

Universality and Cultural Relativism

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Universality of Rights

This presentation will focus on questions of universality and cultural relativism. I will approach these questions from a feminist perspective, specifically considering the position of African women.

The definition of human rights has two essential aspects. First, human rights must be universal; otherwise they are privileges, not rights. Second, rights must be recognized by all members of a society, thus supporting economic, social, political, and cultural equality at all levels.

The principle of universality is recognized in numerous legal international instruments, including the Universal Declaration of Human Rights, the two covenants, CEDAW, and the Beijing Declaration, as well as in regional instruments such as The Protocol on Women's Rights in Africa (...). The legal instruments are in place, but they are neither respected nor implemented at the national level.

The abuse of women's rights is often defended based on cultural or religious reasons. But these motives are debatable; they reflect a unilateral interpretation of religious texts and cultural practices. They also do not consider that cultures evolve. Cultures are not something static, rather they are constantly being defined through our decisions to give value to certain practices and traditions. Thus, defending patriarchal practices on the basis of culture is dishonest and sexist, and should not be tolerated by any society.

African countries, in particular, have fought to have racist crimes committed during the colonialist era recognized, and yet they defend the patriarchal practices that subjugate women; this is clearly a contradiction.

Cultural Relativism

The idea of cultural relativism should not be an obstacle to achieving equality for women. Cultural relativism is not a contradiction of universality. It is a response to the cultural domination of the West around the world and to globalization. Cultural relativism means preserving and defending cultures in the name of dignity. It does not mean refusing to allow any type of critique, or using the culture to keep part of the population subjugated.

We must recognize that traditions, beliefs and customs are the foundation of every civilization. There are two major schools of thought on this question of culture and the status of African women.

The first is an anthropological approach concerned with the rehabilitation of black consciousness after decades of Western colonization. This approach does not accept any critique that African traditions have misogynist elements. According to this approach, the problem of the status of African women began with colonization. I have great difficulty with this position, as we can identify a number of ancient practices that are discriminatory towards women, including: female genital mutilation, repudiation of women who become pregnant outside of marriage, exclusion of women from inheritance, etc. We cannot assume that even under traditional matriarchal societies women had the same rights as men.

The second school supports the emancipation of African women through a break with all misogynistic practices, whether traditional or modern. Despite significant advances, studies indicate that there is still a large gap between the status of men and women in African countries. For example, while African women represent 80% of workers in rural areas, they own only 7% of the land. They are responsible for 75% of the agricultural production, but only 4% of women are considered economically active (based on studies done by the Economic Commission of the United Nations). This is the heart of the problem: how can women be valued as equal citizens when their labour is not recognized?

While women's contribution to the economy is not recognized, they are also treated as minors in the eyes of the law, dependant on their husbands (examples include the Moroccan and Algerian family codes).

We must recognize that as a result of these inequalities in status, women are the most affected by poverty and social injustice. They are most often the victims during armed conflicts, are the majority of HIV/AIDS sufferers in Africa (58%), and also must care for the 15 million children orphaned by this disease, as there is no state welfare system.

Conclusion

In my opinion, the advancement of African women is inevitable and irreversible. And it is not new, as throughout history women have found the means to overcome enormous obstacles. African women are beginning to occupy public life, and new social relationships are being established, but much work remains to be done. Women must reclaim religious and cultural texts, and interpret them from a feminist perspective; otherwise they will be victims of unilateral (male) interpretations.

Dr. I. A. Rehman

Cultural relativism arises from a misconception of the origins of human rights. Human rights have been evolving over centuries, both as moral concepts and as rights. It is very curious that we do not question the universality of the rights of wounded prisoners or the

labour standards established by the International Labour Organisation (both of which are older than the UDHR) but we question the Universal Declaration of Human Rights (UDHR). The UDHR is criticized as Western-centric, but these other standards and rights are accepted as universal.

We must recall the historical origins of human rights. During the WWII period, there were two major struggles: a battle to defend democracy, and a struggle for freedom by colonized people. Thus, human rights were won by people of the world on the battlefield, through their struggles during this period. Human rights represent the wisdom of this age, and are not the monopoly of any particular group.

Arguments given by cultural relativists

One cultural relativist argument is that rich, industrialized Western countries created human rights to perpetuate their domination of the world. However, many peoples and cultures have contributed to the development of human rights throughout history. There was a time when the Chinese had wisdom, then the Arabs, the Greeks, etc. Although Western countries initially adopted the UDHR, many newly independent countries made contributions to its further development. For example, the right to development was added in the first decade following the adoption of the UDHR.

Cultural relativists also argue that the UDHR does not respect cultural diversity. This is not correct. These rights are intended for all people. We can examine the text itself: all peoples' rights are respected regardless of race, colour, belief, social status, etc. Thus the UDHR acknowledges that there will always be different beliefs, races, and social status, and yet all peoples' rights are protected. In fact, the elimination of discrimination is one of the central objectives of the UDHR. At the time, this was a revolutionary idea. Previously, human dignity had been claimed based on status, strength, capacity, social distinction, etc. The UDHR replaced these divisions with the concept of equality.

A further argument advanced by cultural relativists is that human rights interfere with local cultures. This argument is usually given by ruling elites (dictatorships, monarchies, tribal chiefs, landlords, etc.) who attempt to deny the basic rights of their subjects. In fact, it is a question of these leaders attempting to maintain power, not of real cultural difference.

Sometimes, differences of belief are used to justify the denial of basic human rights. But belief has nothing to do with it. All conflicts are actually motivated by material gain. There are no religious conflicts. Religion is invoked to justify war; cultural demons are created to justify attacking the enemy. This can be seen throughout history, from the Crusades to present-day conflicts. In fact, human rights recognize the diversity of cultures, and do not attempt to impose a monolithic approach.

Furthermore, we must question: What is culture? It is neither static nor unchanging. There was a time when all peoples were cannibals, and infanticide, polyandry, polygamy, and slavery were commonplace. People have the right to develop and to be educated; they should not be forced to remain living in the forest. They have a right to graduate to higher

forms of culture. However, this process must be voluntary and come from within the group itself.

Cultural relativism is primarily an imperialist legacy. During the colonial period, people were made aware of their differences, and divided by the imperial powers. For example, the genocide in Rwanda has its roots in the colonialist era, when Belgian imperialists alternately used different groups. The Arabs fought the Turks on the command of the imperialist powers. In south Asia, one religion was pitted against the other. Thus many of the regional concepts of cultural difference developed during this period.

Another argument raised is that the human rights system places too much emphasis on the individual, and cultural communities suffer as a result. This may have been true, but collective rights are now recognized both within states and between states. Communities have the right to their natural resources, and states also have collective rights over their natural resources and territories.

Conclusion

In summary, while it is acceptable for countries to enforce their rights differently, the basic principles must remain constant. The language, idiom, structure of the judicial system or political system can vary but the basic principles, such as democracy, must be universal. The UDHR recognizes this flexibility.

The question of cultural relativism has arisen for two reasons: firstly, it is the legacy of imperialism; secondly, it results from the lack of respect shown by larger state powers towards smaller powers. Large state powers maintain double standards; they may preach human rights to the world but do not respect the rights of the underprivileged within their own society. These double standards are harming the cause of human rights worldwide.

The real problem is the enormous gap between rich and poor. When countries became independent, they hoped to solve their problems of poverty. At the time, there was greater respect for human rights and cultural relativism was not an issue. Now, developing countries are disheartened, and the gap between rich and poor is growing larger. Cultural relativism is a reaction to this injustice. But we must learn to fight injustice with other means. Culturally-relativist arguments are actually perpetuating the disease of injustice that we are trying to fight.

Question and Answer Session

The following themes were raised during the discussion period:

The cause of African women in the larger context of African development

While certainly the culture of democracy must be established, there is a difference between the fight for democracy and the fight for women's rights. The questions we must ask include: Are women recognized as complete individuals? Are their rights respected? Can

their rights be respected in the system we have inherited? This system must be changed, and in order to change it, we must recognize the aspects that do not work.

The development of enforcement mechanisms

The United Nations and the African Commission have the means to enforce human rights. However, the enforcement of rights is now in the hands of states and governments. It is a question of political will; the structures are there but the political will is lacking.

Positive discrimination

Sometimes positive discrimination must be used to correct the social imbalances that African women have long suffered. This should be done within the framework of social justice. Women need to transform social and institutional structures and to do so, men must collaborate with them. Men must be convinced this is not a fight against their rights; rather, it is a fight for equality, so that everyone can enjoy the same rights.