

Cultural Relativism And Human Rights

2

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In the diverse societal set-up, world over, quite often it has been seen that a principle adopted in a society is not acceptable to another society. Those who express their concern in this regard take the side as a contender or as condemner. In such a conflicting situation, how much a single universal principle of 'human rights' is tenable in its implementation, in different cultures or societies under the banner of 'Universal Human Rights' needs further examination. It is because culturally one society is different from another. And also for the reason that the values of human rights which is more a culture of respecting the human dignity than a concept, is not sometimes found to be compatible with other local cultural values and obviously will be unable to bind them in a single universalistic principle. As a result we witness a long debate between Universalists and Relativists since the day of taking trial to universalising the ideals of human rights.

There is no culture in the world which more or less does not respect the human dignity. It is a common moral standard of every culture, to respect the dignity of man, be it Hindu culture or any other culture. Every culture holds certain 'goodness' which becomes the core essence of that culture in making a good society. In this respect 'goodness' is needed to sustain the culture for a longer period and to incorporate universality with it. "Kant wanted to show not only that morality is universal but that it is articulated through the behavior of people towards one another."¹ Here Kant's position on morality is foundational in building the good society.

In contemporary world society, the universalistic interpretation of the idea of human rights is estimated differently by different intellectuals who have paid special attention to the theory of human rights. "The idea of universality is central to the problem of international human rights law, which is directly bound up with the issue of universalism and regionalism in

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respect of the promotion and protection of human rights.”² Those who support claim that this universality implies, by its very nature, the inclusion of cultural diversity and regional particularism. Critics, suggest that, far from being universal, the rights that we are told we have reflected a Western bias. In some respects this is a fair charge, as it is only in Western political thought that the world is seen as an aggregation of individuals. Against this charge of western bias, we should note that to various degrees, rights are presupposed in many of the world’s major religions not just Western ones. We should certainly take care that the ‘universality’ of human rights is not turned into a weapon for western cultural hegemony, in other parts of the world.

In truth the origin of right may lie in western philosophy, but the idea of universal human rights is necessarily universal and global. For most commentators, “the origins of this universality lie not in the abstract Lockean world of natural law but in a modified Kantianism which encourages respect for all people based on the fundamental dignity which is inherent in human beings without distinction or exception.”³ Such a view of universality does not appear to challenge or undermine cultural diversity.

Postmodernists, however, relying on relativism condemn Kantian liberalism and also reject the ideal of one community, or of the good society. For them, such values as ‘goodness’ and truth are necessarily abstract and have no concrete meaning. “Truth, justice, goodness and so on are merely grand narratives which we have made use of our construction of history.”⁴ Post-modernism is thus opposed to the Kantian discourse on human rights because it considers it to be essentialist, i.e. that it presupposes an essential core. Postmodernism is opposed to all forms of essentialism.

Neo-Kantians have taken the issue with the charge of western bias in their attempts to rethink the problem of universalism. “Habermas has taken serious issue with the postmodernists, accusing them of being apolitical at best, conservative at worst”.⁵ “Jack Donnelly also defends a universalistic perspective and suggests that human rights have emerged alongside modernity as the latest in a series of mechanisms devised to

safeguard human dignity from state oppression.”⁶ Donnelly argues that various other culture i.e. non-western, having similar religious or ethical guidelines aimed at upholding human dignity, if not rights per se.

Richard Rorty⁷ has tried to bridging this divide form within the tradition which stands closer to the relativist than the Universalist side. Rorty’s position is as follows. First, we need to move beyond epistemological perspectives which claim that we can, somehow through critique or reason, know the social world, as such perspectives are flawed. Second, in keeping with the postmodernist view point grand narratives are merely stories which are reflections of particular times and spaces. The grand narrative that is human rights has been told, successfully, by liberal democratic societies. Thus only these societies are equipped to develop arguments for human rights, but this does not mean that any attempt to do so would be an imposition upon the cultural differences of other societies. He claims that “contemporary liberals have a responsibility to continue to ‘tell the story’, and just because only they can know the story of human rights does not make that story any less real”.⁸ Here, Rorty is not drifting into essentialism. Rather he is upholding a pragmatism that recognizes that in the contemporary world, with the twentieth century recent memories, the culture of human rights has become a reality. “This is a reality which has constructed not through a recognition of innate human dignity or reason, but through a shared sentimentality which has emerged from, hearing these stories and has proven to be the new basis for human solidarity.”⁹

After Universal Declaration of Human Rights, some pitfalls also found in it. For example Article-I says that all human beings are born equal in rights. But this claim is not supported by another text. For example -Article 25 says that motherhood and childhood are entitled to special care and assistance. It shows that some human rights belong only to special categories of human beings’. The Vienna Declaration recognises a number of special categories, such as women, children, minorities, disabled person etc. We need to understand how there can be special categories of human rights holders, if every one is equal in rights, without distinction of any kind, as the Universal Declaration proclaims.

On the other hand Universalists consider some human rights are simply universal, like right not to be enslaved and other human rights are universal only potentially. There are two kinds of these rights. The first consists of rights that are activated only in certain unusual situations: the right to fair trial, for instance.

The second consists of rights that are activated when human beings meet some criterion -becoming an adult for example. The other special categories are women and minorities who are thought to be especially vulnerable to human rights violation.

According to some critics of human rights the claim that human rights are universal ignores the fact that human beings are different. For them universality is as mere abstraction of western mind imposed upon non-western since World War II. "The universality is an ideological disguise for 'cultural imperialism.'"¹⁰ The tension between universality and difference in the concept of human rights was expressed in the Vienna Declaration which affirmed the universality of human rights, but qualified this affirmation by insisting that 'the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind.

A broader and deeper challenge to human right universalism is found as it belongs to 'the Enlightenment Project' of philosophical rationalism and an outdated 'social modernism' associated with nineteenth-century ideas of science-based progress and mid-twentieth century ideals of social democracy. These ideas have been challenged by a politics of difference' based on a 'postmodern' philosophical deconstruction of Universalist certainties. The first wave of challenges to imperialism, based on liberal and democratic human-rights principles, has been superseded by a second wave, based on the anti-universalist celebration of cultural difference. As a result, simple human rights I universalism has to compete with alternative cultural perspectives and the view that there are different cultural interpretations of human rights.

It is commonly said that the concept of human rights is based on a Western conception of liberal individualism, and that this conception has no roots in many non- Western cultures. Some scholars are very

skeptical of the claim that the concept of human rights has roots in non-Western culture. Donnelly argues that problems now discussed in terms of human rights were traditionally treated in non-western cultures, in terms of 'the right' and of duties, but not of human rights. In these cultures, there might be rights derived from the community and different status-position but not human rights.

There are some cultures which are incompatible with human rights. This not a new problem. Classical natural-law theory was familiar with cultures that supported practices that it condemned. Natural Law did not simply entail the imposition of western values on non-westerners, because it might entail obligations of westerners to respect the rights of non-westerners, as in the natural-rights theory of Locke.

Universalism can recognize diversity in two ways: (i) by insisting that some moral rules apply in all cultures despite their diversity; and (ii) by explaining how universal principles may require diverse interpretations and applications in different social context. For example -the right to fair trial does not require identical trial procedures in all countries. It is ironic that human-rights universalism should be accused of cultural imperialism', since its origins lay in opposition to Nazi imperialism. Almost no critics of universalism and defenders of cultural difference oppose the universalist condemnation of racism that is one of the most fundamental human-rights principles. However, some principles of the Universal Declaration have more cross-cultural appeal than others.

International human-rights institutions have generally accepted that universal human rights standards ought to be interpreted differently in different cultural contexts. The International covenant on civil and political Rights, for example, provides that, in the election of members of the Human Rights Committee, consideration be given to the representation of different legal systems. The committee itself has said the right to family life may vary according to socio-economic conditions and cultural traditions. The European Court of Human Rights has employed, the concept of 'margin appreciation,' to recognize national differences in the interpretation of European human-rights standards. Universal standards are modified legally by the reservations that states make in ratifying human-rights treaties. Since the question of universalism versus relativism

in human rights is usually represented as a cultural contest between the west and the rest.

Donnelly argues that the capitalist economy and the nation-state have in most places separated the individual from the small, supportive traditional community to a significant extent. Appeals to cultural tradition in these circumstances are often made by authoritarian elites who have little or no regard for the traditional culture of their societies. Modernized elites often invent pseudo-traditional customs to defend their repressive and corrupt regimes from criticism. Many gross violations of universal human-rights standards are the products of distinctively modern forms of rule, and have no basis in traditional culture.

“In such conditions the individual needs human rights for the protection of human dignity, and thus the concept of human rights has ‘near universal contemporary relevance’. This argument of Donnelly has merit, but it may also be too sweeping. The actual relations between modernization and traditional cultures may be quite complex, and the human rights package that actually emerges, and the one that would be protect the dignity of all concerned, may have to be based not only on abstract universal principles but also on a sensitive reading of local traditions.”¹³

It is observed that human-rights universalism is some times accused of ‘cultural imperialism’. The concept of human rights is, however, universal and egalitarian: all human beings are equal in rights. Imperialism is by its nature inegalitarian and objections to imperialism normally assume some form of moral egalitarianism. Thus the concept of human rights, far from being imperialistic, provides the basis for criticizing imperialism. Those who criticise human rights for being imperialistic assume that anti-imperialism is itself a universally valid principle, but typically do not make clear to which universal principles they are appealing in condemning imperialism.

There is a common fallacy that cultural relativism supports anti-imperialism, but it does not, for cultural relativism provides no basis for criticizing imperialistic cultures. “The anti-imperialist argument against human-rights universalism express two ideas. (1) every one is equally

entitled to respect; (2) to respect a person entails respect for that person's culture because culture constitutes, at least in part a person's identity."¹⁴ However, these principles are consistent with cultural relativism, because they are universal principles. "The principle that we should respect all cultures is self-contradictory, because some cultures do not respect all cultures."¹⁵ The principle of respect for persons does not entail that we ought to respect all cultures. Cultures that are incompatible with universal human rights in some respects may have some value, but cultural relativism fails to provide a general objection to human rights universalism. It is inconsistent to support human rights and respect cultures that violate human rights. Human rights supporters should, therefore, realize that they are committed to not respecting some cultures, or at least some features of some cultures.

Culture may properly enter into the implementation of human rights in a different way. "Human-rights Principles are abstract general, but must always be implemented in complex, particular situations. These situations will always include local cultures."¹⁶ If the justification of human rights is the protection and promotion of human dignity, the implementation of human rights must take into account local cultures and the contribution that they may make to human dignity. The implementation of human rights, therefore, can't be derived directly from international texts but must be judged from the angle of local circumstances, including local cultures.

"Cultural relativism may appeal to some because the 'philosophical foundations' of human rights are supposed to be problematic. Because the philosophical foundations of all beliefs are problematic."¹⁷ It follows that the philosophical foundations of cultural relativism are also problematic. In this context, it may be helpful to ask whose interests are served by human rights and by cultural relativism. Human rights are designed to protect the fundamental interests of everyone. Cultural relativism may protect vulnerable cultures from 'imperialistic' invasion, but we have seen that it can also protect oppressive elites.

If we are to respect the cultures of other peoples, we must know what those cultures are. It is often difficult for outsiders to acquire this

knowledge in a reliable form. Governments and intellectual elites often act as 'gate keepers', offering an official version of the people's culture to the outside world. The voice of the people is the expression of its culture, and we can hear the voice of the people only if the people have a secure set of rights. If some people are, for example, not free from the fear of arbitrary arrest, or if women are excluded from public life, we cannot know whether the culture of the people is being truly represented. Respect for cultural diversity which is often represented as a threat to the universality of human rights, may, quite to the contrary, require the robust implementation of those rights.

"Donnelly holds that human rights are universal partly because the conditions that produced them in the west-capitalism and nation-state have become globalised. "This process of-globalization has consisted not simply of the spread of western culture, but also of domination by the West and the denigration of non-Western cultures."¹⁸ Many non-Western peoples wish to adopt much of Western culture, especially technology and certain forms of social organisation, such as the nation-state and some form of capitalist economy, but the colonial experience has always an aversive attitude toward the west. In such a case cultural relativism may have some value to defence the conservative against liberal values.

Resistance by some non-Westerners to the concept of human rights, or their insistence on developing their own conception of human rights, may be self-emancipation from western domination. In so far as these attitudes are barriers to the implementation of human rights, they must be take into account, because the concept of 'implementing' human rights is more complex than before. It is reasonable, as the Universal Declaration claims it to be a common standard of achievement for all peoples. But from the perspective of non-Westerners, this may appear as Western cultural arrogance. They may accept the force of human rights principles, but the task of relating them to established cultures not as one of judging those cultures, but of incorporating human-rights standard into those cultures.

Human rights should be implemented on the basis of recognition of local cultural distinctiveness. In western societies the increasing influence of human rights has accompanies the secularization of public

life. In Islamic societies, secularisation has not been as thorough-going, so that religion and modernity remain in a state of tension. Muslim has sought an interpretation of human rights grounded in the Quran. They seek the Qur'anic conception of universal human nature and ethical universalism. It has been difficult in Islamic societies to accept some of norms of Universal Declaration like, 'All forms of Discrimination Against women.' But this is not compatible with the standard set up by UDHR. Conservative represents it as outside interference in the form of imperialism. These positions have to be opposed by counter-arguments from within the culture. Human-rights violations have to be shown to be incompatible with the principles of Islam. This is the most effective strategy for improving human rights in Islamic societies and for reconciling universal standards and local cultures.

References

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