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THE RISK OF ERODING THE FOUNDATIONS OF HUMAN RIGHTS

Declarations of human rights seem to be the compass that guides today's world. The UN *Declaration* of 1948,[1] inspired almost verbatim by the US Declaration of Independence of 1776 and the French Declaration of 1789, was followed by a number of similar documents that aimed at outlining the rights of specific groups (women, children, indigenous peoples, to name just a few); in 2000, the Charter of Fundamental Rights of the European Union declared that the protection of fundamental rights constitutes a founding principle of the EU and the indispensable prerequisite for its legitimacy. The principles listed in the six chapters of the Charter – dignity, liberty, equality, solidarity, citizenship and justice – are facing many challenges.

They never really had it easy. While facing criticism from multiple directions outside of Europe, the evolution of these principles at home threatens to dissolve their very essence. Extending the 1948 Declaration to the whole world was by no means an easy feat to begin with. Islamic countries were late signatories – Egypt only got around to it in 1969 – often claiming the incompatibility of Western values with Islamic teachings, and publishing a *Declaration of Human Rights in Islam in* 1990.[2] In 1948, a large portion of the world still lived under colonial rule; following decolonization, the United Nations tried to adapt human rights to regional contexts. Three conferences were convened: Bangkok was chosen as the meeting place for Asia, Tunis for Africa, and San José de Costa Rica for Latin America. The Bangkok

This article was written by a historian and was published in the newspaper «Domani» on 5 August 2021. It touches on a relevant question in today's zeitgeist, and is in a way related to the teaching and culture of music as well. Whilst the author does not specifically reference musical questions or phenomena, the ideological processes he discusses have an impact on the arts, and therefore on music. The article is published here both in Italian and English, in order for it to reach also a non-Italian speaking audience. We would like to thank the director and editor of «Domani» for allowing for its publication and translation. (This note and the ones that follow are by the editorial staff.)

[1] *https://www.un.org/en/about-us/universal-declaration-of-human-rights* (last access to all links of this article: 30.10.2021).

[2] *https://ww1.oic-oci.org/english/conf/fm/19/19%20icfm-political-en.htm#RESOLUTION%20NO.%2049/19-P*.

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conference that took place between March and April 1993 expressed a relativist position on civil rights according to which every country possessed special cultural models[3]. So-called "Asian values" were drawn up, vaguely inspired by the Confucian tradition, and centering around community and family as opposed to the individual. They emphasized social cohesion, consensus (as opposed to conflict), responsibilities instead of rights, order, discipline and harmony (including racial and religious). Lastly, they claimed a "right to development" that was close to the hearts of Africans in particular, and was later appropriated by the UN through a specific 1986 declaration,[4] which applied it not only to collective groups but to individuals as well, in line with the spirit of the 1948 *Declaration*.

As time went on, many claimed that what was originally described as "universal" was actually exclusively "Western"; Europe, an Indian historian wrote, had become a province of the world – a province, one might add, that was no stranger to internal tensions and conflict, since conservatives had swiftly moved against those who had fought for human rights in 1789, in an effort to protect national, religious and family values. Many indeed continue to exert the same pressures today.

It was self-evident from the get-go that the supremacy of the individual was an impossible, but perhaps historically necessary, abstraction. The masculine connotation of the "individual" in the French language was decried early on as an example of this, and since then hard-fought battles of various nature paved the way to the emancipation of women, or parity between the sexes, in a journey that is still not over. Other values, too, threatened the central role of the individual; a long history of religious differences has long existed in the Christian world, and these are part and parcel of the foundation of modern Europe, but they had by no means been resolved by the 19th century – indeed they would intensify as the European Islamic population grew. Identities based on class, nationality, language or ethnicity played a significant role as well. To protect and guarantee equal rights, we rely on institutions, which in turn act through the rule of law. Despite calls for pluralism and inclusion, in the West these institutions took the shape of nation states, built upon shared concepts of nationality. These inevitably produced both nationalistic sentiments – what today one might call "sovereignism" – as well as "minorities" who enjoy human rights.

These differences, tensions and conflicts are what animates and stirs up the human rights debate. Up until now, however, they appeared to exist along a linear dichotomy of conservation and progress; a tug-of-war between the world as it is and

[3] *https://digitallibrary.un.org/record/170675*.
[4] *https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx;*

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the world as it could be – between the present and a future of true liberation. This well-understood circuit now seems to be shorting out. I suspect that the continuous advancement of the horizon of human rights might have begun to contradict and erode its very foundations. The enhancement, ever-growing specificity, and pluralization of human rights compared to the relative simplicity of the 1789 Declaration are now eating away at its essence and at the pillars that underpin it. While rights were originally intended to be conferred to individuals without discriminating on the basis of religion, culture or ethnicity, this is exactly what seems to be happening in recent years. There are indeed many examples of nation states that were shaped by nationalist movements in the 19th century, on the basis of deep cultural identities grounded in religion or language. These broad nation-building characteristics are now often shunted in the name of sub-national or pre-national identities. From Quebec to Flanders or Catalonia, and even in Britain, where Wales and Scotland take issue with the very dynamics of their Union, nation-building processes and national belonging are not questioned, but claims are made regarding "other/different" forms of citizenship. These phenomena are in a sense breathing new life into pre-modern concepts in the midst of what is an otherwise post-modern era. The United States is an extremely peculiar example, since the country's national identity is not based on common ethnic or historical roots but on the integration of different peoples, as per the classic "melting pot" metaphor. The biggest barrier to achieving a shared sense of national belonging is not necessarily the history of indigenous populations – who were largely exterminated – nor is it the constant influx of immigrants; it is rather the integration of the African American population, which was brought to America in chains and has long suffered from serious discrimination. Slavery is at the crux of the human rights debate and threatens to undermine it. In 1963 Dr. Martin Luther King Jr. expressed a vision for true shared national belonging in a famous speech. In it, he called for emancipation through means which had already been tested by other social democracies; not merely a lack of discrimination under the law, but true equality achieved by actively removing differences in the spirit of a retributive form of social justice.

Many, however, believe that this process of integration is nothing but a deceitful and undesirable goal. The real goal, for some, is to fundamentally change the nature of the country's sense of national belonging: they see slavery as its very essence, evidenced by daily interactions between black and white people, as opposed to merely a dark stain on the pages of American history. In this spirit, proposals have been made to change the founding date of the United States from 1776 to 1619, the year in which the first slave ship landed on the shore of Virginia: the identity of the country should be rooted in slavery, not in the declaration of its founding fathers (most of whom, incidentally, owned slaves). The 1776 claim of neutrality and

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universality of human rights therefore clashes with the view of those who regard them as provincial Western values modeled on a dominant white, male, Christian, European ethnicity that acted as the arbiter of national belonging. It is undoubtedly true that such was the makeup of the ruling class in which these principles emerged.

Crucially, thus, criticism of human rights does not only manifest as an attack on the West by external actors, and it is not driven by conservatives and reactionaries, the traditional enemies of the 1789 Declaration; rather, it originates in part from the expansion of human rights themselves. As this is maximized thanks to the efforts of our civilization, some believe it should turn inward and denounce its own role in denying them in the first place. A symbolic example of this is Pope John Paul II asking for forgiveness for the sins of Christians during a 1992 visit to Gorée Island, a notorious hub of the Atlantic slave trade off the coast of Senegal.

The Christian God might indeed forgive; Christians feel guilty nonetheless. As declarations of human rights bring the history of the West to an inflexion point, the West is issuing a radical condemnation of its own history, with a universal breadth that matches its very conceptual and material reach. The maximization of human rights thus leads to applying a culture of group guilt to the entire historical process of the modern age. Since the latter manifested via relationships between Europe and the rest of the world, a simplified but fundamentally correct interpretation of history views these interactions as mainly expansion, conquest, evangelization, exploitation and submission. Consequently, a relentless tendency emerges to repudiate and renounce the past, and to place the notion of "otherness" at the forefront of the human rights debate. A document that perfectly illustrates this tendency is, among many such United Nations proclamations, the 2007 *Declaration of the Rights of Indigenous People*,[5] where "indigenous people" are never defined, and are understood to be "different" or "other" on the basis of having been victims to "historic injustices as a result of their colonization". From this stems the "right to be different". Individuals and persons, long time protagonists of the history of human rights, thus disappear, and are replaced by "indigenous people". A view of the world that might have been embraced by a Spanish Conquistador is now gaining ground again, but with a reversal of values and hierarchies.

At the same time, many are attempting to erase the widespread signs, artifacts, traces and symbols of colonial history. Iconoclastic spasms are typical of all historical transition periods, when the vestiges of the past are destroyed, and new ones are built. The excesses of certain factions within the multifaceted Islamic world, finally able to control a certain territory or create a State, as in the case of ISIS or

[5] *https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf*.

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the Taliban in Afghanistan,[6] should be broadly familiar; for the first time, they declared war to any artistic vestiges of past civilizations, including pre-Islamic ones. Large 3rd-4th century statues of the Buddha were blown to pieces in Bamiyan, Afghanistan, and ISIS is responsible for the systematic destruction of churches, sanctuaries, necropolis and other archeological sites. Western iconoclasm is different, because it turns against itself: in the case of the United States for instance, the very identity of the country was targeted in the form of criticism of the founding fathers and 1776. The history of geographical discovery is also under attack; Christopher Columbus is seen as a mass murderer and responsible for centuries of racism, as his "discovery of America" opened the way to later explorations. In Europe too, the attack against the colonial cycle of European history has led to numerous and frequent acts of "cancellation", rejection and removal that have involved all the arts and the classics. Having acknowledged that Jesus, a Middle Eastern man, has traditionally been portrayed as white, blonde and with blue eyes, the St Albans Cathedral in Hertfordshire, of the Church of England, showcased a Leonardesque last supper painting with a black Jesus; soon after, the head of the Church announced that the white Jesus statues of the Canterbury Cathedral would be revisited. Along the same lines, university students frequently demand that curriculums be "decolonized"; these demands are generally met, resulting in classic authors including Plato, Descartes or Kant being removed from reading lists. As teaching itself is censored, some have gone as far as Princeton's library, who considered no longer purchasing books on Greek and Roman history because slavery existed in those societies.

The perpetrators – the colonial invaders, for instance – are identified based on ethnicity, given that both the native populations of North America and the victims of the slave trade have different origins than Caucasians from Europe. White people are now accusing themselves of an "original sin" which is bound to be passed on through generations, not unlike how they themselves had historically considered Jewish people collectively responsible for "deicide". By the same token, this way of interpreting history would consider every single white person a priori responsible for the extermination of the North American natives or the enslavement of Africans, irrespective of their attitudes or opinions.

By ostracizing manifestations of dissenting opinions, rejecting different historical perspectives, equating the past with the present, and adopting a principle of collective responsibility that supersedes and denies the primacy of the individual,

[6] This article was written and published before the new Taliban regime in Afghanistan: the author is referring to the 1996-2001 regime.

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what is known as “cancel culture” threatens to dismantle the very foundations from which human rights came about.

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