash Ghai, *Human Rights and Governance: The Asia Debate*, 15 AUSTL. Y.B. INT'L L. 1 (1994).

Such cultural demagoguery is clearly as unacceptable as is the insistence by some Western academics and leaders of the human rights movement that the non-West has nothing to contribute to the human rights corpus and should accept the human rights corpus as a gift of civilization from the West. See Aryeh Neier, *Asia's Unacceptable Standard*, 92 FOREIGN POL'Y 42 (1993). Henkin has written that the United States viewed human rights “as designed to improve the condition of human rights in countries other than the United States (and a very few like-minded liberal states).” HENKIN, *supra* note 17, at 74. Elsewhere, Henkin has charged advocates of multiculturalism and ideological diversity in the reconstruction of human rights with desiring a vague, broad, ambiguous, and general text of human rights, one that would be easily manipulated by regimes and cultures bent on violating human rights. *Id.* at x.

28. See Robert M. Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, 5 J.L. & RELIGION 65 (1987).

29. *Id.* at 69. See also JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* (Peter Laslett ed., Cambridge Univ. Press 1988) (1690).

30. For examples of critical legal scholarship, see generally Karl E. Klare, *The Public/Private Distinction in Labor Law*, 130 U. PA. L. REV. 1358 (1982); Mark Tushnet, *An Essay on Rights*, 62 TEX. L. REV. 1363 (1984).

31. For examples of feminist critiques of the law, see generally Frances Olsen, *Statutory Rape: A Feminist Critique of Rights Analysis*, 63 TEX. L. REV. 387 (1984); Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspectives From the Women's Movement*, 61 N.Y.U. L. REV. 589 (1986).

32. For examples of critical race theory scholarship, see generally CRITICAL RACE THEORY: THE KBY

seeks to address an international phenomenon and not a municipal, distinctly American question. The critique of human rights should be based not just on American or European legal traditions but also on other cultural milieus. The indigenous, non-European traditions of Asia, Africa, the Pacific, and the Americas must be central to this critique. The idea of human rights—the quest to craft a universal bundle of attributes with which all societies must endow all human beings—is a noble one. The problem with the current bundle of attributes lies in their inadequacy, incompleteness, and wrong-headedness. There is little doubt that there is much to celebrate in the present human rights corpus just as there is much to quarrel with. In this exercise, a sober evaluation of the current human rights corpus and its language is not an option—it is required.³³

The Article continues to build on this theoretical background. Part II relates human rights to the emergence of European and American senses of global predestination and the mission to civilize by universalizing Eurocentric norms. Part III focuses on the metaphor of the savage and looks at human rights norms, work, and scholarship to underscore the theme of the Article. Parts IV and V use the same methodology and approach to explain the victim and the savior metaphors, respectively. Part VI concludes by contending that since an international discourse on human dignity is desirable and inevitable, it is imperative that the grand metaphor be abandoned and the mask of the false consensus lifted so that a new genuine consensus can be constructed.

II. DEVELOPMENT OF THE GRAND NARRATIVE OF HUMAN RIGHTS

The Charter of the United Nations, which is the constitutional basis for all U.N. human rights texts, captures the before-and-after, backward-progressive view of history. It declares human rights an indispensable element for the survival of humankind. It does so by undertaking as one of its principal aims the promotion of “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”³⁴ This self-representation of human rights requires moral and historical certainty and a belief in particular inflexible truths. The Universal Declaration of Human Rights (UDHR), the grandest

WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al. eds., 1995); Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988). For examples of critical race feminism, an offshoot of critical race theory, see generally CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997); Leila Hilal, *What is Critical Race Feminism?*, 4 BUFF. HUM. RTS. L. REV. 367 (1997) (reviewing CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997)).

33. For other probing critiques of the human rights movement, see Raimundo Panikkar, *Is the Notion of Human Rights a Western Concept?*, 120 DIOGENES 75 (1982); Bilahari Kausikan, *Asia's Different Standard*, 92 FOREIGN POL'Y 24 (1993); Josiah A.M. Cobbah, *African Values and the Human Rights Debate: An African Perspective*, 9 HUM. RTS. Q. 309 (1987).

34. U.N. CHARTER art. 55(c). See also *id.* pmbl.