

Toward a multicultural conception of human rights*

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Summary: 1. Introduction. 2. On Globalizations. 3. Human Rights as an emancipatory script. 4. Towards a diatopical hermeneutics. 5. Difficulties of a progressive multiculturalism. 6. Conditions for a progressive multiculturalism. 6.1. From completeness to incompleteness. 6.2. From narrow to wide versions of cultures. 6.3. From unilateral to shared times. 6.4. From unilaterally imposed to mutually chosen partners and issues. 6.5. From equality or difference to equality and difference. 7. Conclusion.

1. Introduction

For the past few years I have been puzzled by the extent to which human rights have become the language of progressive politics. Indeed, for many years after the Second World War human rights were very much part and parcel of cold war politics, and were so regarded by the Left. Double standards, complacency towards friendly dictators, the defense of tradeoffs between human rights and development—all this made human rights suspect as an emancipatory script. Whether in core countries or throughout the developing world, the progressive forces preferred the language of revolution and socialism to formulate an emancipatory politics. However, with the seemingly irreversible crisis of these blueprints of emancipation, those same progressive forces find themselves today resorting to human rights to reconstitute the lan-

* Earlier versions of this paper prompted intense debates on different occasions and it would be fastidious to mention all the people from whose comments this version has so much benefited. Nevertheless, I would like to mention two crucial moments in the framing of my ideas as they stand now: the “First National Seminar on Indigenous Special Jurisdiction and Territorial Autonomy” held in the first week of March 1997 in Popayan (Colombia), organized by the Consejo Regional Indigena del Cauca (CRIC) and by the Colombian Government and attended by more than 500 indigenous leaders and activists; an unforgettable seminar at the Center for the Study of Developing Societies in New Delhi, on April 25, 2000, in which participated, among others, D.L. Sheth, Ashis Nandy, Shiv Visvanathan, Shalini Randeria, Achyut Yagnik, Gabrielle Dietrich and Nalini Nayak. Many thanks to all of them, and also to Rajeev Bhargava and Elizabeth Garcia. My special thank-you to Maria Irene Ramalho.

guage of emancipation. It is as if human rights were called upon to fill the void left by socialist politics. Can in fact the concept of human rights fill such a void? My answer is a qualified yes. Accordingly, my analytical objective here is to specify the conditions under which human rights can be put at the service of a progressive, emancipatory politics.

The specification of such conditions leads us to unravel some of the dialectical tensions that lie at the core of Western modernity¹. The crisis now affecting these tensions signals better than anything else does the problems facing Western modernity today. In my view, human rights politics at the end of the century is a key factor to understand such crisis.

I identify three such tensions. The first one occurs between social regulation and social emancipation. I have been claiming that the paradigm of modernity is based on the idea of a creative dialectical tension between social regulation and social emancipation, which can still be heard, even if but dimly, in the positivist motto of "order and progress". At the end of this century this tension has ceased to be a creative tension. Emancipation has ceased to be the other of regulation to become the double of regulation. While until the late sixties the crisis of social regulation was met by the strengthening of emancipatory politics, today we witness a double social crisis: the crisis of social regulation, symbolized by the crisis of the regulatory state and the welfare state, and the crisis of social emancipation, symbolized by the crisis of the social revolution and socialism as a paradigm of radical social transformation. Human rights politics, which has been both a regulatory and an emancipatory politics, is trapped in this double crisis, while attempting, at the same time, to overcome it.

The second dialectical tension occurs between the state and civil society. The modern state, though a minimalist state, is potentially a maximalist state, to the extent that civil society, as the other of the state, reproduces itself through laws and regulations which emanate from the state and for which there seems to be no limit, as long as the democratic rules of law making are respected. Human rights are at the core of this tension: while the first generation of human rights was designed as a struggle of civil society against the state, considered to be the sole violator of human rights, the second and third generations of human rights resort to the state as the guarantor of human rights.

Finally, the third tension occurs between the nation state and what we call globalization. The political model of Western modernity is one

¹ Elsewhere, I deal at length with the dialectical tensions in Western modernity, in SANTOS, B.: *Toward a New Common Sense. Law, Science and Politics in the Paradigmatic Transition*, Routledge, New York, 1995.

of sovereign nation states coexisting in an international system of equally sovereign states, the interstate system. The privileged unit and scale both of social regulation and social emancipation is the nation state. On the one hand, the interstate system has always been conceived of as a more or less anarchic society, run by a very soft legality; on the other, the internationalist emancipatory struggles, namely, working class internationalism, have always been more an aspiration than a reality. Today, the selective erosion of the nation state due to the intensification of globalization raises the question whether both social regulation and social emancipation are to be displaced to the global level. We have started to speak of global civil society, global governance, global equity, transnational public spheres. Worldwide recognition of human rights politics is at the forefront of this process. The tension, however, lies in the fact that in very crucial aspects human rights politics is a cultural politics. So much so that we can even think of human rights as symbolizing the return of the cultural and even of the religious at the end of the century. But to speak of culture and religion is to speak of difference, boundaries, particularity. How can human rights be both a cultural and a global politics?

My purpose here is, therefore, to develop an analytical framework to highlight and support the emancipatory potential of human rights politics in the double context of globalization, on the one hand, and cultural fragmentation and identity politics, on the other. My aim is to establish both global competence and local legitimacy for a progressive politics of human rights: human rights as both the driving force and the language of evermore inclusive local, national, and transnational public spheres².

2. On Globalizations

I shall start by specifying what I mean by globalization. Globalization is very hard to define. Most definitions focus on the economy, that is to say, on the new world economy that has emerged in the last three decades as a consequence of the globalization of the production of

² By public sphere I mean a field of social interaction and decision in which individuals, groups, and associations, through dialogic rhetoric and shared procedural rules, (1) define equivalencies as well as hierarchies among interests, claims and identities; and (2) accept that both rules and definitions be challenged overtime by previously excluded, unrecognized or silenced interests, claims, and identities of the same or other individuals, groups, and associations.

goods and services, and financial markets. This is a process through which the transnational corporations and multilateral financial institutions have risen to a new and unprecedented preeminence as international actors.

For my analytical purposes I prefer a definition of globalization that is more sensitive to the social, political, and cultural dimensions. I start from the assumption that what we usually call globalization consists of sets of social relations; as these sets of social relations change, so does globalization. There is strictly no single entity called globalization; there are, rather, globalizations, and we should use the term only in the plural. Any comprehensive concept should always be procedural, rather than substantive. On the other hand, if globalizations are bundles of social relations, the latter are bound to involve conflicts, hence, both winners and losers. More often than not, the discourse on globalization is the story of the winners as told by the winners. Actually, the victory is apparently so absolute that the defeated end up vanishing from the picture altogether.

Here is my definition of globalization: it is the process by which a given local condition or entity succeeds in extending its reach over the globe and, by doing so, develops the capacity to designate a rival social condition or entity as local.

The most important implications of this definition are the following. First, in the conditions of Western capitalist world system there is no genuine globalization. What we call globalization is always the successful globalization of a given localism. In other words, there is no global condition for which we cannot find a local root, a specific cultural embeddedness. The second implication is that globalization entails localization. In fact, we live in a world of localization, as much as we live in a world of globalization. Therefore, it would be equally correct in analytical terms if we were to define the current situation and our research topics in terms of localization, rather than globalization. The reason why we prefer the latter term is basically because hegemonic scientific discourse tends to prefer the story of the world as told by the winners. Many examples of how globalization entails localization can be given. The English language, as *lingua franca*, is one such example. Its expansion as global language has entailed the localization of other potentially global languages, namely, the French language.

Therefore, once a given process of globalization is identified, its full meaning and explanation may not be obtained without considering adjacent processes of relocalization occurring in tandem and intertwined with it. The globalization of the Hollywood star system may involve the

ethnicization of the Hindu star system produced by the once strong Hindu film industry. Similarly, the French or Italian actors of the 60's—from Brigitte Bardot to Alain Delon, from Marcello Mastroiani to Sofia Loren—who then symbolized the universal way of acting, seem today, when we see their movies again, as rather ethnic or parochially European. Between then and now, the Hollywoodesque way of acting has managed to globalize itself.

One of the transformations most commonly associated with globalization is time-space compression, that is to say, the social process by which phenomena speed up and spread out across the globe. Though apparently monolithic, this process does combine highly differentiated situations and conditions, and for that reason it cannot be analyzed independently of the power relations that account for the different forms of time and space mobility. On the one hand, there is the transnational capitalist class, really in charge of the time-space compression and capable of turning it to its advantage. On the other hand, the subordinate classes and groups, such as migrant workers and refugees, that are also doing a lot of physical moving but not at all in control of the time-space compression. Between corporate executives and immigrants and refugees, tourists represent a third mode of production of time-space compression.

There are also those who heavily contribute to globalization but who, nonetheless, remain prisoners of their local time-space. The peasants of Bolivia, Peru and Colombia, by growing coca, contribute decisively to a world drug culture, but they themselves remain as “localized” as ever. Just like the residents of Rio's favelas, who remain prisoners of the squatter settlement life, while their songs and dances are today part of a globalized musical culture. Finally and still from another perspective, global competence requires sometimes the accentuation of local specificity. Most of the tourist sites today must be highly exotic, vernacular and traditional in order to become competent enough to enter the market of global tourism.

In order to account for these asymmetries, globalization, as I have suggested, should always be referred to in the plural. In a rather loose sense, we could speak of different modes of production of globalization to account for this diversity. I distinguish four modes of production of globalization, which, I argue, give rise to four forms of globalization.

The first one I would call *globalized localism*. It consists of the process by which a given local phenomenon is successfully globalized, be it the worldwide operation of TNCs, the transformation of the English language in *lingua franca*, the globalization of American fast food or

popular music or the worldwide adoption of American intellectual property law as new *lex mercatoria*.

The second form of globalization I would call *localized globalism*. It consists of the specific impact of transnational practices and imperatives on local conditions that are thereby destructured and restructured in order to respond to transnational imperatives. Such localized globalisms include: free-trade enclaves; deforestation and massive depletion of natural resources to pay for the foreign debt; touristic use of historical treasures, religious sites or ceremonies, arts and crafts, and wildlife; ecological dumping; conversion of sustainability-oriented agriculture into export-oriented agriculture as part of the "structural adjustment"; the ethnicization of the workplace.

The international division of globalism assumes the following pattern: the core countries specialize in globalized localisms, while the choice of localized globalisms is imposed upon the peripheral countries³. The world system is a web of localized globalisms and globalized localisms.

However, the intensification of global interactions entails two other processes that are not adequately characterized either as globalized localisms or localized globalisms. The first one I would call *cosmopolitanism*. The prevalent forms of domination do not exclude the opportunity for subordinate nation-states, regions, classes or social groups and their allies to organize transnationally in defense of perceived common interests and use to their benefit the capabilities for transnational interaction created by the world system. Cosmopolitan activities involve, among others, South-South dialogues and organizations, new forms of labor internationalism, transnational networks of women's groups, indigenous peoples and human rights organizations, crossborder alternative legal services, North/South anticapitalist solidarity, transformative advocacy NGOs, networks of alternative development and sustainable environment groups, literary, artistic and scientific movements in the periphery of the world system in search of alternative, non-imperialist cultural val-

³ It has been claimed that the new global economy, based on informational capital, has eliminated the distinction between core, peripheral, and semiperipheral countries, in CASTELLS, M.: *The Rise of Network Society*, Blackwell, Oxford, 1996, pp. 92 and following. In my view, the distinction holds as well as the hierarchy it contains. More than ever it resides in the specific mix of core and peripheral activities, productions, sectors, employment systems, etc., in each country. The predominance of core traits in the mix implies that the country specializes in globalized localisms; the predominance of peripheral traits, on the contrary, brings with it the predominance of localized globalisms. The semiperipheral countries are those with an unstable balance between localized globalisms and globalized localisms.

ues, engaging in postcolonial research, subaltern studies, and so on. In spite of the heterogeneity of the organizations involved, the contestation of the World Trade Organization meeting in Seattle (November 30, 1999) was a good example of what I call cosmopolitanism⁴.

The other process that cannot be adequately described either as globalized localism or as localized globalism is the emergence of issues which, by their nature, are as global as the globe itself and which I would call, drawing loosely from international law, the *common heritage of humankind*. These are issues that only make sense as referred to the globe in its entirety: the sustainability of human life on earth, for instance, or such environmental issues as the protection of the ozone layer, the Amazon, the Antarctica, biodiversity or the deep seabed. I would also include in this category the exploration of the outer space, the moon and other planets, since the interactions of the latter with the earth are also a common heritage of humankind. All these issues refer to resources that, by their very nature, must be administered by trustees of the international community on behalf of present and future generations.

The concern with cosmopolitanism and the common heritage of humankind has known great development in the last decades; but it has also elicited powerful resistance. The common heritage of humankind in particular has been under steady attack by hegemonic countries, specially the USA. The conflicts, resistances, struggles and coalitions clustering around cosmopolitanism and the common heritage of humankind show that what we call globalization is in fact a set of arenas of cross-border struggles.

For my purpose in this paper, it is useful to distinguish between globalization from above and globalization from below, or between hegemonic and counter-hegemonic globalization. What I called *globalized*

⁴ I don't use cosmopolitanism in the conventional, modern sense. In Western modernity cosmopolitanism is associated with rootless universalism and individualism, world citizenship, negation of territorial or cultural borders or boundaries. This idea is expressed in Pitagoras' «cosmic law», in Democritus' *philallelia*, in the medieval ideal of the *res publica christiana*, in the Renaissance conception of "humanitas", in Voltaire's saying that "to be a good patriot one needs to become the enemy of the rest of the world" and, finally, in early twentieth-century labor internationalism.

For me, cosmopolitanism is the crossborder solidarity among groups that are exploited, oppressed or excluded by hegemonic globalization. Either as hiper-localized populations (e.g. the indigenous peoples of the Andean cordillera) or as hiper-transnationalized populations (e.g. indigenous peoples in Brazil, Colombia or India displaced by "development projects", illegal immigrants in Europe and North America), these groups experience a space-time compression over which they have no control.

localism and *localized globalisms* are globalizations from above; *cosmopolitanism* and the *common heritage of humankind* are globalizations from below.

3. Human Rights as an emancipatory script

The complexity of human rights is that they may be conceived either as a form of globalized localism or as a form of cosmopolitanism or, in other words, as a globalization from above or as a globalization from below. My purpose is to specify the conditions under which human rights may be conceived of as globalizations of the latter kind. In this paper I will not cover all the necessary conditions but rather only the cultural ones. My argument is that as long as human rights are conceived of as universal human rights, they will tend to operate as a globalized localism, a form of globalization from above. To be able to operate as a cosmopolitan, counter-hegemonic form of globalization human rights must be reconceptualized as multicultural. Conceived of, as they have been, as universal, human rights will always be an instrument of Samuel Huntington's "clash of civilizations", that is to say, of the struggle of the West against the rest. Their global competence will be obtained at the cost of their local legitimacy. On the contrary, progressive multiculturalism, as I understand it, is a precondition for a balanced and mutually reinforcing relationship between global competence and local legitimacy, the two attributes of a counter-hegemonic human rights politics in our time.

We know, of course, that human rights are not universal in their application. Four international regimes of human rights are consensually distinguished in the world in our time: the European, the Inter-American, the African and the Asian regime⁵. But are they universal as a cultural artifact, a kind of cultural invariant, a global culture? My answer is no. Even though all cultures tend to define ultimate values as the most widespread, only the Western culture tends to focus on universality. The question of the universality of human rights betrays the universality of what it questions by the way it questions it. In other words, the question of universality is a particular question, a Western cultural question.

The concept of human rights lies on a well-known set of presuppositions, all of which are distinctly Western, namely: there is a universal

⁵ For an extended analysis of the four regimes, and the bibliography cited there, see SANTOS, B.: *Toward a New Common Sense...*, *op. cit.*, pp. 330-337.

human nature that can be known by rational means; human nature is essentially different from and higher than the rest of reality; the individual has an absolute and irreducible dignity that must be defended against society or the state; the autonomy of the individual requires that society be organized in a nonhierarchical way, as a sum of free individuals⁶. Since all these presuppositions are clearly Western and liberal, and easily distinguishable from other conceptions of human dignity in other cultures, one might ask why the question of the universality of human rights has become so hotly debated, why, in other words, the sociological universality of this question has outgrown its philosophical universality.

If we look at the history of human rights in the post-war period, it is not difficult to conclude that human rights policies by and large have been at the service of the economic and geo-political interests of the hegemonic capitalist states. The generous and seductive discourse on human rights has allowed for unspeakable atrocities and such atrocities have been evaluated and dealt with according to revolting double standards. Writing in 1981 about the manipulation of the human rights agenda in the United States in conjunction with the mass media, Richard Falk spoke of a "politics of invisibility" and of a "politics of supervisibility"⁷. As examples of the politics of invisibility he spoke of the total blackout by the media on news about the tragic decimation of the Maubere People in East Timor (taking more than 300,000 lives) and the plight of the hundred million or so "untouchables" in India. As examples of the politics of supervisibility Falk mentioned the relish with which post-revolutionary abuses of human rights in Iran and Vietnam were reported in the United States. Actually, the same could largely be said of the European Union countries, the most poignant example being the silence that kept the genocide of the Maubere people hidden from the Europeans for a decade, thereby facilitating the ongoing smooth and thriving international trade with Indonesia.

But the Western and indeed the Western liberal mark in the dominant human rights discourse could be traced in many other instances: in the Universal Declaration of 1948, which was drafted without the participation of the majority of the peoples of the world; in the exclusive recognition of individual rights, with the only exception of the collective right to self-determination which, however, was restricted to the

⁶ PANIKKAR, R.: "Is the notion of Human Rights a Western Concept?", *Cahier*, vol. 81, pp. 28-47.

⁷ FALK, R.: *Human Rights and State Sovereignty*, Holmes and Meier Publishers, New York, 1981.

peoples subjected to European colonialism; in the priority given to civil and political rights over economic, social and cultural rights, and in the recognition of the right to property as the first and, for many years, the sole economic right.

But this is not the whole story. Throughout the world, millions of people and thousands of nongovernmental organizations have been struggling for human rights, often at great risk, in defense of oppressed social classes and groups that in many instances have been victimized by authoritarian capitalistic states. The political agendas of such struggles are usually either explicitly or implicitly anti-capitalist. A counter-hegemonic human rights discourse and practice has been developing, non-Western conceptions of human rights have been proposed, cross-cultural dialogues on human rights have been organized. The central task of emancipatory politics of our time, in this domain, consists in transforming the conceptualization and practice of human rights from a globalized localism into a cosmopolitan project.

What are the premises for such a transformation? The first premise is that it is imperative to transcend the debate on universalism and cultural relativism. The debate is an inherently false debate, whose polar concepts are both and equally detrimental to an emancipatory conception of human rights. All cultures are relative, but cultural relativism, as a philosophical posture, is wrong. All cultures aspire to ultimate concerns and values, but cultural universalism, as a philosophical posture, is wrong. Against universalism, we must propose cross-cultural dialogues on isomorphic concerns. Against relativism, we must develop cross-cultural procedural criteria to distinguish progressive politics from regressive politics, empowerment from disempowerment, emancipation from regulation. To the extent that the debate sparked by human rights might evolve into a competitive dialogue among different cultures on principles of human dignity, it is imperative that such competition induces the transnational coalitions to race to the top rather than to the bottom (what are the absolute minimum standards? The most basic human rights? The lowest common denominators?). The often voiced cautionary comment against overloading human rights politics with new, more advanced rights or with different and broader conceptions of human rights⁸, is a latter day manifestation of the reduction of the emancipatory claims of Western modernity to the low degree of emancipation made possible or tolerated by world capital-

⁸ DONELLY, J.: *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca, 1989, pp. 109-124.

ism. Low intensity human rights as the other side of low intensity democracy.

The second premise is that all cultures have conceptions of human dignity but not all of them conceive of it as human rights. It is therefore important to look for isomorphic concerns among different cultures. Different names, concepts, and *Weltanschauungen* may convey similar or mutually intelligible concerns or aspirations.

The third premise is that all cultures are incomplete and problematic in their conceptions of human dignity. The incompleteness derives from the very fact that there is a plurality of cultures. If each culture were as complete as it claims to be, there would be just one single culture. The idea of completeness is at the source of an excess of meaning that seems to plague all cultures. Incompleteness is thus best visible from the outside, from the perspective of another culture. To raise the consciousness of cultural incompleteness to its possible maximum is one of the most crucial tasks in the construction of a multicultural conception of human rights.

The fourth premise is that all cultures have different versions of human dignity, some broader than others, some with a wider circle of reciprocity than others, some more open to other cultures than others. For instance, Western modernity has unfolded into two highly divergent conceptions and practices of human rights — the liberal and the social-democratic or Marxist — one prioritizing civil and political rights, the other prioritizing social and economic rights⁹.

Finally, the fifth premise is that all cultures tend to distribute people and social groups among two competing principles of hierarchical belongingness. One operates through hierarchies among homogeneous units. The other operates through separation among unique identities and differences. The two principles do not necessarily overlap and for that reason not all equalities are identical and not all differences are unequal.

These are the premises of a cross-cultural dialogue on human dignity which may eventually lead to a *mestiza* conception of human rights, a conception that instead of resorting to false universalisms, organizes itself as a constellation of local and mutually intelligible local meanings, networks of empowering normative references.

⁹ See, for instance, POLLIS, A. and SCHWAB, P. (Eds.): *Human Rights. Cultural and Ideological Perspectives*, Praeger, New York, 1979; AN-NA'IM, A.A.: *Human Rights in Cross-Cultural Perspectives. A Quest for Consensus*, University of Pennsylvania Press, Philadelphia, 1992.

4. Towards a diatopical hermeneutics

In the case of a cross-cultural dialogue the exchange is not only between different knowledges but also between different cultures, that is to say, between different and, in a strong sense, incommensurable universes of meaning. These universes of meaning consist of constellations of strong *topoi*. These are the overarching rhetorical commonplaces of a given culture. They function as premises of argumentation, thus making possible the production and exchange of arguments. Strong *topoi* become highly vulnerable and problematic whenever “used” in a different culture¹⁰. The best that can happen to them is to be moved “down” from premises of argumentation into arguments. To understand a given culture from another culture’s *topoi* may thus prove to be very difficult, if not at all impossible. I shall therefore propose a *diatopical hermeneutics*. In the area of human rights and dignity, the mobilization of social support for the emancipatory claims they potentially contain is only achievable if such claims have been appropriated in the local cultural context. Appropriation, in this sense, cannot be obtained through cultural cannibalization. It requires cross-cultural dialogue and diatopical hermeneutics.

Diatopical hermeneutics is based on the idea that the *topoi* of an individual culture, no matter how strong they may be, are as incomplete as the culture itself. Such incompleteness is not visible from inside the culture itself, since aspiration to the totality induces taking *pars pro toto*. The objective of diatopical hermeneutics is, therefore, not to achieve completeness—that being an unachievable goal—but, on the contrary, to raise the consciousness of reciprocal incompleteness to its possible maximum by engaging in the dialogue, as it were, with one foot in one culture and the other in another. Herein lies its *dia-topical* character¹¹.

A diatopical hermeneutics can be conducted between the *topos* of human rights in Western culture and the *topos* of *dharma* in Hindu culture, and the *topos* of *umma* in Islamic culture. It may be argued that to compare or contrast a secular conception of human dignity (the Western one) with religious ones (the Islamic and the Hindu) is incor-

¹⁰ In inter-cultural exchanges one very often experiences the need to explain and justify ideas and courses of action which in one’s culture are so self-evident and commonsensical that to provide an explanation or justification for them would be strange, awkward, if not utterly foolish.

¹¹ See also PANIKKAR, R.: *op. cit.*, p. 28. Etymologically, *diatopical* evokes *place* (Gr. *topos*), *two* (Gr. *di-*), and *through* or *cross* (Gr. *dia-*).

rect or illegitimate¹². Against this argument, I have two responses. First, the secular/religious distinction is a distinctly Western one and thus what it distinguishes when applied to the Western culture is not equivalent to what it distinguishes when applied to a non-Western culture. For instance, what counts as secular in a society in which one or several non-Western cultures predominate is often considered, when viewed from inside these cultures, as a variety of the religious. The second response is that in the West secularization has never been fully accomplished. What counts as secular is the product of a consensus, at best democratically obtained, over a compromise with some religious claim. For this reason, the conceptions of secularism vary widely among the European countries. In any case, the Judeo-Christian roots of human rights — starting with the early modern natural law schools — are all too visible¹³. Under such conditions, I argue, the secular/religious distinction must be itself subjected to the diatopical hermeneutics.

According to Panikkar, *dharma* “is that which maintains, gives cohesion and thus strength to any given thing, to reality, and ultimately to the three worlds (*triloka*). Justice keeps human relations together; morality keeps oneself in harmony; law is the binding principle for human relations; religion is what maintains the universe in existence; destiny is that which links us with the future; truth is the internal cohesion of a thing ... Now a world in which the notion of Dharma is central and nearly all-pervasive is not concerned with finding the ‘right’ of one individual against another or of the individual vis-à-vis society but rather

¹² It has often been stated that Hinduism is not a well-defined, clearly identifiable religion in the sense of Christianity or Islam «but rather a loosely coordinated and somewhat amorphous conglomeration of ‘sets’ or similar formations», in HALBFASS, W.: *Tradition and Reflection. Explorations in Indian Thought*, State University of New York Press, New York, 1991, p. 51.

¹³ Ashis Nandy has been one of the most influential and consistent critics of Western secularism applied to the Indian context; he has shown how the recent revival of religious ideology in India (Hindutva and the Bharatiya Janata Party) is part and parcel of a secularized politics, in NANDY, A.: “The Politics of Secularism and the Recovery of Religious Tolerance”, *Alternatives*, Vol. XIII, 1988, pp. 177-194; NANDY, A.: “The Twilight of Certitudes: Secularism, Hindu Nationalism and Other Masks of Deculturation”, *Postcolonial Studies*, Vol. 1, no. 3, 1998, pp. 283-298. Bhargava provides a detailed and insightful analysis of the concept of secularism. He highlights the complex issues raised by the concept in the Indian context and offers a new and innovative perspective on secularism in Western societies, in BHARGAVA, R.: “Religious and Secular Identities”, in PAREKH, B. and BAKSHI, U. (Eds.): *Crisis and Change in Contemporary India*, Sage, New Delhi, 1995, pp. 317-349; BHARGAVA, R. (Ed.): *Secularism and its Critics*, Oxford University Press, New Delhi, 1998. For a discussion of secularism and the rights of religious minorities, see also CHANDHOKE, N.: *Beyond Secularism. The Rights of Religious Minorities*, Oxford University Press, New Delhi, 1999.

with assaying the dharmic (right, true, consistent) or adharmic character of a thing or an action within the entire the anthropocosmic complex of reality"¹⁴. Seen from the *topos* of *dharma*, human rights are incomplete in that they fail to establish the link between the part (the individual) and the whole (reality), or even more strongly in that they focus on what is merely derivative, on rights, rather than on the primordial imperative, the duty of individuals to find their place in the order of the entire society, and of the entire cosmos. Seen from *dharma* and, indeed from *umma* also, the Western conception of human rights is plagued by a very simplistic and mechanistic symmetry between rights and duties. It grants rights only to those from whom it can demand duties. This explains why according to Western human rights nature has no rights: because it cannot be imposed any duties. For the same reason, it is impossible to grant rights to future generations: they have no rights because they have no duties.

On the other hand, seen from the *topos* of human rights, *dharma* is also incomplete due to its strong undialectical bias in favor of the harmony of the social and religious *status quo*, thereby occulting injustices and totally neglecting the value of conflict as a way toward a richer harmony. Moreover, *dharma* is unconcerned with the principles of democratic order, with individual freedom and autonomy, and it neglects the fact that, without primordial rights, the individual is too fragile an entity to avoid being run over by whatever transcends him or her. Moreover, *dharma* tends to forget that human suffering has an irreducible individual dimension: societies don't suffer, individuals do.

At another conceptual level, the same diatopical hermeneutics can be attempted between the *topos* of human rights and the *topos* of *umma* in Islamic culture. The passages in the Qur'an in which the word *umma* occurs are so varied that its meaning cannot be rigidly defined. This much, however, seems to be certain: it always refers to ethnical, linguistic or religious bodies of people who are the objects of the divine plan of salvation. As the prophetic activity of Muham-

¹⁴ PANIKKAR, R.: *op. cit.*, p. 39. See also HALBFASS, W.: *op. cit.*; INADA, K.: "A Buddhist Response to the Nature of Human Rights", in WELCH, C. and LEARY, V. (Eds.): *Asian Perspectives on Human Rights*, Wetsview Press, Boulder, 1990, pp. 91-101; MITRA, K.: "Human Rights in Hinduism", *Journal of Ecumenical Studies*, Vol. 19, no. 3, 1982, pp. 77-84; THAPAR, R.: "The Hindu and Buddhist Traditions", *International Social Science Journal*, Vol. 18, no. 1, 1996, pp. 31-40. According to Knipe, *dharma* is "the spiritual duty in accord with cosmic law and order; perhaps the closest Sanskrit word for 'religion'", in KNIFE, D.M.: *Hinduism. Experiments in the Sacred*, Harper, San Francisco, 1991, p. 156.

mad progressed, the religious foundations of *umma* became increasingly apparent and consequently the *umma* of the Arabs was transformed into the *umma* of the Muslims. Seen from the *topos* of *umma*, the incompleteness of the individual human rights lies in the fact that on its basis alone it is impossible to ground the collective linkages and solidarities without which no society can survive, and much less flourish. Herein lies the difficulty in the Western conception of human rights to accept collective rights of social groups or peoples, be they ethnic minorities, women, or indigenous peoples. This is in fact a specific instance of a much broader difficulty: the difficulty of defining the community as an arena of concrete solidarity, and as a horizontal political obligation. Central to Rousseau, this idea of community was flushed away in the liberal dichotomy that set asunder the State and civil society.

Conversely, from the *topos* of the individual human rights, *umma* overemphasizes duties to the detriment of rights and, for that reason, is bound to condone otherwise abhorrent inequalities, such as the inequality between men and women and between Muslims and non-Muslims. As unveiled by the diatopical hermeneutics, the fundamental weakness of Western culture consists in dichotomizing too strictly between the individual and society, thus becoming vulnerable to possessive individualism, narcissism, alienation, and anomie. On the other hand, the fundamental weakness of Hindu and Islamic culture consists in that they both fail to recognize that human suffering has an irreducible individual dimension, which can only be adequately addressed in a society not hierarchically organized.

The recognition of reciprocal incompletenesses and weaknesses is a *condition-sine-qua-non* of a cross-cultural dialogue. Diatopical hermeneutics builds both on local identification of incompleteness and weakness and on its translocal intelligibility. In the area of human rights and dignity, the mobilization of social support for the emancipatory claims they potentially contain is only achievable if such claims have been appropriated in the local cultural context. Appropriation, in this sense, cannot be obtained through cultural cannibalization. It requires cross-cultural dialogue and diatopical hermeneutics. A good example of diatopical hermeneutics between Islamic and Western culture in the field of human rights is given by Abdullahi Ahmed An-na'im¹⁵.

¹⁵ AN-NA'IM, A.: *Toward Islamic Reformation*, Syracuse University Press, Syracuse, 1990; AN-NA'IM, A.: *Human Rights in Cross-Cultural Perspectives...*, *op. cit.*

There is a long-standing debate on the relationships between Islamism and human rights and the possibility of an Islamic conception of human rights¹⁶. This debate covers a wide range of positions, and its impact reaches far beyond the Islamic world. Running the risk of excessive simplification, two extreme positions can be identified in this debate. One, absolutist or fundamentalist, is held by those for whom the religious legal system of Islam, the Shari'a, must be fully applied as the law of the Islamic state. According to this position, there are irreconcilable inconsistencies between the Shari'a and the Western conception of human rights, and the Shari'a must prevail. For instance, regarding the status of non-Muslims, the Shari'a dictates the creation of a state for Muslims as the sole citizens, non-Muslims having no political rights; peace between Muslims and non-Muslims is always problematic and confrontations may be unavoidable. Concerning women, there is no question of equality; the Shari'a commands the segregation of women and, according to some more strict interpretations, even excludes them from public life altogether.

At the other extreme, there are the secularists or the modernists, who believe that Muslims should organize themselves in secular states. Islam is a religious and spiritual movement, not a political one and, as such, modern Muslim societies are free to organize their government in whatever manner they deem fit and appropriate to the circumstances. The acceptance of international human rights is a matter of political decision unencumbered by religious considerations. Just one example, among many: a Tunisian law of 1956 prohibited polygamy altogether on the grounds that it was no longer acceptable and that the Qur'anic requirement of justice among co-wives was impossible for any man, except the Prophet, to achieve in practice.

An-na'im criticizes both extreme positions. The *via per mezzo* he proposes aims at establishing a cross-cultural foundation for human

¹⁶ Besides AN-NA'IM, A.: *Toward Islamic...*, *op. cit.*, see DWYER, K.: *Arab Voices. The Human Rights Debate in the Middle East*, University of California Press, Berkeley, 1991; MAYER, A.E.: *Islam and Human Rights. Tradition and Politics*, Westview Press, Boulder, 1991; LEITES, J.: "Modernist Jurisprudence as a Vehicle for Gender Role Reform in the Islamic World", *Columbia Human Rights Law Review*, Vol. 22, 1991, pp. 251-330; AFKHAM, M. (Ed.): *Faith and Freedom. Women's Human Rights in the Muslim World*, Syracuse University Press, Syracuse, 1995; HASSAN, R.: "On Human Rights and the Qur'anic Perspective", *Journal of Ecumenic Studies*, Vol. 19, no. 3, 1982, pp. 51-65; AL FARUQUI, I.: "Islam and Human Rights", *The Islamic Quarterly*, Vol. 27, no. 1, 1983, pp. 12-30. On the broader issue of the relationship between modernity and Islamic revival, see, for instance, SHARABI, H.: "Modernity and Islamic Revival: The Critical Tasks of Arab Intellectuals", *Contention*, Vol. 2, no. 1, pp. 127-147; SHARIATI, A.: *What is to be done: The Enlightened Thinkers and an Islamic Renaissance*, The Institute for Research and Islamic Studies, Houston, 1986.

rights, identifying the areas of conflict between the Shari'a and "the standards of human rights" and seeking a reconciliation and positive relationship between the two systems. For example, the problem with historical Sahri'a is that it excludes women and non-Muslim from the application of this principle. Thus, a reform or reconstruction of the Shari'a is needed. The method proposed for such "Islamic Reformation" is based on an evolutionary approach to Islamic sources that looks into the specific historical context within which the Shari'a was created out of the original sources of Islam by the founding jurists of the eighth and ninth centuries. In the light of such a context, a restricted construction of the other was probably justified. But this is no longer so. On the contrary, in the present different context there is within Islam full justification for a more enlightened view.

Following the teachings of *Ustadh* Mahmoud, An-na'im shows that a close examination of the content of the Qur'an and Sunna reveals two levels or stages of the message of Islam, one of the earlier Mecca period and the other of the subsequent Medina stage. The earlier message of Mecca is the eternal and fundamental message of Islam and it emphasizes the inherent dignity of all human beings, regardless of gender, religious belief or race. Under the historical conditions of the seventh century (the Medina stage) this message was considered too advanced, was suspended, and its implementation postponed until appropriate circumstances would emerge in the future. The time and context, says An-na'im, are now ripe for it.

It is not for me to evaluate the specific validity of this proposal within Islamic culture. This is precisely what distinguishes diatopical hermeneutics from Orientalism. What I want to emphasize in An-na'im's approach is the attempt to transform the Western conception of human rights into a cross-cultural one that vindicates Islamic legitimacy rather than relinquishing it. In the abstract and from the outside, it is difficult to judge whether a religious or a secularist approach is more likely to succeed in an Islam-based cross-cultural dialogue on human rights. However, bearing in mind that Western human rights are the expression of a profound, albeit incomplete process of secularization which is not comparable to anything in Islamic culture, one would be inclined to suggest that, in the Muslim context, the mobilizing energy needed for a cosmopolitan project of human rights will be more easily generated within an enlightened religious framework. If so, An-na'im's approach is very promising.

In India, a similar *via permezzo* is being pursued by some human rights groups and, particularly, by untouchable social reformers. It consists in grounding the struggle of the untouchables for justice and

equality in the Hindu notions of *karma* and *dharma*, revising and re-interpreting them or even subverting them selectively in such a way as to turn them into sources of legitimacy and strength for contestations and protests. An illustration of such revisions is the increasing emphasis given to “*common dharma*” (*sadharana dharma*) in contrast with the “*specialized dharma*” (*visesa dharma*) of caste rules, rituals and duties. According to Khare, the common dharma,

based on the spiritual sameness of all creatures, traditionally promotes a shared sense of mutual care, avoidance of violence and injury, and a pursuit of fairness. It traditionally promotes activities for public welfare and attracts progressive reformers. Human rights advocates might locate here a convergent indigenous Indian impulse. The *common dharma* ethic also eminently suits untouchable social reformers¹⁷.

The “Indian impulse” of the “common dharma” provides human rights with cultural embededness and local legitimacy whereby they cease to be a globalized localism. The revision of the Hindu tradition to create an opening for human rights claims is thus another good example of diatopical hermeneutics. The outcome is a culturally hybrid claim for human dignity, a *mestiza* conception of human rights.

Diatopical hermeneutics is not a task for a single person writing within a single culture. For example, An-na'im's approach, though a true *exemplar* of diatopical hermeneutics, is conducted with uneven consistency. In my view, An-na'im accepts the idea of universal human rights too readily and acritically. Even though he subscribes to an evolutionary approach and is quite attentive to the historical context of Islamic tradition, he becomes surprisingly ahistorical and naively universalist as far as the Universal Declaration goes. Diatopical hermeneutics requires not only a different kind of knowledge, but also a different process of knowledge creation. It requires the production of a collective and participatory knowledge based on equal cognitive and emotional exchanges, a knowledge-as-emancipation rather than a knowledge-as-regulation¹⁸.

¹⁷ KHARE, R.S.: “Elusive Social Justice, Distant Human Rights: Untouchable Women's Struggles and Dilemmas in Changing India”, in ANDERSON, M. and GUHA, S. (Eds.): *Changing Concepts of Rights and Justice in South Asia*, Oxford University Press, New Delhi, 1998, pp. 198-219.

¹⁸ See SANTOS, B.: *op. cit.*, 1995, p. 25 for the distinction between these two forms of knowledge, one that progresses from chaos to order (knowledge-as-regulation), and another that progresses from colonialism to solidarity (knowledge-as-emancipation).

The diatopical hermeneutics conducted by An-na'im, from the perspective of Islamic culture, and the human rights struggles organized by Islamic feminist grassroots movements following the ideas of "Islamic Reformation" proposed by him, must be matched by a diatopical hermeneutics conducted from the perspective of other cultures and namely from the perspective of Western culture. This is probably the only way to embed in the Western culture the idea of collective rights, rights of nature and future generations, and of duties and responsibilities vis-à-vis collective entities, be they the community, the world, or even the cosmos.

5. Difficulties of a progressive multiculturalism

The diatopical hermeneutics offers a wide field of possibilities for debates going on, in the different cultural regions of the world system, on the general issues of universalism, relativism, cultural frames of social transformation, traditionalism, and cultural revival¹⁹. However, an idealistic conception of cross-cultural dialogue will easily forget that such a dialogue is only made possible by the temporary simultaneity of two or more different contemporaneities. The partners in the dialogue are only superficially contemporaneous; indeed each of them

¹⁹ For the African debate, see OLADIPO, O.: "Towards a Philosophical Study of African Culture: A Critique of Traditionalism", *Quest*, Vol. 3, no. 2, 1989, pp. 31-50; ORUKA, H.O.: "Cultural Fundamentals in Philosophy", *Quest*, Vol. 4, no. 2, 1990, pp. 21-37; WIREDU, K.: "Are There Cultural Universals?", *Quest*, Vol. 4, no. 2, 1990, pp. 5-19; WAMBA DIA WAMBA, E.: "Some Remarks on Culture, Development and Revolution in Africa", *Journal of Historical Sociology*, Vol. 4, 1991, pp. 219-235; WAMBA DIA WAMBA, E.: "Beyond Elite Politics of Democracy in Africa", *Quest*, Vol. 5, no. 1, 1991, pp. 28-42; PROCEE, H.: "Beyond Universalism and Relativism", *Quest*, Vol. 6, no. 1, 1992, pp. 45-55; RAMOSE, M.B.: "African Democratic Traditions: Oneness, Consensus and Openness", *Quest*, Vol. 6, no. 1, 1992, pp. 63-83. A sample of the rich debate in India can be found in NANDY, A.: "Cultural Frames for Social Transformation: A Credo", *Alternatives*, Vol. 12, 1987, pp. 113-123; NANDY, A.: *Traditions, Tyranny and Utopias. Essays in the Politics of Awareness*, Oxford University Press, Oxford, 1987; NANDY, A.: "The Politics of Secularism and the Recovery of Religious Tolerance", *Alternatives*, Vol. 13, 1988, pp. 177-194; CHATTERJEE, P.: "Gandhi and the Critique of Civil Society", in GUHA, R. (Ed.): *Subaltern Studies III: Writings on South Asian History and Society*, Oxford University Press, New Delhi, 1984, pp. 153-195; PANTHAM, T.: "On Modernity, Rationality and Morality: Habermas and Gandhi", *The Indian Journal of Social Science*, Vol. 1, no. 2, 1988, pp. 187-208; BHARGAVA, R. (Ed.): *op. cit.*, 1998; BHARGAVA, R.; BAGCHI, A. and SUDARSHAN, R. (Eds.): *Multiculturalism, Liberalism and Democracy*, Oxford University Press, New Delhi, 1999. A bird's-eye view of cultural differences can be found in GALTUNG, J.: "Western Civilization: Anatomy and Pathology", *Alternatives*, Vol. 7, 1981, pp. 145-169.

feels himself or herself only contemporaneous with the historical tradition of his or her respective culture. This is most likely the case when the different cultures involved in the dialogue share a past of interlocked unequal exchanges. What are the possibilities for a cross-cultural dialogue when one of the cultures *in presence* has been itself molded by massive and long lasting violations of human rights perpetrated in the name of the other culture? When cultures share such a past, the present they share at the moment of starting the dialogue is at best a *quid pro quo* and at worst a fraud. The cultural dilemma is the following: since in the past the dominant culture rendered unpronounceable some of the aspirations of the subordinate culture to human dignity, is it now possible to pronounce them in the cross-cultural dialogue without thereby further justifying and even reinforcing their unpronounceability?

Cultural imperialism and epistemicide are part of the historical trajectory of Western modernity. After centuries of unequal cultural exchanges, is equal treatment of cultures fair? Is it necessary to render some aspirations of Western culture unpronounceable in order to make room for the pronounceability of other aspirations of other cultures? Paradoxically — and contrary to hegemonic discourse — it is precisely in the field of human rights that Western culture must learn from the South²⁰, if the false universality that is attributed to human rights in the imperial context is to be converted into the new universality of cosmopolitanism in a cross-cultural dialogue. The emancipatory character of the diatopical hermeneutics is not guaranteed *a priori* and indeed multiculturalism may be the new mark of a reactionary politics. Suffice it to mention the multiculturalism of the Prime Minister of Malaysia or Chinese gerontocracy, when they speak of the “Asian conception of human rights”.

One of the most problematic presuppositions of diatopical hermeneutics is the conception of cultures as incomplete entities. It may be argued that, on the contrary, only complete cultures can enter the inter-cultural dialogue without risking being run over by and ultimately dissolved into other, more powerful cultures. A variation of this argument states that only a powerful and historically victorious culture, such as the Western culture, can grant itself the privilege of proclaiming its own incompleteness without risking dissolution. Indeed, cultural incompleteness may be, in this case, the ultimate tool of cultural he-

²⁰ Elsewhere, I deal in detail with the idea of «learning from the South», in SANTOS, B.: *Toward a New Common Sense...*, *op. cit.*, pp. 475-519.

gemony. None of the non-Western cultures are allowed today such a privilege.

This line of argumentation is particularly convincing when applied to those non-Western cultures that endured in the past the most destructive "encounters" with the Western culture. So destructive indeed were they that they led in many cases to utter cultural extinction. This is the case of indigenous peoples cultures in the Americas, Australia, New Zealand, India, etc. These cultures have been so aggressively *in-completed* by Western culture that the demand for incompleteness, as a precondition for a diatopical hermeneutics is, at least, a ludicrous exercise²¹.

The problem with this line of argumentation is that it leads, logically, to two alternative outcomes, both of them quite disturbing: cultural closure or conquest as the sole realistic alternative to inter-cultural dialogues. In a time of intensified transnational social and cultural practices, cultural closure is, at best, a pious aspiration that occults and implicitly condones chaotic and uncontrollable processes of destructuring, contamination, and hybridization. Such processes reside in unequal power relations and in unequal cultural exchanges, so much so that cultural closure becomes the other side of cultural conquest. The question is then whether cultural conquest can be replaced by inter-cultural dialogues based on mutually agreed conditions and if so on what conditions.

The dilemma of cultural completeness, as I would call it, may be formulated as follows: if a given culture considers itself complete, it sees no interest in entertaining inter-cultural dialogues; if, on the contrary, it enters such a dialogue out of a sense of its own incompleteness, it makes itself vulnerable and, ultimately, offers itself to cultural conquest. There is no easy way out of this dilemma. Bearing in mind that cultural closure is self-defeating, I don't see any other way out but raising the standards for inter-cultural dialogue to a threshold high enough to minimize the possibility of cultural conquest, but not

²¹ In this paper I concentrate on the diatopical hermeneutics between the Western culture and the «great Oriental cultures» (Hinduism and Islamism). I am aware that a diatopical hermeneutics involving the indigenous peoples' cultures raises other analytical issues and demands specific preconditions. Focusing on the indigenous peoples of Latin America, I deal with this topic in SANTOS, B.: "Pluralismo Jurídico y Jurisdicción Especial Indígena", in VARIOS AUTORES: *Del Olvido Surgimos para traer Nuevas Esperanzas. La Jurisdicción Especial Indígena*, Ministerio de Justicia y Derecho-Consejo Regional Indígena del Cauca-Ministerio del Interior, Bogotá, 1997, pp. 201-211; SANTOS, B. y GARCÍA VILLEGAS, M.: *El Caleidoscopio de Justicias en Colombia*, Unianandes y Siglo del Hombre, Bogotá, 2000.

so high as to preclude the possibility of dialogues altogether (in which case it would revert into cultural closure and, hence, into cultural conquest).

6. Conditions for a progressive multiculturalism

The conditions for a progressive multiculturalism vary widely across time and space and mainly according to the specific cultures involved and the power relations among them. However, I venture to say that the following contextual procedural orientations and transcultural imperatives must be accepted by all social groups interested in inter-cultural dialogues.

6.1. *From completeness to incompleteness*

As I said above, cultural completeness is the starting point, not the arriving point. Indeed, cultural completeness is the condition prevailing before the inter-cultural dialogue starts. The true starting point of this dialogue is a moment of discontent with one's culture, a diffuse sense that one's culture does not provide satisfying answers to some of one's queries, perplexities or expectations. This diffuse sensibility is linked to a vague knowledge of and an inarticulate curiosity about other possible cultures and their answers. The moment of discontent involves a pre-understanding of the existence and possible relevance of other cultures and translates itself in an unreflective consciousness of cultural incompleteness. The individual or collective impulse for inter-cultural dialogue and thus for diatopical hermeneutics starts from here.

Far from turning cultural incompleteness into cultural completeness, diatopical hermeneutics deepens, as it progresses, the cultural incompleteness, and transforms the vague and largely unreflective consciousness of it into a self-reflective consciousness. The objective of diatopical hermeneutics is thus to create self-reflective consciousness of cultural incompleteness. In this case, self-reflectivity means the recognition of the cultural incompleteness of one's culture as seen in the mirror of the cultural incompleteness of the other culture in the dialogue.

6.2. *From narrow to wide versions of cultures*

As I mentioned above, far from being monolithic entities, cultures comprise rich internal variety. The consciousness of such variety increases as the diatopical hermeneutics progresses. Of the different versions

of a given culture, that one must be chosen which represents the widest circle of reciprocity within that culture, the version that goes farthest in the recognition of the other. As we have seen, of two different interpretations of the Qur'an, An-na'im chooses the one with the wider circle of reciprocity, the one that involves Muslims and non-Muslims, men and women alike. In the same way and for the same reason, the untouchable social reformers emphasize "*common dharma*" to the detriment of "*specialized dharma*". I think the same must be done within Western culture as well. Of the two versions of human rights existing in our culture — the liberal and the social-democratic or marxist — the social-democratic or Marxist one must be adopted for it extends to the economic and social realms the equality that the liberal version only considers legitimate in the political realm.

6.3. *From unilateral to shared times*

The time for inter-cultural dialogue cannot be established unilaterally. Each culture and therefore the community or communities that sustain it must decide if and when they are ready for inter-cultural dialogue. Because of the fallacy of completeness, when one given culture starts feeling the need for inter-cultural dialogue it tends to believe that the other cultures feel an equal need and are equally eager to engage in dialogue. This is probably most characteristically the case of Western culture, which for centuries felt no need for mutually accepted inter-cultural dialogues. Now, as the unreflective consciousness of incompleteness sets in in the West, Western culture tends to believe that all the other cultures should or indeed must recognize their own incompleteness and be ready and eager to enter inter-cultural dialogues with the West.

If the time to enter an inter-cultural dialogue must be agreed upon by the cultures and social groups involved, the time to end it provisionally or permanently must be left to the unilateral decision of each culture and social group involved. There should be nothing irreversible about the diatopical hermeneutics. A given culture may need a pause before entering a new stage of the dialogue; or feel that the dialogue has brought it more damage than advantage and, accordingly, that it should be ended indefinitely. The reversibility of the dialogue is indeed crucial to defend the latter from perverting itself into unassumed reciprocal cultural closure or unilateral cultural conquest. The possibility of reversion is what makes the inter-cultural dialogue into an open and explicit political process. The political meaning of a unilateral decision to terminate the inter-cultural dialogue is different when the decision is

taken by a dominant culture or by a dominated culture. While in the latter case it may be an act of self-defense, in the former case it will be most probably an act of aggressive chauvinism. It is up to the politically progressive forces inside a given culture and across cultures — what I called above cosmopolitanism — to defend the emancipatory politics of diatopical hermeneutics from reactionary deviations.

6.4. *From unilaterally imposed to mutually chosen partners and issues*

No culture will possibly enter a dialogue with any other possible culture on any possible issue. The inter-cultural dialogue is always selective both in terms of partners and of issues. The requirement that both partners and issues cannot unilaterally be imposed and must rather be mutually agreed upon is probably the most demanding condition of diatopical hermeneutics. The specific historical, cultural and political process by which the otherness of a given culture becomes significant for another culture at a given point in time varies widely. But, in general, colonialism, liberation struggles, and postcolonialism have been the most decisive processes behind the emergence of significant otherness. Concerning issues, the agreement is inherently problematic not only because issues in a given culture are not easily translatable into another culture, but also because in every culture there are always non-negotiable or even unspoken about issues, taboos being a paradigmatic example. As I discussed above, diatopical hermeneutics has to focus, rather than on “same” issues, on isomorphic concerns, on common perplexities and uneasinesses from which the sense of incompleteness emerges.

6.5. *From equality or difference to equality and difference*

Probably all cultures tend to distribute people and groups according to two competing principles of hierarchical belongingness — unequal exchanges among equals, such as exploitation, and unequal recognition of difference such as racism or sexism — and thus according to competing conceptions of equality and difference. Under such circumstances, neither the recognition of equality nor the recognition of difference will suffice to found an emancipatory multicultural politics. The following transcultural imperative must thus be accepted by all partners in the dialogue if diatopical hermeneutics is to succeed: people have the right to be equal whenever difference makes them inferior, but they also have the right to be different whenever equality jeopardizes their identity.

7. Conclusion

As they are now predominantly understood, human rights are a kind of esperanto, which can hardly become the everyday language of human dignity across the globe. It is up to the diatopical hermeneutics sketched above to transform human rights into a cosmopolitan politics networking mutually intelligible and translatable native languages of emancipation. This project may sound rather utopian. But, as Sartre once said, before it is realized an idea has a strange resemblance with utopia.