Are human rights universal?

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I. Introduction

Human rights as an international political project are closely tied to claims of universality. Attacks on the universality of human rights, however, are also widespread. And some versions of universalism are indeed theoretically indefensible, politically pernicious, or both. This essay explores the senses in which human rights can (and cannot) be said to be universal, the senses in which they are (and are not) relative, and argues for the “relative universality” of internationally recognized human rights.

II. A universal standard

The presumption of universal human rights, in its demanding form, is somewhat unachievable as states will inevitably vary in their perception of justice. As rights are defined by the value systems adopted by states, the absence of a homogenous moral community defeats universalist arguments. In other words, the diversity of moral systems means that states will obviously designate and place emphasis on different aspects of justice. The mere assertion of a universal standard conjures philosophical questions of 'whether anything in our pluri-cultural, multipolar world can be truly universal?'

According to Donnelly, theories stemming from such a 'perverse' and 'arrogant' unilateral universalism fail to consider the nature of international diversity. Therefore, the universality of human rights is largely undermined by the variety of moral systems in the international sphere. The cause for such variations can be attributed to certain states prioritising collective needs over individual human rights. The concept of human rights is founded on inalienable, indivisible rights that are innate to all human beings. This presents a host of complexities in communal cultures, where individual rights are viewed only as duties that a person has to the group. For example, in

Chinese Confucianism, individual entitlements are inherently intertwined with communal duties: ‘I am because we are, and because we are therefore I am’. Moreover, despite violating various human rights, the practice of female circumcision in African cultures is an indispensable prerequisite to marriage and an essential component of a woman’s traditional role within her community. Thus, the individualistic themes embedded in human rights often conflict with the communitarian ethic that characterises traditional societies.

III. Western cultural imperialism

Nonetheless, a lack of universality does not equate human rights to Western cultural imperialism. By portraying human rights as unique to Western states, cultural absolutists depend upon unsubstantiated claims of ‘clashing civilisations’. This falsely implies that the West alone have arrived at the paradigmatic principles contained within the Universal Declaration of Human Rights (UDHR) and such ideas fall outside the trajectory of non-Western civilisations. Viewing international relations as a binary relationship between the West and the non-West incorrectly subsumes all members of society under a generalised and inaccurate framework. Sen argues that oversimplifications about ‘Western civilisation’, ‘Asian values’, ‘African cultures’ and so on are not only unfounded readings of history, but also add to the divisiveness of the world. Therefore, considering human rights as Western imperialism assumes a cultural dichotomy that simply does not exist. The absence of clashing civilisations is a result of ‘cross-cultural fertilisation’, where human rights ideals are not localised to specific geographic regions or societies. The intellectual movements associated with the West have multiple and diverse foundations as cultures are not ‘sealed boxes but a fertile jungle of different sources’. For instance, although often accredited to an outcome of Western liberalism, the language of freedom is a key tenet of Buddhism and can, by extension, be seen to originate in South-East Asia. Similarly, a plethora of contemporary Indian literature has represented the Hindu caste hierarchy as a multidimensional system of human rights. The enduring (not universal) relevance of human rights to non-Western states is exemplified by Donnelly, who proposes that even if a value or practice emerged in place A, it is a dubious

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philosophical claim to assume its complete inapplicability to place B. As a result, human rights should not be viewed as Western imperialism because doing so would deny recognition of its multicultural sources.

IV. Overlapping consensus

The overlapping consensus is an alternative and more moderate explanation that lies between these two extreme standpoints. The term, coined by John Rawls in his development of political liberalism, can be viewed as the ‘political and philosophical equivalent of the Venn diagram framework’. It illustrates how supporters of conflicting normative doctrines can somehow agree on particular ideas or arguments. The commonality of values doesn’t imply universality but rather a coincidental overlap. Hence, the concept of overlapping consensus provides a platform for which the competing claims of universalism and cultural relativism can be reconciled. Applying this theory to human rights reveals the obvious discrepancies, as well as the similarities, between the two opposing schools of thought. On one hand, the universal standard of human rights is unattainable as different states will inevitably adopt different moral systems. On the other hand, the interpretation of human rights as a product of Western imperialism is implausible because the idea did not originate from any exclusive Western cultural roots. The space in which these two competing conjectures converge, or the point of intersection on the Venn diagram, is the political conception of justice underpinning human rights. That is, although this conception of justice produces different meanings for different states, the recognition of a need to achieve justice is pervasive throughout the world and is not bound to a particular culture. Thus, the overlapping consensus captures the often neglected ‘grey area’ of human rights and moves beyond a dichotomous presentation of the issue.

V. Conclusion

The idea of human rights is neither universal nor does it represent Western cultural imperialism. The assumption of universalism is undermined by certain states prioritising collective needs over individual rights. However, cross-cultural fertilisation means that human rights also fail to represent Western cultural imperialism as the ideals are applicable to non-Western states as well. Instead, there is an overlapping consensus where the political conception of justice, whatever that conception may be, is internationally recognised.

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8 Ibid.
VI. References


