DECOLONIALITY OF THE LANGUAGE OF HUMAN RIGHTS

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Table of Contents

CHAPTER ONE: INTRODUCTION

"Using words to talk of words is like using a pencil to draw a picture of itself, on itself.

Impossible.

Confusing.

Frustrating … but there are other ways to understanding."

— Patrick Rothfuss, The Name of the Wind

"Straight ahead of him, nobody can go very far ..." – The Little Prince

1.1   RESEARCH PROBLEM

The main research problem which I investigate in this essay, relates to the understanding of language and linguistics in the contextualisation and conceptualisation of human rights. I propose that the Western world has colonised the idea of human rights and rendered any contrary opinion repugnant thereto and in turn repugnant to humanity. But can one set of ideals be set as the standard to which all regions of this world must align themselves?

The concept of human rights originated in the English speaking Western world. The ideals on which the laws pertaining to human rights are based are orientated to a western ideal of what social interactions and norms or even international relations ought to be. The phrase 'human rights' is an English phrase and is understood through the lens of the culture surrounding and inherent to the English language.

The fact that human rights were developed within a Western world, using Western cultures and languages most certainly defines the boundaries and contents thereof. The words we use to describe certain concepts give definition and meaning to those words. This can be demonstrated by way of an example: when referring to the 'right to equality', the words 'right' and 'equality' in their English context imply certain ideals and understandings amongst native English speakers. As such, when the words are placed together in a phrase (right to equality), this phrase will carry with it the ideals and historical background and development of the individual words. But, if we were to use words in a different language, the context and meaning of the phrase would also be changed.

Each word used in any language carries with it the lineage of that language's culture. Linguists are able to demonstrate this point by deconstructing words to reveal their origins and how the meaning attributed to that particular word came about. Perhaps too seldom do we in our day to day lives consider the impact and historical philosophy behind the vocabulary we employ in our lives. It is a simple logical inference that ideas and ideals built with the use of any given language will carry with it the culture of that language.

4

Perhaps then the best way to define the situation would be to say that after creating the idea of human rights, the Western world has colonised the notion by the constant and perpetuated infusion of the culture which comes with the Western languages, specifically English. The concepts and ideas of human rights are continuously interpreted and developed in Western languages which perpetuate Western cultures.

A question to be asked is; where does this position the remaining regions of the world who do not subscribe to Western ideals? Are they to abandon their understanding of human rights on the basis that a certain sector of the population subscribes to different cultures and values? One of the recognised rights in this Western system is the freedom to practice and implement one's own cultures, religions and languages. Will the same system that confers this right, deny it where the practice of the right is inconsistent with or repugnant to any other idea proposed by the system?

1.2   RESEARCH QUESTIONS

There may be many questions which arise from the abovementioned problem. The primary question which I raise and tentatively answer is whether the concept of human rights can in fact be customised to suit the specific cultures and morals of a certain region. The Islamic Middle East for example has been vastly criticised for not complying with Western human rights systems.[1]

This begs the question whether the concept of human rights is intrinsically unchangeable? This is essentially the debate of the universality of human rights. Many are of the opinion that customising the understanding, meaning and application of human rights detracts from its universality and as a result perhaps even its enforceability.[2]   The universality debate will be discussed in chapter 3; however, my discussion goes further than this debate. My focus is on the effects of language on the conceptualisation of human rights. To indicate a position on

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[1] Examples: F Halliday "Relativism and Universalism in Human Rights: The Case of the Islamic Middle East" *Political Studies* 1995 XLIII p152 in general; R Afshari *Human Rights in Iran: The Abuse of Cultural Relativism* 2001 in general
[2] *Ibid*

this debate, I neither approach the subject as a universalist nor a relativist but a new perspective which will be discussed in chapter 3. From this, the question is whether I seek to reconcile the Western human rights system with others?

In brief; has the language in which human rights originated (English), colonised the concept? If so, what is the solution to this colonisation? If it is not a physical colonisation then this poses a problem: how do we decolonise an idea? Would the integration of local epistemology which is derived from the local language suffice? Ultimately, how do we apply decoloniality to human rights discourse and what is the sought outcome of this endeavour?

1.3 <u>UNDERLYING ASSUMPTIONS</u>

The aim of this study is to demonstrate that the idea of human rights as it stands is an idea which is in itself contradictory. I argue that human rights are ideals to which people may aspire; however, it is developed and proposed for only a certain group of people. I am by no means moving towards eradication thereof, only that we cannot hold every region of the world to the same understanding, interpretation and application of human rights. In doing that we are undermining the right to equality, right to freedom of religion and many more rights which have been popularised by this notion of human rights. In other words, I do not reject the idea of a human rights model or system, as it plays a positive role. I propose that this model should be sensitive to the ideals of those to whom it applies.

My suggestion is to demonstrate that human rights, as it is understood by the Western world, is inherently an ideal which must be customised if it is to uphold its own values. I found that language greatly impacts our understanding of concepts and as such these concepts cannot be universally accepted or implemented.

I use English as the representative and example of the Western languages which carry the Western culture and how this has influenced human rights discourse. In this regard, it is important to identify that I discuss the influence of Western languages (such as English) on the development of a human rights language.

This assumption is further explained in the chapters which follow but it must be clear that I do not deal with translation herein. In other words, the translation of human rights discourse into non-Western languages is not the proposed solution as it is the culture of the Western languages which are identified as the problem.

1.4   <u>IDENTIFYING CONCEPTS</u>

Before exploring the topic substantively, I should clarify some of the terminology I use herein. The reason for this clarification is to avoid any misunderstandings about similar terms which are used. They imply different concepts and are not used interchangeably, but this line may seem blurred at times. These terms are explored in more detail in the chapters which follow. However, I clarify the differences here, in order to ensure that the reader has some foundational understanding of the ideas I convey.

The first distinction is that between 'language' and linguistics'. When I refer to language, I refer to the tool used for communication and linguistics is the study of this tool. This is further expounded on in chapter 2.

I use the term 'ideals' or 'morality' to mean the moral compass which is the result of the cultural history and practice of a certain people. This is important as these ideals are the informants of the value and practice of a human rights model.

The most important terminologies to be distinguished in this dissertation are that of 'colonialism' and 'coloniality'. Again, these terms are explained in more detail in chapter 3 of this dissertation. I use the term 'colonialism' in its capacity as defining the usurping of one nation by another. I further extend this definition as a metaphor to demonstrate its likeness with the effect of the English language (likened to a dominating state) on the understanding of human rights (likened to the colonised/usurped nation).

Coloniality, on the other hand, is used herein to describe the usurping of a culture and epistemology of a people, by a dominating culture or epistemology. This is as opposed to the physical overtaking of land and governance which is the result of colonialism. By way of example, coloniality would be the use of European languages or the practice of European cultures in non-European states.

These explanations find relevance in my usage of the terms 'decolonising' and most importantly 'decoloniality'. In this regard, I refer to decolonising as the physical expelling of foreign powers from a land. Decoloniality is then the essence of this dissertation. I use this term to express the reversal of coloniality. Specifically, reversing the coloniality of the language of human rights.

1.5   <u>APPROACH AND METHOD</u>

My greatest inspiration in developing this idea has been a book titled *The Little Prince* which was given to me by a friend who happened to consider the book as one of his most favourite childhood memories.[3] Oddly, reading this book has been one of my favourite adult memories. Amongst the many important lessons which I derived from this book has been the power of thinking outside the box. The insight that as adult human beings, we appear to look past the significant moments which shape our understanding of the world and how there should be space in the world to accommodate our different interpretations.

This study is of an inter-disciplinary nature, focusing on the socio-political impact of language and linguistics and how these concepts shape, frame and contextualise human rights. I move between the disciplines of linguistics and law (specifically human rights) in order to re-imagine the concept of human rights.

The aim of this dissertation is not to set out every detail of my hypothesis as I could not hope to do so in the limited allowance hereof. This is merely an opening or brief glance at the surface of the topic, in order to facilitate further discussion.

1.6   <u>CHAPTERS</u>

I begin this exposition in Chapter 2, entitled *Language and Perception,* where I focus on the basic tenets of linguistics. Language is unpacked as not just the oral or written commands we subscribe to but as a system of knowledge. I begin with

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[3] A De Saint-Exupery *The Little Prince* 2009

describing the functions of language and the different perspectives on what these functions are by various authors. In this regard I use the writing of Redhead and Dunbar,[4] which is juxtaposed against the theories offered by Chomsky regarding language as a tool for communication.[5]

The writings of Vossler in this chapter demonstrate how language is a source of knowledge.[6] Following from this, Bakhtin discusses how language as knowledge is the lens through which we perceive the world and how human rights discourse could be categorised as its own language.[7] Croce agrees with this by describing language as an expression and perception of intellect.[8] This chapter explains my view that the laws made by humans (through their expression and perception of intellect) are in fact based on a certain understanding of morality and culture which may stem from a number of influences. Of these influences, I analyse the specific influence of language on our morality and culture as well as our understanding of human rights.

I also look at the aesthetic factors which influence knowledge and how sensory perceptions dictate the significance of a certain consideration over another. In this regard I draw from the ideas of Benedetto Croce in *The Identity of Linguistics and Aesthetics*.[9] My suggestion is simple: language, a complex sensory perception, is one of the most important factors affecting our knowledge of our surroundings, with specific regard to human rights.

This leads to the crux of my proposition: that human rights is affected by being contextualised and conceptualised within a Western framework, through Western languages. This has created an exclusion of other epistemologies and the words 'human rights' are understood to be a righteous ideal to the exclusion of any other.

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[4] G Redhead & R Dunbar "The Functions of Language: An Experimental Study" *Evolutionary Psychology* 2013 Vol 11 No 4 p845
[5] R Slakie *The Chomsky Update: Linguistics and Politics* 1990
[6] K Vossler "Language Communities" in L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2000 p249
[7] M Bakhtin *Dialogic Imagination* 1981 p279
[8] B Croce "The Identity of Linguistic and Aesthetic" L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2001 p33
[9] *Ibid*

In Chapter 3, *Human Rights from Below*, I focus on the exclusion of epistemologies and cultures. I tentatively put forward my argument that English has colonised the concept of human rights drawing from, amongst others, authors such as Frantz Fanon,[10] Chinua Achebe,[11] and Ngugi wa Thiong'o[12].

Using the writings of Fanon, I discuss how the politics of the English language have led to the colonisation of human rights discourse.[13] These politics are conveyed through the use of the English language and its own imposition of its assumed superiority.[14] Here, wa Thiongo describes the culture of imperialism which lives through the usage of Western or European languages such as English and the effects of this on the identity of the speakers.[15]

I explore Mutua's theory on how this world wide usage of English and the infiltration of Western cultures have led to a reality which is believed to be 'universalisation' of certain practices.[16] This leads to a brief discussion of the debate on the universality of human rights. De Sousa Santos has a suggested solution to this universalization which he terms 'insurgent cosmopolitanism'.[17]

The result of universalism is exclusion. I discuss the exclusion of certain cultures by universalism and an analysis of the unheard voices.[18] Here I use the writings of Jacques Ranciere regarding politics and dissensus.[19] I also refer to the works of Michel Foucault,[20] and Hannah Arendt,[21] in their analyses of discourse and man as a political being participating in this discourse, respectively.

Once these unheard voices have a place in human rights discourse, the process of decoloniality can begin. I rely on various writings of Walter Mignolo to describe the concept of decoloniality and how the decoloniality (and not only

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[10] F Fanon *Black Skin, White Masks* 2008
[11] C Achebe "Language and the Destiny of Man" in *Hopes and Impediments* 1990 p127
[12] N wa Thiong'o *Decolonizing the Mind* 2005
[13] Fanon *op cit*
[14] *Ibid*
[15] Wa Thiongo *op cit*
[16] M Mutua *Human Rights: A Political and Cultural Critique* 2002
[17] B de Sousa Santos "Human Rights as an Emancipatory Script? Cultural and Political Conditions" in B de Sousa Santos (ed) *Another Knowledge is Possible. Beyond Northern Epistemologies* 2007
[18] De Sousa Santos *op cit*
[19] J Ranciere "The Thinking of Dissensus: Politics and aesthetics" in P Bowman & R Stamp (ed) *Critical Dissensus: Reading Ranciere* 2011 (and other writings)
[20] M Foucault "The Discourse on Language" in L Burke *et al* (ed) *The Routledge Languagae and Cultural Theory Reader* 2000 p231
[21] H Arendt *The Origins of Totalitarianism* 1975

decolonisation) of the conceptualisation of human rights is possibly the solution to the exclusion of the unheard voices.[22] I offer decoloniality as not only a solution to the coloniality of human rights discourse, but also as a method to the implementation of the cosmopolitanisation of human rights as suggested by de Sousa Santos.

I conclude in chapter 4 by tying the various perspectives. My argument is simply to question the belief that a 'universal human rights' system is necessarily universal. The term 'human rights' has been usurped by the culture of English and as such operates to the exclusion of any other culture but the Western system. We cannot hope to implement a system which has chosen one paradigm, to enforce on all regions of the planet. I am not proposing that we abandon the idea of a human rights system as a whole, merely that we decolonise the concept.

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[22] For example W Mignolo "Geopolitics of Sensing and Knowing: On (de)coloniality, Border Thinking and Epistemic Disobedience" *Confero* Vol 1 No 1 2013

CHAPTER TWO: LANGUAGE AS PERCEPTION

"When I cannot see words curling like rings of smoke round me I am in darkness—I am nothing."

— **Virginia Woolf, The Waves**

2.1   <u>INTRODUCTION</u>

The importance of language in human life is undeniable. We are faced daily with situations and challenges which we tread through with the use of language, whether to describe our plight in the causes close to our hearts or admonish those who have wronged us or even to buy a carton of milk. We use language to communicate, to interpret, to think, to give and to receive (of course this is not an exhaustive list of the uses of language). With the wide scope of uses for language in our daily lives, blossoms an interest in the study thereof. This field of study is referred to as linguistics.[23]

Linguists have attempted to capture the essence of the function of language but with the varying interpretations of this point, the debate continues. Where some authors describe the purpose and function of language within social contexts (such as for communication), others have described it to go far beyond the boundaries of these social contexts. Chomsky has argued that although communication is included in the list of functions of language, that it is not the only function of language as proposed by some authors.[24] Chomsky brings our attention to the use of language when we write with no audience.[25] He even goes so far as to describe a situation where one is speaking to an audience who does not understand the point which the speaker is attempting to convey. Chomsky proposes that such an audience is in fact not an audience and that the speaker, although he may be using language, is not communicating.[26] I gather by this that communication, to Chomsky, presupposes a cognitive function in addition to its auditory aspect. This will then equally apply to a reader who does not comprehend the text in the way that the author intended. The conclusion is therefore that communication involves not only the auditory or visual perceptions, but also the cognitive.

This raises the questions which I address in this chapter:

- What is the function of language? Is it merely a tool for communication purposes (as a social tool)?

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[23] R Salkie *The Chomsky Update: Linguistics and Politics* 1990 p6
[24] *Id* p25
[25] *Id* p26
[26] *Ibid*

13

- Following from the above, what is the relationship between communication and cognizance? Where do we derive the knowledge that allows us to function cognitively when digesting information which is being communicated?
- What is the place of the perceptory functions which comprise the aesthetics of language and how do they inform our cognition?

The intended conclusion to answering these questions will be to show that language does not exist in abstract but rather as a vehicle of culture which is developed and communicated through the evolution thereof. While one language may carry a certain social context of its community, another will carry a very different context and with it a different understanding of concepts which are contextualized therein. Various factors will inform these different cultures and languages. What I further demonstrate in this chapter is that the language of human rights has been predominantly Western and the overpowering Western influence of the English language is explored.

2.2 <u>THE FUNCTION OF LANGUAGE</u>

The functions of linguistics are not easily defined. Many authors have grappled with the concept and most have different views and ideas.[27] I introduce some of these ideas herein but it must be stated from the outset that my own understanding and view in this regard is a combination of these ideas. Separately or individually, they lack certain characteristics which I find essential to the function of language.

Perhaps the best interpretation to begin with is that offered by Redhead and Dunbar, who have hypothesized a certain evolution of the function of language.[28] The reason I begin with this interpretation is because the evolution described by Redhead and Dunbar describes the practical implications of some of these characteristics, making it easier to digest for the reader. This evolution begins with the original purpose of

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[27] Some of these views are discussed under this section
[28] G Redhead & R Dunbar "The Functions of Language: An Experimental Study" *Evolutionary Psychology* 2013 Vol 11 No 4 p845 p845

14

language which has been said to be an instrumental one.[29] This means that originally language was used between human beings to convey methods of survival, be it for hunting or warning of danger.[30] The counter to this argument, however, is that human beings are not and have not been the only species to be involved in these endeavours of hunting or protecting those in our communities.[31] Animals have similar activities. Human beings, however, are the only species who have developed a formal sophisticated method of communication which other species have not: language.[32]

If one considers this counter argument to the instrumentality of language, a lacuna is left for further interpretation. Upon closer inspection, Redhead and Dunbar have identified three other functions of language which all fall under the umbrella of a social context.[33] The first of these three functions is what they call social bonding.[34] This is where language is used in order for human beings to relate to one another and share in the company of each other's intellect or psychology which is loosely defined as what Dunbar has termed the 'gossip theory'.[35] This allows for human interaction and development of social bonds between people.

The second of these functions is as a mating technique.[36] Under this function human beings will use language to lure prospective mates.[37] Mating is one of the inherent characteristics of most life forms on the planet and so it would not seem too great a stretch to assume that people will have developed language to serve this particular purpose. As the late Robin Williams famously recited in the movie 'Dead Poets Society':

> *So avoid using the word very because it's lazy. A man is not very tired, he is exhausted. Don't use very sad, use morose. Language was invented for one reason, boys – to woo women – and in that endeavor, laziness will not do*

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[29] *Ibid*
[30] *Ibid*
[31] *Ibid*
[32] *Ibid*; See also H Arendt *The Human Condition* 1958 p176
[33] Redhead & Dunbar *op cit* p846
[34] *Ibid*
[35] *Ibid*
[36] *Ibid*
[37] *Ibid*

15

The last function which they refer to is that of a social contract.[38] Here human beings use language to communicate an understanding between one another which allows for the smooth functioning of society.[39] Redhead and Dunbar state that these functions are not posed as exclusive options but as a cumulative package of functions of language.[40]

On the other hand, Saussure states that language, although gives rise to, is not speech and should not be limited in that light.[41] One of the functions of linguistics is naturally speech. We use language to speak to others. This act is comprised of:

1. articulated syllables which are acoustical impressions (these impressions are produced by the tongue and the vocal chords);
2. perceived by the ear;
3. as well as the instrument of thought which informs the meaning of the sounds articulated.[42]

The combination of a. and b. is referred to as the physiological aspect of speech. This physiological dimension is one of two dimensions of speech. The second dimension is as per c. above which is referred to as the psychological dimension of speech. Without the latter, the former would only be 'noise' and not any intelligible speech. Much in the way that when one individual speaks to another in a language which is foreign to the latter, s/he will be unable to understand the speech, although s/he may hear it.[43] The distinction that Saussure draws between speech and language (and I do not mean to oversimplify this distinction or the respective attributes of each) seems to be that where language carries an individual characteristic, speech carries a social one (which comprises of the individuality of language used by each person) as it is used to communicate concepts between people using physiology (the voice) and psychology (the intellect).[44]

This distinction goes to further the interpretation of Chomsky which was briefly discussed above. The concept of what constitutes language goes to the heart of its

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[38] *Ibid*
[39] *Ibid*
[40] *Ibid*
[41] F De Saussure "The Nature of the Linguistic Sign" in L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2000 p21 p21-22
[42] *Id* p22
[43] *Ibid*
[44] *Id* p23

16

function. The inclusion or exclusion of certain acts (such as speech) in the definition of language will be a determining factor in deciding or pondering its functions. According to Chomsky, speech and communication constitute only a portion of the functions of language.[45] He draws a distinction between the functions of language when directed at an audience and the function when not directed at an audience.[46] In other words, we use language to address other individuals in speech and other forms of communication such as writing. This function is much the same as described by Redhead and Dunbar,[47] as well as to a degree De Saussure.[48] But Chomsky takes this further. He discusses the use of language with no audience.[49] This could be in the regular sense which we understand, that words are spoken or written in a scenario where no one is listening to or reading them. But there is a further scenario. Chomsky speaks of a disengaged or non-responsive audience as a non-audience as well.[50] This is where your 'audience' does not understand the message of the communication, be it written or oral. In essence what Chomsky is describing is break in the nexus between the communicator's position and the understanding thereof by the audience. To Chomsky, this break in the nexus is paramount to the elimination of the audienceship [own term].[51] But the absence of this audienceship or even the absence of an audience does not negate that the communicator is still using language.[52] By this explanation, Chomsky is arguing that communication (be it orally by speech or in writing) is not the only function of language.[53]

At first glance I was persuaded by Chomsky's argument. The instances he described were in fact instances where language was used outside the function of communication. But upon further reflection I faced some questions. If the audienceship is removed from scenarios where language is used, then what is the purpose of the particular act being performed in so far as the performer is using language? The follow up question to this is that if the performer's use of language

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[45] Salkie *op cit* p25
[46] *Id* p26
[47] Redhead & Dunbar *op cit*
[48] De Saussure *op cit*
[49] Salkie *op cit* p26
[50] *Ibid*
[51] *Ibid*
[52] *Ibid*
[53] *Ibid*

lacks this purpose, can the act be seen as a function of language? I work from the assumption that where the act lacks any purpose in furthering a particular function, it cannot be said to perform that function. In essence, my argument is that lack of audienceship or an intellectual link in the use of language means that the act performed is not in fact the use of language and perhaps not even an act in anyway other than its description as a verb.

2.3 THE ONTOLOGY OF COGNIZANCE

If we accept, as theorized above, that language finds its purpose and function in communication, we accept that the element which breathes life into the function of language is cognizance or intellect (I use the terms interchangeably in this context). My next question is then where does this intellect come from and is it subjectively contextualized? Is the psychology element of language objective (in that it is the same for any person using any language) or subjective (that languages form part of various social and cultural contexts which informs the psychology of that language)?

To answer this question I would like to start with reference to what Karl Vossler terms 'national language'.[54] National language refers to the first language any human being learns to communicate in and in essence becomes a member of the communicating society.[55] Vossler continues to say that every subsequent language that an individual learns to communicate in is learned and utilized through the lens of the national language.[56] Every communication made through that national language is done so through the cultures and references that are carried by that language.[57] This culture (and I venture so far as to add 'knowledge') is encompassed in the usage of the words as well as the grammar and syntax of the language.[58] Bakhtin has used the analogy of the 'mythical Adam' who first used language to communicate.[59] That first communication or use of words was the only space in which words could be said to have merely descriptive qualities and carried no other

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[54] K Vossler "Language Communities" in L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2000 p249 p249

[55] *Ibid*

[56] *Id* p250

[57] *Ibid*

[58] *Id* p251

[59] M Bakhtin *Dialogic Imagination* 1981 p279

value.[60] With the very first use of a word, a context and culture was created around that word. This culture and context may have then evolved over time but that word could never be an abstract one. To use a familiar example which relates to the 'mythical Adam' analogy; in a Jewish, Christian or Muslim context, references to an apple would be references to the 'original sin'. The word apple carries with it the context, history and culture of 'original sin' within these three communities.

This concept of national language also carries patriotic implications, as if to declare that the person utilizing it has emotions of patriotism towards this language, giving language imperialistic powers.[61] There can be no doubt that the culture through which we communicate our intellect has immense power over that intellect and the intellect of others. This culture and power lies in the language we utilize, more often our national language. If we feel a sense of nationality or patriotism towards our language, then surely (even be it subconsciously) we feel the command and power of that language above others. This hints at the political power of language. Bakhtin has written that language comprises of socio-economic and political aspects of its context, as well as that context's historical development.[62] The language of a social context is born of the development of the ideologies of that particular setting to give expression to these ideologies and opinions.

Historically, language has been a story of 'territorial struggle and establishment or imposition of culture'.[63] The English language, for example has been the language of the white man and carries with it the sign of the power of the white man.[64] The colonization of territories in in Africa as well as India has been a testament of this power. In a novel named *Passage to India*, Forster described this power in India through characters which said that 'India likes gods. And the Englishmen like posing as gods'. This is the exact portrayal of the power of national language in its external power (how the people in India perceive the national language of the English) as well as its internal power (the pride of the Englishman in his own national language and his awareness of the political will which it imposes).

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[60] *Ibid*

[61] Vossler *op cit* p250

[62] Bakhtin *op cit* p269

[63] T Paulin "A New Look at the Language Question" in L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2000 p293 p293

[64] B Kachru "The Alchemy of English" in L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2000 p317 p318

Even as close to its original home as Ireland, the English language is viewed as the language of the colonizer.[65] But in Ireland, India and Africa (to use the examples that have thus far been referred to), English is revered as the language of economic freedom and those who utilize it can tap into the Western economy through this 'mighty' language.[66]

According to Bakhtin, within the language of a particular context, there are different stratifications.[67] Two such stratifications are the generic social stratification and the professional stratification.[68] The former of these two displays the diversity of social languages within defined discourse types in a community which comprises of the standard and everyday discourses of persons.[69] The latter professional stratification is the discourse used within certain professions which includes the jargon of that profession.[70] This means that each language not only has its own culture within a social context but within a professional one too. The legal language of English, will therefore necessarily be different to that of the legal discourse in another language.

However, the professional and social stratifications of each language are not separate identifications. This is what Bakhtin calls heteroglossia, where within one language two intentions are expressed simultaneously.[71] These intentions can be expressed through different stratifications of the language simultaneously.[72] Heteroglossia can be found in the language of human rights as we understand it today. The simultaneous intentions expressed within the language of human rights are the obvious professional stratification which relates to the legal profession (the language of the lawyers and law makers) and simultaneously the language of Western jurisprudence. This Western jurisprudence is the culture carried by Western languages such as English.

The legal language in the Islamic Middle East, for example, is somewhat more complicated. Although the same basic concept of heteroglossia applies, the two

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[65] Paulin *op cit* p295
[66] *Ibid;* Also, I must add that my own daily use of the English language does not detract from my disdain for its colonizing trajectory through history and its continued usurping of cultures for its place within a capitalistic paradigm of economics.
[67] Bakhtin *op cit* p289
[68] *Ibid*
[69] *Ibid*
[70] *Ibid*
[71] *Id* p291
[72] *Id* p324

main stratifications of this region's legal language would be the professional legal stratification and the theological stratification which describes the religious Shari'a (Islamic law) language of the laws.

Alongside these stratifications in the Islamic Middle East, is the generic social stratification. So the laws of this region are written through the lens of these stratifications and carry with them the cultures and knowledge behind it. Some authors are of the view that the modern conceptualization of Islam and the Shari'a are very far removed from the essence of the Shari'a as originally conceptualized as a result of the modernization of the surroundings and social contexts within which the Shari'a finds itself.[73] This may well be true but modernization is not equivalent to delegitimization. I accept that the cultures will evolve and to use consistent terminology even modernize, but that evolved or modernized culture still has a rightful place as the culture of the social context in which it is found and to assume otherwise creates a false dichotomy between the value of culture as a modernist as opposed to a traditionalist.

All of this leads to one conclusion: our psychology or intellectual perception of a word or idea as described within a certain language is derived from the culture of that language and its place within the global socio-economic and political framework. Within each language there are simultaneous stratifications (heteroglossia) which must be understood as mutually inclusive as well as individually characterizing the ideology placed forward by any communication in that language. This leaves the question of perception; how is the information which is digested by the cognitive or intellectual dimension, perceived?

2.4   **PERCEPTION AND AESTHETICS**

Instead of the word 'love' there was an enormous heart, a symbol sometimes used by people who have trouble figuring out the difference between words and shapes. — **Lemony Snicket, The Carnivorous Carnival**

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[73] *Id* p2

The premier commentators of language and aesthetics, in so far as my discussion is concerned, are Jacques Ranciere and Michel Foucault. However, in this chapter I only wish to introduce this concept and some questions, without delving into the details or answers. This will be done in the following chapter with the incorporation of the mentioned authors.

I would like to begin this section with a definition of the word perception. The oxford dictionary has two definitions of perception:[74]

> a. 'The ability to see, hear, or become aware of something through the senses' and
>
> b. 'The way in which something is regarded, understood, or interpreted'

This defines the two dimensions of language as described above. That is to say the physiological dimension of using our senses (hearing, speaking, seeing etc.) and the psychological dimension of understanding and interpreting. By definition, language is the complete example or even enactment of perception. An act of perception which includes both the physiological as well as the psychological dimensions thereof.

Most people (with the exception of those who are handicapped) possess the same sensory organs. All people perceive with their eyes and ears and touch. So it is safe to say that physiologically speaking everyone perceives in the same manner. The difference in our perceptions arises from the psychological dimension which defines interpretation and understanding. To use the simplest (and at the same time paradoxically most complex) example, we could analyze our perception of art. Each person will see a painting with their eyes but each person will interpret that painting differently. So our physiological perceptions are all the same but psychologically they are different.

To tie the two together, I propose to uphold the view of language as aesthetics; a physical perception which needs a psychological understanding. It has been suggested that language falls under the category of aesthetics in much the same way as art.[75] Both language and art are the expression to philosophy and intellect.[76]

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[74] http://www.oxforddictionaries.com/definition/english/perception
[75] B Kachru *op cit* p33
[76] B Croce "The Identity of Linguistic and Aesthetic" L Burke *et al* (ed) *The Routledge Language and Cultural Theory Reader* 2001 p33

There is no specific class of expression which distinguishes language from art because the physiological dimension of language without the intellectual is only noise.[77] Therefore both the expressions of art and language emanate from the intellectual dimension of perception.[78]

In this way, the expression of human rights in the English language will provoke or at least aim to provoke certain perceptions. Although all people will physically perceive them in the same way, they will not intellectually digest them in the same way. As Rawls has described, there can only be harmony once the society has a unified conception of justice where the people are guided by similar values.[79] I argue that the imposition of western ideals in a nation where the majority of the population are guided by very different values can only be a recipe for chaos. If we are not the architects of this structure,[80] we cannot propose to understand the foundations and more importantly relate thereto. Human rights, both as a concept and in its practiced form, is an ideology which originated and developed in the western world through the American Bill of Rights, the Declaration of Independence and the French Revolution to name but a few.[81] The ideals on which the laws pertaining to human rights are based are orientated to a western ideal of what social interactions and norms or even international relations ought to be. This is of course no secret. Many authors have written widely and contemplated this reality. The fact that human rights were developed within a western world, using western cultures and languages most certainly defines the boundaries and contents thereof, as well as the intended perceptions. If Iran were to abide by the English (English as the language) ideology of human rights, it may well even lose legitimacy in the eyes of the citizens who are unable to perceive the intended notions.

Perhaps the best contribution to my understanding of legitimacy has been a children's book titled *The Little Prince*.[82] There is a chapter in this book which especially startled my sense of justice;[83] it tells the story of a meeting between the

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[77] *Ibid*
[78] *Id* p34
[79] J Rawls *A Theory of Justice* 1999 p5 from M Letseka "Ubuntu and Justice as Fairness" May 2014 Vol 5 No 9 *Mediterranean Journal of Social Sciences* p544
[80] Conversation with Moeketsi Letseka of the University of South Africa 1 May 2014
[81] http://www.irinnews.org/in-depth/59466/7/global-whose-justice-cultural-relativism-in-the-human-rights-debate
[82] A De Saint-Exupery *op cit*
[83] *Id* p33-38

Little Prince and a king who lives on a small planet which is only large enough to accommodate the King in his throne and the Little Prince. He teaches the Little Prince that obedience by his subjects is of utmost importance to him but to ask of his subjects what they cannot do would only result in their disobedience. The King gives the Little Prince an example saying that if he asks a general to turn himself into a sea bird, the general would be unable to comply. This lack of compliance would not be the fault of the general but that of the king for asking of the general what he is unable to do.

The King is right. We cannot ask of people to perform what they cannot and if we do, we then bear the consequences of the non-compliance. If a government is to ask of its people to live in a fashion which is repugnant to their morality, they cannot feign surprise when the people revolt or refuse to comply with the duties which the government expects of them. We are first and foremost accountable to ourselves and our own sense of being, our own sense or right and wrong and our own sense of morality. Anything contrary to these senses will carry a scent of illegitimacy.

2.5   CONCLUSION

The function of language is derived from its inherent characteristics and dimensions which are comprised of the physiological and psychological. Without the latter of the two, language is reduced to a purposeless and unintelligible function and as such loses its definition of being a function of any sort. This psychological dimension is the cognitive face of language which gives meaning to the use. But the meanings behind words used in a language go deeper than their descriptive function. Each language carries with it the cultures and understandings which have developed and evolved with the use of the language.

To consider the abandonment of English would only be rhetoric. The English language, if we are to understand it on a pragmatic level as opposed to merely theoretical, is utilised by a large majority of the world but the wide usage or economic power which it appears to possess should not give it the power to usurp cultures by propagating disdain of other interpretations. Human rights, as contextualised and conceptualised in English, have become an aspirational ideal by which the whole

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world seems to be held accountable. But what this fails to take into account is that across other languages, the understanding of concepts and ideologies differ. The ideologies which are held in the same light as human rights in the Western world, in the Islamic Middle East community will be perceived differently and expressed in a different light.

The perceptions of aesthetics or language (and I use the terms interchangeably here as words denoting expression) will differ in various languages and necessarily, this will filter into the professional legal stratification of the language as well.

On a large scale and with the help of some generalisations and blanket assumptions, the language (and perception as the two were equated above) of human rights in the Islamic Middle East will necessarily differ to that of the Western language of human right. This opens further discussions: are these views and perceptions allowed to differ? What is the place of the dissenting voice or expression? The answers to these questions, and many more, lie in the decoloniality of the language of human rights and the reverence of alternative epistemologies.

CHAPTER THREE: HUMAN RIGHTS FROM BELOW

"Until the lions have their own historians, the history of the hunt will always glorify the hunter."

— **Chinua Achebe**

3.1 <u>INTRODUCTION</u>

Chapter 2 focused on discussions around the role and function of language. The aim of this was to conceptualise and contextualize the importance of language within its functions. At the end of the chapter, a pertinent question was asked; 'What is the place of the dissenting voice or expression?' In other words, who may speak out and disagree? Is there a place for dissenting interpretations in human rights discourse? In this chapter I discuss these questions.

To do so I begin by exploring how language interplays with issues relating to culture and knowledge. I work from the assumption that English has been the language of the imperialists and this culture is represented in English literature.[84] I argue that this imperialist culture will filter through all spheres of life; political, social and judicial. The presentation of these spheres in writing and various literatures reflects imperialist culture. This is also true of human rights literature. The fact that the Third World must contend with the imposition of the cultures through the written word is precisely the repetition of colonialist patterns.[85] This time it is not a geographic colonisation which consists of usurping land and enslaving natives but a colonisation of the minds and cultures through various writings.

This type of colonisation creates ideas of right and wrong and places Western cultures and moralities at the centre of human rights discourse.[86] The Western ideals of democracy and human dignity then become the universally accepted norms. But the question is how are democracy and human dignity conceptualised in languages other than English, in Third World nations? The different languages must necessarily mean that their concept of human rights will also differ according to the cultural differences carried in these languages.

My hypothesis is that the challenge that Third World countries face in this colonised realm of human rights lies in the Language which they speak. In this chapter I take a closer look at how Western culture has infiltrated human rights discourse and colonised same through the use of Western languages such as English. The Third

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[84] G Spivak "Three Women's Texts and a Critique of Imperialism" *Critical Inquiry* Vol 12 No 1 p243 at p243
[85] L Burke *et al The Routledge Language and Cultural Theory Reader* 2000 p416
[86] M Mutua *Human Rights: A Political and Cultural Critique* 2002 p1

World nations are left out on the periphery of the discourse with their voices unheard. I explore the listener and speaker discussions by Ranciere and Foucault to expound on the position of the Third World nations.

I tentatively consider what has been termed by scholars as 'decoloniality' as a response to this problem.[87] I discuss how this school of thought can contribute to a better and more inclusive idea of human rights which is not based solely on Western ideology and cultures.

3.2   <u>POLITICISING LANGUAGE</u>

Fanon explains that he begins his book *Black Skin, White Masks* with a chapter on language and states that he begins the book on this note because of the importance of language in the existence of 'the other'.[88] He explains that 'a man who has a language consequently possesses the world expressed and implied by that language'.[89] One could thus conclude that what he means is that by speaking the English language, the speaker is expressing the world through the culture of that language.

In the foreword of Fanon's book, Sardar explains that this dominance of the English language and Western culture is not a functional ideology for all societies, regardless of the utilitarian use of English.[90] The fact that a certain discipline is practiced globally does not mean that this practice is globally valid and acceptable to all societies.[91] An example that Sardar uses to demonstrate this is that of hamburgers and coke.[92] He states that the fact that all around the world people are familiar with and consume hamburgers and coke does not automatically mean that this diet is best suited to the needs or cultures of a given society[93]

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[87] W Mignolo "Delinking" *Cultural Studies* Vol 21 No 2-3 p449 in general
[88] F Fanon *Black Skin, White Masks* 2008 p8
[89] *Id* p9
[90] *Id* pxvi
[91] *Ibid*
[92] *Ibid*
[93] *Ibid*

Aside from the economic or utilitarian value of English, why is it revered by Third World nations who seem to assign such high esteem to it?[94] We can take the example of Scandinavian countries which use English for utilitarian purposes such as communication but English does not carry Scandinavian cultures.[95] This is perhaps due to the white man being seen as the master of the world.[96] The non-whites or Third World nations, due to what Fanon calls their 'inferiority complex', aspire to be relevant and equal to this Euro-American cultural apex.[97] Fanon identifies this in the act of speaking the language of the white man, as though by doing so they are one step closer to being white.[98]

But are these speakers aware of the choice that they are making through their expression? Or is this neo-colonial bourgeoisie forced on them through the clergy and judiciary?[99] In this regard, Achebe speaks of the corruption of language.[100] According to Achebe, this is where language is used as a tool to manipulate.[101] This can be done through verbose texts and speeches which make the reader or listener feel the superiority of the author or speaker or even by using words which suggest that any alternative would be senseless.[102] Examples of the latter can be widely found in the advertising industry where words such as 'buy this today and *save*' would imply that the only reasonable action to be taken is to purchase the item.[103] This makes the audience feel in charge of their own progressive behaviours or actions when in fact they are being manipulated into making decisions. How does Achebe's theory materialize in the effects of English as an agent of Western ideology?

The English language, together with the ideology and culture which accompanies it, has been dropped on Third World nations like a cultural bomb.[104] The imperialist culture of English annihilates the bonds which unite non-English speakers through their heritage and struggles by forcing them to perceive English (the language)

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[94] *Id* p8-27
[95] N wa Thiong'o *Decolonizing the Mind* 2005 p13
[96] Fanon *op cit* p8-27
[97] *Ibid*
[98] *Ibid*
[99] wa Thiong'o *op cit* p2
[100] C Achebe "Language and the Destiny of Man" in *Hopes and Impediments* 1990 p127 at p133
[101] *Ibid*
[102] *Ibid*
[103] *Ibid*
[104] wa Thiong'o *op cit* p3

culture superior to their own.[105] The consequences of imperialism are not limited to cultural but include political and psychological damage as well (this is still not an exhaustive list).[106] As wa Thiong'o has said, 'from a word, a group of words, a sentence and even a name … one can glean the social norms, attitudes and values of a people'.[107] These norms and attitudes are expressed through the choice of language which defines the speaker in relation to himself and the universe.[108] This is because beyond the 'texical' meaning of words, they have the suggestive powers which Achebe was referring to above.[109]

To this, wa Thiong'o asks an imperative question; 'How did we arrive at this acceptance of the fatalistic logic of the unassailable position of English in our literature, in our culture and in our politics?'[110] Here he is asking the pertinent question of how and when English became this ruling colonial power. His theory is that it is a result of fascination.[111] Where the colonisers were able to colonise the bodies and lands through force and power, they colonised the mind and soul through the power of language to fascinate.[112]

This eliminates the cultures which have evolved and developed in Third World nations.[113] According to Foucault, 'language forms the locus of tradition, of the unspoken habits of thought, of what lies hidden in a people's mind; it accumulates an ineluctable memory which does not even know itself as memory'.[114] This means that the traditions that language carries, the cultures, are imbedded in words in a subconscious manner as inherent qualities. These Third World nations developed their own epistemologies through repetition of actions which formulated certain knowledge.[115] This knowledge has been passed down through generations and formed the basis for their understandings of right and wrong.[116] Our understanding of

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[105] *Ibid*
[106] *Id* p2
[107] *Id* p8
[108] *Id* p4
[109] *Id* p11 and Achebe *op cit*
[110] wa Thiong'o *op cit* p9
[111] *Id* p9
[112] *Ibid*
[113] *Id* p15
[114] M Foucault *The Order of Things* 2002 p324
[115] wa Thiong'o *op cit* p15
[116] *Ibid*

right and wrong builds our sense of identity and dignity.[117] If this sense of dignity and identity is being controlled through a colonization of the culture by language, their definition of their own identity and their relationship to the universe will necessarily be shifted.[118]

Essentially, that is the aim of human rights; to protect human dignity.[119] Meanwhile, we must consider that our identities and cultures define our understanding of this dignity which human rights purports to protect.[120] Dignity cannot be protected if the definition of the very thing which is to be protected is being lost in translation. By elevating the language of the colonisers, we are destroying that exact identity.[121] As wa Thiong'o has said; 'It is the final triumph of a system of domination when the dominated start singing its virtues'.[122]

3.3   TOWARDS COSMOPOLITAN UNDERSTANDING OF HUMAN RIGHTS

After the Second World War, the Universal Declaration of Human Rights launched a 'new dawn in the age of rights'.[123] This new dawn was accompanied by a claim of the unqualified good of human rights which was not susceptible to any debate or scrutiny.[124] As Santos has put it, 'human rights have become the language of progressive politics'.[125] Where people or nations have attempted to raise debates and questions into this 'universal application' of human rights, they have been met with accusations of a lack of commitment to a human rights system.[126] There was to be no challenge to the Western world in this regard.[127] This universality was a result of human rights, literally explained, is seen to be a system of rights which applies to

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[117] *Ibid*
[118] *Id* p16
[119] B de Sousa Santos "Human Rights as an Emancipatory Script? Cultural and Political Conditions" in B de Sousa Santos (ed) *Another Knowledge is Possible. Beyond Northern Epistemologies* 2007 p11-12
[120] *Ibid*
[121] wa Thiong'o *op cit* p16
[122] *Id* p20
[123] Mutua *op cit* p1; B Ibhawoh *Imperialism and Human Rights* 2007 p1
[124] Mutua *op cit* p2
[125] de Sousa Santos *op cit* p1
[126] *Id* p4
[127] Y Ghai "Universalism and Relativism: Human Rights as a Framework for Negotiating Interethnic Claims" *Cardozo Law Review* 1999-2000 p1095

all people on the basis that they are human beings and nothing else.[128] As a result of their humanity, human beings are deemed to have a common, knowable human nature.[129]

The counter argument to this from the relativists is that although they recognize human nature in all human beings, this nature differs in people from various societies.[130] In other words, that human nature is not universal, but rather relative.[131] They further argue that human rights exist to moderate the function of society and to protect human dignity.[132] But each society defines their understanding of human dignity based on their cultures.[133]

The critiques of the relativists' argument include that human rights are above and unrelated to culture.[134] At the same time, this seems to be contradictory to the very ideology of the human rights system.[135] The human rights system, by its own definition of itself, supports and promotes freedom of religion, association, speech, culture etc.[136] However, this promotion seems to be biased towards Western interests and ideologies so that the rights only apply in so far as the opinions expressed or freedoms exercised are not repugnant to that Western ideology.[137]

The problem with this is twofold. Firstly that this refusal to accept any ideology but the Western ideology into the human rights system firstly further antagonizes other cultures and nations and also creates a 'hierarchy of cultures'.[138] That is to say that the powerful West in their superior position will dictate the terms and conditions of acceptable human rights discourse, which is no different to the system of colonialism with a dominant external power and the subservient native.[139] Does this create a universal system of human rights? Fanon has answered this question by stating that

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[128] J Donnelly "Cultural Relativism and Universal Human Rights" *Human Rights Quarterly* Nov 1984 Vol 6 No 4 p400
[129] Ghai *op cit* p1096
[130] *Id* p1097
[131] Donnelly *op cit* p403
[132] *Id* p402 and 405
[133] *Id* p405
[134] Ghai *op cit* p1100-1101
[135] de Sousa Santos *op cit* p3-4
[136] *Ibid*
[137] *Ibid*
[138] *Id* p5
[139] *Id* p12

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universalism cannot emerge from a dominant discourse or culture and that dominance should not be confused with universalism.[140]

The second problem is what Mutua has termed the creation of a 'savage-victim-savior' ideology.[141] I explain the roles of these different players in this ideology. Human rights law is primarily targeted at the state which is the predator of human freedoms.[142] But the state is only a mechanism or 'vessel' which carries out the 'historically accumulated wisdom' of a culture or society.[143] The savage is therefore actually this culture which preys on the freedoms of human beings and must be kept tame by the liberal democratic ideologies of the Western powers; non-Western cultures.[144] The second player is the victim. The victim is the wounded, helpless, rural, uncivilized person who is violated by the savage or barbaric culture and is the 'engine that drives the human rights movement'.[145] The language of human rights reports which reveal the savages and the victims suggest a cry or need for help or as popularly known in human right discourse 'humanitarian intervention'.[146] This brings us to the third player in the analogy, being the savior. The savior is the 'good angel who protects' the victims against the savage with the promise of freedom.[147] But freedom from what? Their cultures and identities? The freedom to have their minds colonized? This savior is naturally based on Europe and America as the superior beings who will save the victims.[148]

These problems do not allow for any form of universalization of human rights, if that is in fact the aim. Human rights are not a finished product but rather a work in progress which must continuously be developed.[149] Santos has written that all cultures have ultimate values which they consider to be universal and therefor the question of the universality of a certain idea (such as human rights in this case) would depend on the standpoint from which it is judged.[150] Then in order to achieve

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[140] Fanon *op cit* pxvi
[141] Mutua *op cit* p11
[142] *Id* p22
[143] *Ibid*
[144] *Id* p23-27
[145] *Id* p11 and 27
[146] *Id* p29
[147] *Id* p11 and 28
[148] *Id* p31
[149] *Id* p40
[150] de Sousa Santos *op cit* p12, this means that human rights will be considered universal from the standpoint of the West

a real universalism *per se*, we must disconnect from a 'globalized localism' and move towards an 'insurgent cosmopolitanism'.[151] I will expound on these phrases.

Santos has explained that globalization is essentially one local condition that extends itself to reach all over the globe.[152] By doing so, all other competing conditions are localized.[153] The 'globalised' condition itself is in fact only a local condition which won the competition and globalization is therefore the story of this condition as told by the winner.[154] He uses the English language as an example of this theory, in its capacity as *lingua franca*.[155] The globalization of English has therefore localized other languages.[156] This then allows the globalized condition (in this case the English language) the power to dictate terms and conditions of engagement.[157] This is a globalization from above.[158] As I have explained thus far, this is the status of human rights in English. An exclusionary condition which can be defined as globalized localism.

The alternative which Santos has suggested and which I support in an effort to develop on this otherwise Utopian and impractical concept of universalism, is an insurgent cosmopolitanism as a globalization from below.[159] The key to cosmopolitanism is the reconceptualization of human rights as multicultural.[160] Santos proposes 5 premises for this transformation:[161]

- To transcend the false debate on universalism and cultural relativism in order to use multiple cultures to reach the top, not the bottom.[162] This means using the 'competitive dialogue' of cultures to implement minimum standards which are acceptable and aspirational;[163]

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[151] *Id* p11
[152] *Id* p6
[153] *Ibid*
[154] *Ibid*
[155] *Id* p7
[156] *Ibid*
[157] *Id* 8
[158] *Id* p11
[159] *Id* p11
[160] *Ibid*
[161] *Id* p14
[162] *Ibid*
[163] *Ibid*

- To accept that all cultures have a concept of human rights in their definition of human dignity, even if it is named differently.[164] Here again we see the importance of the role of language. Where the English words human rights or human dignity are used, the equivalent ideology may be expressed differently in a different language.
- 'All cultures are incomplete and problematic in their conceptions of human dignity … If each culture were as complete as it claims to be, there would be just one single culture';[165]
- 'No major culture is monolithic';[166]
- All cultures distribute people by 'hierarchies among homogeneous units' or 'separation among homogeneous units'.[167] There is no hierarchy between the two as to which is right or wrong, they are just localized functions based on the social structure of that culture.

This is perhaps not an exhaustive list but as mentioned before, human rights is a concept which requires constant development. One must also keep in mind that all references to cultures in this dissertation are references to language as explained in the previous sections. The next question from here is the question posed at the end of the previous chapter: Who can speak in the realm of human rights? Whose voices are heard in this discourse? Is there a place for the dissenting opinion?

3.4   <u>THE RIGHT TO BE HEARD</u>

Ranciere has used the classical philosophy of Aristotle (the political animal as a speaking animal), upon which to base his theory of dissensus.[168] This is essentially the idea that human beings are distinguished animals in their capacity to use a formalized language to speak and that in the act of speaking, humans are transformed into political beings.[169] When speaking and discussing, we agree and

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[164] *Id* p14-15
[165] *Id* p15
[166] *Ibid*
[167] *Ibid*
[168] J Ranciere "The Thinking of Dissensus: Politics and aesthetics" in P Bowman & R Stamp (ed) *Critical Dissensus: Reading Ranciere* 2011 p1
[169] *Id* p2

disagree and the disagreement is the mark of politics.[170] But it is not the disagreement on the subject matter of the speakers which comprise politics but rather the 'conflict about who speaks and who does not speak, about what has to be heard as the voice of pain and what has to be heard as an argument on justice'.[171] Foucault has used the example of the mad man in historical development.[172] He describes that historically, the voice of the mad man was heard as non-sensical ramblings and that the words he spoke were not deemed as speaking but rather as mere noise.[173] This refers us back to the discussion in the previous chapter regarding the psychological and physiological aspects of language. What Foucault is describing here would then mean that the mad man was not seen to be using language because of the psychological disconnect. In its capacity in the realm of aesthetics, the language of the mad man was then not perceived as an expression.

This exclusion of voices or expressions continues today in the boundaries which separate those who participate in a political life and those who live a 'bare life'.[174] This is where only certain people in the society are deemed to possess certain functions and competencies.[175] Ranciere proposes that it is exactly the pursuit of blurring these lines which constitutes politics: questioning the boundaries which place certain individuals or groups of individuals on the side which excludes them from participating in a life of politics.[176] This exclusion, in my view, is exactly where politics is missing in human rights discourse: where the languages of some are heard and others are excluded as noise. I will expound on this.

The problem begins simply and within the inherent qualities of human rights in that they are meant to be 'inalienable, irreducible to and 'undeducible' from other rights or laws'.[177] As Arendt rightly put it; 'no authority was invoked for their establishment' either.[178] These man-made rights 'for man' have not been developed or built with any

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[170] *Ibid*
[171] *Ibid*
[172] M Foucault "The Discourse on Language" in L Burke *et al* (ed) *The Routledge Languagae and Cultural Theory Reader* 2000 p231 p231-232
[173] *Id* p232
[174] Ranciere 2011 *op cit* p3
[175] *Ibid*
[176] *Id* p4
[177] H Arendt *The Origins of Totalitarianism* 1975 p291
[178] *Ibid*

considerations to existing societies but rather for abstract human beings.[179] Foucault's writing agrees with this statement, arguing that 'what presents itself frequently in everyday life as being natural, universal and unchangeable is in fact the product of specific social practices relative to a certain place and time' and that these constructions which are 'typically, and with powerful subtlety, [imposing] intolerant attitudes which marginalize underprivileged sectors of the population', must be exposed.[180]

If a certain region does not adhere to the Western conceptualization of human rights, then the citizens of that region have no rights.[181] Then the only way they would be able to access these rights that they assumingly have on the grounds of their existence as human beings, would be by a sort of invasion or humanitarian intervention.[182] This takes me back to Mutua's conception of the savage-victim-savior as discussed above. Arendt has explored the concept of human rights only being available to citizens (and in this case we extend this to citizens of countries who promote human rights in their Western conceptualization).[183] According to Arendt, this amounts to human rights being rights of those who have no rights or the rights of those who have rights.[184]

The discourse then needs to be changed to an inclusive one, as opposed to its current exclusive nature. We must consider that every society has its own discourse which includes the judicial discourse of that society.[185] To live in an almost colonial era where the colonisers are deaf to the voices of the colonized is retrograde.[186] If human rights truly wish to create an egalitarian society, it must do so though 'instituting a quarrel that challenges the incorporated, perceptible evidence of an inegalitarian logic. This quarrel is politics'.[187] The dissenting perspectives on human dignity and human rights can no longer be treated as the voice of a mad man or an

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[179] *Ibid*

[180] R Wicks "Foucault" in B Gaut & D McIver Lopes (ed) *Routledge Companion to Aesthetics* 2005 p199 p200

[181] J Ranciere "Who is the Subject of the Rights of Man?" *South Atlantic Quarterly* 2004 Vol 103.2/3 p297 p298

[182] *Ibid*

[183] Arendt *op cit* p295-296

[184] Ranciere 2004 *op cit* p302

[185] Foucault 2000 *op cit* p234

[186] Fanon *op cit* pxvii

[187] J Ranciere "Introducing Disagreement" *Angelaki: Journal of the Theoretical Humanities* 2004 Vol 9:3 p3 p5

animal, as just noise. It needs to be heard for the language which it is, complete with physiological and psychological aspects thereof. Currently, any voice which is not the voice of Western ideals of human rights is not being heard within the discourse. This itself is against the ideology which human rights itself presents. Has the West completely disregarded the epistemologies of other societies? Has the use of the Western languages such as English colonized the idea of human dignity? The solution is surely the decoloniality of the language of human rights.

3.5   <u>DECOLONIALITY OF LANGUAGE</u>

By the late 15th century, Europe had risen in its own perception to a superior and more progressive region than others, which to the Europeans entitled them to intervene in other regions to bring this progressive way of life to their doors.[188] This modernity which Europe was deemed to be carrying was the hidden weapon of coloniality which justified the wars and invasion which the Western world has wielded and continues to do so.[189] A recent example of this is the Washington Consensus and the Invasion of Iraq.[190] This again references the savage-victim-saviour analogy discussed above.

But I have used the term coloniality as opposed to colonialism and there is good reason for this. Where colonialism refers to a political and cultural condition, coloniality refers to a matrix of knowledge, power and being.[191] This colonial matrix is defined by Tlostanova and Mignolo as possessing the following four characteristics:[192]

- A struggle for economic control;
- A struggle for control of authority;

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[188] B Kalnacs "The Aesthetics of Literary Tranculturation: The Latvian Case" *Interliteraria* Issue 18(1) 2013 p56 p57
[189] M Tlostanova and W Mignolo "Global Coloniality and the Decolonial Option" *Kault* 6 2009 p130 p133
[190] *Id* p139
[191] N Maldonado-Torres "Decoloniality at Large: Towards a Trans-Americas and Global Transmodern Paradigm" *Transmodernity* Spring 2012 p1
[192] Tlostavona & Mignolo *op cit* p136

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- Control of the public sphere though the nuclear family, enforcing of normative sexuality and naturalization of gender roles, to name a few;
- Control of knowledge and colonising existing knowledge.

In the same way, decoloniality differs from decolonization in that decoloniality is the decolonization of knowledge and being.[193] It focuses on changing not only the content of discussions but also the terms thereof.[194] This decolonization takes place through the epistemic delinking from imperial or colonial societal structures.[195] The decoloniality movement originates from the Bandung Conference of 1955.[196] At this conference, 29 countries from Asia and Africa came together with a common vision for a future of decolonization.[197] The focus was to delink from the new epistemes such as post-modernism and Newtonian science, so that they are no longer the point of reference and epistemic legitimacy.[198] The aim of the delinking was also to delink from Western macro-narratives of democracy and socialism.[199] So decoloniality is then not only a political, but also an epistemic project.[200]

Before I discuss how decoloniality might be a possible response to the problem that this project poses, I would first like to consider briefly the method of coloniality which needs to be addressed. Two quotes that I believe aptly describe the problem are the following:

> 'Colonialism is not simply content to impose its rule upon the present and the future of a dominated country. Colonialism is not satisfied merely with holding a peole in its grip and emptying the native's brain of all form and content. By a kind of perverse logic, it turns to the past of the oppressed people, and distorts it, disfigures and destroys it.'[201]

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[193] Tlostavona & Mignolo *op cit* p131
[194] W Mignolo "Geopolitics of Sensing and Knowing: On (de)coloniality, Border Thinking and Epistemic Disobedience" *Confero* Vol 1 No 1 2013 p133
[195] Tlostavona & Mignolo *op cit* p131
[196] Mignolo 2013 p130
[197] *Ibid*
[198] *Id* p131
[199] *Ibid*
[200] W Mignolo *The Darker Side of Western Modernity: Global Futures, Decolonial Options* 2011 pxxv
[201] F Fanon "On National Culture" in R Grinker *et al* (ed) *Perspectives on Africa: A Reader in Culture, History and Representation* 2010 p484 p485

'Under the spell of neo-liberalism and the magic of the media promoting it, modernity and modernization, together with democracy, are being sold as a package trip to the promised land of happiness.'[202]

The logic behind the segregation caused by colonialism is twofold: ontological and epistemic.[203] The purpose of this was originally to discredit all languages other than Greek and Latin as inferior languages which do not form part of rational thinking but rather languages which revealed their own inferiority.[204] Through these 'superior' languages, those who perceived themselves as a superior 'same' created 'the other' by defining them in the category of *anthropos* and themselves as *humanitas*.[205] By this enunciation they created the category under which today, fall the non-European-language speaking communities.[206]

This is where we turn to decoloniality as a tool to move away from forced ethic of knowledge by one society over another because no one society can be said to hold the truth for the entire human population.[207] Decoloniality promotes that when we become a member of the speaking community as discussed above and make the unheard voices heard by revealing the truths about Western systems which impose themselves on other systems, we are already stepping forward with the decoloniality agenda.[208]

The next step is border thinking. This is the paradigm of *anthropoi* who do not aspire to be *humanitas* because both the *anthropoi* and the *humanitas* exist by the enunciation of the *humanitas*.[209] This is exactly the discussion which Fanon exposed regarding the Negro who wishes to be White by speaking in White languages, as referred to above.

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[202] W Mignolo 'Delinking: The Rhetoric of Modernity, the Logic of Coloniality and the Grammar of De-coloniality' *Cultural Studies* 2007 21:2-3 p449 p450
[203] Mignolo 2013 p133
[204] *Id* p133
[205] *Id 134*
[206] *Ibid*
[207] *Id* p457-459
[208] Mignolo 2011 *op cit* pxxi-xxii
[209] Mignolo 2013 *op cit* p137

3.6 <u>CONCLUSION</u>

The beginning and the end of the problem lies in the coloniality of the human rights system: that is the usurping of the culture of human rights by Western ideologies. The only solution to coloniality is decoloniality. This consists of a system of firstly delinking and then border thinking in a united struggle of what Mignolo has termed 'epistemic disobedience'.[210] To identify the coloniality and the absence of the superiority of one social order over another is the first step in this struggle. In this dissertation, I have sought to show that through the use of the English language (as an example of Western languages), the concept of human rights has been colonized. Other cultures and societies will very well have concepts of human rights and human dignity which will not necessarily be expressed in the same words or through the same perceptions, but this does not make them any less valid. What we need is a system which recognizes the rights of everyone to take part in the human rights discourse.

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[210] *Ibid*

CHAPTER FOUR: CONCLUSION

"We ought to treat words the way we treat nuclear energy or genetic engineering – with courage, caution, vision and precision."

– Nadine Gordimer

Let me start this conclusion by restating the problem which I have addressed in these pages: the coloniality of the language of human rights. What is meant by this phrase is simply that human rights carries a Western culture for its development through and by Western languages, predominantly English. This creates an elite and exclusionary conceptualization of human rights which is precisely the antithesis of what human rights purports to develop and implement. If human rights purports to carry the notion of democracy, then by its own definition of democracy it must acknowledge the power and privilege derived from the culture of language.[211] Anything to the contrary would be the definition of oppression.[212]

I began this dissertation with an exposition on the basic framework of the relevance and importance of language. This exposition was predominantly focused on the functions of language and the expression which emanates from the use thereof. The function of language as a tool of communication not only creates social and economic statifications, but also hierarchies of political will and power.[213] Halliday and Martin have written that 'the history of humanity is not only a history of socio-economic activity. It is also a history of semiotic activity.[214] This means we cannot simply ignore or even simplify the importance of language in the existence of mankind.

Hannah Arendt, by referring to 'action', has defined this human interaction through communication as one of the fundamental human activities which comprise the human condition.[215] According to Arendt, to live and be amongst men (*inter homines esse* as the Romans have named it), is to engage in political life by communication.[216]

According to Neville Alexander language has two converse fundamental sources: empowerment and disempowerment.[217] Empowerment describes how language can

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[211] N Alexander "Language, Class and Power in Post-Apartheid South Africa" p4 at http://www.yale.edu/macmillan/apartheid/apartheid_part1/alexander.pdf (last accessed 3 November 2014)

[212] *Ibid*

[213] Chapter 2 of this dissertation in general

[214] M Haliday & J Martin in *Writing Science: Literacy and Discursive Power* 1993 from N Alexander *op cit* p1

[215] H Arendt *The Human Condition* 1958 p7

[216] *Ibid*

[217] N Alexander *op cit* p3

be a tool by which the will and intention of the communicator can be materialized.[218] On the other hand, disempowered refers to how language can be used to impose a certain agenda which robs the 'communicatee' [own term] of their free will.[219] If language transmits culture and forms our social identities, then the abuse thereof can also rob us of these freedoms.[220]

Speaking English seems to elevate the speaker into a position of rule or power.[221] For this reason, developing countries adopt the language to gain access to this 'power'.[222] Essentially, Alexander is proposing that the reason for the use of the English language is a material one.[223] This is clearly displayed in African countries where mostly the European languages are referred to as the 'official' languages (the languages of the 'formal economy') and the African languages are the 'national' languages.[224] This creates a class hierarchy between the two and elevates the speakers of the 'official' languages to a position of power and dominance.[225] In a nutshell, I call this the coloniality of the language of human rights.

The problem is intensified by the 'globalisation' of English.[226] The notion that English (and next in line other European languages such as French or German) is the apex of culture, modernity and civilization has created the impression that English is a symbol and enactment of 'globalisation' or 'universalisation'.[227] But I contend that, as de Sousa Santos has explained, there is no universalization, as this notion itself cannot exist.[228] Any culture or practice which is deemed to be universalized, is only the widened usage of a localized practice, whereby one culture or practice localizes all others.[229]

When other languages (along with the cultures carried by them) are localized at the expense of the utilitarian usage of English, the identities and voices of those who

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[218] *Ibid*
[219] *Ibid*
[220] *Ibid*
[221] *Id* p5
[222] *Ibid*
[223] *Ibid*
[224] *Id* p6
[225] *Id* p6-8
[226] *Id* p7
[227] Chapter 3(3) of this dissertation
[228] B de Sousa Santos "Human Rights as an Emancipatory Script? Cultural and Political Conditions" in B de Sousa Santos (ed) *Another Knowledge is Possible. Beyond Northern Epistemologies* 2007 p7
[229] *Ibid*

speak these localised languages are oppressed and the people are disempowered.[230] By this oppression and disempowerment, the dignity of the people is not only being infringed but not seen or heard at all. To quote Arendt; 'their plight is not that they are not equal before the law, but that no law exists for them'.[231] This is perhaps a slightly different context to that in which Arendt used this sentence but it none the less finds relevance in this context too. The problem is not merely that the coloniality of the language of human rights is tantamount to oppression of the dignity of developing nations but that it leaves them as lawless, rightless and dignityless peoples.

As stated above, the only solution to coloniality is decoloniality. To wit, the reconceptualization of human rights through epistemologies and cultures outside the Western ones. This is achieved by recognizing the coloniality of the discourse and delinking therefrom.[232] Concurrently, we must listen to the unheard voices and develop a system which is legitimate in the eyes of non-Western cultures and to develop the concept of human rights through constant expansion; a cosmopolitan understanding of human rights.[233]

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[230] Chapter 3(4) of this dissertation
[231] H Arendt *The Origins of Totalitarianism* 1975 p295-296
[232] Mignolo *op cit* 2013 p131
[233] Chapter 3(3) of this dissertation

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