

Human Rights between Universality and Cultural Conditioning

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I - Introduction: Human Rights, Concept and Reality.

1- Violations of human rights are everywhere. They are not only in the countries of the Third World, but also in Western countries. Genocide occurs in Europe, in Bosnia and Herzegovina. Palestinian persecution, in occupied Palestinian territories, occurs in Israel, ostensibly a model of a Western country in the Middle East, supported by the U.S.A. In South Africa, Apartheid is implemented by the British and the Dutch. In the USA, political assassinations of Martin Luther King and John F. Kennedy are done on the land of the champion of the Free World. Mounting fundamentalism is not only in the Muslim World but also in England, France and Germany, based on racism, or in the USA, based on religion. The dismantling of the Soviet Union into disputing ethnicities is the violations of human rights of individuals and peoples for the sake of purity of blood and in the name of the integrity of the nation.

2- Human rights can be approached in different ways, among them; historically, showing the socio-political circumstances behind the violations of human rights; legally, showing the implications of these violations for the legal status of individuals and nations and the necessity of international intervention through UN commissions on human rights. However, the conceptual approach must clarify in-depth the reason for human rights violations which lie essentially within the concept of man in every culture. The cultural approach is the most relevant one, especially in traditional societies where traditions are still living, providing the peoples with their Weltanschauungen and their norms of behaviour. It may help also in unveiling the cultural basis of the concept of human rights in the West. Perceptions and Worldviews are the real foundations of things and realities.

3- The Islamic Worldview goes beyond ethnicities. Asian Islam, African Islam, Arab Islam or Euro-American Islam all are particularities within Global Islam as World view. Some Western Institutions may work from an illusory dichotomy between Asian Islam and Arab Islam. The first is more peaceful, more manageable, more understanding of the West and understandable by the West. While Arab Islam is more antagonistic, more radical and more

rejectionist of the West, as well as rejected by the West. What about the Islamic revolution in Iran, the Islamic struggle in Afghanistan and the Palestinian resistance movement, still more radical, more violent and more antagonistic to the West? What about Saudi and Gulf Islam, more Western and more dependant on the West than ever? For the sake of a healthy and productive intercultural dialogue, more representation for all variants in Islam is needed, to deal with the whole Islamic spectrum, without presupposed choices based on illusions.

II – The Concept of Human Rights in the West

1- The concept of human rights in the West is conditioned by the cultural experience of European history in modern times. The Reformation stressed the importance of faith in the instant, not in history, the direct relation between man and God, without the intercession of the church, *Sola Scriptura* not the tradition.

The freedom of the Christian, the right to interpret and to understand the justification by faith alone not by works of the law, all contributed to the discovery of man as a new religious horizon. The Renaissance switched from Theocentrism to Anthro-po-centrism. God became man took a new departure in defense of man. Giordano Bruno, Petrarch, Campanella, L. Vives, M.Ficino, G.P. de la Mirandola, P. Pomponazzi. All these major thinkers of the Renaissance defended the dignity of man. Erasmus made Humanism a whole philosophical trend in the 16th century.

2- This new human motivation was reaffirmed in the Cartesian “*Cogito ergo sum*” of the 17th century, where man became, as a knowing subject, the center of the Universe. God is the idea of perfection, and the world is a combination of two other ideas, movement and extension. The Copernican revolution was completed in the 18th century in Germany by Kant, making the subject the center and the object turning around it, and advanced the view of the helio-centric system towards the view of the rights of man to know. The French revolution inserted Knowledge into praxis, epistemology into sociology. Reason exploded in society, and the enlightenment of the Encyclopedists became the spirit of a whole era where the universal declaration of human rights was issued. In the XIX century, man yielded to nation in the era of nation-building after the fall of big European Empires. Individualism yielded to collectivism via Marxism. Liberalism yielded to utilitarianism via J.S. Mill. Man became a natural phenomenon via Darwinism and natural sciences. In the 20th century, the outcome of Western Humanism was two World wars, Nazism, Fascism and Communism, which generated a new wave of

humanism in Existentialism.

3- Since Nietzsche declared at the end of last century "God is dead, and man is alive," R. Barth declared at the end of this century "Man is dead and the text is alive." Therefore, none lives anymore in European consciousness, neither God nor man. The glorious European experience in modern times ended in Nihilism, Skepticism, Relativism and Agnosticism. Socrates yielded to Protagoras. Almost all contemporary Philosophers observed the end, death in the Soul, for example *Erliebnißsverloss* (Husserl), *Umsturtz der Werten* (M. Scheler), machines creating gods (Bergson). In this atmosphere, alternatives like new-Thomism, new-Scholasticism, and new-Medievalism were only cries in the desert, like that of John Baptist.

III - The Limits of the Concept of Human Rights in the West

1- In spite of the glorious Western experience concerning the crystallization of the concept of human rights, there are serious limitations of such a concept, which created lot of problems in Praxis. Man was always the Western man, not the Universal Man, in spite of Kant's ethics. He was man within the borders, not outside. Freedom, justice, equality, science, reason and humanism, the major ideals of the enlightenment, were practiced only inside Europe. Oppression, injustice, inequality, magic, superstition and dictatorship, royal or military Etatism were seen as being practiced outside Europe. Western humanism was a double standard of behavior, a standard in Russia helping the new liberalism and another standard in Bosnia and Herzegovina, left for the most horrible Genocide; a standard in Kuwait for liberation against Iraqi aggression and another standard in Palestine left under Israeli occupation; an intervention in Somalia against drought and civil war, and an abandonment in South Africa of the rights of the Black majority against apartheid.

2- Human rights were conceived as the right of the individual against God and the State. The Rights of Man were conceived contrary to his duties or to the Rights of God. It is true that the universal declaration of rights was for man and the citizen. But the citizen was against the State, the individual against the group, class or society. That is why Western humanism and liberalism ended in individualism and capitalism, switching from freedom and equality to exploitation and social injustice. Man was individualized and separated from the other, the ego excluded the alter.

3- Once the concept of man was cut off from God and the community, it sank into another alternative foundation such as power and interest. Man is the powerful one, eager for political authority even through domination of others. He is also looking out for his own

interest, irrespective of the interests of others, even through exploitation. Man was the Roman man of the Imperial Rome, not even the Greek man of the school of Athens. He was more Spartan than Athenian. That is why he discovered his own European mythologies as the carrier of his own national culture, that of the Vikings or the Nibelungen. The past and the present culminated in the 19th century Racist ideologies of the superiority of the Arians over the Semites, that of Gobineau, E. Renan and L. Gauthier. Nowadays, the dismantling of Nations, still on the edges of tribalism, ended in totalitarianism, and was in turn inherited by new types of Globalism and Cosmopolitanism, where individuals and small nations are completely absorbed.

IV - From Human Rights to Peoples Rights

1- Non-Western Cultures in the Third World, in Africa, Asia and Latin America contributed to the reformulation of the concept of human rights, so gloriously established in Western Culture, by adding to the concept of human rights the concert of peoples Rights. The declaration of Algiers in 1971 completed the European declaration, claiming peoples rights for self-determination and independence as natural rights, national struggle for independence, revolt against occupation, popular resistance against all forms of external domination such as colonialism and imperialism. All are prerogatives of peoples rights. If Colonization was one of the outcomes of European concept of human rights, Decolonization is one of the outcomes of the Third World addition of the concept of peoples rights.

2- The right of peoples to control their own natural resources is also one of the peoples rights against exploitation by the other. The rights of peoples to close their economic system, based on State's control of the means of production, protection of national production against importation, economic planning for the sake of the poor majority. These also belong to peoples rights against the International market economy, World Bank requirements, foreign aid conditions and multi-national corporations. The state of the world economy is now in the hands of the industrial nations. The rights of the South in the wealth of the North is also a part of peoples historical rights, given the long history of exploitation of the South by the North.

3- However, after the heroic peoples struggle to regain their independence, re-colonization began in a more sophisticated way, not this time through military and direct intervention, but through economic, political and cultural dependency on the West. In the case of Egypt, 70% of its food comes from abroad. Hunger, drought, poverty, underdevelopment, all became major components of the new

national independent states. National leaders played the role of the old colonists, enjoyed their privileges and oppressed popular opposition. The state was not the implementation of the revolution. Sectarian tribalism, militarism, and dictatorship were limitations of new national states supported by the West, which even fermented coups d'etat for more cooperative and dependant regimes, in its fear of populism. The West wanted to continue its domination at the hands of national leaders and with the help of ruling elites. The relation between big nations and small ones followed the "law of the tides," that is, Colonization and De-Colonization, Re-Colonization and De-recolonization.

V - The Argument of Reality

1- The glorious non-Western experience of peoples rights, carried out by Africa, Asia and Latin America also had its limitations, based on the argument of reality. Countries which created the concept of peoples rights are those in which these rights are mostly violated. Peoples are not free when they must fight external occupation, and they are not, when they are oppressed by internal dictatorships. Indeed, peoples in the Third World have not yet reached a period of enlightenment. They are still making the transition from medievalism to modern times. They are still living under the protection of Tradition. Modernism, imported by the ruling elite from the West, led to Westernization of the elite and, in reaction, to fundamentalism of the masses. Conservatism is the general trend of Tradition. Liberalism is still the option of the elite, not a popular trend.

2- One of the major features of traditions in the Third World is Absolutism, the pyramidal and hierarchical World view. The summit has more value than the base. The top is the absolute positive, while the bottom is the absolute negative. The Ruler has the absolute right to order, while the ruled has the absolute duty to obey. The attributes of God are similar to the attributes of the king: Omnipresence, Omniscience and Omnipotence. Absolutism in Being became Unilateralism in Thought and Action. One opinion is right and all other opinions are wrong, the dialectics of black and white. Absolutism in power and unilateralism in thought go hand in hand to form dictatorships. Democracy requires another Worldview, a horizontal, not a vertical one. The relation between any two is not an up-down but a side-by-side relationship. Under dictatorship, the top is forward, the bottom is backward. In contrast, pluralism requires relativism in point of views, that all opinions are equal, right or wrong. Dialogue between diverging views may lead to a converging view. Peoples in the Third World are still living in an era between

Reformation and Renaissance. They have not yet reached modern times.

3- However, there are still some positive elements in this “Third World Medievalism,” namely the spirit of solidarity and social groups. The individual, that absolute value in the Western concept of human rights, exists for the group. Compassion, love, sacrifice and mutual aid are common values in traditional societies. Man is not alone, rather he is with God. That means with the Other, both Divine and human. Egoism goes too far, yet altruism is too near. Passion is Reason of a higher order. Intuition plays the role of rational inference. Perception of reality has no less value than mathematisation of nature. Quality precedes quantity. The soul is overwhelmingly present in the body.

VI - Pluralization and Universalism: A Minimum Standard

1- Beyond cultural conditioning in the concept of Human Rights, there is still Universalism, based on pluralization and forming a minimum standard. After all, Western Culture produced Kant and Fichte, the Sein-Sollen and the Ideal. The French revolution produced the ideals of Enlightenment, that is, man, reason, freedom, equality, social justice, science of nature and progress in history. Each European country contributed to European culture, exemplified by the social contract of Locke in England, History as the story of liberty by Croce in Italy, God and the people via the Slavophile in Russia. Why then the failure of nerves and the nervous breakdowns of Adorno and Habermas in the “Dialectics of Enlightenment”, Why cutting one's own throat? The ideals of the Enlightenment can be renewed, completed and universalized outside the borders of Europe. If God is dead and man is dead, Humanity is still alive!

2- The Third World contributed to the world cultures by offering the concept of Unity, the Unity of God, the unity of Nature, the unity of mankind. This concept of unity, called “Tawhid” in Islam, is reflected in human life as the affirmation of human freedom without any oppression, as human equality free from racism, and as human justice exempt from social injustices. The good deed is the pivot of belief and the criterion of faith. Respect for life, against killing and extermination, is a major component of cultures in the Third World. Social solidarity, as it appeared in the Ujama of Nyerere, is a reflection of the collective spirit in Africa. Consciencisme of N'Khruma, reflects a whole World view, that the world is lived by human consciousness, vital reason is no less important than discursive and abstract reason. The affirmation of cultural identity preserves individuals and peoples from imitation, dependency and Westernization.

3- Therefore, each culture, that of the center, as well as those of the periphery, can contribute to the minimum standard as a converging common goal. All cultures are alike in value. There is no "Culture" with a Capital C and then "cultures" with small cs. The relation between culture of the center and cultures in the periphery has to come to an end. The complex of superiority of the center vis à vis the periphery, and the complex of inferiority of the center, have to be cured of colour, race, language, ethnicity. These are not parts of the minimum standard. Likewise, power and interest are not permanent elements in a human and universal value-system. Pluralism is the path towards universalism. History of cultures is only the point of departure for the universality of the norm. Individual rights are part of peoples rights. Actions for human rights are the completion of the universal declaration of human rights. A redistribution of world wealth between nations, in a more equitable way, by sharing information, contributing in human creativity, rewriting the story of mankind in a more just way, all are components of the minimum standard. Didn't Christ sit down and wash the feet of his disciples, to give them a lesson of modesty?

VII - Objections and Answers

1- Peoples Rights are not contrary to individual rights, but a completion of them. Both are the heritage of Western and non-Western experiences. The violation of human rights are done by the ruling elite and then justified by some of the intellectual elite, in all cultures and nations. Accusing non-Western cultures, namely Islam, of violations of human rights is a cultural prejudice, a stereotypical image in the Western Culture vis à vis non-Western cultures. Islam as a religion of nature is not arrogance but a judgement uttered by philosophers of religion. Islam is a religion in which humanity is exempt from original sin, from need of a salvation theory, or from any mediation between man and God. As for the rights of women in Muslim societies, Egyptian women had the right to vote before many Western societies, France for instance.

2- The fact that the Third World is still passing through a period between Reformation and Renaissance does not justify torture, oppression and violations of human rights, but a recognition of historical transition would help Western Orientalism in uttering more just judgements, taking the historical context into consideration. A comparison between actual modern European societies with the actual non-Western societies would be unjust because both societies do not live the same historical period. Some Third World societies may still live the era of inquisition. At least four centuries separate the two

societies. That does not imply acceptance of inquisition, but struggle against it. Correcting unfair comparison in theory does not mean yielding to oppression and dictatorship in practice.

3- The concept of minimum standard does not mean a compromise with the violation of human or of peoples rights, but accomplishment of agreement on the minimum between all human beings and nations. This would include Solvitur in Excelsis, for instance, the unification of cultures from mutual stereotyped images, diffused in the mass-media and still taught in educational textbooks; the implementation of U.N. resolutions in all cases to a country like Iraq as well as to Israel, concerning the deportation of the Palestinians. Presupposing that a country or a culture does not struggle against the violation of human rights is giving one's self the privilege of the title of a human being and withholding it from others. In Islam, whoever kills one man, it is as if he has killed the whole of humanity. Likewise, whoever gives life to one man, it is as if he has given life to the whole of humanity.

4- Insisting that the concept of human rights can be understood only as a legal concept, not as a perception and a Worldview, may be motivated by an unconscious desire to hide the ethno-centric foundation of the concept of human rights in Western culture. Depth analysis of concepts from within may reveal the foundation of the external implementation of the concept from without. Why hiding the inside and be satisfied with the outside?

5- Argumentum and hominem is lack of love and modesty, of charity and benevolence. Why antagonizing individuals, peoples and cultures, as if the antagonist is absolutely right and the antagonized is absolutely wrong? Has humanity reached a new era of mutual respect between cultures, going beyond bigotry and arrogance, or is humanity still the victim of the past, the historical power struggle between the master and the slave? Sometimes individuals, peoples and cultures need to be cured first from the heritage of the past, the interests of the present, in order to look for a better future for a sane humanity.