Exploring the Cultural Dimensions of Human Rights

(contribution to the seminar ‘Traditional Spiritual and Cultural Values as Sources of Human Rights, Nankai University, Dec. 2-3, 2016)

Peter J. Peverelli (李彼德)

Academic Director China, China Research Centre, Vrije Universiteit Amsterdam

Abstract

The title of the official document of what are generally known as human rights contains the term ‘universal’, implying that they are valid in all corners of the world, regardless the differences between cultures and social practices of various regions. However, current academic models for studying regional cultures share a core concept of basic values as the drivers of human behaviour. The basic values of nations can differ in various ways, leading to different behaviour in similar circumstances. Several such differences are so essential, that they are bound to lead to different appreciations of rights and obligations. This explorative paper will re-visit the 7-dimension model of national culture of Trompenaars, concentrating on possible consequences for differences between nations in the appreciation of human rights.

Introduction

Culture often seems to be a topic of which everyone is a self-acclaimed expert, in particular people whose job involves commercial interaction with people from various nationalities. They have stories of ‘cultural differences’ as a source of interesting differences of opinion to serious conflicts. Many international business professionals are very keen to explain the salient features of the culture of Ecuadorians, Ugandans, Laotians, or whoever they regular deal with in the execution of their profession, and claim that their accumulated intercultural experience helps them avoid such conflicts, building strong intercultural relationships.

However, I often observe that those very same people can turn remarkably harsh in their opinions about social practices in the same nations that are perceived as related to (human) rights. They refer to a nation that lacks a parliament that is renewed through general elections every few years as ‘undemocratic’. When people are penalised for expressing certain ideas, they see it as a violation of ‘freedom of speech’. They believe those practices should change and be aligned more with ‘*generally* accepted international practices’.

Inspired by this striking difference in approaching cultural differences in business dealings and social practice, in this paper I would like to take a well-known model of cultural differences in business practices and see if, and if so how, this model can help understand cultural differences in other aspects of society, in particular (human) rights.

Trompenaars' 7D model

Fons Trompenaars launched his 7-dimension model of business culture in the early 1990s as an improvement of Geert Hofstede's model introduced a decade earlier. He has turned out an impressive line of studies of various aspects of international business, but the basic model as introduced in his 'Riding the Waves of Culture' (Trompenaars & Hampden-Turner, 1997) is the source of inspiration of his entire oeuvre. In this section, I will briefly introduce the model as it was launched to explain differences in business practices. I will then attempt to apply the model on human rights in the following section.

Trompenaars measures culture using 7 dimensions. Each dimension is named using its two extremes, but should not be mistaken as dichotomous. Each culture occupies a place on a dimension, calculated on the basis of questionnaires completed by business executives a certain nation. The location of a culture indicates where the people of that culture start out, their base position. However, they are, usually subconsciously, aware that others may start from other positions on the scale. Although Trompenaars' dimensions are customarily graphically represented as lines, they are in fact circles. People from a particular culture start at a certain point, but can cognitively reach other points. These intercultural skills can be improved by experience and training to help people from different cultures reconcile their differences.

Each culture thus has a profile of points on those 7 scales. People from a particular culture intending to interact with representatives of another culture can consult the most striking differences between their own culture and that of their counterparts. Dimensions on which they are relatively different are regarded as more prone to generate conflicts and therefore in need of reconciliation.

Universalism – particularism

Universalism is the perception that procedures, rules or standards can be applied in any situation whereas particularism places more emphasis on the circumstances, in particular the relationship with the interlocutor, in which the procedures, rules or standards are applied. Hence, universalism is rule-based and particularism is relationship-focused. In a universalist perception, a reliable person sticks to agreements, while in particularist setting a reliable person adepts to the situation.

Individualism – communitarianism

Many people familiar with intercultural literature will expect 'collectivism' as the other side of individualism, but Trompenaars and Hampden-Turner have opted for the term communitarianism because they look at how people felt as part of a group. In individualist cultures, a group can only function well, if all individuals can develop their full potential, while in communitarian cultures the individual can only function well a part of a group.

Specific – diffuse

A specific culture is one in which people have large public space which they are happy to allow others into yet they keep a small area of privacy aside for closer friends. A diffuse culture is one where public and private space is similar in size and people guard their space. Specific cultures, e.g., will strictly keep work and family apart ('leave work in the office'), while in diffuse cultures they are intertwined. Communication in specific cultures is unequivocal, clear and to the point, while in diffuse cultures prefer keep every argument open in communication.

Achieved status – ascribed status

An achieved status culture is based on how well someone performs whereas ascribed status is based more on the person's background, connections or what they 'do'. The CEO of a company in an achieved status culture has to prove that he is worth that position every day, while in an ascribed status culture his authority is linked to the title of CEO. Being the CEO entitles you to be treated as such. Senior managers tend be relatively older in an ascribed status culture.

Internal control – external control

People of internal control cultures, believe that man determines his own destiny. Success is based on your own effort. People from external control cultures believe that man's destiny is determined by external factors. Success is partly a matter of through luck, sometimes with the help of others.

Sequential – synchronous

Sequential people perceive processes as consisting of separate sequential steps. Synchronous cultures see processes as consisting of subprocesses that take place simultaneously. As a result, sequential people handle a matter step by step, while synchronous people seem to do everything at the same time. The former make an effort to honour appointments punctually, while the latter do so more approximately.

Affective – neutral

In neutral cultures, emotions have to be suppressed in social interaction, while in affective cultures, emotions have to be shown freely. Neutral cultures also often avoid physical contact.

Dimensions of (human) rights

In this section, I will attempt to assess the consequences of cultural differences to the perception and practice of rights and obligations, in particular but not exclusively human rights. Certainly in this initial stage of my research, I will restrict my comparison to the cultures I am most familiar with: the Dutch and Chinese.

Universalism – particularism

This is the most important dimension for this paper. The two cultures I am comparing differ greatly on this scale. Even the official name: Universal Declaration of Human Rights (UDHR), indicates that human rights in their current mainstream interpretation have been drawn up in a universalist setting. Apart from the Dutch, the English speaking nations, whose language has been used to codify the human rights, also rank among the most universalist cultures.

The name suggests that the UDHR is applicable to all people under all circumstances. This is also the most common view of Western scholars and practitioners in the field of human rights. A Western scholar with an impressive conduit in studying human rights, Jack Donelly, tries pull the discussion away from the universalist-particularist debate, by contending that the concept of human rights started in Europe as a product of the renaissance and the development of a bourgeois mercantile class that needed not so much human rights, but a codified legal system applicable to all people (Donelly, 2007). He sees this view substantiated by the confirmation of human rights, though sometimes only pro forma, by a growing number of governments.

Unfortunately, the systematic torturing of prisoners by various US government employees (military, intelligence) as part of the 'war on terror' seems to deny Donelly's view. It does, however, confirm Trompenaars' concept of the circularity of cultural dimensions. Even the extremely universalist Americans can behave particularly, when 'the situation forces us to do so'.

China has an intricate system of codified laws, as any nation. However, the application of those laws often depends on the circumstances. This can be the people involved, or environmental factors, like a current political campaign. The latter is in accordance with Confucian ideas on morality, 'law does not eradicate problems; people's behaviour can only be influenced effectively by a set of self-regulating moral mechanisms' (Faure & Fang, 2008).

A good example is the role of the person of the offender in determining the punishment for an offense. A Uyghur farmer in Xinjiang who in a private situation suggests that his home region should have a more independent status will be dealt with differently from a Uyghur professor of a national level university who advocates the same during his lectures. A teacher is regarded as an educator of future leaders in the Confucianist perception. This constructs a strong social obligation that has priority over the professor's private beliefs. He can talk about his private ideas more freely within a private setting, but during a public lecture, he is obliged to give priority to the public good. Failing to do so is regarded as a serious offense.

An interesting case of where a particularist culture seems to do better to human rights is medicine. Art. 25 of the UDHR stipulates that 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and *medical care*…' A Hungarian reports about a medical check-up in China:

> *Doctors focus more on finding the cause than treating the symptom. I can go to the hospital in the morning and in the afternoon I will exactly know what is my problem and how to treat it. Once I did a full-body check, it took around 3 hours. The throat specialist looked into my throat and told me sometimes I will feel pain because I drink too many cold drinks. Which was true. On the abdominal ultrasound they found out I have some fat in my liver because of eating too many dairy products. Which was also very true. Later for some reason I did the same thing in Hungary and the doctors said I have no problem at all. Nothing. The difference? While Hungarian doctors seek for only real existing problems, Chinese doctors see little changes in the body which can be later turn into a real health problem. Very different mind-set.* (Quora, 2016)

It probably does wrong to medical professionals in universalist cultures, but the above could be summarised as: universalist doctors have a propensity to look at symptoms, while those in particularist cultures start with the person of the patient. The latter is also in accordance with Traditional Chinese Medicine.

Individualism – communitarianism

This is another essential dimension for the topic of this paper. The UDHR's opening article already leaves no doubt that it is the product of an individualist culture. Interestingly, while the declaration contains several statements regarding individual human beings, the notion of identity is not incorporated. This is a serious omission, as serious as not taking account of the consequences of more communitarian cultures to the application of (human) rights.

In individualistic cultures, children are urged from a very young age to 'find out who they are' and develop an own identity, that separates them from others. Through all stages of life, they will feel urged to protect and defend that identity, even to the extent that doing so may harm other individuals. In more communitarian cultures, people locate their identity in the social interaction with others. This means that the personal identity changes when the people with whom one interacts change. The group identity contributes to the private identity of the group members. Individuals in China are willing to put in considerable individual effort, including sacrificing individual needs, for the greater good of the group (Browaeys & Price, 2011).

Sinkwan Cheng has written a seminal paper on the attempts of Chinese diplomat P.C. Chang to introduce Confucianist values in the UDHR (Cheng, 2015). Her argument centres around the Confucian notion of *ren* (仁), a word that is homonymous with *ren* (人) person and hence usually translated as 'humanity'. The *ren* of individuals can only be established in their relationships with others. This is reflected in the character of *ren*, which is composed of that of *ren* 'person' and *er* 'two'. In the Confucian perception, which has become a core value of Chinese culture, an individual is not human(e) outside social relationships. The Western excessive stress on individual rights directly violates that essential principle of Chinese culture. C.P. Chang fought to get at least some of that principle woven into the UDHR, but to no avail.

Fox Brindley (2010) presents a revealing study on individualism in early Chinese thinking. She shows that the right to self-cultivation is part of most schools of thought in the formative

periods of Chinese philosophy. Individuals can be '*decision-making and self-reflecting agents who find freedom in a fixed and universal truth beyond the individual*' (op. cit; 28).

> *. . . such individuals would be entitled to the fulfilment of themselves as integral members of a complicated web of traditional authorities (state, culture, society, family), cosmic powers (natural transformations of the Dao), and responsibilities (filial piety, loyalty incumbent in one's position, trustworthiness toward friends, etc.). One might imagine, for example, a type of human rights in China that is based on a concept of the moral imperative of the individual to seek spiritual cultivation qua harmony with and participation in one's larger community and natural environment. In such a scenario, the emphasis would not be on an individual's claims to something like "free speech" (in terms of the freedom to say anything you wish regardless of the response it might garner), but to "free judgment," "free thought," "free will," and even "free speech" in terms of a constant interaction between individual inputs and pre-existing moral and spiritual teachings and guidelines* (op. cit.; 188).

That definition again confirms Trompenaars' concept of the circularity of cultural dimensions, which states that both ends of a dimension are parts of all cultures and that cultures differ in their point of departure. In her postscript on human rights, Fox Brindley cites Angle (2002) who has looked the more recent history of human rights in China and states that '*one strand of the nineteenth-century Chinese discourse . . . does highlight the* quan *[powers, rights] of individuals: These are the writings that place at their centre the claim that 'every person has the* quan *of self-mastery*' (Angle, 2002; 130).

I would like to summarise this section by tentatively concluding that in a communitarian culture individuals have a duty to fulfil a set of social roles. Failing to do so will position them as outcasts. However, this does not mean that individual cannot have a definite degree of freedom in deciding in what ways they want to fulfil their social roles.

Specific – Diffuse

Northwest European cultures and those derived from it (the English speaking nations) are very specific. People socialised in those cultures tend to keep their various social identities separated. A strong example is work vs. home. Most managers prefer their subordinates to give 100% of their attention to work and leave their domestic issues at home. While they do discuss work at home, during the family dinner, it is not supposed to impose on domestic life. This is very different in diffuse cultures, where home and the office can be highly intertwined. In China, e.g., it is not uncommon that angry spouses involve the colleagues of the other side in their domestic quarrels.

There is a huge distinction in the distinction of public and private space. Those in specific cultures are outgoing and allow a lot of public space, but guard their private space even from most of their friends. People of diffuse cultures define a much larger space as private, but once when you are a friend, they will share that entire private space with you. This is relevant for the way (human) rights like privacy are treated. Exercising privacy with people who regard themselves as your friends can be regarded as odd to even offensive. Chinese liberally

share private information like salary, mortgage, their view on life, etc., with friends. Intriguing questions then are: is the government your friend, or your boss, the Party Secretary of your Neighbourhood Committee? All these people are supposed to be trusted members of your various social inclusions, so aren't they then not entitled to bet let in on all those private matters? I am not answering those questions in this explorative paper; posing them should be challenging enough.

Achieved status – Ascribed status

Achieved status cultures, like those that dominated the formulation of the UDHR, stress that people in influential positions need to prove themselves worth of that position constantly, primarily through their behaviour. You may be the manager of 30 subordinates, but if the latter do not perceive you as a proper manager, you will have a hard time executing your job. In ascribed status cultures, the manager will be treated as such because of the title. This does not mean that ill functioning managers are tolerated, but subordinates are not supposed to directly challenge their position.

The same applies to public leaders of various levels, and the higher the position in the hierarchy, the more circumspect one is supposed to be in expressing criticism to their performance. Criticism is allowed, but is usually regulated through detailed rituals. In Chinese culture, where ascribed status is paired with diffuse, criticism has to be packed in carefully chosen words and phrases. To Western observers, socialised in a specific achieved status culture, it seems as if no one dares to challenge a leader in China, but Chinese leaders recognise such linguistic signals as culturally correct but serious criticism and will react to them. The recent problems around two young 'rebel' politicians elected into Hong Kong's Legco are a good example of misinterpreted achieved status. While the Western press is mostly praising them for standing up against the government, they are still a peripheral movement trying to break generally accepted practice; in vain, as culture is a power that cannot be swept away so easily. If only they would have taken part in the swearing ritual as required, they would have been able to make a difference from that peripheral position within the accepted context of the Legco. Now, as a result of their misinterpretation of their own culture, they are barred from the Legco.

'Freedom of speech' is already mentioned in the Preamble of the UDHR. It is never absolutely free, as it will always be restricted by norms of proper behaviour, but a considerable part of the lack of freedom of speech that is often pointed out by Western critics regarding countries like China is based on a lack of insight in the way criticism is culturally packed in those countries.

Internal control – external control

The culture in which the UDHR was conceived recognises a strong internal control. This is reflected in the many remarks confirming the right to self-determination. People from external control cultures, who believe that much of what they experience in life is determined by external forces, will not feel happy by the exclusion of those forces. An external force Chinese always have longed for is a 'good emperor'. This expression can still be heard

regularly in all walks of life. As long as there is a good emperor (read: president, leader, manager, etc.) in charge of you, your life will be stable and your future bright. In political terms, such a good emperor is the Chinese equivalent of a representative government.

One way to make your leaders at various levels good emperors is to please them by praising, giving gifts and favours, help them solve personal problems with your proprietary skills, etc. Business and other organizations need to engage in lobbying to gain land leases, building permits, or business licenses (Kennedy, 2005). This makes external control cultures prone to corruption and anti-corruption mechanisms need to be built in the administrative practice in such regions. However, observers from internal control cultures also need to be wary of criticising all pleasing of higher powers as 'corruption' (Sun, 2004).

A system of representation has been put in place after the establishment of the PRC. However, this should not be judged in terms of Western-style checks and balances. Instead, it is more like an institution that judges to what extent the current emperor, and lower level administrators qualify as such. The Party has a task in supervising the functioning of the administration (and all other segments of society). That function had been compromised significantly by ever increasing corruption, but has been taken on vigorously by the current government, even occasionally meting out severe penalties. The positive reaction to that fight against corruption among broad sectors of the population prove that external control is still a strong cultural driver of the Chinese.

In this dimension as well, we can observe an interesting move towards the other side in the US. After Donald Trump's election as president and even during the campaigns, US politicians and media regularly accused WikiLeaks and even the Russian government of actively meddling in the sensemaking about Hillary Clinton by leaking official emails that she had sent through ill protected private servers. An interesting analysis by a CNN journalist of the various reasons for Trump's victory mentioned in the media found 24, most of them external factors (CNN, 2016). Apparently, many staunch believers in Clinton find the defeat so hard to digest, that they move away from their own strong internal control value.

Sequential – synchronous/Affective – neutral

These two dimensions seem to be less influential in cross-cultural human rights issues.

Conclusions

Conclusions may be an inappropriate term for an exploratory paper like this. In this section, I will formulate a number of propositions for altering the (application of) the UDHR to fit them better into different cultural practices.

I do not propose to change the existing set of rights into another, but to add a cultural procedure to the applications of the various statically defined rights. That procedure should first determine the cultural values of a region and the social practices derived from them.

Then one can determine how the various basic rights can be implemented optimally, while keeping the local values and practices intact.

Proposition 1a

The UDHR is rooted in universalist culture. While human rights are in essence regarded as applicable to all people in all circumstances, in particularist cultures their application can be affected by factors related to the time, place or people involved in a particular case.

Proposition 1b

Universalist cultures could improve medical care and other social services from similar practices in particularist cultures.

Proposition 2

The UDHR is rooted in individualist culture. In communitarian cultures, human rights linked to individual freedoms and identity can be defined within a collective set of prescribed social roles in a superimposed conceptual framework.

Proposition 3

The UDHR is rooted in specific culture. In diffuse cultures, privacy, private property and individual rights cannot be defined and thus protected in the same way as in specific cultures.

Proposition 4

The UDHR is rooted in achieved status culture. In ascribed status cultures, people in a higher position in a hierarchy will have more rights due to that position than those lower in the same hierarchy. Those in lower positions can still exercise influence through generally recognised rituals.

Proposition 5

The UDHR is rooted in internal control culture. In external control cultures, people will tend to protect their rights by trying to create and maintain a sufficient level of positive external forces.

Proposition 6

The UDHR should be enlarged with a clause stating that ‘all peoples have the right to their own culture in which the various rights defined in the UDHR can be applied in accordance with the own cultural values’.

References

Angle, S. (2002). *Human Rights in Chinese Thought: A Cross-Cultural Inquiry*. Cambridge: Cambridge University Press.

Browaeys, M.-J. & Price, R. (2011). *Understanding cross-cultural management*, 2nd ed. Edinburgh: Pearson Educated Limited.

Cheng, S. (2015). Translation, Power Hierarchy, and the Globalization of the Concept "Human Rights": Potential Contributions from Confucianism Missed by the UDHR; in: *The Age of Human Rights Journal*, 4 (June 2015) pp. 1-33.

CNN (2016). *How did Trump win? Here are 24 theories*. (http://edition.cnn.com/2016/11/10/politics/why-donald-trump-won/index.html; accessed: 11/11/2016).

Donelly, J. (2007). The Relative Universality of Human Rights; in *Human Rights Quarterly* 29(2): 281-306.

Faure, G. O. & Fang, T. (2008). Changing Chinese values: Keeping up with paradoxes. *International Business Review*, vol. 17 (pp. 194-207).

Fox Brindley, E. (2010). *Individualism in Early China – Human Agency and the Self in Thought and Politics*. Honolulu: University of Hawai'i Press.

Kennedy, S. (2005). *The Business of Lobbying in China. Cambridge*, Ma.: Harvard University Press.

Quora (2016). *Why is it that people are saying China is a good place to live in? Millions of people have been migrating from China to other countries*. (https://www.quora.com/Why-is-it-that-people-are-saying-China-is-a-good-place-to-live-in-Millions-of-people-have-been-migrating-from-China-to-other-countries; accessed: 10/11/2016).

Sun, Y. (2004). *Corruption and Market in Contemporary China*. Ithaca & London: Cornell University Press.

Trompenaars, F. & Hampden-Turner, Ch. (1997). *Riding the waves of culture: Understanding cultural diversity in business*, 2nd ed. London: Nicholas Brealey Publishing.