

Human Rights Are Not a Western Discovery

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Who discovered human rights, not as a U.S. policy, but as a fundamental aspiration of human beings everywhere, to which all are entitled? If the challenging thrust of President Jimmy Carter's human rights policy is meeting resistance in his own country, is it perhaps because of conveniently comforting doubts about the universality of human rights—for instance, the notion that in too many places on this planet, rights have not yet been “discovered”?

I call this collection of doubts and fears the BHK syndrome, because it is suggested by three principal sources, the first two predictable—William Buckley, Jr., and William Randolph Hearst, Jr.—the third not quite expected—George F. Kennan.

The BHK syndrome would begin by dismissing the Universal Declaration of Human Rights of 1948, that inventory of the rights of man that is the total substance of democracy, as a document not quite fully understood by people from its non-Western signatories.

Buckley, with accustomed linguistic agility, warns that human rights are “a metaphysical patrimony” and that there is a tendency “to use democracy as a rough substitute for civic virtue,” both of which concepts he considers beyond comprehension by the oriental mind.

Hearst proceeds to deny that there is any “such thing as a right—in the American sense—in any oriental language, and since all that anyone can be in the view of the average person in the Orient is the role assigned to him by religion and society, there can only be duties—not ‘rights!’” This should be startling news to Indonesians, Malaysians, Urdu, Punjabi, and Persians, who use the Arabic word *hagg*, the Hindi and Bengali who have their *adhikar* and the Sanskrit *svetve*, the Thais their *Sitthi*, the Koreans their *Kooanri*, and the Filipinos their *karapatan*—all mean “rights.” The ideographic characters for the Chinese words *ren ch'uan* and the Japanese *jin ken* are identical, and they both mean human rights.

Nevertheless, Kennan in his latest book, *Clouds of Danger*, advises his fellow Americans that democracy “is not the natural state of most of mankind,” “has a narrow base in time and space,” is but “a form of government . . . which evolved in the 18th and 19th

centuries in Northwestern Europe,” and that “the evidence has yet to be produced that it is the natural form of rule for peoples outside these narrow perimeters.”

The BHK syndrome then concludes that the institutions of that “form of government” called democracy, insofar as they were found in non-Western countries, had been mere transplants through the medium of Western colonialism and were subsequently—as is the fate of some organ transplants—rejected as alien bodies by the indigenous culture. There, they would then say to U.S. policymakers, let the matter rest. It is idle, indeed dangerous, for Americans to attempt, as Kennan would put it, “to impose their own values, traditions, and habits of thought on peoples for whom these things have no validity and no usefulness.”

Here is a shallow perspective that presents democracy as mostly form. Yet democracy is, more significantly, substance. Democracy implies the evolution not of formal institutions only but of substantive rights for the protection and development of the individual. The long recorded story of this substantive evolution reached a dramatic climax in the drafting of the Universal Declaration of Human Rights, which does not deal with parliaments, supreme courts, or social security systems and other institutional forms, but with those political, social, and economic rights that contribute to the dignity of the individual person.

The BHK syndrome view is that non-Western societies were not contributors to this evolutionary process, that they traditionally made decisions or settled arguments mainly by beating each other on the head, and knew nothing of peaceful democratic consensus.

In the March, 1977, elections in India a farmer was asked who he was voting for. He replied in an original epigram perhaps marked for immortality: “Just because I am poor and maybe cannot read does not mean I do not care for human rights.” That unlettered Indian was not yearning for the return of transplanted British constitutions of which he might have understood very little. He was yearning for the return of that personal freedom and substantive democracy that were his own indigenous heritage and that Indira Gandhi had taken away, if only for two years.

The scholars Lloyd and Susan Rudolph dispute what they call “the Marxian dichotomy” between tradition and modernity, which they say stems from a “misdiagnosis of tradition and a misunderstanding of modernity.” They find the village consensus and the indigenous laws of India to have been material in the building of a nationwide democracy. Even the caste (that “most

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pervasive, and, for most students of Indian society, Marxian and non-Marxian students alike, most retrograde of India's social institutions," as the Rudolfs put it) "has not only survived the impact of British imperialism but also transformed and transvalued itself," and through the paracommunities called caste associations has shown a "capacity to organize...the mass electorate," and thus "educate its members in the methods and values of political democracy."

In sum, what is found in these original Indian traditions, developed in spite of a succession of centralized native and foreign rulers, is that which is also the soul of the democratic process, namely, respect for the dignity of the individual, absence of arbitrariness, availability of remedies against despotic rule.

Indeed, the hedge against centralized repression in both West and East was the development of customary law. Whether in Europe or in Asia, the monarch, being assured of sufficient revenues (and, sometimes, of concubines) and unable because of primitive communications to exercise absolute control over every community in the realm, permitted day-to-day decisions to be made at the village level. Thus was developed the *adat* among the Malays, the *wergeld* among Germanic tribes, and Common Law among the British.

Under the *adat*, free discussion, or *musjuwarah*, produced consensus, or *mufakat*. Land was communal property and provided a further hedge against the despot—a condition political scientists regard as elemental in the development of a democratic society. Out of this common-land power base the people drew other democratic rights and traditions: the *gotong royong*, or mutual assistance principle, the right to leave the king's realm, to protest royal regulations, and (centuries before the New England town hall) to hold a general meeting at the village green.

In the Philippines centralized despotism was not a problem until the Spaniards came. "Nothing about the early Filipinos," says the historian Horacio de la Costa, "struck the first Spanish settlers more, coming as they did from a Europe of centralized monarchies, than that they had no kings." Islam, with her sultans and kings, had not yet blanketed the northern and central island; and Spaniards found settlements called *barangays*, which were ruled by chiefs called *datus*, who were not hereditary rulers but who rose to power by consensus of the community.

Below the chief were the gentlemen, called *maharlikas*, who paid neither tax nor tribute but were bound to follow the chief to war; the commoners, called *aliping namamahay*, who were householders who gave half of their farm produce to the lord; and slaves, called *aliping saguigilir*, who served the lord in his house and could be sold. The chief could rise from any one of these estates, and his kinsmen did not necessarily rise with him. A *datu* could have a brother or even a son who was a slave, a relationship never found between the early American landowner and his slave. And the land, as in other Malay countries, was communally owned.

The Spaniards institutionalized the *datus* into *cabezas de barangay* and made the office an hereditary

instrument of the central government. The communal lands were transformed into public domain available for private titling by the *cabezas* and their families, who constituted the *principalia*, and by the friar orders. Thus in one stroke two institutions of the original democracy were destroyed—the rise of the chief by consensus and the communal character of the land, which might have provided the hedge against a central monarch.

The sea-faring Malays swept across the Indian Ocean and settled Madagascar, where the Malagasy language is still closely related to the Maanjan of Borneo thousands of miles east. There, the British anthropologist Peter J. Wilson lived among the Tsimihety tribe, which has produced the first Malagasy president, Philibert Tsirananan. The Tsimihety, writes Wilson, are "fiercely egalitarian," and "every village is a voluntary confederacy of households; each has an equal say in local affairs, exercised through the universal Malagasy institution of the *fokon'olona* (village assembly), which is presided over by the village elders."

The French tried to govern the Tsimihety by naming their village elders *chefs de village*, just as the Spaniards transformed the *datu* in the Philippines to *cabeza de barangay*. "But," Wilson notes, the Tsimihety "have found ways to avoid this structure for all practical purposes and thereby preserve their democracy" (emphasis mine).

The All-African Conference of Churches has stressed "the roots of civil and political rights in African traditions: checks and balances on the strongest ruler, power dispersion that allowed for a modicum of social justice, and values concerned with individual and collective rights."

Mexican historians underline the democratic character of the Incas and the Mayas. Yes, they practiced human sacrifice, as did the Druids in England. The refinements of political torture were as exquisite in medieval England and Spain as in early Chinese dynasties.

I am suggesting a revisionist commentary on Western colonialism: While it did bring to the Asian colonies Western democratic forms, Western colonialism may also have disturbed and even strangled the healthy development of truly indigenous Asian democratic institutions. On the other hand, those elements in early Asian society that, if left alone, may have evolved into modern indigenous institutions, did not retard, but on the contrary propelled, the development of Asian democracy in borrowed but malleable Western forms.

And so in 1973 the people of Thailand, never really quite colonized, marched a quarter of a million strong in the streets of Bangkok and toppled a dictatorship, shouting slogans of democracy that no European master ever got to preach to them.

And on the eve of their farcical elections of April, 1978, the Filipinos, not as fortunate as the Indians who had gotten their fair elections in 1977, and following a preconceived plan, swarmed into the streets of metropolitan Manila by the millions, beating on pots and pans, honking car horns, and shouting "*Laban!*" ("Fight!"),

the same rallying cry they had shouted against the Spaniards in 1896, against the Americans in 1898, against the Japanese in 1941, and were now shouting against a fellow Filipino who had stolen the personal freedom for which they had fought for centuries.

All these militant Asians were making no distinction between political and economic rights, as Buckley would cavalierly suggest they actually are doing, or should be doing if they are not. If at all, they were asserting the primacy of political rights, for, as the Nepalese patriot B. P. Koirala has insisted, "economic development starts from politics" (see *Worldview*, January-February, 1978), and, as historian Fritz Stern has just written, "the indivisibility of the French trinity (liberty, equality, and fraternity) is an important reminder" and "to think liberties can be looked upon as luxuries is a revealing error."

Millions in the Third World are weary of being told that development at the sacrifice of liberty is the most successful and speedy formula for poor nations. The facts simply do not show this.

Assuming GNP and foreign investment to be the infallible measure of progress, an assumption seriously and effectively questioned today, democratic Brazil under Juscelino Kubitschek was showing progressive growth rates as high as today's Brazilian dictatorship. The infrastructural foundation for South Korea's and Singapore's economic jump was laid during their days of constitutional democracy. Marcos's foreign investors are building factories in the Mariveles Free Trade Zone, created by the Philippine Congress before his coup.

And one might take a long, serious look at democratic India's industrial growth, which surpasses that of its neighbor China, and wonder at the same time if its still largely unrelieved and visible poverty is any worse than the hidden poverty in the regimented shadows of the People's Republic.

But a free society is susceptible to projecting the image of chaos. In 1976 George Gallup complained that the U.S. press was portraying a negative picture of America abroad. So also in 1972 was a free Philippine press reporting faithfully, perhaps often sensationally, every little instance of crime and corruption in every Philippine village, projecting the image of a swinging, free-for-all, impossible democracy. Yet the Rand Corporation had just published a study concluding that the Philippines, in spite of serious social problems, was stable politically and moving forward economically. The laboring class was beginning to deliver its impact on national institutions, and crime was rising only in the crowded metropolitan Manila area. Interpol figures confirmed that in the years 1971-72 the overall Philippine crime rate was twenty times less than that of the United States.

Yet it is not difficult in a free society to manufacture an emergency and blame it on the radicals. Hitler burned the Reichstag and blamed it on the Communists. Marcos bombed the toilet of the Constitutional Convention, where I was leader of the progressive opposition, and blamed it on the Maoists. Other toilets in the Manila area were similarly destroyed with no loss of life in the now historic "revolution by constipation."

The myth of autocratic stability dies hard, and in Southeast Asia even Peking appears to be abetting it in its avowed fear of Soviet encirclement. With this backing and that of the other members of ASEAN who do not wish to see a withdrawal of the U.S. military presence from the Philippines, Marcos has succeeded in getting the U.S. to renegotiate the bases agreement, hoping thereby to blackmail the U.S. into continuing military aid. Marcos respects the psychological significance of that military aid, which symbolizes U.S. support for his repressive dictatorship and enhances his posture of invincibility. The U.S. knows that Marcos is bluffing, that he needs those bases for both political and economic reasons. But the U.S. would rather deal with him and not rock the boat.

And so, add to the BHK syndrome the brittle sense of security that more than one major power now draws from repressive client regimes, as a forceful component in the collection of doubts and fears that plagues the American mind and deters the full implementation of President Carter's human rights policy.

There is a book by Ralph Buultjens, just published, entitled *The Decline of Democracy* (Orbis Books), which attempts to prove that democracy is on the decline everywhere in the world. But just before the book came off the press democracy had been making a comeback. In Asia, giant India had returned, Sri Lanka had remained steadfast, as had Malaysia, with its freedoms constricted by communal problems. Japan was a solid democratic power. In Latin America several countries were moving, if ever so slowly, to the democracy that Venezuela, Costa Rica, perhaps Colombia, and several small Caribbean republics had successfully retained. Last August I had the privilege of personally witnessing the inauguration of Antonio de Guzman, the new president of the Dominican Republic, where after weeks of postelection uncertainty the army, forced by combined domestic and international pressure, finally accepted the legitimate victory of the left-of-center opposition and put the country on a hopeful democratic course. The true state of black Africa would only be known after the smoke of foreign intervention had cleared. In the meantime, Botswana and Gambia had maintained themselves as democracies, and Nigeria was steadily moving toward constitutional democratic government.

It is not democracy that has declined but faith among free men in democracy for all. This is the faith that is being undermined by the Kennans, the Buckleys, and the Hearsts, by those military men whose narrow vision does not see the broad promise of security in a world of free men, by those business investors who, in their search for profits, grasp at short-term repressive stability and give up the long-term good will of people whose passion for freedom cannot in the end be denied.

Jimmy Carter may not have discovered human rights. But he has faith in them and is telling Americans that they are not a Western invention. If the men around him convince him that American security is enhanced, not contradicted, by a ring of friendly democratic peoples, then that Carter faith of today may yet be the historic and glowing vision of tomorrow.