

## **Universalism and Cultural Relativism**

**Françoise Nduwimana, Independent Consultant**

**El Obaid Ahmed El Obaid, Chief Counsellor for Human Rights, UNDP Yemen**

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Introduction question by Daniel Roy (facilitator) :

*How does human diversity affect our conception of human rights ?*

*Based on your experience, in what areas does cultural relativism conflict with universalism ?*

### **El Obaid Ahmed El Obaid**

#### **The Relationship between Human Rights and Culture**

The notion of cultural relativism or cultural diversity came out of the discussion related to the origins of human rights. Some of the traditional texts claim that human rights originated in Europe and came out of western documents. Therefore there is an element of contention whenever we talk about the origins of human rights.

#### **What is Culture?**

It is extremely difficult to define culture. Culture is an elusive term – it can mean almost anything. Some of the traditional definitions of culture state that culture represents a number of norms that influence our perception of the whole world. No matter how we define culture, it deeply affects human behaviour.

Human rights violations relate to human acts or omissions. Acts are positive steps to harm someone or deny them physical or mental well-being. Omissions occur when people are indifferent towards the suffering and violation of others' rights.

We cannot exclude culture – there is no human rights discourse or practice that exists in a cultural vacuum. Human rights practice is always contextual – we are always dealing with cultural practices that assist or impede our human rights work. It is therefore important to talk about culture when we talk about human rights.

#### **The Two Classic Positions**

##### **1. Human rights are universal**

This conception of rights places the protection of the independent individual at the centre, and the individual is assumed to be a self-sufficient entity. It follows that this is the only possible conception of human rights. This set of rights has been determined – either you accept these rights or not. Rights therefore bring with them a degree of finality and imposition.

## 2. Human rights are culturally relative

This position advocates that each and every culture has its own notion of human rights and freedoms. Human rights can only exist by reverting back to cultural norms, not looking to external (Western, legal) documents. Each group should look to their own culture to devise and implement their own notion of rights. Employing the universalist concept of rights or using the available international instruments is a form of cultural imperialism.

These are representations of extreme universalist and cultural relativist positions. Each position tries to make its case by indicting the other position. For a universalist, talking about culture endangers human rights by allowing cultures that have harmful practices to dilute the notion of rights. For a relativist allowing the notion of universalism is accepting alien values and Western imperialism.

### **Relativism vs. Universalism**

The debate between the 2 classic positions is not a relevant or useful dichotomy for several reasons:

- ◆ The dichotomy is circular. There is no way to make a convincing argument that certain conceptions originated in one culture and not in another. It is simply untrue that any one culture has remained intact and without outside influence throughout history.
- ◆ The concept of universalism has failed. After the September 11<sup>th</sup> bombings we realized that there is no model for an ideal version of human rights. The practices of the states who are aggressive in advancing the notion of universalism changed in the aftermath of the bombings. It has now been deemed acceptable for these states to conduct racial profiling and to exclude certain groups from the protection of human rights on the basis that they are different.
- ◆ There is no credible claim for upholding cultural relativism. Most of the people who raise the notion of cultural relativism are human rights violators themselves, whether they are in government like a number of Middle Eastern and Asian states, or whether they are in other spheres like the NGO sector. When relativists use the word culture they are invoking an idealistic, rigid, static notion of culture. Cultural relativism is used as a guise for political or economic gain, and not as a commitment to the higher values and ideals of the protection of human rights.

### **A Different Approach**

For a change we should start looking at areas in which there are no differences. We need to draw up a list of the rights and freedoms that are not contentious and that do not present difficulties. It would be surprising to many of us to discover that the rights we agree upon represent 80-90% of all human rights. We need to ask what we are doing to reinforce those rights and freedoms that

are not controversial. This approach is much more positive and constructive. The true progress would be the enforcement of those rights and this is what we have to work towards.

## **Françoise Nduwimana**

It is important to analyze the extent to which cultural relativism can affect socio-economic relations. To this end, we can discuss the widespread discourse that attributes the backwardness of the African continent to the desire to maintain a unique African identity. We could also look at the fact that the wars that have been underway since the September 11<sup>th</sup> bombings have been perpetrated by countries who wish to save the “Lost Nations”. Ms Nduwimana will focus her discussion on **the use of cultural relativism to negate the rights of women**. The feminization of poverty and violence against women cannot be analyzed without considering social relationships between the sexes. These relationships are founded upon a number of prejudices and myths about women.

### **Universality**

The concept of rights has no meaning unless rights are universal, but rights cannot attain universality without a certain social anchoring. In other words, rights must be founded upon equality of access to economic, social, cultural, civil and political rights.

### **Cultural Relativism and Women’s Rights**

The realization of this equality rests on the recognition that women are individuals who exercise control over their own physical, social and moral integrity, and who exercise their rights as citizens, including the right to participate, the right to make autonomous decisions, and the right to own property. This principle of universality and its application to women is present in many international and regional instruments, including the *Vienna Declaration*, the *Beijing Declaration*, and the *Protocol to The African Charter on Human and Peoples’ Rights on The Rights of Women in Africa*. Thus it is not normative principles guaranteeing women’s rights that are missing, but rather their application and respect at the national level.

Those who wish to maintain patriarchy and sexist discrimination often use cultural reasons to justify this situation. This justification is contentious because it is often based on a combination of a rejection of societal evolution and a unilateral, abusive interpretation of religious texts and traditions. Culture is not a fixed entity; it evolves with society and is defined by the values that society attributes to it. Using cultural or religious arguments to support sexist discrimination is, therefore, dishonest and should not be tolerated by any society.

### **Universality and Cultural Relativism do not Conflict**

Cultural relativism does not conflict with universality. Cultural relativism is a reply to the cultural uniformity and cultural imperialism that dominant nations want to impose on the rest of the world through globalization. The concept of cultural relativism emerges from the assertion of the right to be different.

Preserving a culture or a tradition is one thing, but refusing every criticism concerning certain practices is another. Defending people’s rights to their culture is one thing, but using the same culture to harm the rights of one part of the population is paradoxical.

## **How Should We Approach the Question of Traditions?**

The notion of cultural traditions is particularly delicate because traditions have shaped social, economic and political relations for centuries. There are 2 schools of thought with respect to the question of traditions in Africa.

The anthropological school refuses to recognize misogyny in any traditional practices, and feels that the current situation of African women has its origins in colonization. In fact, a number of patriarchal practices existed before colonization, including levirat, female genital mutilation, and the ex-communication of widows.

According to Tunisian psychiatrist Saida Adouki, women participate in maintaining these traditions and perpetuating discrimination between the sexes through education. Boys grow up in a cult of virility, and girls learn to remain at the outskirts.

The second school advocates for the emancipation of African women by opposing every misogynist practice, be it a modern or a traditional practice. Women are the pillars of society. Women play key social roles in the private spheres of marriage and family, and also play a role in the public, economic sphere.

According to recent studies, women represent 80% of rural work, but own only 7% of the land. 75% of agricultural production is done by women, women perform 85% of food processing work, and women perform 95% of all housework. Despite these facts, only 4% of women are considered economically active!

## **Attitudes/Mentalities Towards Women in Society Must Evolve**

If the domestic work that women perform in the private sphere is not recognized, how can women obtain their place in the public sphere?

Women's role as productive citizens must be recognized. Women's maternal and domestic work must become the object of political discussion and debate. Public authorities must recognize the economic role women play, and must take adequate legislative measures to ensure equality between women and men. Without these actions, women will always be considered minors.

Mentalities must change and societies must evolve. War illustrates one example of how women are viewed. During times of violent conflict women are treated as spoils of war. During the Rwandan war 250,000 – 500,000 displaced women and girls were raped. Similarly, in Sierra Leone 53% of displaced women and girls were the victims of sexual violence.

Discrimination against women has large consequences. 58% of people infected with HIV in sub-Saharan Africa are women. Women have always constituted the backbones of societies, and this is even truer today since Structural Adjustment Plans have destroyed social services. If the suffering of women continues to increase, whole societies will be in peril.

## **A Call for Action in the Third Millennium**

- ◆ The fight for equality is a global fight. The situation in Africa is not unique, women suffer discrimination all over the world.
- ◆ The realization towards equality of men and women is inescapable. By recognizing the rights of women, Africa has taken a decisive turn in this direction. There still remain a large number of challenges to overcome, including illiteracy, poverty and female genital mutilation.
- ◆ It is necessary to challenge the international community and individual states to create the means to correct sex-based inequalities and to work towards a world in which human rights will be women's rights.

### **Question and Answer Period**

*The following themes were raised during the question and answer period:*

#### **Universality vs. Cultural Relativity**

Many participants felt that it was important to reaffirm the universality of human rights. Many participants also felt that the debate between universality and cultural relativism is very pertinent and must not be neglected.

Some participants noted that in the past, European powers used the justification of civilization to invade Africa and the Americas, pillage their resources and mistreat the local populations. Today human rights are sometimes used to justify wars propagated by the dominant global political powers. This may explain the fear and reluctance to accept the universality of human rights.

Professor El Obaid explained that his position is that it is more important and more useful to think about what aspects of a given culture can assist us in promoting and implementing international human rights, rather than engaging in an abstract discussion about whether human rights are universal or culturally relative.

He also noted that the concept of universality is useful if we decide that there are certain rights which are universal. We can all agree that these have to be implemented and defended. This does not mean that the entire corpus of human rights is universal.

In terms of culture, Professor El Obaid felt that we cannot exclude culture from the implementation of human rights. Culture is relevant in the sense that it impacts how we interpret and apply certain human rights. When we talk about the practical application and implementation of human rights it is vital to take into account the specific cultural context we are talking about.

We need to shift the debate away from theoretical notions of universality or cultural relativism and towards a discussion of the implementation of international obligations that states have voluntarily adopted.

Ms. Nduwimana said that it is necessary to distinguish between 2 notions of universalism. On the one hand universalism is the idea that all individuals, men and women, should benefit from human rights. On the other hand universalism is the idea that the rights enunciated in the international instruments apply as they are in all societies and to all categories of the population.

### **The Relationship Between Women's Rights and Development**

Ms. Nduwimana criticized the dual discourse that characterizes many developed countries. Developed states support the emancipation of African women, while systematically reducing the amount they contribute to development aid and imposing privatization of public services like education and health care. How can women uplift themselves when they are not provided with the means to do so?