

# THE DEVELOPMENT OF A WESTERN-CENTRIC NOTION OF MODERNITY AND THE INCLUSIVE RECONSTRUCTION THEREOF ACCORDING TO THE TWAIL PRINCIPLES

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## Abstract

*Modernity significantly influences global action regarding social, political, and economic justice and liberation. Because of this, its flawed origins cannot simply be ignored. This article explains the development and current conception of economic, social and political modernity and shows how non-Western thought is excluded from these spheres. The article focuses on problematising the recent construction of modernity by showing how modernity is founded on Western ideals. Additionally, this article tracks the spread and universalisation of modernity by cruel and illegitimate means like colonialism and the othering of indigenous peoples. All these form the basis for an arguments that there must be a substantial reconstruction of the concept of modernity, and TWAIL's relationship with international law is offered as inspiration for such a reconstruction.*

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# 1 Introduction

In its simplest form, the concept of modernity is closely related to contemporariness and can be defined as ‘a modern way of thinking’.<sup>1</sup> Though this definition is a starting point, the concept of modernity explored in this article is more extensive and nuanced. There is a lack of convergence amongst scholars on how best to frame modernity because it has been broached in various fields and from various perspectives.<sup>2</sup> Modernity spans most areas of life and knowledge,<sup>3</sup> including but not limited to science, art, politics, and technology.<sup>3</sup> This article will focus on modernity as it pertains to political, social and cultural thought. It will situate modernity as a post-traditional, post-medieval period characterised by social justice, liberal democracy and supposed rational thinking, which collectively profess to represent a civilised modern order.<sup>4</sup>

The idea of modernity is generally thought to carry the positive connotations of evolution and development. While, in some respects, this may be the case, society’s transition into its ‘modern’ system is not without a cost and does not always benefit everyone uniformly. It can be argued that many of the political and social issues and exclusions faced by oppressed peoples find their roots in the concept of modernity and how it is presently defined.

The prime concern of the article will be around modernity’s interaction with the law and how inclusive and transformative legal thought can aid the reconstruction, and reform, of modernity. This reform could help achieve the justice and equity that many nations and societies are fighting for. This paper provides a critique that is integral to the concept of modernity, as seen in the work of Octavio Paz. Paz asserts that criticism is a ‘characteristic feature of modernity’.<sup>5</sup> He also encourages a thought process where ‘what is new is set over and against what is old, and this constant contrast constitutes the continuity of tradition’.<sup>6</sup>

This article aims to show how the current notion of modernity is inherently Western-centric and has, through various measures, actively excluded non-Western peoples and schools of thought. I do this by tracing the historical development of the notion of political,

1 D Sheldon ‘What are the features of modernity and their role in fundamentalism?’ <https://www.enotes.com/homework-help/what-features-modernity-role-fundamentalism-538895> (accessed 30 August 2022).

2 AHR Roundtable ‘Historians and the question of modernity’ (2011) 116 *The American Historical Review* at 631.

3 M Berman *All that is solid melts into air: The experience of modernity* (1982) at 10-15.

4 LS Lushaba ‘Development as modernity, modernity as development’ (2006) 69 *ASC Working Paper* at 16.

5 O Paz *Alternating current* (2011) at 18.

6 Paz (n 5) 20.

economic, social and cultural modernity. Due to the exceptional universalising power of modernity, there is merit in analysing and comparing modernity to international law. The article will do this by putting forth the law and, more specifically, the ideologies held by the Third-World Approaches to International Law (TWAIL). TWAIL is of value in this context for its problematisation of international law. I endeavour to problematise modernity in a similar way.

## 2 The history of the current construction of modernity

The current Western-centric conception of modernity is historically constructed. In order to provide a thorough and well-informed critique of this Western-centric conception of modernity, it is important to first provide a brief background highlighting key historical developments informing the Western idea of modernity. The modern age can be split into two parts, namely: the early and late modern periods. The early modern period began with Gutenberg's invention of the movable type printing press in the late 15th century.<sup>7</sup> This invention was the catalyst for rising literacy rates, educational reform, and the increased spread of knowledge in the Western world. The early modern period also saw advancements in transportation.<sup>8</sup> Politics became more secularised, capitalism became more widespread,<sup>9</sup> and there was a weakening of feudalism and the church, leading to nation-states growing more powerful.<sup>10</sup> The enlightenment era also unfolded during the early modern period and demonstrated a new favour towards the ideals of reason and rationalism. It also expressed faith in scientific inquiry, which slowly began to replace the previously dominant authority of the monarchy and the church.

The industrial revolution took place during the late modern period. First, there was the revolution in England around 1750, which was followed by the American revolution in 1776 and the French revolution in 1789. All these revolutions indicated that the Western world was changing politically, economically, socially, and culturally.<sup>11</sup> Once the power to dictate what was 'true' was no longer in the hands of authorities like the king and the church, individuals had a new thirst for knowledge. They aimed to examine and interact with the world according to their own understanding.<sup>12</sup>

7 'How did we get here? The evolution of culture' [https://saylordotorg.github.io/text\\_understanding-media-and-culture-an-introduction-to-mass-communication/s04-03-how-did-we-get-here-the-evolut.html](https://saylordotorg.github.io/text_understanding-media-and-culture-an-introduction-to-mass-communication/s04-03-how-did-we-get-here-the-evolut.html) (accessed on 22 November 2021).

8 JP Rodrigue *The geography of transport systems* (2020) at 4.

9 'How did we get here? The evolution of culture' (n 7).

10 'The formation of modern nation states' <https://study.com/academy/lesson/the-formation-of-modern-nation-states.html> (accessed on 22 November 2021).

11 'How did we get here? The evolution of culture' (n 7).

12 As above.

## 2.1 Political modernity

Modernity's earliest political roots can be traced back to the initial rejection of medieval and Aristotelian styles of analysing politics by Niccolò Machiavelli.<sup>13</sup> He rejected the method of politics that compared ideas about how things should be and favoured a realistic analysis of how things were. Machiavelli also suggested that politics aimed to control one's chance or fortune and that relying upon providence eventually leads to evil.<sup>14</sup> Machiavelli's ideas of realism would inspire succeeding politicians and philosophers who theorised and advocated for many principles that still underpin the political structures of modern nations.<sup>15</sup>

Political ideology has developed and evolved drastically since Machiavelli's initial rebellion. However, the call to abolish totalitarianism was a common theme throughout Western history.<sup>16</sup> Under modernity, there was growing preference for a liberal democratic order and the renunciation of monarchies to create sovereign republics.<sup>17</sup> It can be concluded that political modernity can be described as a state committed to individual and collective self-determination.<sup>18</sup> This also includes personal freedom and democracy.<sup>19</sup> These thoughts may have begun in the Western world but have spread across the globe. Many nations still consider the ideals of liberty and democracy to be characteristic of modernity, and therefore, the ultimate goal to strive towards.<sup>20</sup>

## 2.2 Economic modernity

Economic freedom is central to modernity.<sup>21</sup> Modernity is inextricably linked to the economic system of capitalism.<sup>22</sup> Capitalism can be

13 L Strauss 'Niccolò Machiavelli' in L Strauss & J Cropsey (eds) *In history of political philosophy* (1987) at 296-317.

14 As above.

15 P Rahe 'Machiavelli's liberal republican legacy' (2006) *Cambridge University Press* xxvi.

16 C Hayes 'The novelty of totalitarianism in the history of western civilization' (1940) 82 *Proceedings of the American Philosophical Society* at 91.

17 D Scott 'The aftermaths of sovereignty: Postcolonial criticism and the claims of political modernity' (1996) 48 *Social Text* 17.

18 G Rosich & P Wagner 'Introduction: Re-interpreting political modernity for our time' in G Rosich & P Wagner (eds) *The trouble with democracy: political modernity in the twenty-first century* (2016) at 3.

19 As above.

20 P Wagner 'Liberty and discipline: Making sense of postmodernity, or, once again, toward a sociohistorical understanding of modernity' (1992) 21 *Theory and Society* at 477.

21 'Economic modernity in the XXIst century: Markets, solidarity, democracy' <http://www.ub.edu/cecups/en/events/economic-modernity-xxist-century-markets-solidarity-democracy> (accessed on 23 November 2021).

22 R Inglehart & W Baker 'Modernization, cultural change, and the persistence of traditional values' (2000) 65 *American Sociological Review* at 22.

traced back to the emergence of agrarian capitalism and mercantilism in the early Renaissance.<sup>23</sup> It was a response to the fall of feudalism. Feudalism was the dominant mode of economic relations in medieval society.<sup>24</sup> Capitalism divides society into classes: the bourgeoisie or wealthy ruling class and the proletariat, or the poor working class.<sup>25</sup> Within these two classes, the central economic concerns are private ownership of the means of production and their operation for profit.<sup>26</sup> Capitalism includes capital accumulation, competitive markets, a price system, private property and the recognition of property rights, voluntary exchange and wage labour.<sup>27</sup> Significantly, capitalism also facilitated the emergence of urban manufacturing, which is another fundamental aspect of economic modernity.<sup>28</sup>

To conclude, a society can be deemed modern if economic actions and exchange is pursued according to the individual intentions and capacities of economic actors, and not according to a set of strict rules.<sup>29</sup> This echoes the attitude articulated in the description of political modernity. This is where there is a more significant concern for the individual and their wishes and excellent support for individual autonomy<sup>30</sup> and subjectivity.<sup>31</sup>

### 2.3 Social and cultural modernity

It is difficult to define social and cultural modernity concisely. The thoughts around what is socially and culturally acceptable are constantly evolving with the views and values of societies.<sup>32</sup> The societies of Western Europe have been cited as the historical origin of social and cultural modernity. This is because they developed from

23 'Cradle of Capitalism' [https://www.economist.com/books-and-arts/2009/04/16/](https://www.economist.com/books-and-arts/2009/04/16/cradle-of-capitalism) cradle-of-capitalism (accessed on 29 August 2022).

24 'Feudalism' <https://courses.lumenlearning.com/atd-herkimer-westerncivilization/chapter/feudalism/> (accessed on 29 August 2022).

25 E Andrew 'Class in itself and class against capital: Karl Marx and his classifiers' (1983) 16 *Canadian Journal of Political Science* at 584.

26 'Cradle of capitalism' [https://www.economist.com/books-and-arts/2009/04/16/](https://www.economist.com/books-and-arts/2009/04/16/cradle-of-capitalism) cradle-of-capitalism (Accessed on 23 November 2021).

27 'Capitalism' <https://policycommons.net/topics/capitalism/> (accessed on 27 January 2023).

28 G Fields 'City systems, urban history, and economic modernity. Urbanization and the transition from agrarian to industrial society' (1999) 13 *Berkeley Planning Journal* at 123.

29 'Economic modernity in the XXIst century: Markets, solidarity, democracy' <http://www.ub.edu/cecupa/en/events/economic-modernity-xxist-century-markets-solidarity-democracy> (accessed on 23 November 2021).

30 S Benhabib 'Autonomy, modernity, and community: Communitarianism and critical theory in dialogue' in A Honneth & T McCarthy (eds) *Cultural-political interventions in the unfinished project of enlightenment* at 41.

31 D Sayer *Capitalism and modernity. An excursus on Marx and Weber* (1991) at 9.

32 'Introduction to culture' <https://opentextbc.ca/introductiontosociology/chapter/chapter3-culture/> (accessed on 23 November 2021).

the medieval base, which emerged after the Roman Empire's decline.<sup>33</sup>

Social and cultural modernity are often a product of the changes brought on by political and economic modernity.<sup>34</sup> The increased access to information and resources has the effect of opening up the minds of individuals to various social and cultural possibilities.<sup>35</sup> Examples include the ever-changing views on sexuality, gender roles and race relations.<sup>36</sup> The most effective way to summarise social and cultural modernity is; the commitment of a society or cultural group to self-renewal and transformation.<sup>37</sup>

## 2.4 The common thread

The brief history of modernity pertains to the different sectors of life and knowledge and concludes that there are three defining characteristics of societies that embody modernity. These are political systems based on personal freedom and democracy, economic policies in line with capitalism, and cultural and social systems in a constant state of liberal progression and evolution. Logically, this means that societies that did not hold and embody the ideals and characteristics mentioned above as prescribed by the Western world, could not be considered modern.

In the present day, these factors still seem to constitute the requirements for what we consider to be modernity. The critique of this paper in these requirements is that they are significantly narrow and biased as they only cater to the history and developments that took place in the Western world. It completely ignores many crucial innovations, thoughts and ideologies that were simultaneously produced in non-Western nations. This leads to the assertion that the definition of modernity in the introduction is problematic and may directly hinder struggles for justice and wide-scale equity for non-Western nations.<sup>38</sup>

33 A Mouzakitis 'Modernity and the idea of progress' (2017) *Frontiers in Sociology* at 5.

34 'Reading: Social change and modernization' <https://courses.lumenlearning.com/alamo-sociology/chapter/reading-social-change/> (accessed on 23 November 2021).

35 M Combi 'Cultures and technology: An analysis of some of the changes in progress – digital, global and local culture' in K Jan Borowiecki & N Forbes (eds) *Cultural Heritage in a Changing World* at 6.

36 'Human sexuality and culture' <https://courses.lumenlearning.com/boundless-psychology/chapter/sexuality/> (accessed on 23 November 2021).

37 G Delanty *Social theory in a changing world: Conceptions of modernity* (1999) at 3.

38 D Linehan 'Modernity' <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/modernity> (accessed on 24 November 2021).

### 3 The exclusionary features of modernity

The first section of this essay provides the historical background and definitions for various aspects of modernity. What is evident in this summary is its Western-centric origins. When setting the parameters for modernity, the focus consistently seems to be on what the thoughts, revolutions and cultures in the Western-first world were, and currently are. There is then an explicit exclusion of non-Western thought. This paper argues that this exclusion needs to be corrected to achieve justice, equity and representation. To provide solutions and have an inclusive reconstruction of modernity requires an understanding of the methods initially used to create this exclusion.<sup>39</sup>

#### 3.1 Colonialism and ‘othering’

This article asserts that colonialism is arguably the most significant and pervasive measure employed by the Western world to exclude non-Western societies from the present construction of modernity. Colonialism refers to the combination of territorial, juridical, cultural, linguistic, political, mental, and economic domination of one group of people or groups of people by another external group of people.<sup>40</sup> The Western colonial era began around 1500, following the European ‘discoveries’ of North America and a sea route around Africa’s southern coast.<sup>41</sup> By ‘discovery’, exploration, conquest, and settlement, these nations expanded and colonised large parts of the world, spreading European institutions and culture.<sup>42</sup>

Colonialism consists of various organised crimes of devastating proportions and is responsible for the persisting oppression of many indigenous peoples.<sup>43</sup> For a country to be prosperous in its colonial endeavours, there must be a pervasive psychological element of social and cultural supremacy over a conquered society. This is based on an ethnocentric belief that the morals and values of the coloniser are superior to those of the colonised. Colonisers successfully promoted their ‘superior’ societies through a process of ‘othering’, which explains the exclusionary nature of modernity.<sup>44</sup>

39 M Nielsen & L Robyn *Colonialism is crime* (2019) at 1.

40 A Murrey ‘European colonialism(s)’ <https://www.sciencedirect.com/topics/social-sciences/colonialism> (accessed on 24 November 2021).

41 H Magdoff et al *Western colonialism* (2020) <https://www.britannica.com/topic/Western-colonialism> (accessed on 29 August 2022).

42 C Nowell ‘Western colonialism’ *Encyclopedia Britannica* <https://www.britannica.com/topic/Western-colonialism> (accessed on 24 November 2021).

43 Nielsen & Robyn (n 39) 1.

44 ‘Colonial discourse of otherness: Stereotyping and fetishism’ [https://www.brown.edu/Departments/Joukowsky\\_Institute/courses/materialworlds/1857.html](https://www.brown.edu/Departments/Joukowsky_Institute/courses/materialworlds/1857.html) (accessed on 24 November 2021).

Othering is a broad term that refers to a set of dynamics, processes, and structures that engender marginality and inequality based on different group identities.<sup>45</sup> Otherness is, therefore, central to creating majority and minority identities.<sup>46</sup> It first calls for categorising groups of people according to perceived differences. Secondly, it identifies one of these groups as inferior and isolates them by adopting an ‘us vs them’ mentality.<sup>47</sup> Othering a group of people negates their existence and intrinsic human value.<sup>48</sup> This makes them easier to dominate<sup>49</sup> and disregard their ideals and practices.

Throughout the history of colonisation, the indigenous people were actively othered with violence and brutally. Their othering was also passive by way of indoctrination and the gradual degradation of indigenous cultures. In the creation and construction of modernity, this othering by a dominant group of Western descent produced an environment in which it was acceptable to ignore non-Western thought. This is because non-Western people were not seen as human beings, and therefore, having nothing of value to contribute.<sup>50</sup>

Apart from the process of othering, colonialism also contributed to modernity’s exclusionary nature by assigning state sovereignty and juridical control over the conquered lands to the coloniser.<sup>51</sup> As a result, many self-governing and independent areas and groups were entirely controlled by Western nations. By taking away the conquered peoples’ sovereignty, they could no longer be considered autonomous, which, as explained above, is one of the essential characteristics of political modernity.<sup>52</sup>

To conclude this section, modernity travelled and was universalised worldwide in a non-consensual, forceful and violent manner that rejects any other construction of being and, through various means, purposefully and blatantly excludes non-Western peoples and schools of thought.

45 J Powell & S Menendian ‘The problem of othering: Towards inclusiveness and belonging’ <https://www.otheringandbelonging.org/the-problem-of-othering/> (accessed on 24 November 2021).

46 Z Zevallos ‘What is otherness?’ <https://othersociologist.com/otherness-resources/> (accessed on 24 November 2021).

47 ‘The process of othering.’ <https://museeholocauste.ca/en/resources-training/the-process-of-othering> (accessed on 24 November 2021).

48 M Davies ‘Exclusion and the identity of law’ (2005) 5 *Macquarie Law Journal* at 6.

49 A Jones & DL Manda ‘Violence and “othering” in colonial and postcolonial Africa. Case study: Banda’s Malaŵi’ (2006) 18 *Journal of African Cultural Studies* 1 at 98.

50 S Ocheni & B Nwankwo ‘Analysis of colonialism and its impact in Africa’ (2012) 8 *Cross-Cultural Communication* at 46-54.

51 ‘Settler colonialism’ <https://globalsocialtheory.org/concepts/settler-colonialism/> (accessed on 24 November 2021).

52 P Wagner & D Casassas ‘Modernity and capitalism: Conceptual retrieval and comparative-historical analyses’ (2016) 19 *European Journal of Social Theory* at 4.

## 4 TWAIL as a reference for the reconstruction of modernity

To suggest that the world is going through its second era of enlightenment would not be a farfetched claim. The past 50 years have seen not only individuals but entire nations and organisations becoming more aware of the severe flaws in our current conceptions of justice and equity. This heightened awareness has motivated actions to address the numerous inequalities and exclusions in society, politics, and the economy.<sup>53</sup>

Because modernity informs the current state of social, political, and economic life and knowledge,<sup>54</sup> reforming these areas would be futile without challenging the inherently Western-centric foundations of modernity. This is where the post-modernist movement becomes relevant. Postmodernism is an intellectual stance and mode of discourse that expresses an attitude of scepticism towards the current grand narratives of modernism.<sup>55</sup> The views expressed in this paper affirms post-modernist thought. It has done so by showing how Western intellectual and cultural norms and values are, to an important extent, a product of a dominant or elite group's ideology which (directly and indirectly) serve their interests.<sup>56</sup>

The current construction of modernity has a considerable sense of universality. This universality warrants understanding modernity in terms of, and in comparison to, international law.<sup>57</sup> The solutions for its reconstruction will thus also be considered in terms of the transformative approaches to international law and, more specifically, TWAIL. TWAIL is relevant to the discussion of reconstructing modernity because it problematises international law in the same way this paper has problematised modernity.

TWAIL describes international law as a 'predatory system that legitimises, reproduces and sustains the plunder and subordination of the Third World by the West'.<sup>58</sup> The critique in this paper has similarly

53 'Social Justice in an Open World The Role of the United Nations' <https://www.un.org/esa/socdev/documents/ifsd/SocialJustice.pdf> (accessed on 24 November 2021).

54 D Boyd 'Reflections on the impact of modernity in evolving a multi-faceted individual identity' (2001) <http://www.danah.org/classes/modernity/ModernityFinalPaperSubmission.pdf> (accessed on 24 November 2021).

55 G Aylesworth 'Postmodernism' *The Stanford encyclopedia of philosophy* (2015) EN Zalta (ed) <https://plato.stanford.edu/archives/spr2015/entries/postmodernism/> (accessed on 23 July 2022).

56 B Duignan 'Postmodernism' 2020 *Encyclopedia Britannica* <https://www.britannica.com/topic/postmodernism-philosophy> (accessed on 23 July 2022).

57 Q Tong 'Global modernity and linguistic universality: The invention of modern Chinese language' (2010) 43 *Eighteenth-Century Studies* at 328.

58 A Anghie & M Mutua 'What is TWAIL?' (2000) 94 *Proceedings of the Annual Meeting (American Society of International Law)* at 32.

shown how modernity has allowed for the normalisation of western domination. Additionally, in line with the assertions arising from TWAIL, this paper has questioned the legitimacy of modernity's universality. A parallel can be drawn to international law because it also claims universality. However, its creators have unambiguously asserted its European and Christian origins.<sup>59</sup> This comparison shows that just as colonialism was integral to the spread of modernity; it is also peripheral to the discipline of international law because international law is a Western creation.<sup>60</sup>

TWAIL is a transformative dialogue that rejects the legitimacy of international law. It aims to present an alternative normative legal edifice for international governance. It also aims to eradicate the current conditions of underdevelopment in the Third world. It seeks to do so by deconstructing international law as it has been used to perpetuate a racialised hierarchy of international norms and institutions that render non-Europeans subordinate to Europeans.<sup>61</sup>

TWAIL describes itself as being anti-hierarchal<sup>62</sup> and counter-hegemonic.<sup>63</sup> This is against the present construction of modernity which only allows for a hierarchal classification. It does so by dictating that those societies that do not adopt its characteristics are subordinate and not modern and will, therefore, not be offered an equal opportunity for participation. By adopting an anti-hierarchal approach similar to that of TWAIL, there could be an inclusive reconstruction of modernity through equal collaboration and representation that celebrates the full richness of our diverse world.<sup>64</sup>

A rejection of the Western-centric hegemony of modernity positively contributes to the crusade for large-scale justice and equity. It will decentralise Western thought and allow for the consideration of more relevant and substantive perspectives on justice. These perspectives would come from those in pursuit of justice in the non-Western world or Global South. TWAIL is an entirely independent doctrine that faces scrutiny and critique. However, this paper posits that a reconstruction of modernity according to a thought process similar to that of TWAIL would be a starting point to challenge modernity. It would legitimise the construction and allow a larger number of nations worldwide to take claim and ownership of the construction of modernity as their own.<sup>65</sup>

59 Anghie & Mutua (n 58) 34.

60 Anghie & Mutua (n 58) 31.

61 Anghie & Mutua (n 58) 32.

62 Anghie & Mutua (n 58) 37.

63 Anghie & Mutua (n 58) 38.

64 Anghie & Mutua (n 58) 37.

65 P Chatterjee 'Our modernity' 1997 <https://ccs.ukzn.ac.za/files/partha1.pdf> (accessed on 24 November 2021).

## 5 Conclusion

By briefly tracking the historical events that led to the establishment of modernity as we currently know, I have shown that modernity is built on Western ideals. I have also demonstrated that modernity spread and was universalised by cruel and illegitimate means. Due to the significant influence modernity has on global action in terms of social, political, and economic justice, liberation has flawed origins. These flawed origins cannot be ignored. TWAIL's interaction with international law has then been offered as inspiration for reconstructing modernity.

Modernity is a nuanced and ever-changing construction. It is not bound temporally or spatially.<sup>66</sup> As articulated at the beginning of this paper, for modernity to continue to be relevant, there must be a refusal to treat it as a sacred norm immune to critique or amendment.<sup>67</sup> As a critical means of understanding the present society, when modernity is found to create or maintain any oppressions, it must be revisited and appropriately challenged by considering knowledge systems outside of the Western archives.<sup>68</sup>

66 Anghie & Mutua (n 58) 39.

67 As above.

68 As above.