

On the Reconciliation of Human Rights and Cultural Difference

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Abstract

Human rights are universal, and therefore seem to be independent of 'identity' and 'difference'. In the Western philosophical and religious traditions they originated in the Stoic idea of the moral unity of mankind and the Christian belief in one, unique, universal God, the creator of the Universe and its human inhabitants. According to this view, all human beings had certain fundamental obligations to God, and this entailed obligations to all human beings. Although Christians believe Christianity to be the one true religion, the Christian theory of human rights holds that all human beings have obligations to respect the rights of all other human beings, irrespective of their religious beliefs or cultural identity. The modern conception of human rights, as embodied in UN texts, is a secularised version of this idea: all human beings have all human rights (including the rights to freedom of religion and to participate in the culture of their community) irrespective of their cultural identity. In recent years, however, this conception of human rights has been challenged on the ground that it fails to take account of the moral importance of 'identity' and 'difference', and consequently constitutes an ideological disguise for the domination of a particular, Western form of moral and political discourse. This challenge has arisen in at least four contexts: 1) the relations between the West and non-Western cultures; 2) minority rights; 3) the rights of indigenous peoples; 4) the rights of women. I shall argue that the concept of human rights can be reconciled with the legitimate claims of 'difference', but that this requires some rethinking of the concept. In this way, the challenge of 'difference' enriches without undermining the concept of human rights. Nevertheless, there are 'grey areas', in which the best way to

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reconcile universality and difference cannot be determined by theoretical speculation. An irresolvable area of philosophical 'difference' cannot be avoided. This should not, however, be considered a serious problem for the idea of human rights.

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