

INTERNATIONAL HUMAN RIGHTS, THE DEBATE BETWEEN UNIVERSALISM AND CULTURE RELATIVISM

Oriona Muçollari

University of Tirana, Albania, e-mail: tildamia@yahoo.it

Abstract

Human rights must be a special kind of rights. They are often contrasted with legal rights or civil rights that derive from the laws or customs of particular societies. It is commonly said that human rights are the rights one has simply because one is a human being. This is, however, not satisfactory formulation. It is not clear why one has any rights simply because one is a human being. In this article we are going to discuss some of the theories regarding the debate between universalism and the relativism of the human rights. The question of the “universal” or “relative” character of the rights declared in the major instruments of the human rights movements has been a source of debate and contention from the movement’s start. These understandings of the character of human rights have sometimes been cast as alternatives, as polar visions with no neutral ground between them, and sometimes as allowing for a more complex view that understands some norms as universal, some as relative to context and culture. The “absolute rights” (compare “universal”) as opposed to “contingent” rights” (compare “relative”), or imperialism in imposing rights (compare “universal”) as opposed to self-determination of peoples (compare “relative”). More simply the partisans of universality claim that international human rights like rights to equal protection, physical security, fair trials, free speech, freedom of religion and free association, are and must be the same everywhere. This claim applies at least to the right’s general content. Advocate of cultural relativism claim that (most, some) rights and rules about morality are encoded in and thus depend on cultural context, the term “culture” often being used in a broad and diffuse way that reaches beyond indigenous traditions and customary practices to include political and religious ideologies and institutional structures. Hence notions of rights (and wrong) and moral rules based on them necessarily differ through the world because the cultures in which they take root and inhere themselves differ. This relativist position can then be understood simply to assert as an empirical matter that is linked to the diverse underlying cultures. This article will not resolve the answer of the question that we pose at the beginning but will help to formulate and clarify some boundary between universalism and relativism.

Keywords: *universalism, human, culture, rights*