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Title: Are Human Rights Universal?: Cultural Relativism, Universalism, and the Implications of an American Hegemony Author: Claudia Kania
The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in 1948, has been vital in shaping the argument surrounding the relevance of cultural relativism in delineating a universal framework of human rights.

It is the notion of the universality of such a framework that has come into question in the wake of conflicting cultural values and differing moral perspectives in a contemporary globalist society. Critics of universalism view the UDHR as a vehicle for cultural imperialism, as it aims to impose a largely Western-centric standard of universal morality upon societies that do not inherently share such values and view them as in conflict with their beliefs. In contrast with the cultural relativist approach, universalists view such moral rules as independent from culture and all humans as inherently entitled to a common set of universal rights. In order to begin to untangle the intricacies of either argument, we must first establish who is entitled to such rights as well as their foundational objectives. If we are to accept the premise that human rights are grounded rationally upon human nature, as is upheld by many scholars of Kantian philosophy, we are then left to delineate whether human nature is itself relativist. One argument that can be used in favor of universalism is that “human” exists as largely universal categorical term.

Such is the premise of anthropocentrism, or human exceptionalism, which suggests that universal human rights are upheld by the premise that all human beings share a common moral identifier that separates them from

the rest of the natural world, or human nature. Societies, both historical and contemporary, that have rejected “human” as a universal moral signifier, thereby othering through the formulation of “artificial kinds” (race, gender, sexuality) with social and political connotations have been systematically condemned. The foundation of slavery, for example, lies in not extending such a universal humanness to its victims, thereby separating them through artificially constructed categories subject to cultural relativism. In this case, even though one is physiologically human, the state has no bearing on one’s moral status which is regarded through the lense of culturally defined group membership. Because human nature as a culturally relative term is historically morally indefensible, it upholds the argument that human rights cannot be strongly culturally relative if they are to be based upon human nature. What is, exactly, one’s claim to human rights in relation to human nature? Moral philosopher Alan Gewirth suggests that it is “rationally purposive agency.” The capacity to be a rationally purposive agent is the capacity to act according to reason, regardless of morality. If, according to Gewirth, rationally purposive agency is an indispensable quality of being human, then human rights must therefore be universal as they grant the autonomy and wellbeing necessary to complete rationally purposive actions.

Consequently, if one is granted human rights based upon the capacity of rationally purposive agency, then every human being is therefore entitled to the same human rights since rationally purposive agency is an inherent characteristic of humanity; this is called the principle of generic consistency. There are, of course, criticisms of such an approach. If we treat rationally purposive agency as the basis for entitlement of human rights, then are

individuals who do not possess the capacity to act with such agency, like those with cognitive developmental disorders, not entitled to the same human rights? Such cases reveal that when dealing with human rights, one cannot absolutely rely on this “will theorists’” approach and appeal to some extent to a type of sympathetic pragmatism. Another question we must consider is, what is the purpose of human rights? If we continue with the will theorists’ approach, we find that the intrinsic objective of human rights is the guarantee of individual autonomy.

Rights such as security from violence and political participation can all be reduced to the foundational and overarching premise that all human beings should be free and the duty of human rights is to secure this freedom.

Human rights as a vehicle for individual autonomy historically draw their inspiration from Western Enlightenment traditions, especially the Kantian school of moral philosophy, in which individual liberty became the basis of most legal frameworks. A very frequently discussed example is the Confucian approach to human rights emphasizing interpersonal relationships and community obligations, arguably in conflict to some degree with the Western-centric emphasis on individual autonomy.

Chen Dixiu, co-founder of the Chinese Communist Party, famously attacked Confucian traditions as an oppressive force in conflict with individual freedom. In contemporary China, Confucianism is often employed as a justification for the denial of autonomy and a defence against Western ideology. The seeming incompatibility of both approaches is critical in the argument favoring a culturally relativist view; if the intrinsic goals of human rights differ on a fundamental level, then human rights seemingly cannot be

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universal. However, I argue that the goal of human rights in securing individual liberty is not inherently anti-Confucian. The authoritarian interpretation of Confucianism stems not from its historical actualization as a vehicle for human liberty, but from its modern utilization as a tool for state-mandated obedience and political authoritarianism.

While the Western oriented view of individualism refers to “ freedom from” state and community, the Confucian self is granted “ freedom to” participation in such institutions; the perception of the individual self is not lost among its relation to community, it is merely redefined as an integral part of the greater collective. Furthermore, the Mencian idea of “ Ren” or “ human goodness” is defined as the capacity for moral development and foundational to the Confucian school of thought. It holds that all human beings are in possession of ren. Much like the Enlightenment perspective of natural rights, the capacity for moral development is not bestowed upon oneself by any institution but rather comes from oneself from the mere premise of being human. One critique of the Confucian compatibility with human rights is the idea of hierarchy in the practice of human relationships. Although ren, much like the previously discussed concept of rationally purposive agency, is fundamentally an egalitarian concept because of its universal possession, the practice of ren is based upon societal differences and harmony through societal differentiations. Randall Nadea, however, maintains the Confucian idea of harmony through hierarchy while simultaneously upholding the Western philosophy of individual freedom by proposing the idea of hierarchy by merit. We can therefore see that the coexistence of human rights within both spheres of seemingly conflicting

schools of thought paves way for the notion of universalism guided by the foundational premise of individual autonomy.

One of the principal arguments against a universally applied standard of human rights is the fear of neocolonialism through Westernization. However, I believe that there are two reasons why this fear is unfounded within the universalist approach. Firstly, if we accept that the foundational objective of human rights is individual autonomy, then the right to cultural autonomy is resultantly upheld. If one is truly autonomous, then one is free to not only act without suppression from the state, but also to act in accordance with pre-established societal institutions to the extent that they do not interfere with the individual autonomy of others. Secondly, culture is inherently shaped by the society's privileged class. Take FGM, for example. In many African states, the UN's resolution against the procedure prompted an outcry of contempt for the American hegemonic state, viewing it as an affront to cultural autonomy. However, this very same idea of a hegemonic power structure is present within intra-societal relations that established a state of hegemonic masculinity (the institutionalized subordination of women by a male dominated societal power hierarchy).

To say that the cultural relativist approach protects marginalized social groups is to say that it protects the most privileged of those groups. Human rights have been the foundational pillar in the construction of an interconnected globalist society. It is through the universalist approach that human rights have secured varying populaces the greatest extent of human freedom. By upholding human rights as an intrinsic element of human

nature, we can assure that they will continue to secure such freedoms even in the wake cultural conflicts and ideological differences.

The foundational objective of human rights-individual autonomy-transcends past socially constructed institutions and is integral in paving a road to an egalitarian and pluralist society.