



THE (IN)COMPATIBILITY BETWEEN INTERNATIONAL HUMAN RIGHTS AND THE VALUES OF NON-WESTERN SOCIETIES

ELENI CHATZIDAKI

flti.plic2102

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Supervisor: Prof. Ioannis Karras

Supervisory Committee Members: Prof. Sotirios Livas and Prof. Maria Tsigkou

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Abstract

Despite its global significance and moral authority, the universality of human rights is challenged by diverse cultural perspectives, particularly those prevalent in non-Western societies. These perspectives generate discussions and controversies surrounding the interpretation and application of human rights, as some of these societies question their origin and relevance in relation to their own worldviews and cultural values, perceiving them as potentially imposed by external forces. Through a comprehensive qualitative and interdisciplinary literature review, the present research aims to contribute to the discourse surrounding the interplay between cultural relativism and universalism concerning human rights. The thesis examines instances of incompatibility between universal human rights norms and the cultural values of non-Western societies, particularly those within African and Asian contexts. Furthermore, acknowledging the dynamic nature of cultures and their susceptibility to internal and external influences, as well as the political struggle for control over cultural resources and symbols, the research seeks to shed light on other interrelated factors contributing to the incompatibility between universal human rights principles and culturally diverse contexts. Finally, by advocating for a nuanced understanding of cultural awareness and sensitivity within the human rights discourse, esteemed scholars' approaches are selected to be presented to offer potential avenues for resolving conflicts between human rights standards and specific cultural traditions.

Keywords

Universal Declaration of Human Rights, Western Liberalism, Cultural Diversity, Universalism vs. Cultural Relativism, Modern Imperialism, Traditional vs. Modern Societies, Collectivism vs. Individualism, African and Asian Perspectives, Human Dignity, Social Roles, Gender Equality, Female Circumcision, Prohibition of Torture and Inhuman or Degrading Treatment, Freedom of Religion, Islam, Cross-Cultural Understanding, Cultural Adaptability.

Περίληψη

Παρά την ευρεία αποδοχή των διεθνών προτύπων ανθρωπίνων δικαιωμάτων, όπως ορίζονται στον Παγκόσμιο Χάρτη για τα Ανθρώπινα Δικαιώματα, παρατηρείται ότι η διασφάλιση της προστασίας τους διαρκώς απειλείται από ορισμένες πολιτισμικές αντιλήψεις. Αυτές οι αντιλήψεις αμφισβητούν τη δυνατότητα ευρείας εφαρμογής των ανθρωπίνων δικαιωμάτων, βασιζόμενες στην πεποίθηση ότι υπάρχει έλλειψη πολιτισμικής σχετικότητας μεταξύ των διεθνών προτύπων και των εκάστοτε πολιτισμικών συστημάτων. Η παρούσα έρευνα, μέσω εκτενούς ποιοτικής βιβλιογραφικής ανασκόπησης, στοχεύει να συνεισφέρει στον διάλογο σχετικά με την αλληλεπίδραση μεταξύ πολιτισμικού σχετικισμού και του παγκόσμιου χαρακτήρα των ανθρωπίνων δικαιωμάτων. Εξετάζει περιπτώσεις ασυμβατότητας μεταξύ των παγκόσμιων προτύπων ανθρωπίνων δικαιωμάτων και πολιτισμικών αξιών σε μη δυτικές, παραδοσιακές κοινωνίες, εστιάζοντας σε πολιτισμικές αναφορές από αφρικανικές και ασιατικές κοινωνίες. Επιπρόσθετα, αναγνωρίζοντας τον δυναμικό χαρακτήρα των πολιτισμών και την επηρέασή τους από εξωτερικούς παράγοντες, καθώς και τις πολιτικές προσπάθειες για έλεγχο των πολιτισμικών συμβόλων, η έρευνα επιδιώκει να φωτίσει άλλους παράγοντες που συμβάλλουν στην εν λόγω ασυμβατότητα. Τέλος, υπογραμμίζεται η ανάγκη για ανάπτυξη διαπολιτισμικής ευαισθητοποίησης, μέσα από την προσεκτική επιλογή προσεγγίσεων διακεκριμένων επιστημόνων που προτείνουν πιθανούς τρόπους επίλυσης των συγκρούσεων μεταξύ των προτύπων ανθρωπίνων δικαιωμάτων και πολιτισμικών παραδόσεων.

Λέξεις – Κλειδιά

Παγκόσμια Διακήρυξη Ανθρωπίνων Δικαιωμάτων, Δυτικός Φιλελευθερισμός, Πολιτισμική Ποικιλομορφία, Παγκοσμιοποίηση vs. Πολιτισμικός Σχετικισμός, Σύγχρονος Ιμπεριαλισμός, Παραδοσιακές vs. Σύγχρονες Κοινωνίες, Κολλεκτιβισμός vs. Ατομικισμός, Αφρικανικές & Ασιατικές Πολιτισμικές Αντιλήψεις, Ανθρώπινη Αξιοπρέπεια, Κοινωνικοί Ρόλοι, Ισότητα Φύλων, Κλειτοριδεκτομή, Απαγόρευση Βασανιστηρίων και Απάνθρωπης ή Ταπεινωτικής Μεταχείρισης, Ελευθερία Θρησκευτικής Συνείδησης, Ισλάμ, Διαπολιτισμικότητα, Πολιτισμική Προσαρμοστικότητα.

List of Abbreviations

CBPR	Community-Based Participatory Research
FGM/C	Female Genital Mutilation/Cutting
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

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Introduction

In the wake of the Age of Enlightenment, the notion of human rights emerged as a guiding principle towards achieving equality, dignity, and justice, transcending cultural boundaries. Up until the present day, grounded in the belief that every individual possesses inherent and inalienable rights deserving of respect and protection, human rights have garnered global significance (Kant, 2008). However, their universality faces challenges from diverse cultural perspectives, especially prevalent in non-Western societies (Panikkar, 1982). This tension between universalism and cultural relativism in human rights discourse has become a compelling subject of inquiry, prompting the researcher to undertake a thorough examination to explore the incompatibilities that arise between human rights and non-Western cultures, as well as the complexities involved. Additionally, this thesis endeavors to gather insights from esteemed scholars, seeking approaches that may offer resolutions to this intricate problem.

Considering this context, this thesis is structured into two parts. Part 1 involves an extensive review of existing literature on the matters covered in its five chapters. In particular, Chapter 1 provides a historical background on international human rights and addresses criticisms of its standards. Chapter 2 centers on the definition of culture and addresses the complex task of establishing international human rights while also honoring cultural diversity. Chapter 3 holds a significant role within this thesis as it tackles the primary research objective—exploring conflicts between human rights and fundamental values in non-Western cultures. This exploration begins by examining the distinctions between traditional and modern societies and analyzing their perspectives on individualism and collectivism. In an effort to deepen the discourse through essential cultural contexts, and acknowledging the interconnected nature of cultures in today's globalized world, the chapter subsequently broadens its scope to include African and Asian perspectives. Following this, Chapter 4 conducts a critical analysis of factors contributing to cultural incompatibility, including postcolonial dynamics, socio-political structures, economic priorities, and religion. Chapter 5 then examines culturally sensitive approaches proposed by distinguished scholars to bridge the gap between universal human rights and cultural plurality. Proceeding further, Part 2 is dedicated to presenting summary findings, drawing conclusions, and addressing

the question of whether it is feasible to maintain a universal concept of human rights while respecting and accommodating cultural pluralism.

In order to address the research objectives, the researcher has opted for an interdisciplinary and qualitative literature review. This method involves sourcing existing literature, legal documents, and case studies showcasing cultural incompatibilities with human rights. Comparative analysis is employed to identify trends, distinctions, and commonalities among selected cultural practices, aiming to provide actionable insights for enhancing the inclusion and effective implementation of human rights (Snyder, 2019). This method is also utilized to explore factors affecting the compatibility of human rights in non-Western societies and culturally sensitive approaches to human rights.

Acknowledging the limitations influencing research outcomes, the constraints of a single thesis posed challenges in achieving comprehensive geographic coverage. Attempting to encompass all non-Western regions was deemed unfeasible, as it could have led to oversimplification and unsubstantiated generalizations. Moreover, although insights from various regions are included, concerns regarding potential Western bias in the researcher's analysis due to her Western background remain relevant. Nevertheless, the researcher tried to approach the topic with consciousness of this potential bias, demonstrating sensitivity and maintaining objectivity throughout the study.

Another limitation stems from the non-exhaustive research strategy, predominantly relying on English-language, peer-reviewed literature, which might have excluded relevant works in other languages. Additionally, the focus on textual analysis within existing literature may have overlooked contextual factors surrounding the under-researched issue. In sum, it is crucial to highlight that, at this stage, the investigated theme lacks sufficient scholarly attention to support definitive theses or resolutions. Therefore, these recognized constraints underscore the need for additional research, methodological innovations, and more comprehensive perspectives to holistically address the intricate interrelation between universal human rights and non-Western cultural values.

With a solid foundation in comprehending the limitations and considerations, and mindful of the aforementioned thesis structure, it is now opportune to explore the findings of the literature review.

PART ONE: LITERATURE REVIEW

Chapter 1. Foundations of Human Rights: A Historical Exploration

The quest to comprehend the origins and universality of human rights begins with an in-depth exploration of their historical underpinnings. The evolution of human rights ideals has been influenced by pivotal historical events and intellectual landmarks that have paved the way for this fundamental concept. Within this chapter, the researcher examines the historical backdrop of international human rights, tracing the inception of the concept and the establishment of its guiding principles. Amidst this historical voyage, the chapter engages with criticisms directed at international human rights standards, offering an equitable portrayal of the debates that have significantly influenced the discourse.

1.1 From Local to Global: The Evolution and Institutionalization of Human Rights

To begin with, the examination of the origins of human rights from various cultural and religious perspectives provides valuable insights into understanding the evolving universality of human rights. Across various cultural and religious traditions, significant parallels and historical interconnections can be discerned with the foundational principles of universally recognized human rights as observed today (Howard, 1992). A thorough examination of philosophy, religious beliefs, and cultural heritage reveals a multitude of sources for human rights concepts around the globe. Notably, traditions such as Christian, Buddhist, Confucianist, Mandarin, and Brahman encapsulate values like freedom, individual liberty, and tolerance (Zhang, 2007, as cited in Mende, 2021). Similarly, within Islamic values, the concept of “*ijtihad*” embodies tolerance, pluralism, and the safeguarding of minority rights (Sen, 2007). However, as will be further elaborated in Chapter 3, it is crucial to bear in mind that in certain societies, these values are occasionally applied selectively to specific groups, castes, genders, or classes, often dependent on particular circumstances, rather than being extended to all individuals (Yasuaki, 1999, as cited in Mende, 2021).

In the transition from a domestic focus to a matter of global significance, the concept of human rights underwent a transformative shift in the aftermath of World War II. The global community was confronted with the appalling atrocities perpetrated during

the war, including the widespread killings of millions of Jews, Romani and Sinti individuals, persons with disabilities, homosexuals, and various other groups (Human Rights Resource Center, 1998). These acts of violence and discrimination shocked the international community, compelling them to take decisive action to prevent such horrors from happening again. The urgency to protect and uphold the rights and dignity of every individual became paramount, leading to a collective effort to ensure that all human beings are entitled to life, liberty, and access to basic necessities (Human Rights Resource Center, 1998).

In response to these crucial concerns, the United Nations (UN) was established in 1945 with the primary goal of preventing conflicts and promoting international peace. Today, the UN consists of 193 member states, each presumed to possess equal sovereignty, and operates in accordance with the principles and purposes outlined in its founding Charter (Human Rights Resource Center, 1998). This significant development paved the way for the institutionalization and recognition of human rights as universal norms and standards. More specifically, to further its mission of promoting and protecting essential human rights for all individuals, regardless of their background or nationality, the UN established a Commission on Human Rights, known as the Office of the United Nations High Commissioner for Human Rights (OHCHR) (Human Rights Resource Center, 1998).

Entrusted with the task of drafting a document that would define these fundamental rights and freedoms, OHCHR embarked on creating the Universal Declaration of Human Rights (UDHR) (Human Rights Resource Center, 1998). This pivotal document, adopted on December 10, 1948, aimed to enshrine the principles outlined in the UN Charter into a comprehensive framework, solidifying human rights as universal norms (United Nations, 1948). To ensure a truly inclusive and culturally sensitive approach, the United Nations Educational, Scientific, and Cultural Organization (UNESCO), a specialized agency dedicated to fostering dialogue and respect among civilizations, cultures, and peoples, actively participated in the process. As part of its contribution, UNESCO conducted a global survey to include essential insights and elements from various traditions and worldviews and enrich the human rights discourse (Veer and Dezentje, n.d.).

In this regard, inspired by the principles outlined in the UDHR, two international human rights covenants were established: the International Covenant on Civil and

Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), resulting in legally binding human rights obligations (Leary, 1990). Together, these Covenants constitute the International Bill of Human Rights, recognizing specific rights, such as freedom from torture, slavery, and genocide, as peremptory norms that must be upheld. As a result, human rights violations are currently viewed as matters of international concern rather than solely the internal affairs of nations. In this way, the universality of the UDHR extends even to states that have not yet ratified the Human Rights Covenants (Schachter, 1991).

However, concerning the decision to have two separate Covenants rather than one, Pechota (1981) and Whelan (2010), among other scholars, note that it stemmed from ideological differences between the East and West. Western liberalism emphasizes political and civil rights in international treaties while giving comparatively less attention to economic, social, cultural, and third-generation rights (Leary, 1990). In the context of the Global South, this division remains insufficiently resonant. There is a prevailing perception that the prioritization of political and civil rights disproportionately benefits nations already in positions of power, often at the expense of economic and social rights. As a result, it perpetuates a perception of inequity by inadequately acknowledging economic and social discrepancies among nations. Furthermore, it may exacerbate existing disparities between the Global North and Global South (Shetty, 2018).

Apart from this criticism, scholars have pointed out additional considerations that complicate the notion of universal human rights. The upcoming section will navigate through these complexities, shedding light on how cultural relativism, historical biases, and global power dynamics collectively complicate the notion of human rights as a universally applicable concept.

1.2 Criticism of the “Universal” Nature of Human Rights

First and foremost, even though the UDHR is widely considered a landmark achievement, debates and critiques concerning its perceived Western-centric origins have persisted since its inception (Zijlstra et al., 2011). Particularly during the period of its adoption, anthropologists raised the cultural relativism argument, suggesting its values were relative to specific societies and not universally applicable to all nations (An-Na'im, 1992). This critical assumption continues to endure, implying that human

rights are rooted in the West and reflect Western interests, potentially serving as a tool of cultural hegemony and modern imperialism (Shaheed and Richter, 2018).

Notably, critics stress that the main contributors to the drafting of the UDHR predominantly came from Western Europe or the Americas, along with non-Europeans educated in Western universities. This perception is reinforced by the fact that many Asian and African member states of the UN at that time were still colonies and thus lacked the right to vote or participate in the drafting process of the UDHR (An-Na'im, 2010). Additionally, some argue that newly decolonized states took part in establishing the human rights regime to assert their sovereignty (Moyn, 2012, as cited in Mende, 2021) or simply followed the lead of powerful Western states (Douzinas, 2007, as cited in Mende, 2021). An-Na'im (1992) further highlights that at this time, many elites representing African and Asian states at international forums lacked a clear understanding of their cultural positions on numerous principles covered by human rights documents.

Similarly, Veer and Dezentje (n.d.) argue that despite UNESCO's intention to incorporate diverse cultural perspectives during the formulation of the UDHR, Asian and African traditions and philosophies were not adequately considered. Instead, the prevailing influence stemmed from Western liberalism, which prioritizes the natural rights of individuals over societal and cultural dimensions (Mende, 2021). As such, critics suggest that the human rights regime neglects the needs and values of communitarian societies and that the current human rights regime applies only to individualistic ones (An-Na'im, 1999; Mende, 2016).

On the whole, the critics' notion is that the current human rights paradigm is deeply influenced by its colonial origins and neocolonial practices, leading to concerns about unequal power dynamics and cultural imperialism in the global context. It is further fueled by the concept of the "civilizing mission of the white man", which perpetuates the belief that non-Western societies are incapable of understanding and safeguarding human rights within their cultural contexts. Consequently, Western nations assume a paternalistic role, asserting authority over monitoring and enforcing compliance with Western-defined human rights standards in non-Western societies (An-Na'im, 2021).

In response to these concerns, critics advocate for a more inclusive and culturally sensitive approach to human rights that empowers all societies to determine their own

paths in promoting and protecting the inherent dignity and rights of every individual (An-Na'im, 2021). Absolutely, all these critiques can act as reconstructive catalysts for meaningful discussions and improvements. Respectively, the persistent inquiry into whether human rights are inherently Western can act as a driving force, leading to the evolution of a dynamic and transformative human rights framework that embraces cultural diversity and thus promotes inclusion and equity (Mende, 2021).

Concluding this concise exploration of the historical foundations of human rights, it is evident that the establishment of universal norms has encountered numerous critiques and complexities. Building upon these pivotal considerations, Chapter 2 will initiate an investigation into culture and its profound impact on human rights. This endeavor aims to enhance the understanding of how cultural contexts shape the comprehension and application of human rights principles. The upcoming chapter promises a closer examination of the intersection between culture and human rights, exploring the intricate dynamics that define their relationship.

Chapter 2. Culture and Human Rights: Exploring the Complex Relationship

To investigate the (in)compatibility between international human rights standards and specific non-Western cultures, this chapter engages with the multifaceted concept of culture. Rather than providing an exhaustive analysis, the focus is on discerning the essential components and intricacies of culture, setting the stage for a more comprehensive examination in the upcoming chapters. Additionally, this chapter examines the international significance and weight of cultural rights, considering their impact on the broader human rights landscape. This exploration serves as a foundation for understanding the contrast between cultural relativism and universalism arguments.

Initiating this exploration, anthropological and sociological literature offers various interpretations of culture. However, for the purposes of this thesis, “culture” is defined as the complete set of values, institutions, and behaviors transmitted within a society (Applegate and Sypher, 1988, as cited in Bilge, 2017), subject to alteration or replacement through cross-cultural interactions (Kim, 2001, as cited in Bilge, 2017).

Building upon this nuanced understanding, the significance of culture to individuals is further emphasized through the lens of cultural rights. These rights play a pivotal role in underscoring the importance of culture, as evident in Article 27 of the UDHR. This article distinctly champions individuals' right to freely participate in their community's cultural life, simultaneously rejecting the imposition of one culture over another (United Nations, 1948; Office for the High Commissioner for Human Rights, 2012).

Acknowledging the integral role of cultural rights within the UDHR, the preservation of cultural diversity emerges as a pivotal consideration. Nevertheless, the primary endeavor of international human rights to establish universal standards poses a challenge when seeking balance with cultural diversity (Silk, 2010). Amid this challenge, critics caution against viewing Western culture as a universal normative model, emphasizing that each society may define and solve problems differently (Mayer, 2010). They also argue that the pursuit of establishing universal human rights often reflects liberal relativism disguised as global universalism (An-Na'im, 2021). On the other side, apprehensions arise when the concept of cultural relativism is misappropriated to justify endowing cultures with absolute autonomy, allowing them to reject and infringe upon human rights on grounds of cultural illegitimacy (An-Na'im, 2010).

In addressing this inherent tension between cultural relativism and universalism, the drafters of the Declaration maintained that cultural differences are permissible only when they align with the principles of human rights. However, this assurance extends unequally across all rights; for non-derogable rights¹, exemplified by the absolute prohibition of torture or cruel, inhuman, or degrading treatment or punishment, as outlined in Article 5 of the UDHR, a protective boundary is established, transcending the realm of cultural diversity (United Nations, 1948). Meanwhile, certain rights, including privacy and religious freedom, are subject to restrictions when the purpose is legitimate and the restrictions are proportionate (Delmas-Marty, n.d.).

In conclusion, while the principle of universality is essential for human rights, it should not overlook the critical role of cultural context in defining and delineating the

¹ Non-derogable rights refer to fundamental human rights that are considered absolute and cannot be suspended or restricted under any circumstances. The most commonly recognized non-derogable rights include the Right to Life, the Prohibition of Slavery and Forced Labor, and the Prohibition of Torture or Cruel, Inhuman, or Degrading Treatment or Punishment (United Nations, 1948).

scope of protection for these rights. Instead, it is proposed to adopt a “contextual universalism”, enabling human rights to possess universal relevance while also honoring and accommodating their varied cultural contexts. This perspective should maintain a keen awareness of the limitations of non-derogable rights to ensure their absolute protection (Derrida, 1992; Hall, 2000). Interpreting cultural relativism and universalism in this way enables them to intertwine and complement each other, enriching a liberating framework for human rights (Mende, 2018).

After all, in the context of the ongoing debate surrounding “Western” versus “non-Western” viewpoints on human rights, it is crucial to transcend mere cultural comparisons and recognize the ever-changing and dynamic nature of societies (Howard, 2010). This complexity is magnified in our globalized world, marked by substantial migration and refugee populations in Western societies. Engaging in discussions around the concept of 'traditional culture' in such a multifaceted environment demands caution to prevent oversimplification. The recognition that ideas and norms can originate in one context and be adapted or translated to fit others (Mende, 2021) highlights the potential for internal adjustments, allowing the accommodation of specific human rights within the cultural framework of a particular community (An-Na'im, 2010).

Having scrutinized the complexities of culture and its intersection with human rights in this chapter, the stage is set for a thorough evaluation in Chapter 3. This upcoming chapter will further explore the tensions between cultural diversity and universal standards by addressing the incompatibilities between human rights and certain non-Western cultural values. In doing so, this chapter will establish a framework for comprehending the challenges and opportunities presented by cultural rights in shaping the discourse around human rights at the global level.

Chapter 3. Investigating Incompatibilities: Human Rights and Non-Western Cultural Values

After examining the foundations of human rights, their interaction with culture, and the critiques of their asserted universality, this chapter gains significance by directly addressing the primary research objective. Its goal is to investigate potential conflicts between international human rights and core values in certain non-Western cultures. The exploration is divided into two sections: the first delves into the dynamics of

individualism versus collectivism in modern and traditional societies, offering insights into contrasting perspectives on societal organization. The second section transitions from theory to practice, exploring the realization of human rights in diverse societies. In these sections, the theoretical framework discussed in relation to modern and traditional societies will be practically applied within African and Asian contexts, shedding light on how these cultural perspectives may present disparities with the standards outlined by international human rights.

Yet, prior to further investigation, providing clarity on what is meant by “non-Western” necessitates establishing a definition of the term “Western”. Throughout history, various conceptions of this term have arisen, from the post-World War II era to the present day. The interpretation of the definition can significantly differ when viewed through political or cultural lenses (Shvili, 2021). In the context of this thesis, the term “Western” encompasses more than just geographical references; it also incorporates cultural and political dimensions, referring to societies marked by shared cultural traits, beliefs, and practices commonly associated with Western Europe and the Americas, which serve as defining characteristics of these regions (Shvili, 2021). Conversely, the term “non-Western” serves as its counterpart, signifying a diverse array of cultures, traditions, and value systems that may differ significantly from the typical attributes associated with the Western context. Importantly, it is noteworthy that comparisons often default to the “Western” perspective, treating it as the initial point or reference.

In navigating these considerations, and as previously indicated, the principles of the Enlightenment and human rights find their origins in Western values, occupying a significant position within Western societies. However, contemporary Western philosophers and politicians advocate for the global application of these values, urging non-Western societies to recognize their benefits and progress towards greater liberalism by embracing international human rights standards (Rawls, 1999, as cited in Zijlstra et al., 2011).

At first glance, this advocacy might be perceived as a positive endeavor, aligning with the intentionally inclusive nature of the human rights system. This system is designed to provide equal rights to all individuals based on the principles of universality and natural rights. It operates on the premise that all humans share fundamental basic needs, including physiological needs, love needs, and the need for self-fulfillment

(Maslow, 1943, as cited in Zijlstra et al., 2011). However, upon closer scrutiny, cultural disparities become evident when examining how these shared needs are expressed in distinct societies. For example, the concept of self-fulfillment takes on varying connotations in individualistic societies, often revolving around self-prioritization, while in communitarian societies it frequently involves wholehearted service to the community to the best of one's capacity (Tharoor, 1999/2000, as cited in Zijlstra et al., 2011).

Hence, although human rights norms are intended to be universally applicable in principle, their manifestation in practice or ideology is not universal (Howard, 1992). Despite efforts to integrate international human rights into the legal systems of various non-Western cultures, this process has faced challenges. Many non-Western countries resist adopting human rights standards, viewing them as incompatible with their cultural values. Moreover, they perceive such implementation as a manifestation of cultural imperialism by Western powers, interfering in their internal affairs (An-Na'im, 2010). Mahbubani (2004), an Asian philosopher, contends that Western policymakers may harbor feelings of moral superiority and emphasizes the importance of refraining from imposing their societal views on the rest of the world.

Given these considerations, moving forward, the researcher will undertake an examination of the disparities and contrasting viewpoints that arise within what are commonly denoted as non-Western societies. To be more precise, perspectives from the continents of Africa and Asia have been chosen for analysis, aiming to illuminate crucial areas of divergence between their values and the principles of international human rights. However, it is crucial to maintain awareness that their cultural perspectives on human rights may be diverse and susceptible to transformation over time. Such variability presents challenges in drawing generalized conclusions about their alignment with the underlying values of international human rights standards. Nonetheless, by acknowledging this constraint, it becomes feasible to gain some understanding of how the principles that underlie existing human rights standards may or may not coincide with the corresponding principles of these specific viewpoints (An-Na'im, 2010). However, before proceeding with this examination, it is imperative to begin by examining the distinctions between traditional and modern societies.

3.1 Contrasting Modern and Traditional Societies: Exploring the Dynamics of Individualism versus Collectivism

Howard's (1992) contribution to comprehending the genesis of the division between the categorization of societies into traditional and modern is pivotal. She posits that the profound changes in societal dynamics prompted by the rise of capitalism in Western nations and its influence on their economies have led sociologists to broadly classify societies into these two distinctions (Howard, 1992).

While acknowledging the potential oversimplification of this categorization and its inherent limitations in fully encapsulating the intricacies of these societies, it nonetheless offers valuable insights into a fundamental shift in human self-perception and the underlying fabric of social structures. Indeed, the process of modernization in the Western world has instigated profound transformations in societal structures and dynamics. Prior to this stage, the notion of property in such societies was rooted in communal ownership and utilization driven by collective needs. Nonetheless, with the onset of modernization, a significant paradigm shift occurred, reshaping the terrain of property ownership into an individualized framework disassociated from communal bonds (Howard, 1992).

Another significant consequence of modernization is the reduced dependence on religious authorities, made possible by advancements in machinery and technology. This transformation granted individuals newfound autonomy and control over their destinies, shifting the center of influence from religious establishments to the private realm. With this shift, individuals found themselves at the epicenter of their own narratives, emphasizing themselves and their closest relatives (Howard, 1992). Moreover, the proliferation of literacy further catalyzed this shift by enabling individuals to access knowledge beyond the confines of the group. As literacy rates increased, personal empowerment grew, enabling individuals to exercise autonomy in decision-making and shape their lives based on individual judgment. This evolution played a pivotal role in shaping the modern individual, marking a departure from the collective-oriented ethos of traditional societies (Howard, 1992).

However, it is crucial to recognize that the transition from traditional to modern societies is neither linear nor uniform. Hence, there still exist non-individualistic, non-liberal, traditional societies where communal living takes precedence and social

norms guide collective decision-making. These societies are characterized by community-based principles of hierarchical authority, exemplified by deference to priests or elders and even patriarchal control within families (Howard, 1992). Consequently, within these cultural contexts, rights are not automatically conferred solely based on human existence; rather, they are bestowed upon individuals by virtue of their membership in their community, affording them specific advantages and privileges that outsiders may lack (An-Na'im, 2010).

In light of this, one can comprehend why human rights law introduces complexities in cultures that are not inherently individualistic, secular, or rationalist. Values associated with individualism, such as independence, self-reliance, rationalism, competitiveness, personal control over one's life, autonomy, and emotional detachment, may not align with the cultural norms of sociocentric cultures. Instead, they may be perceived as culturally incompatible, potentially conflicting with established norms, and countertherapeutic (Lopez, 1994, as cited in Barrio, 2000). For instance, principles of autonomy and equality that empower individuals to pursue their desired way of life challenge societal and community norms as well as established systems of governance in those societies (Howard, 1992, 1995). Emphasis on individual rights leads to the isolation and disengagement of individuals from the community, categorizing them as dishonored and as "others", similar to strangers or even animals (Howard, 1992; An-Na'im et al., 1995). In traditional societies, honor remains a crucial aspect, and an honored person is someone who is deeply integrated into the social group (Howard, 1992).

As the discussion transitions to practical applications in the upcoming section, examining African and Asian perspectives, the journey continues to unfold, revealing how these theoretical considerations manifest in real-world contexts. This investigation is essential for comprehending the practical implications of universal human rights standards within the complex fabric of diverse cultural environments.

3.2 From Theory to Practice: Realizing Human Rights in Diverse Societies

Building upon the theoretical framework discussed in relation to modern and traditional societies, the upcoming sections will initiate by exploring practical applications of these insights within African societies, followed by an examination of

those in Asia. The decision to examine these non-individualistic, non-liberal, traditional perspectives is rooted in their capacity to provide essential paradigms for scrutinizing potential disparities between their cultural values and the standards of international human rights.

i) African Perspectives on Human Rights

Before embarking on an exploration of the contemporary concept of human rights in Africa, it is crucial to initially acknowledge certain historical facts. Human rights have been deeply embedded in African societies for centuries, as demonstrated by historical artifacts like the Manden Charter. This ancient document, dating back to the 13th century, serves as a remarkable illustration of early African concepts of law and governance. It stands as a testament to the enduring presence of human rights principles in the region, long before the influence of colonial powers. The Manden Charter underscores the significance of equitable governance, justice, and societal harmony within African civilizations, establishing a framework that prioritizes values such as fairness, equality, respect for human rights, education, food security, the abolition of slavery, and the protection of freedom of expression (Veer and Dezentje, n.d.).

From this perspective, one can gain insight into the significant historical legacy of African societies, which have for a long time embraced and advocated for human rights, thereby contributing to the foundational essence of their cultural and legal traditions (An-Na'im, 2010). In the contemporary era, this enduring commitment to political participation and communal well-being continues to flourish within traditional African societies (Howard, 2010). This dedication plays a crucial role in shaping their deep comprehension of ideas such as dignity, social justice, and collective obligations. In particular, human dignity resides at the core of the African understanding of human rights, not only defining the inherent moral essence and value of every individual but also outlining their rightful political engagements within the societal structure (Howard, 2010).

Specifically, in African societies, individuals are inherently perceived as social entities interconnected, particularly within their kinship networks. In line with this perception, these societies adhere to a structure of obligations and entitlements based on designated roles and the fulfillment of societal duties. However, it is crucial to

illuminate the drawbacks of such societal divisions. From precolonial Africa until the present day, the unequal distribution of responsibilities and privileges based on factors like age, gender, or social status has historically led to the selective protection of human rights, often resulting in the exclusion of marginalized groups (Howard, 2010).

These distinctions contrast with the UDHR's notion, which posits an inherent bestowment of human rights solely by virtue of being human. In African perspectives, there is a reduced emphasis on individualism and a prioritization of communal identity. The idea of an individual engaging in private battles against societal norms is not widely accepted within African societies, which prioritize collective well-being. This is notably reflected in the behavior of numerous African women who, despite handling multiple duties such as agricultural labor, domestic chores, and childcare, perceive these responsibilities as integral to their societal roles. As a result, instead of contesting the prevailing status quo, they concentrate on seeking remedies or handling their own challenges without endeavoring to disturb or alter the overarching societal structure (Howard, 2010).

Consequently, Africans perceive harmony as the absence of divergence in interests and are more inclined to emphasize their obligations to other members of society rather than assert claims against them (Howard, 2010). Another illustrative instance of this phenomenon is a unique approach to addressing domestic violence observed in Swaziland, Southern Africa. In such situations, women facing domestic abuse often have the option of involving law enforcement to initiate a formal complaint. However, following this conventional route can lead to unintended consequences, potentially resulting in the imprisonment of the family's primary breadwinner if the accused husband is found guilty. In response, women have ingeniously developed an alternative strategy: during celebratory occasions or gatherings, they collectively participate in the practice of communal singing. Remarkably, this method of public confrontation through songs denouncing domestic violence has exhibited significant effectiveness, surpassing the outcomes of formal legal avenues and avoiding the necessity of challenging societal norms (Veer and Dezentje, n.d.).

From a different perspective, however, the emergence of these distinct patterns within African societies can be traced back to an ideological framework championed by influential segments of African communities. Concerns have been raised that this framework is designed to validate and fortify their authority by introducing

hierarchical distinctions. Within this context, these influential sectors readily embrace the principles of “tradition” as a strategic approach to uphold and amplify their influence over their constituents. Moreover, elders employ the same facade to reinforce their influence against potential resistance from younger generations, while men utilize it to perpetuate their control and dominance over women (Howard, 2010).

The above-mentioned facts underscore how Africans' adherence to deeply rooted values leads to their deviation from global human rights norms. To attain a more profound understanding of this distinction, an examination will follow with an exploration of the customary practice of female circumcision. Subsequently, the focus will shift to African perspectives on birth control.

Female Circumcision

To begin with, the practice of female circumcision, commonly referred to as Female Genital Mutilation or Cutting (FGM/C), prevalent in various regions across Africa, the Middle East, and parts of Asia, brings forth cultural, social, and health implications, raising serious concerns about women's rights. This practice involves several traditional rituals that encompass the partial or total removal of the external female genitalia (Rahman and Toubia, 2000) for non-therapeutic and/or religious purposes (Fineschi and Turillazzi, 2007). Rather, in certain African cultures, FGM/C assumes a pivotal role in a woman's traditional duties within her community (Gallo et al., 2006).

Hence, the acknowledged cultural significance of the practice frequently supersedes concerns about human rights, as practitioners view it as an integral aspect of their societal roles and heritage (An-Na'im, 2021). This perspective is rooted in the belief that the practice aligns with enduring cultural norms and values. In certain cases, the procedure is endorsed and carried out by girls' mothers, and there are reports indicating that those who undergo the process often express appreciation for it later in their lives. Furthermore, there exist testimonies from girls who perceive the act of undergoing cutting as a rite of passage, symbolizing a significant milestone in their life journey (Kristof and WuDunn, 2010).

Until the present day, this tradition remains highly contentious, with many Western perspectives condemning FGM/C as a brutal perpetuation of patriarchal dominance over women (Fraser, 1994). Montague (1995) contends that female circumcision is an

outdated ritual mutilation lacking rationale in a civilized society. The severity of this act has even been equated with murder, rape, physical abuse, and forced prostitution (Abusharaf, 2006). International organizations such as the UN categorize female circumcision as a type of sexual assault, designating it as a form of torture and a breach of human rights (Boyle, 2001), violating essential safeguards like the right to health, bodily integrity, freedom from torture, gender equality (Center for Reproductive Law and Policy, 2002), and the right of a child to normal development (Boulware-Miller, 1985). However, considering the limited success of coercive measures taken thus far to discourage practitioners from continuing the practice, An-Na'im (2021) proposes that the most effective and lasting strategy to address FGM/C would be convincing its practitioners of its harmful effects rather than introducing human rights into the discourse initially.

In this regard, a compelling example of effectively eradicating FGM/C is the Tostan initiative in Senegal, West Africa. By strategically integrating it into the broader context of community development, the program encourages community members to engage in conversations about the human rights and health implications of cutting, empowering them to make informed decisions about the practice (Kristof and WuDunn, 2010). Building upon this program's approach, a significant turning point was observed in 1997 when a group of 35 women in Malicounda Bambara, an African village, collectively announced their decision to cease the practice of cutting their daughters. While this development was initially hailed as a positive breakthrough, it soon encountered significant challenges. The announcement by these women was met with condemnation from fellow villagers, who criticized them for deviating from traditional femininity and betraying their African identity. Moreover, accusations emerged, claiming that these women had received financial support from Western sources with the intention of undermining their ethnic community. This backlash had a profound impact on these women, causing them emotional distress and fears about their daughters' potential marriage prospects (Kristof and WuDunn, 2010).

This incident prompted a reevaluation of Tostan's approach, leading to the realization that ending FGM/C requires a collective decision involving the entire marrying group. In response, Tostan facilitated dialogues among groups of villages, fostering collaborative commitments to abandon the practice. This shift in approach has yielded remarkable outcomes, with a significant number of villages declaring an end to

cutting between 2002 and 2007. Building upon this achievement, Senegal's government and health authorities recognized the efficacy of Tostan's approach and adopted it as a national model. Comparable progress against FGM/C is being witnessed in other regions of Africa, such as Egypt, where collaborative efforts by aid groups are resulting in significant achievements (Kristof and WuDunn, 2010).

To conclude, the practice of female circumcision encapsulates the complex interrelationship of cultural norms, human rights, and social dynamics extending beyond African societies. While global consensus has largely recognized FGM/C as a violation of human rights, deeply ingrained cultural beliefs and traditional values in certain regions have sustained its practice. The profound consequences of the practice for bodily integrity, gender equality, and normal child development, along with the efforts of international bodies and initiatives like Tostan, underscore the multifaceted nature of addressing this deeply rooted issue. Nonetheless, the case of FGM/C not only highlights the challenges of navigating the delicate balance between preserving cultural heritage and upholding human rights but also underscores the potential of community-led approaches. This will be further elaborated in Chapter 5, emphasizing strategies that foster awareness, dialogue, and gradual change. However, the difference between non-Western societies and international human rights principles extends beyond FGM/C and is also evident in the context of birth control. Therefore, efforts to validate these premises will continue in the upcoming section.

Birth Control

Transitioning to the subject of birth control perceptions within communitarian societies, such as those in Africa, it becomes crucial to investigate the complexities surrounding reproductive rights, the availability of related information and services, and individual autonomy. These fundamental principles, enshrined in international agreements such as the UDHR² (United Nations, 1948) and the ICESCR³ (United Nations, 1966b), often undergo varied interpretations and implementations shaped by the distinct cultural, religious, and societal contexts found across the globe. This

²Article 3: Right to Life, Liberty, and Security of Person, Article 6: Right to Marriage and Family, Article 25: Right to Adequate Standard of Living (United Nations, 1948).

³Article 12: Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (United Nations, 1966b).

distinction becomes particularly noticeable when considering the prevalent African viewpoint on birth control.

While birth control is widely embraced in most Western societies, it encounters substantial resistance within the African worldview. Specifically, the notion of limiting family size or controlling population growth through contraceptive measures is often met with hesitation due to deeply ingrained African beliefs and the apprehension of death as a profoundly feared outcome. Consequently, the concept of constraining the potential for life gives rise to profound moral and ethical concerns. However, it is important to recognize that this hesitancy reveals a commitment to individual existence even within collectivist societies, emphasizing the complicated interrelationship between personal autonomy and communal identity (Silk, 2010).

Under this perception, family planning initiatives led by Western entities in non-Western contexts frequently encounter resistance due to cultural disparities and potential conflicts with prevailing norms. These initiatives emphasize reproductive rights and contraception but often fail to consider the complex interaction of cultural and religious beliefs concerning fertility, family planning, and gender roles embedded within these societies. The unintended consequence of this negligence results in conflicts and opposition to these interventions, giving rise to a profound contrast between external and native values (Van Maren, 2018). Precisely, the perspective of African women regarding contraception and abortion originates from a belief that these actions signify a troubling disruption of developing life within the womb. Ekeocha, an African commentator, articulates the inherent value attributed to human life, the beauty of womanhood, the grace of motherhood, and the sanctity of marital union. Her narrative further encapsulates the vibrant celebrations and communal festivities accompanying the arrival of a child (Van Maren, 2018), thus reaffirming the communal and ritualistic aspects even of lovemaking (Howard, 2010).

Furthermore, from the African perspective, Western assertions regarding the alleged correlation between contraception and the economic empowerment of African women are viewed skeptically. This assertion suggests that by enabling women to regulate the spacing of pregnancies and make informed decisions about family size, they will be better positioned to pursue educational and professional opportunities (Van Maren, 2018). Moreover, the way the West portrays traditional family systems as oppressive, along with its suggestions to dismantle African sexual norms, is also met with conflict

within African cultural frameworks. As a result, the disparity between Western interventions and local aspirations triggers a sense of external forces imposing their ideas on others, aiming to reshape cultural foundations to align with contemporary Western values. This phenomenon, viewed by many Africans as a manifestation of cultural imperialism, results in the belief that African women's bodies are targeted in a broader struggle for cultural dominance (Van Maren, 2018).

In light of these circumstances, Africans also harbor skepticism towards the Western idea that abortion would effectively reduce their high maternal mortality rates. Consequently, many states refrain from enacting abortion laws (Van Maren, 2018). However, it has been observed that in regions where abortion is restricted or illegal, many women resort to unsafe procedures that jeopardize their lives. Therefore, the availability of safe and legal abortion services could help mitigate these hazardous practices that endanger women's rights (Gebremedhin et al., 2018). This instance proves the steadfast dedication of African societies to preserving their cultural framework while resisting external pressures. This resilience vividly highlights the enduring strength of African heritage, which persists despite prevailing global perspectives.

On a different note, however, legislative endeavors in Kenya and Uganda that seek to restrict conception serve as evidence of cultural changes influenced by external factors, such as international organizations, foreign governments, and global cultural trends (Van Maren, 2018). All in all, the tensions arising from the divergence between Western perspectives on birth control and the profound reverence for life within African societies illuminate one of the challenges of achieving a harmonious equilibrium between universally recognized rights and deeply ingrained cultural norms.

To conclude the examination of the interplay between African perspectives and international human rights, it is revealed that certain characteristics may seemingly challenge conventional notions of international human rights. Yet, it is imperative to acknowledge that human rights are densely intertwined with the foundations of African traditional societies. The collective sentiment among Africans reflects a reduced emphasis on individualism and a stronger bond with extended families and kinship networks, setting them apart from their Western counterparts. However, the

presence of a communitarian ethos within African societies does not diminish the significance of human rights on the continent.

Rather, these rights may serve as protective barriers against various forms of abuse, such as state-induced famine, deprivation of livelihood, and torture. These safeguards face increasing challenges due to social class disparities and abusive state policies within emerging, often politically and economically unstable African societies. In this context, the enduring existence of communal values within traditional societies should not be perceived as an argument against human rights; instead, it should emphasize the importance of preserving these rights as a shield against group-level violations (Howard, 2010). However, proponents of the communal ethic often express concerns that the principles of human rights might inadvertently contribute to societal breakdown. Yet, as Howard (2010) indicates, withholding human rights protection from Africans under the pretext of preserving traditional communalism dismisses historical and sociological realities and denies contemporary social justice.

Nevertheless, it is important that in recent years, evolving realities in the African region such as economic crises, urban underemployment, the influence of abusive political regimes, and social inequality have prompted shifts in perspectives. In more developed economies, like those of Nigeria and Kenya, the traditional concept of communalism is gradually yielding to individualism (Howard, 2010). Within this context, a growing number of African scholars are adopting a liberal approach that aligns with the one reflected in the International Bill of Human Rights. These scholars are not merely members of an ideologically influenced Western elite; rather, they are individuals who have contemplated the intricacies of society and politics in contemporary Africa and, in some instances, have endured imprisonment, exile, or life threats due to the fearless articulation of their beliefs (Howard, 2010).

In conclusion, the exploration of African perspectives on human rights, exemplified through practices like female circumcision and viewpoints on birth control, highlights the complex interplay between cultural norms and universally recognized human rights principles. As the focus of this chapter evolves, the subsequent section will delve into Asian perspectives, offering further insights into the challenges and opportunities arising from the intersection of cultural values and international human rights standards.

ii) Asian Perspectives on Human Rights

Similar to Africa, Asia is characterized by significant diversity and complexity, underscoring the array of perspectives and challenges within its borders. This diversity stems from the coexistence of multiple cultures, languages, traditions, and historical trajectories that span across Asia's vast landscape (Masmaliyeva, 2022). From the urban centers of East Asia to the secluded villages of the South, and from the nomadic communities of Central Asia to the island nations of the Southeast, the region encompasses a diverse spectrum of socio-cultural complexities. Within this varied context, attempts to generalize or distill a uniform perspective on human rights encounter significant obstacles. As a result, the multifaceted nature of Asian societies gives rise to varying interpretations of human rights, reflecting the influence of historical, religious, philosophical, political, and socio-economic factors that have shaped each nation's trajectory, interwoven with threads of tradition, indigenous values, and global influences (Masmaliyeva, 2022).

Given this context, the navigation of this complexity requires a nuanced approach that acknowledges the variations within Asian perspectives on human rights. While shared values and aspirations, such as a commitment to human dignity and well-being, might exist, the ways these values are interpreted and expressed can differ significantly across different areas within the region. When considering the interrelationship between Western liberalism and various Asian perspectives on human dignity, the similarities and differences between these views form a crucial part of the ongoing human rights discourse. By acknowledging common concerns about the value of human dignity, these contrasting approaches find common ground; both the Western liberal tradition and Asian perspectives emphasize the importance of human dignity as a fundamental principle guiding society and governance. However, it is in the interpretation and implementation of this shared concern that the paths begin to diverge (Falk, 1992).

In contrast to the Western tradition, which emphasizes individual autonomy and personal freedoms, Asian schools of thought, influenced by philosophies like Confucianism, Taoism, and Buddhism, offer an alternate perspective on human dignity. Similarly to the African perspective, while they value individual well-being, they emphasize the interconnectedness of individuals within the broader societal framework. In particular, human dignity is interwoven with concepts of harmony,

duty, and social cohesion, while their intentions encompass the establishment of balanced relationships, the preservation of community harmony, and the pursuit of broader societal stability (Falk, 1992).

This interplay between Western and Asian perspectives in the realm of human dignity is further nuanced by the concept of fairness as understood in many Asian societies. Here, the notion of fairness extends beyond a simple equation of equality, as highlighted by Howard (1992). In contrast to the Western perspective, where fairness often denotes equal treatment for all individuals, the Asian context recognizes the complex interplay of status and social roles that shape perceptions of justice and dignity. This understanding of fairness is notably evident in India's caste system, where variations in social status give rise to varying degrees of dignity and expectations of justice. Factors like age, gender, citizenship, and social roles interweave to define the extent and nature of one's entitlements within society (Howard, 1992).

Moreover, the historical context of Chinese society, where collective welfare often takes precedence over individual pursuits, serves as another illustration of the distinct Asian perspective on human dignity. As discussed by Falk (1992), the meaning of life in Chinese culture has long been derived from active participation in a web of social relationships. Within this network, individuals not only receive anticipated treatment based on their roles but also hold corresponding responsibilities. Unlike the Western construct, where rights are typically seen as inherent and inalienable, the Asian viewpoint, as elucidated in the Bangkok Declaration of 1993, suggests that individuals actively earn their rights by diligently fulfilling their responsibilities. Thus, rights are not granted unconditionally but are, in fact, the outcomes of a virtuous cycle where fulfilling responsibilities paves the way for the accumulation of rights. This viewpoint represents a strong belief in maintaining balance and fairness, emphasizing how individual actions are presumed to contribute to the overall harmony of the community (Falk, 1992).

Significant disparities in the interpretation of rights also arise when comparing the perspectives of Asian societies with the international standards of civil and political rights. As highlighted by Tay (1996), many Asian countries do not fully endorse the complete prohibition of practices such as capital punishment, unrestricted freedom of

speech and press, and detention without trial—stances outlined in the ICCPR⁴ (United Nations, 1966a). However, it is important to acknowledge that within some of them, mechanisms have arisen to support limited freedom of expression and establish legal safeguards that act as counterbalances to these norms. This suggests that while certain rights may not be universally embraced in their entirety, efforts have been made to establish mechanisms that guarantee a level of protection for individual rights and freedoms within these circumstances (Tay, 1996).

Proceeding on, it is important to highlight that the unique historical context of Asian countries, which has been deeply influenced by colonization and external interventions, has played a significant role in shaping their viewpoints on human rights. These experiences have left a lasting impact, leading these nations to emphasize the safeguarding of their state sovereignty and the preservation of their autonomy in internal affairs. Within this framework, Asian governments and scholars consistently champion a more nuanced perspective on human rights—one that takes into account the developmental priorities of their nation (Donini, 2006, as cited in Zijlstra et al., 2011).

However, the key point is that the Asian perspective does not entirely reject human rights norms. Instead, it acknowledges their universality but asserts the need to accommodate regional and national variations to honor the diverse identities and values that contribute to the rich Asian mosaic. This stance finds its embodiment in the Bangkok Declaration of 1993, which underscores the importance of granting flexibility for different preferences, contextual significance, and unique modes of implementation. As such, while endorsing universally accepted standards, the Declaration calls for the recognition of the diverse socio-cultural landscapes across Asia (Bangkok Declaration, 1993).

Given these considerations, the Asian perspective leans towards a form of cultural relativism that significantly impacts the implementation of international human rights standards (Howard, 1992). This view resonates with the belief held by many traditional societies that culture assumes a paramount moral position, leading to the argument that promoting human rights should be avoided if it risks altering a culture's

⁴Article 19: Right to Freedom of Opinion and Expression, Article 21: Right to Peaceful Assembly, Article 22: Right to Freedom of Association, Article 9: Right to Liberty and Security of Person, Article 14: Right to a Fair Trial (United Nations, 1966b)

fabric (Tesón, 1985). In line with this stance, these societies assert the need to protect and preserve their cultural heritage, often framing this as a primary consideration that should take precedence over a uniform application of global human rights principles. The Asian viewpoint, aligned with this position, argues that imposing standardized human rights norms without considering cultural contexts may unintentionally undermine the integrity and continuity of deeply entrenched traditions. The assertion follows that cultural identity and practices contribute to a society's overall well-being, and any attempt to impose external norms must be approached with caution to prevent disrupting or diluting valued cultural foundations (Tesón, 1985).

While proponents of this viewpoint emphasize the importance of cultural preservation, critics contend that an overly rigid interpretation of cultural relativism may inadvertently permit the continuation of harmful practices that infringe upon fundamental human rights. When certain cultural practices or norms clash with these universal values, blindly adhering to cultural relativism may prolong injustices and inequalities, leading to the denial of basic human rights, particularly for marginalized or vulnerable groups within society. Furthermore, labeling specific values as purely “national” might unintentionally overlook or silence diverse viewpoints and discourage open conversations. This may not necessarily result from inherent problems with these different values but rather because they deviate from established shared norms (Masmaliyeva, 2022).

A pertinent example of this concern is evident in the limitation of freedom of speech. Some Asian governments exploit the concept of “consensus” to restrict the expression of dissenting opinions and serve their political agendas. Examples of such governments could include China, where opposition is often suppressed under the pretext of maintaining social stability and unity. Similarly, countries like North Korea and Vietnam have been known to restrain dissenting voices using similar justifications rooted in the importance of consensus and collective order. Correspondingly, street protests and expressions of disagreement are frequently suppressed. This hampers the healthy exchange of ideas and impedes progress, ultimately hindering the advancement of societies towards greater justice and equity (Tay, 1996).

Essentially, the argument against unquestioning cultural relativism underscores that while safeguarding cultural heritage is important, it should not come at the cost of basic human rights and values. Striking a balance between cultural preservation and

upholding universal human rights demands careful consideration and a readiness to critically examine cultural practices that may perpetuate inequality or deny essential rights. The objective should be to ensure that cultural authenticity thrives alongside the pursuit of human dignity, equality, and justice for all individuals regardless of their cultural backgrounds (Masmaliyeva, 2022).

The tension between maintaining cultural integrity and safeguarding universal human rights values also becomes particularly apparent in contexts where deeply ingrained traditions perpetuate inequalities. For instance, historical gender inequality is exemplified by practices like child marriage and foot-binding in China. Foot-binding, in particular, entailed subjecting young girls to a painful and physically demanding process to prevent their feet from growing. Rooted in notions of beauty and social status, this practice propagated a harmful patriarchal ideology that objectified and oppressed women. Additionally, the prevalence of child marriage led to the early and often forced marriage of young girls, which had adverse effects on their education, physical and mental health, and overall well-being. These behaviors, closely intertwined with cultural norms, reinforced gender-based discrimination, curtailed women's autonomy, and perpetuated unequal power dynamics in society (Kristof and WuDunn, 2010).

Critics might argue that condemning these practices from a Western perspective could be interpreted as an act of cultural imperialism. However, a more nuanced perspective recognizes that cultural relativism should not grant immunity to practices that undermine human dignity and equality, nor should it act as a cover to hide human rights violations (Masmaliyeva, 2022).

However, continuing on a similar, more optimistic note, the transformation witnessed in China's history offers valuable insights into the potential for rapid cultural evolution when driven by strong political determination. Specifically, despite the hardships brought about by Communism following the 1949 revolution, which resulted in significant suffering due to famine and oppression, a remarkable positive outcome emerged—the liberation of women. Mao Zedong's leadership played a pivotal role in dismantling oppressive norms by engaging women in the workforce and actively working to eradicate practices like child marriage, prostitution, and concubinage (Kristof and WuDunn, 2010). The shift from suppressing women's rights to championing their empowerment illustrates that societies can embrace change

without necessarily erasing their culture. It also demonstrates that cultural transformation is a natural progression that does not have to occur in complete isolation from other influences or perspectives (Kristof and WuDunn, 2010). Instead, cultural change can occur when societies collectively recognize the need for growth and transformation (An-Na'im, 1992).

To conclude, this section highlighted the convergence and divergence between Western and Asian viewpoints on human rights. These viewpoints are not just theoretical constructs; they mirror deeply ingrained cultural values. The nuanced understanding of fairness, the influence of Confucian principles, colonization history, and the historical importance of social relationships all contribute to the mosaic of human rights perceptions in Asia. As one navigates this terrain, it becomes evident that a comprehensive and culturally sensitive conversation is crucial to comprehending the multifaceted essence of human dignity, encompassing both shared concerns and divergent approaches. Additionally, these insights suggest that universal human rights should not be seen as one viewpoint forced upon all but as a flexible framework that develops and adjusts to include various cultural beliefs (Schwartz, 2010).

In summary, this chapter explored the origins of the incompatibilities between human rights and certain non-Western cultural values. Through a juxtaposition of individualism and collectivism principles, it revealed the stark differences and intricacies arising when Western ideals of individual rights intersect with the communal fabric of non-Western cultures. Drawing examples from African and Asian perspectives underscored the significant role of cultural factors. However, it is imperative to recognize that achieving compatibility between human rights and diverse cultural groups does not rely solely on having culturally compatible features. As the following chapter will elaborate, the incorporation of diverse contributing factors introduces additional layers of complexity to this interplay.

Chapter 4. Factors Affecting the Compatibility of Human Rights in Non-Western Societies

As highlighted in preceding chapters, the influence of cultural norms, beliefs, and traditions significantly shapes how human rights are perceived and upheld across diverse societies. Nevertheless, in the contemporary era of globalization and the

amalgamation of cultures due to increased interconnectedness, the once well-defined borders of culture have become less stringent. It is imperative to acknowledge the coexistence and intermingling of various cultures, making it challenging to delineate a rigid, traditional culture. In this context, to attain a more comprehensive understanding of the subject under investigation, this chapter explores several other interconnected factors collectively influencing the compatibility of human rights in non-Western societies. Beyond cultural dimensions, the chapter initiates by investigating the historical, socio-political, economic, and religious dimensions, providing a nuanced perspective on the challenges and intricacies involved.

i) Historical Legacies and Postcolonial Dynamics

Unveiling pivotal factors contributing to the (in)compatibility of human rights in non-Western societies, historical legacies and postcolonial dynamics emerge as some crucial aspects to consider first. As previously shown, across diverse geographical regions, a tapestry of cultures and ethnicities interweaves, each bearing the imprints of its distinctive political histories and the enduring effects of both colonial and postcolonial eras. These imprints are reflected in various aspects, including political systems, economic structures, educational accessibility, religious ideologies, and gender roles. In turn, they often cast a long shadow over the contemporary human rights landscape as well. This influence manifests in various ways, such as shaping government policies, influencing societal norms and attitudes, and impacting the enforcement and protection of human rights (Paul, 2010).

Within the contemporary global context, the enduring challenges tied to power dynamics, resource distribution, and involvement in international forums persist (Mende, 2021). These challenges trace their origins back to historical injustices stemming from colonialism and various forms of servitude. As a result, discussions surrounding human rights often revolve around geographic divisions, frequently emphasizing the contrasts between the Eastern and Western worlds or the Northern and Southern hemispheres (Shetty, 2018). Further examination of these historical trajectories unveils an inequitable division of the world into a binary framework referred to as the “West and the rest”. This classification, rooted in prejudiced colonial ideologies, distinguishes the Western world as advanced, industrialized, capitalist, and modern while portraying other regions as inferior (Hall, 1992, as cited in Mende,

2021). This classification's far-reaching impact encompasses both global power dynamics and societal perspectives, shaping the way in which countries perceive each other (Mende, 2021).

An illuminating manifestation of such postcolonial dynamics unfolds across multiple African nations. Despite the mid-20th-century wave of decolonization, which coincided with the global emphasis on human rights, traditional African societies continue to face the lingering effects of colonialism, the challenges of nation-building, and the ongoing pursuit of progress and unity (Silk, 2010). The colonial era bore witness to the dissolution of established institutions, replaced by autocratic governance systems that, until the present day, disregard human rights. Consequently, many African governments still struggle to uphold these norms, leading to numerous nations experiencing instances of human rights violations (Silk, 2010).

More specifically, the aftermath of decolonization reveals that while newly independent nations initially aimed to restore dignity and ensure equitable resource distribution, this pursuit often inadvertently reinforced oppressive systems. In certain instances, leaders adopted practices reminiscent of colonial rule, diverting attention from the core objectives of decolonization (Shetty, 2018). Within this context, for example, a substantial number of Sub-Saharan African governments formulated policies that marginalized rural and minority populations, straying from their proclaimed role as protectors of citizens and subjecting them to state-sanctioned control (Paul, 2010).

Furthermore, as a result of this situation, the emergence of government-sponsored human rights commissions, which was initially greeted with approval, has given rise to growing concerns regarding their impartiality and efficacy over time. A substantial number of marginalized individuals perceive these mechanisms as being closely aligned with the very governmental entities responsible for perpetuating discrimination. This perception has cast doubt on the commissions' capacity to genuinely confront and resolve human rights concerns in a fair and impartial manner, underscoring the complex challenges associated with seeking assistance from institutions deeply linked to historical sources of authority and influence (McChesney, 1992).

However, the geopolitical division rooted in historical injustices and postcolonial imprints extends beyond the realms of the past into the present. Accusations of Western hypocrisy and double standards serve to underscore a crucial contemporary dimension, highlighting the ongoing impact of historical legacies on human rights dynamics. In particular, non-Western nations, responding to documented human rights violations, among others, by the U.S.A., reveal a paradox between proclaimed ideals and actual actions. Despite positioning itself as the preeminent champion of global human rights ideals, there are instances where the U.S.A.'s actions deviate from the proclaimed commitment to these universal principles (An-Na'im, 2021). Moreover, despite fervent participation in international negotiations for the drafting of human rights treaties, the United States Congress has, on numerous occasions, either refused to ratify multilateral human rights treaties or attached extensive reservations, declarations, and "understandings", effectively diluting the impact of the ratified treaties. This pattern has raised credible doubts about the genuine commitment to upholding and protecting universal standards of human rights (An-Na'im, 2021).

The concept of double standards in this context, as asserted by non-Western nations, points to the differential treatment and judgment applied based on the identity or affiliation of the alleged violator. It implies that when individuals or entities affiliated with Western nations violate human rights, the judgment and consequences may be perceived as less severe compared to instances involving non-Western nations. This phenomenon often raises concerns about fairness, impartiality, and the universality of human rights principles, influenced significantly by power dynamics and historical factors and it plays a crucial role in shaping the discourse and implementation of human rights in non-Western societies (An-Na'im, 2021).

In essence, the enduring legacies of colonialism have given rise to ongoing struggles marked by power disparities, societal upheaval, and structural injustices. While achieving independence was a significant milestone for many nations, it brought forth a new set of challenges, including the pursuit of self-governance, shifts in societal norms, and the complex task of forging a distinct national identity. The interplay of these factors exerts a substantial influence on the landscape of human rights and their compatibility within these societies. Various civilizations navigate these complexities by weaving together their historical narratives and sociopolitical contexts, thus shaping the interpretation and implementation of human rights ideals accordingly.

Within this intricate terrain, as will be elaborated in the subsequent section, the organization of socio-political systems, institutions, and governance structures emerges as a critical determinant of whether human rights are integrated within the societal framework.

ii) Socio-Political Systems and Governance Structures

To further the preceding discussion, the impacts of colonialism and the ensuing complexities associated with establishing nations have, in turn, had a profound influence on the construction and operation of socio-political systems and governance frameworks. The challenge faced by postcolonial cultures in reconciling restoration and progress while simultaneously addressing historical injustices frequently shapes their decision-making processes when formulating governance structures. These models cover various political frameworks, state institutions, and modes of governance, which in turn have an impact on the extent to which human rights concepts are adopted, defended, and actualized within the societal structure (Paul, 2010).

Given these factors, it is not difficult to comprehend why scholarly evidence suggests that the connection between human rights and societies is often intertwined with liberal and social democratic frameworks. These systems place a high value on individual rights, democratic involvement, and the rule of law, creating a structure that is favorable for the protection and promotion of human rights principles. Within these societies, the acknowledgment of a wide range of views and perspectives, supported by democratic mechanisms, cultivates an atmosphere conducive to the growth and development of human rights debate and advocacy. Additionally, the existence of relevant legal frameworks and institutions inside these systems functions as a tool for upholding and protecting human rights (Howard, 1992).

Hence, the alignment between human rights and liberal and social democratic regimes can be attributed to their common foundational principles (Howard, 1992). Examining instances of adherence to international human rights norms within the Muslim world can provide further evidence of this alignment. Notably, these instances often coincide with phases of democratization, where Muslims are enabled to freely express their opinions. A noteworthy example is Pakistan; during its transition to democracy in late 1988, there was a noticeable increase in support for human rights standards. Similarly,

Iran, during brief periods of openness and democracy following the Islamic Revolution, witnessed demands to incorporate the UDHR into its constitution. Tunisia also followed a similar path, undergoing rapid democratic reforms after the removal of President Habib Bourguiba in November 1987 (Mayer, 2010).

To gain a deeper understanding of why democratic governance and human rights systems are interconnected, it is crucial to remember that human rights grant individuals the power to demand recognition and protection of the interests guaranteed by these rights, whether individually or collectively. To enable individuals to identify, assert, and safeguard their essential interests, which constitute their basic rights, various component rights must be recognized. These include the right to participation, access to information, the freedom to establish and fund diverse self-governed organizations for collective actions, freedom of communication and media access, the right to engage with officials, government bodies, courts, and other forums, and even the freedom to establish organizations providing assistance for those seeking to realize their rights (Paul, 2010).

Consequently, in societies lacking a cultural foundation for such processes, the implementation of human rights can be challenging (Tibi, 2010). This aspect becomes particularly evident in numerous non-Western societies that operate under diverse governance models that do not adhere to the principles of liberalism or social democracy. Instead, these societies often exhibit hybrid systems that blend traditional values, cultural norms, and governance practices with only certain elements of modern governance. Within these contexts, there can be a prioritization of communal interests over individual rights or the accommodation of cultural practices that might seem incompatible with specific human rights standards. Consequently, the compatibility of human rights within such societies hinges on a delicate equilibrium between preserving cultural heritage and advancing universal human rights values (Howard, 1992).

Moreover, in authoritarian and non-democratic societies where power is concentrated within a narrow elite or a single ruling party, human rights may be suppressed or selectively enforced to maintain control. State institutions can be instrumentalized to suppress opposition and limit freedoms, while legal frameworks may be manipulated to serve the interests of the ruling elite. In such environments, the governance structures themselves become barriers to the realization of human rights as they

prioritize the stability and supremacy of the regime over the rights and welfare of individuals. The incompatibility between these systems and human rights principles is stark, and efforts to advocate for and protect human rights often face significant obstacles. The self-interest of those in positions of power across political, economic, religious, or other spheres who influence the definition of the public good often shapes public policies aligned with their cultural ideals (An-Na'im, 2010).

For instance, examining further the case of numerous Sub-Saharan African states, an atmosphere of authoritarianism prevails, with these states operating with a high degree of autonomy and limited accountability to their populations. In such contexts, the state undergoes a transformation, evolving into a mechanism primarily focused on accumulating power and resources for its privileged elites. This transformation lays the foundation for the emergence of a new urban class with vested interests in maintaining the existing political-economic order (Paul, 2010). An-Na'im (1992) further elaborates on the dynamics at play, suggesting that the dominant elites or cultures, which exercise significant influence over the state machinery and represent their state in international negotiations, shape the so-called "universal" human rights in a way that serves to preserve their dominance. This perspective often involves determining the recognition and status of minority cultures, thereby perpetuating the dominance of the prevailing culture (An-Na'im, 1992).

These reflections have prompted critics to raise objections to the reliance of the entire human rights framework on treaties that obligate states under conventional international law (An-Na'im, 2021). It is accurate to say that throughout history and in contemporary times, the state has been the central means for enforcing and executing human rights (Donnelly, 2001). Consequently, human rights truly come into effect only when a state chooses to uphold them (Kobila, 2003), while their significance is mainly derived within a political context (Hunt, 2007; Kohen, 2007). This exclusive focus on the state system in constructing international human rights law limits its capacity to fully encompass the values and needs of groups that are often underrepresented within that system, such as indigenous peoples, women, LGBTQ+ individuals, children, ethnic minorities, and the impoverished (Falk, 1992).

An-Na'im further asserts that the current state-centric approach to human rights underscores its inadequacy in protecting these rights. When human rights clash with the state's interests, national interests typically prevail. This exclusive authority of

states in international human rights law allows them to obstruct individuals whose rights have been violated from seeking remedies (An-Na'im, 2021). In this context, the state, while seemingly acting in the interest of its people, often does so by taking one step back to ensure its own survival first (Bell, 1992). Consequently, out of concern that universal rights might directly challenge their established constitutional orders, some non-Western political leaders have exhibited ambivalence, if not outright hostility, towards universal human rights law (Paul, 2010).

This reality underscores that while some states may outwardly appear democratic, participation is often controlled, frequently through one-party systems (Paul, 2010). For instance, Iran's strict internet censorship and surveillance, alongside China's stringent measures suppressing press freedom and expression and leading to the prosecution of journalists, highlight the inherent tension between upholding universal human rights and preserving existing political systems in non-Western countries (Paul, 2010). Overall, this complex interrelation between socio-political systems and human rights standards bears significant implications for the global discourse on rights, governance, and the well-being of individuals. Moving to an exploration of economic and development priorities in the following section brings to the forefront another crucial dimension contributing to the subject matter.

iii) Economic and Development Priorities

Proceeding further, another factor influencing the degree and quality of compatibility with current international human rights norms is the varying levels of development of nations. In this context, development encompasses not only economic growth but also societal improvements in areas such as governance, infrastructure, healthcare, and education. Societies with higher degrees of advancement typically have more robust institutions, transparent governments, and a greater awareness of the importance of upholding international human rights norms (An-Na'im, 2010). This awareness is not solely regarded as a moral duty to guarantee justice and equity but also as a pragmatic imperative for fostering sustainable growth, prosperity, social stability, improved governance, and enhanced international reputation (An-Na'im, 2010). In contrast, for less-developed nations, economic difficulties, political instability, and limited resources may make it difficult to truly embrace human rights norms. Consequently, in the absence of robust institutions and due to the pressures of survival, these nations

may prioritize other matters over a comprehensive commitment to human rights (Silk, 2010).

As an exemplification of this phenomenon, the context of African states warrants examination. Following their independence, many of these newly formed states joined the UN, accepting its guiding principles, including the UDHR. However, the historical legacy of poverty and a strong determination to combat economic underdevelopment frequently took precedence over other considerations. Their foremost objectives included consolidating their fragile independence, overcoming the lingering impacts of colonial rule, and facilitating the economic advancement of their societies (Silk, 2010). In their pursuit of nation-building, many African states faced overwhelming challenges that left them struggling to prioritize the implementation of comprehensive human rights norms. The pressures of establishing functional governance structures, addressing economic disparities, and fostering national cohesion were all-consuming tasks that diverted attention from certain aspects of human rights protection. Over time, these nations found themselves grappling with complex trade-offs where immediate survival and socio-economic progress were weighed against the full realization of human rights (Silk, 2010).

Moreover, it is imperative to acknowledge that similar challenges are faced by certain Asian states as well. Singapore can serve as a compelling illustration of how the pursuit of economic development can lead to trade-offs with political rights. Despite its impressive global rankings in economic indicators such as property rights, trade liberalization, economic competitiveness, business standards, and legal efficiency, Singapore's standing is relatively lower when it comes to civil and political rights such as freedoms of expression, the press, and association (Masmaliyeva, 2022).

In this context, it is observed that many Asian states often prioritize socio-economic development as a necessary precondition for fully realizing civil and political rights. However, there are assertions that countries like China strategically emphasize economic transformation while selectively downplaying human rights, possibly viewing them as tools that could challenge their authority (Shetty, 2018). Nevertheless, this perspective on development raises significant questions, as authentic economic and social progress should inherently include respect for individuals and the safeguarding of their rights and freedoms (Silk, 2010). After all,

poverty extends beyond material scarcity, encompassing a lack of access to power and decision-making (Zion, 1992).

As a result, degrading poverty and inhumane living conditions afflict millions of individuals in various parts of the world, representing some of the most severe violations of human dignity. This harsh reality has fueled a growing conviction among non-Western critics that any comprehensive conception of human rights must unequivocally encompass economic and social rights. The stark disparity between global wealth and poverty has become a focal point of substantial concern for critics, highlighting a pronounced incongruence between the theoretical framework of Western rights and the lived experiences of many. This dissonance underscores the imperative for a broader and more inclusive understanding of human rights that fully incorporates the economic and social dimensions (An-Na'im, 2021).

To summarize the points made in this section, it is understandable that society's primary responsibility is to fulfill basic physical-life needs such as food and shelter before concepts like community and personal autonomy gain significance. Indeed, society's productive capacity plays a crucial role in determining its ability to provide for non-physical needs (Nordahl, 1992). However, while economic development is essential, it cannot be used to justify dictatorship or excuse actions that violate human rights (Shetty, 2018). Simultaneously, a compelling plea emerges for Western powers and the global community to actively confront and alleviate persistent poverty challenges on a broader scale. Acknowledging the interconnection between economic well-being and the realization of universal human rights, this imperative extends beyond theoretical frameworks to practical, collaborative efforts aimed at fostering sustainable development, promoting equitable resource distribution, and uplifting marginalized communities worldwide. The subsequent section will further explore this principle of responsibility, extending its application to various realms, including the intersection of religious beliefs and the imperative of upholding human rights.

iv) Religion

Religion, as yet another factor influencing the incompatibility of human rights in non-Western societies, significantly influences the development of prevailing values and attitudes within a culture. This relevance is especially evident in traditional societies, where religious beliefs, acting as spiritual guides, play a crucial role in establishing

social standards, moral codes, and behavioral expectations. Accordingly, religious teachings and interpretations have a considerable impact on a variety of elements of social life, ranging from gender roles and family structures to government and public policy. In such societies, religion serves as a crucial pillar of identity and social cohesiveness, providing guidance to individuals and communities in navigating challenges, arriving at moral judgments, and uncovering their sense of purpose. As a result, religious authorities and organizations wield considerable influence in matters pertaining to morality, ethics, and social values (Mayer, 2010).

The central concern pertains to the compatibility or divergence of religious beliefs with international human rights norms. In this context, Islam serves as a significant illustration, stimulating ongoing scholarly discourse and debate due to inherent doctrinal conflicts with human rights principles. With millions of adherents across continents like Africa and Asia, Islam's influence on cultural and ethical norms in these regions is profound, serving as a pivotal force in cultural validation (An-Na'im, 2010). Unlike the modern Western perception of political life being separate from religious constraints, in Islamic societies, religious obligations and conformity to the divine will take precedence over individual rights (Tibi, 2010).

On the one hand, it seems true that numerous texts within Islam emphasize the inherent dignity and holistic worth of individuals, emphasizing the equality of all human beings in the eyes of Allah. On the other hand, a multitude of specific textual provisions impose limitations on the recognition of complete human dignity, integrity, and absolute equality within the context of Islamic society. Notably, select passages from the Qur'an and Sunnah advocate a hierarchical social structure based on gender and faith. This hierarchy designates Muslim men as the exclusive recipients of the full implications of human dignity, integrity, and equality, followed by Muslim women, then specific non-Muslim adherents (primarily Christians and Jews), and ultimately other believers and non-believers (An-Na'im, 2010).

These interpretations of Islamic doctrines have been employed to justify practices that encroach upon human rights, including limitations on freedom of expression, restrictions on religious pluralism, and gender-based discrimination (Tibi, 2010). For instance, within the framework of Sharia law, men are afforded significantly greater rights compared to women, possessing exclusive child custody rights and the right to use physical force against their wives, while their evidence in court is considered

equal to that of two women's (Dalacoura, 2003). In response to these disparities, some Islamic feminists argue that men misinterpret Sharia law to maintain the exclusion and inferiority of women (Afshari, 2001).

Furthermore, there is much controversy over the restrictions on religious pluralism set by Sharia law. Firstly, there exists a prohibition against Muslims renouncing their faith, with such an act regarded as apostasy and consequently deemed a punishable offense. Secondly, the religious discrimination imposed on non-Muslims under the Sharia's framework inherently establishes a hierarchical relationship, resulting in unequal treatment compared to Muslims. Non-Muslims are regarded as having a lower societal status and may encounter limitations and differentiated treatment in multiple aspects of life, encompassing legal, social, and political domains. This hierarchical structure can result in disparities in terms of rights and opportunities, ultimately institutionalizing discrimination and influencing the overall status and well-being of non-Muslims within societies governed by Sharia law (Tibi, 2010).

Additionally, it is worrying that many Muslim countries such as Afghanistan and Sudan maintain Sharia as their official criminal law (An-Na'im, 1992). Under this law, individuals convicted of unlawful activities may face severe penalties such as whipping, stoning, and exact retribution, administered through state-sanctioned Sharia courts (Kao, 2011). However, such punishments violate fundamental human rights, particularly Article 5 of the UDHR, which states that "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment" (United Nations, 1948). Interestingly, even though some Muslim-majority states, such as Afghanistan and Egypt, have ratified conventions addressing cruel, inhuman, or degrading treatment or punishment, there seems to be significant variation in how these terms are defined across their different cultures and religious contexts (An-Na'im, Deng, et al. 2009).

In the same vein, while many of these states have ratified international human rights conventions, a significant portion of the Muslim population perceives Islamic law as paramount, potentially superseding all man-made laws. This stance creates a fundamental divergence with international law, which asserts the supremacy of international legal norms over conflicting national laws. Consequently, in situations where Islamic and international law clash, adherents of Islam are compelled to prioritize their religious legal system, deeming international human rights principles

foreign to and consequently incompatible with Islam. Advocates of Islamization take this stance even further by urging Muslims to reject international human rights only because they associate them with the West (Mayer, 2010).

However, it is essential to consider an alternative perspective supported by some Muslims, suggesting that these conservative attitudes may have less to do with the Qu'ran and more to do with cultural factors (Kristof and WuDunn, 2010). In essence, the blame for oppression is sometimes misplaced on a region's religion when it may actually be rooted in its cultural norms. Nevertheless, it is worth noting that religion is often invoked by oppressors to rationalize their actions (Kristof and WuDunn, 2010). In contemporary times, authoritarian regimes frequently manipulate religious institutions to suppress opposition, curtail individual freedoms, and reinforce existing hierarchies of privilege. These regimes use religion as a justification for strengthening state control, often at the expense of individuals' fundamental rights and freedoms (Mayer, 2010).

Nevertheless, it is imperative to acknowledge that Sharia is not a monolithic or uniform legal system but, rather, a vast and multifaceted realm. In most Muslim countries, certain rules of Sharia law, particularly those related to inheritance and family law, are not always applied in isolation but are often integrated or coexist with Western-style legal systems in many Muslim-majority countries. In summary, considering the aforementioned factors, the practice of Islam highlights the wider intricacies of the correlation between religion, societal dynamics, and human rights. Likewise, comparable dynamics can be witnessed in other religious traditions.

In light of all these instances, it can be supported that certain religions play a pivotal role in influencing the governance, rules, and rights of societies that have strong religious affiliations. Overall, this chapter has undertaken a comprehensive examination of several pivotal factors and circumstances that significantly contribute to the incompatibility of human rights within societies. These interrelated factors encompass the influence of historical legacies and postcolonial dynamics, socio-political systems and governance structures, economic and development priorities, as well as the role of religious ideologies. When considering the interplay of these multifaceted elements, it becomes apparent that the absence or insufficient cultural endorsement of human rights standards remains a fundamental underlying factor that perpetuates violations of these norms. This deficiency in both internal and cross-

cultural acceptance of human rights norms underscores the imperative need for their ongoing development and refinement (An-Na'im, 1992).

With this comprehension in mind, the subsequent chapter will investigate strategies devised to address and mitigate this disparity.

Chapter 5. Exploring Culturally Sensitive Approaches to Human Rights

This chapter initiates a focused exploration into culturally sensitive methodologies related to human rights, aiming to achieve improved implementation and foster global inclusiveness. The strategies and conceptual frameworks examined here are designed to serve as bridges that effectively address the disparities between the universal principles of human rights and the diverse array of cultures. Specifically, the researcher chooses to examine dynamic pluralism, cross-cultural legitimacy, the contextual cultural approach, the community-based participatory research approach, the polycentric multicultural approach, and the constructive approach. The choice to review these diverse methodologies is motivated by the intention to offer readers a comprehensive roadmap, guiding them through various culturally sensitive approaches to human rights. Each of these approaches aims to promote harmonious coexistence within diverse cultures and they are not mutually exclusive, rather, they complement each other. Therefore, the researcher contends that their simultaneous implementation can contribute to a more holistic and effective outcome for the promotion and protection of human rights on a global scale.

i) Dynamic Pluralism

To begin with, in connection with the pursuit of a pluralist perspective on human rights, the concept of dynamic pluralism emerges as a significant approach. This concept is closely linked to the ever-evolving nature of societies and the various challenges they face. It stems from the recognition that human rights are not static or universally accepted in the same way across different cultures and time periods. This understanding calls for a flexible and responsive approach to human rights that can address emerging demands, identities, issues, violations, and perpetrators in a manner that ensures the ongoing protection and promotion of fundamental rights for all individuals (Mende, 2021).

Hence, dynamic pluralism calls for active engagement among nations, ideas exchange, and thoughtful deliberation about the structure and essence of human rights. Accordingly, these processes demand representation and participation opportunities in deliberative forums, along with conditions fostering equitable and unbiased debates, especially involving individuals whose human rights have been violated. Furthermore, active participation in global affairs can expose people to diverse perspectives and influences, cultivating a stronger propensity for nations to embrace and conform to international human rights standards (An-Na'im, 2010). A prominent example of the results of such exposure is the emergence and gradual institutionalization of women's human rights, which challenged the previously patriarchal nature of global human rights. This process involved incorporating gender considerations into the seemingly “unchanged” human rights framework, leading to far-reaching consequences in various countries. In turn, many nations began to reinterpret and adapt their laws and policies to align with the newly recognized women's human rights (Peters and Wolper, 1995, as cited in Mende, 2021).

ii) Cross-Cultural Legitimacy

Building upon the concept of dynamic pluralism, the achievement of cross-cultural legitimacy becomes a critical consideration in attaining global compatibility for human rights. This pursuit emphasizes harmonizing human rights standards with cultural values and norms to enhance their implementation across different cultural frameworks. Acknowledging individuals' tendency to be more receptive to and supportive of human rights values when they align with their own cultural traditions (An-Na'im, 1992), this approach recognizes the significance of drawing upon internal norms to enhance the cultural legitimacy of a particular human right (An-Na'im, 2010).

However, achieving this necessitates fostering a consensus among individuals from diverse cultural backgrounds regarding the interpretation, scope, and practical application of these rights. Despite their apparent idiosyncrasies and variations, this approach is rooted in the notion that individuals and societies possess certain inherent interests, characteristics, and principles that can be identified and expressed as the foundation for a collective culture of universal human rights (An-Na'im, 1992).

Within this framework, several scholars have presented the principle of reciprocity as a fundamental basis for the global cultural acceptance of human rights. This idea suggests that individuals should act in ways that they would be willing to have others act toward them, thus fostering trust, cooperation, and harmonious interactions. Specifically, one should not tolerate for another person any treatment that one would not accept for oneself. According to this principle, human rights are those that a person would claim for themselves and must, therefore, be extended to all other human beings. Whatever the members of a culture would demand for themselves in line with their inherent human dignity and integrity, they would similarly have to concede to members of other cultures. As such, this principle can inform and guide the cross-cultural quest for the content and necessary implications of the inherent dignity and integrity of human beings (An-Na'im, 2010).

iii) Contextual Cultural Approach

In order to attain a profound comprehension of a particular society and effectively harmonize human rights standards with its cultural values, it becomes imperative to undertake extensive research and analysis encompassing the cultural context, historical background, and socio-political dynamics of that society. The utilization of the Contextual Cultural Approach is suggested as a suitable method for achieving this goal. This approach is especially valuable in fostering a more profound comprehension of the cultural intricacies and perspectives associated with human rights, as it entails active engagement with local communities, civil society organizations, and experts (An-Na'im, 2010).

After all, given the central focus of the human rights endeavor on defending those facing oppression and injustice, it is imperative for human rights proponents to actively involve grassroots movements and community members who reflect the characteristics of the cultures they aim to influence. Specifically, engaging them in the process of planning, creating, and assessing human rights laws, programs, and interventions may enhance cultural proficiency and foster greater acceptance of the entire concept (Riggs et al., 2012, as cited in Lau and Rodgers, 2021). Moreover, according to Veer and Dezentje (n.d.), initiatives originating from cultural communities themselves are anticipated to possess greater longevity and efficacy compared to alterations enforced by external entities or the government.

Importantly, as explained in the two previous chapters, in cases where dominant elites in various societies often manipulate interpretations of international human rights standards to align with their biases or self-serving agendas, the formulation, development, and evaluation of human rights legislation necessitate the active involvement of diverse segments of society. This includes, crucially, those within marginalized sectors, to facilitate substantive and meaningful discussions. Inclusive dialogues conducted at both national and global levels enhance individuals' ability to distinguish between authentic and deceptive elements within their respective cultures, thereby increasing their awareness of genuine needs and dispelling misconceptions (Nordahl, 1992). Even in instances where the prevailing discourse of a society seems to exhibit a lack of support for human rights, this process presents an opportunity to potentially modify the cultural perspective from within by establishing enlightened perceptions and interpretations of the existing cultural values (An-Na'im, 2021).

Overall, the Contextual Cultural Approach facilitates the collaborative development of procedures and information by both internal and external participants, creating an opportunity for reciprocal education on innovative and culturally appropriate strategies for promoting human rights and fostering fair, sustainable, and resilient development (Johnson et al., 2016).

iv) Community-Based Participatory Research Approach

Likewise, the Community-Based Participatory Research Approach (CBPR) revolves around collaborative efforts between community members and academic experts. Throughout this approach, these teams establish and foster equitable and impartial interactions, ensuring the genuine acknowledgment and integration of the community's perspectives and knowledge (Ragavan et al., 2018). Within this framework, the role of external specialists, trained to facilitate local mobilization and organization, is not intended to impose or influence the narratives of individuals who have experienced victimization. Instead, the aim is to cultivate awareness among community members regarding their inherent and universally applicable rights, recognizing that their effective implementation depends on their integration within the specific circumstances of a given community (Paul, 2010).

In a broader context, employing research-derived tools for cross-cultural human rights application can speed up cultural assessment, integrate research and practice, and

enhance understanding of culturally appropriate human rights services and data. For example, employing focus group methods can involve qualitatively exploring a specific culture's alignment between its principles, norms, and contemporary human rights. The CBPR approach aids in understanding cultural phenomena, preferences, and opinions on the suitability of human rights (Medvene et al., 1995, as cited in Barrio, 2000). Moreover, as highlighted by Higginbotham (1979, as cited in Barrio, 2000), these discussions can identify key cultural variables and untapped potential. Furthermore, such methods are crucial to uncovering any cultural elements that hinder the realization of these rights. They offer an opportunity to enhance the intellectual and moral legitimacy of human rights within a culture by revealing aspects that need adjustment, development, or replacement (Lindholm, 1992).

Additionally, actively taking part in interactions with diverse cultures, sharing different perspectives, and uncovering areas of mutual agreement can clarify common interests and cultivate an open and impartial mindset. The objective is not to advocate for uniformity but rather to acknowledge that distinct cultures offer valuable viewpoints that could collectively enrich a shared human rights framework. This involvement carries significant importance, especially when cultures voice concerns about potential cultural imposition during human rights discussions. Through constructive and respectful exchanges of ideas, these concerns can be effectively addressed, fostering mutual understanding that supports cultural diversity and prioritizes safeguarding innate human rights (An-Na'im, 2021). On the whole, the Community-Based Participatory Research Approach aims to catalyze enduring changes in perspectives, practices, and societal values (An-Na'im, 2010).

v) Polycentric Multicultural Approach

Aligned with the aforementioned perspectives, the concept of the Polycentric Multicultural Approach diverges from traditional unidirectional theories of cultural influence. Rather than perceiving cultural exchange as a one-way process and opposing viewpoints that champion the superiority of any specific culture's cognitive and behavioral patterns, this approach acknowledges the existence of a globally interconnected and transnational society, thereby emphasizing the significance of a polycentric multicultural framework. Within this framework, various cultures play a

pivotal role in nurturing a diverse array of viewpoints, principles, and customs (De La Garza and Ono, 2015).

Consequently, acceptance assumes a fundamental role by embracing cultural diversity without imposing subjective judgments. In parallel, respect serves as a foundational principle for interpersonal interactions, ensuring the acknowledgment and reverence of distinct perspectives and identities. In this vein, this approach encourages a strong desire for information and comprehension, motivating individuals to actively pursue a deeper understanding of cultures beyond their own. This proactive endeavor to acquire knowledge aids in dismantling preconceptions and cultivating authentic interactions grounded in mutual understanding. Individuals can engage in intercultural encounters characterized by respect, perceptiveness, and enrichment by recognizing the presence of multiple cultural centers and embracing the guiding principles that shape them (De La Garza and Ono, 2015).

vi) Constructive Approach

Simultaneously, in the pursuit of cultivating cultural legitimacy for human rights, the Constructive Approach proposes utilizing the current UDHR human rights framework as its cornerstone. The premise suggests that while current global human rights norms might not fully encompass universal cultural validity, the wisest course is to engage in collaboration with these standards rather than outright rejection or substitution (An-Na'im, 2010). To achieve this aim, the approach suggests analyzing the provisions within the current treaties while concurrently building a comprehensive body of scholarly work that aligns with the critical aspect of cultural legitimacy. This process involves enhancing elements that harmonize with cultural traditions while simultaneously addressing and resolving aspects that conflict with or pose obstacles to the preservation of cultural integrity. In a comprehensive view, this approach also recognizes the dynamic character of cultural norms, which demonstrate variations or adaptations in response to changing circumstances and should be taken into account when refining human rights standards (An-Na'im, 2010).

To wrap up, recent decades have witnessed a range of debates involving politicians, jurists, social scientists, and philosophers concerning the necessity of adopting a cross-cultural approach to human rights. Despite efforts in this field, achieving concrete outcomes has proven challenging. Nonetheless, the effort to foster cultural

sensitivity within human rights discourse remains a multifaceted task that demands a deep grasp of cultural dynamics, adaptable strategies, and the facilitation of inclusive discussions (Lindholm, 1992). In light of the aforementioned approaches, which can be used in combination to create a comprehensive strategy or further expanded upon, achieving success requires developing and refining tools and frameworks that genuinely encompass the diverse culturally influenced interpretations of human rights. Looking ahead, the next part will comprise a comprehensive summary of findings and conclusions, aiming to distill insights from the entire reviewed literature in this thesis. This endeavor seeks to enhance the understanding of the interplay between international standards of human rights and the values of non-Western cultures.

PART TWO: DISCUSSION AND CONCLUSION

Summary of Findings

Upon reaching the conclusion of this thesis, it would be beneficial to begin by presenting a consolidated overview of the pivotal discoveries that have emerged from the present research. Overall, this thesis has undertaken a comprehensive investigation into the complexities surrounding the connection between global human rights norms and a diverse array of cultural values.

The first chapter explored the historical origins of international human rights, tracing their emergence and foundational principles. This journey highlighted the contributions of various cultural and religious traditions in shaping human rights ideals, revealing shared values across diverse cultural landscapes such as freedom, individual liberty, and tolerance. In the aftermath of World War II, a profound transformation occurred, elevating human rights from primarily national concerns to internationally recognized imperatives. This transformation was solidified through the establishment of the United Nations and the drafting of the Universal Declaration of Human Rights, firmly establishing human rights as universally applicable norms inherent to all individuals. Nevertheless, this historical journey also unveiled criticisms concerning the Western-centric origins of human rights, with cultural relativism arguments suggesting that these values may not be universally applicable.

The second chapter introduced fundamental aspects of culture, defining it as the comprehensive amalgamation of values, institutions, and behaviors inherent within a society. It highlighted the dynamic nature of cultures, their propensity for evolution, and the potential for ideas and norms to originate in one context and adapt to suit others. Emphasis was placed on the contemporary significance of cultural diversity, which is enshrined within the UDHR and serves as a cornerstone for the recognition and appreciation of the diverse cultural tapestry. Nevertheless, the chapter also elucidated the challenge of reconciling the pursuit of universal human rights standards with the nuanced landscape of cultural diversity, invoking the debate between universalist and relativist positions. Concurrently, it underscored the imperative need to prevent the misuse of cultural relativism as a pretext for cultures to violate human rights. Instead, for the harmonious coexistence of universalism and cultural relativism,

the chapter advocated for a nuanced paradigm of contextual universalism—one that respects cultural contexts while upholding the principles of human rights, safeguarding at least the non-derogable rights.

These two chapters collectively laid the foundation for an extensive exploration in the third chapter of the compatibility between international human rights and non-Western cultural values. Its first section spotlighted the variations in the manifestation of human rights across diverse cultures, exemplified by divergent interpretations of concepts within modern individualistic and traditional communitarian societies. It emphasized how the transition from communal and hierarchical structures to more individualistic frameworks could influence perceptions of human rights. Additionally, it indicated that in communitarian cultures, individual rights might be deemed culturally incompatible, potentially resulting in the isolation of individuals from their respective communities. This illumination provided some first-hand insight into the reasons why several non-Western nations have exhibited reluctance toward adopting international human rights standards.

Within this theoretical framework, the second section of the third chapter directed its focus toward human rights conceptions in non-Western societies, as practically represented by African and Asian perspectives. The analysis of African and Asian perspectives on human rights underscored distinctive viewpoints influenced by the unique cultural, historical, and social contexts of each region. In both regions, diversity emerges as a central factor shaping these perspectives. Africa, akin to Asia, comprises a tapestry of cultures, languages, and traditions, with historical and indigenous values playing pivotal roles in influencing human rights viewpoints. A shared characteristic binding African and Asian societies is the prevalence of communal identity, prompting a profound prioritization of collective welfare over individualistic pursuits. In the realm of both perspectives, one discerns a profound emphasis on the interconnectedness of individuals within society. Concepts such as community, harmony, and social cohesion are woven seamlessly into the fabric of their human dignity. In terms of fairness, it was revealed that both regions extend the notion beyond mere equality. African and Asian perspectives consider social roles, hierarchies, and factors like age, gender, and social status when evaluating justice and dignity. Within this context, the chapter also highlighted how these societal roles and responsibilities have historically led to the selective protection of human rights.

Regarding the historical factors that played significant roles in both African and Asian perspectives, it was examined how Africa's history of colonization and external interventions has led to a strong emphasis on safeguarding state sovereignty and autonomy in internal affairs. It was found that Asian countries share a similar historical backdrop, thus advocating for flexibility in implementing international human rights standards due to their own experiences with colonization and external influences. As a result, it was detected that cultural relativism has emerged as a prominent theme in both regions. In particular, African perspectives acknowledge the universality of human rights but argue for cultural sensitivity and accommodation of regional variations. Accordingly, Asian perspectives also lean towards cultural relativism, asserting that culture occupies a paramount moral position and should be preserved, even if it means diverging from global human rights norms.

However, critics have contended that an excessively rigid interpretation of cultural relativism might permit harmful practices to persist, infringing upon fundamental human rights. For better comprehension of this reasoning, the issue of female circumcision was also examined in this section. This involved an exploration of the cultural significance of this practice as an integral facet of the societal roles and heritage of the practitioners and the interplay between human rights, cultural norms, and social dynamics. Subsequently, it addressed the topic of birth control, elucidating the resistance to contraception within the African worldview as juxtaposed with Western viewpoints to dissect the intricacies surrounding reproductive rights, the availability of information, and individual autonomy as influenced by cultural, religious, and societal contexts. Furthermore, the section extended its purview to acknowledge instances from Asian perspectives, such as foot binding, child marriage, constraints on freedom of expression, and other practices that have, over the years, perpetuated inequalities within Asian societies.

Thereafter, in the course of conducting a deeper investigation into the root causes contributing to the incompatibility of human rights within non-Western societies, the fourth chapter revealed a complex network of interrelated factors, apart from the cultural one, that collectively shape this incompatibility. As revealed in the literature review, historical legacies, particularly the enduring repercussions of colonialism, exert a profound influence over government policies, societal norms, and the enforcement of human rights in non-Western societies. Paradoxically, the

decolonization efforts in some cases inadvertently perpetuated oppressive systems, leading to human rights violations. Moreover, it was indicated that the type of governance system within a society wields significant influence over its approach to human rights. Liberal and social democratic systems, which prioritize individual rights, were found to create an environment conducive to the protection of human rights. Conversely, authoritarian and non-democratic regimes were discovered to frequently suppress human rights in order to maintain control, presenting significant barriers to advocacy and protection efforts.

Additionally, this chapter's investigation unveiled further crucial insights. Specifically, it was found that the level of societal development, encompassing economic growth and societal advancements, has direct implications for a society's commitment to international human rights norms. Societies with higher levels of development are consistently found to be more inclined to uphold international human rights standards. In contrast, less developed nations grappling with economic challenges tend to prioritize alternative concerns over human rights. Finally, the examination broadened its scope to explore the role of religious beliefs and interpretations in shaping cultural values and societal norms within non-Western societies. It was found that while certain religious doctrines may align with international human rights norms, others stand in contradiction to them. For instance, the study brought to the forefront the observation that within certain Islamic societies, religious obligations frequently take precedence over individual rights, leading to notable constraints on freedom of religion and instances of gender-based discrimination.

These observations highlighted the paramount importance of adopting cultural sensitivity, context-aware strategies, and ongoing efforts to bridge the gap between cultural traditions and universal human rights values. Consequently, in the fifth and final chapter of the first part, a thorough exploration of culturally sensitive approaches to human rights was undertaken, with the primary objective of enhancing implementation while upholding cultural diversity. Significantly, the chapter provided insight into essential concepts such as Dynamic Pluralism, Cross-Cultural Legitimacy, Contextual Cultural Approach, Community-Based Participatory Research Approach, Polycentric Multicultural Approach, and Constructive Approach.

This exploration revealed a common thread among these approaches, underscoring their unwavering commitment to promoting inclusivity, adaptability, and cultural sensitivity within the realm of human rights. Each approach, in its distinct manner, acknowledges the dynamic nature of human rights, subject to diverse interpretations and acceptance across multifarious cultures and societies. Nevertheless, they collectively underscore the critical significance of actively engaging with and demonstrating respect for the rich tapestry of cultural diversity while advancing the fundamental principles of human rights. In essence, these principles demand the cultivation of open dialogue, the fostering of collaborative efforts, and the development of a profound appreciation for the unique cultural contexts in which these rights are applied. In this chapter it was advocated that through initiatives aimed at raising awareness, facilitating knowledge sharing, instigating legal reforms, and promoting community engagement, the potential for positive transformation and the advancement of human rights within culturally diverse contexts becomes not only feasible but also a shared responsibility.

Overall, this study has brought to light the interrelation between human rights and culture, shedding significant insights on the subject. It has emphasized the pivotal role of international institutions in advancing human rights, all the while acknowledging the inherent limitations of adopting a uniform or standardized approach. The examination of the very definition of culture and the distinctions between modern and traditional societies has illuminated the vast and diverse cultural landscapes with which the implementation of human rights is tasked. The inclusion of African and Asian perspectives has underscored the critical influence of cultural context in shaping perspectives on human rights. Simultaneously, the study has drawn attention to various other factors that contribute to the challenge of reconciling human rights with cultural norms. Additionally, the exploration of culturally sensitive approaches has yielded valuable insights into potential strategies for fostering greater harmony between universal human rights principles and cultural diversity. While it is undeniable that challenges persist, this study serves as a solid foundation for ongoing endeavors aimed at ensuring the respect, protection, and fulfillment of human rights across all cultural contexts. The following section further outlines the key conclusions drawn from this comprehensive exploration, shedding light on essential insights and suggesting potential directions for future research and practical application.

Conclusions

After presenting the summary of findings from the review of existing literature in this thesis, the conclusion articulates the researcher's reflections on the broader implications and significance of this study. Above all, it is imperative to recognize the notable achievements facilitated by prevailing global human rights standards. Over the past 75 years since its inception, the Universal Declaration of Human Rights has evolved into a comprehensive global normative framework, encompassing a wide range of rights. These include the protection of refugees, the rights of indigenous peoples, the rights of individuals with disabilities, efforts to combat torture, and fundamental rights such as access to adequate food, clean water, shelter, education, and healthcare. Substantial progress has also been made in advancing women's and LGBTQ+ rights, accompanied by the establishment of robust frameworks and mechanisms to safeguard other vulnerable groups, including civilians in conflict zones, children in both war and peacetime, migrants, and their families.

Therefore, despite certain valid concerns about the cultural legitimacy of prevailing global human rights standards, as elaborated in this thesis, it is crucial to acknowledge the profound importance of these accomplishments. They provide a foundational framework for meaningful discussions in the pursuit of human rights. As such, attempting to recreate these achievements from scratch would be a monumental and possibly insurmountable task. Instead, similar to what the constructive approach suggests, there are compelling reasons to embrace and cooperate with existing international human rights standards. Yet, it is also advisable to remain open to adaptations, avoiding strict adherence in absolute terms, while also remaining receptive to the potential development of new human rights standards in response to evolving societal needs and historical circumstances.

Simultaneously, it is important to keep in mind that even though the UDHR establishes the legal framework and defines the boundaries for human rights, it is the collective commitment of people living together in mutual respect that can breathe life into these rights. Respectively, considering that legal systems can effectively govern societies only when their laws align with cultural norms, implementing these human rights standards in cases where societies perceive them as incompatible with their cultural systems becomes challenging. This process brings to the forefront the

inherent disagreements regarding the conceptualization, justification, and content of human rights worldwide. Human rights hold diverse meanings for different individuals, while a substantial portion of the global population remains completely indifferent to their significance.

The divergence in perspectives becomes especially pronounced when considering the key theme of this analysis—the contrasting collectivist and individualist approaches, illustrating the profound differences between Western and non-Western cultures in their perceptions and prioritization of human rights. In this context, it is noteworthy that while human rights carry significant collective dimensions and implications, a crucial distinction arises, as their inherent nature predominantly revolves around individual rights (Donnelly, 1990; Felice, 1996). While collective rights hold significance, it is essential to note that, according to international human rights law, they lack substance if they disregard individual human rights (Dalacoura, 2003; Ibhawoh, 2004). Yet, individuals can claim their rights both as distinct individuals and as integral members of a group, e.g. a specific culture or a family unit (Donnelly, 1990), and as a result, human rights are intrinsically crafted to safeguard groups as well.

Thus, in responding to the debate on whether human rights can be applied exclusively to individualistic societies, it is essential to acknowledge that human rights do not inherently favor one way of life over another, nor do they imply the dissolution of families or groups. While individual rights do encompass the freedom of an individual to distance themselves from familial or communal controls and to challenge commonly accepted morals, the presence of human rights does not mandate such rejection. The fundamental purpose of human rights is to protect individuals—both individually and collectively—from other groups or, when necessary, from their own social groups (Howard, 2010).

As such, the researcher contends that societies should not adhere to choosing, in absolute terms, one way or another. The paradigm of Indian society provides valuable and encouraging insights in this regard. Influenced by geographical factors and historical context, Indian groups within the North American landscape have maintained a delicate equilibrium, balancing distinct separateness with a unique manifestation of “group individualism”. This balance emphasizes the enduring ties that bind these diverse communities; the interconnectedness woven from shared

historical narratives, experiences, and cultural legacies creates a cohesive fabric within the broader societal canvas. Yet, within this tapestry, the Indian individual exercises autonomy, harmonizing personal rights with collective values and the cultural ethos of the larger collective (Zion, 1992).

As a result, this showcases that the demarcation between individual rights and collective responsibilities becomes fluid, portraying a symbiotic relationship where individual well-being is interlinked with the prosperity of the communal fabric. Assimilating the lessons illuminated by this instance, a path forward emerges—a path that upholds individual rights while nurturing the profound interconnectedness that defines the shared human experience. In this pursuit, this societal paradigm stands as a guiding light, directing toward an inclusive, respectful, and harmonious world where the synergy of human rights and cultural values enriches mutual understanding.

Continuing, concerning with the next question of whether human rights are inherently Western, the researcher believes that despite adjustments made during international negotiation phases to incorporate various perspectives, the original Western influence remains evident and continues to exert substantial influence over the conceptualization and global implementation of human rights. Considering that non-Western nations have only recently emerged from centuries of Western colonization and are still experiencing various forms of dependency, they may not have had sufficient opportunities to fully articulate their perspectives on these matters. Nevertheless, from the researcher's standpoint, the ongoing discourse regarding the inherent Western nature of human rights, if approached with a constructive mindset, holds the potential to yield positive outcomes rather than further deepening the divisions between Western and non-Western viewpoints. This debate, in fact, can stimulate a constructive dialogue that goes beyond asserting human rights as exclusively Western and may act as a catalyst for the development of a liberating human rights framework. Such a framework would not only acknowledge its internal disparities and historical origins but also function as a tool to unveil global inequalities, acknowledge Eurocentric and colonial legacies, and maintain openness to a wide range of perspectives.

Overall, it is important to underscore that, until the present day, despite the extensive international recognition of the modern system of human rights in the contemporary world, no culture, society, or nation has achieved the ideal in its entirety regarding

human rights. Regardless of their economic advancement or political and social coherence, every society grapples with the formidable challenge of attaining universal human rights and the accompanying need for solutions tailored to their unique cultural and political contexts. Each civilization tends to embrace specific norms as universally accepted human rights standards while concurrently disregarding others that are acknowledged as human rights norms by distinct societies.

At this juncture, the clash between relativist and universalist viewpoints regarding human rights becomes evident. In light of this conflict, the scholar proposes that achieving universal acceptance of human rights may be attainable by fostering a meaningful exchange between these two perspectives. This notion is grounded in the understanding that cultures are not innate but rather shaped by learned behaviors through individual life experiences. Cultures' inherent dynamism and adaptability enable them to undergo internal transformations and respond to external influences in a dynamic global environment over time. Schwartz (2010) argues that each culture has the capacity to develop and support human rights in a manner specific to its cultural context. Simultaneously, cultures can benefit by integrating valuable insights from other civilizations that have demonstrated greater success in this regard.

Considering that any culture or ideology within a given community can overlook certain claims, thus having a moral blind spot regarding fundamental human rights, it is advisable to foster the presence of alternative resources and viewpoints within that culture. These alternative perspectives may align more closely with current international standards, with the aim of addressing perceived shortcomings and the root causes of disparities between the theoretical framework and the practical implementation of human rights in various situations. Consequently, this approach could empower individuals to work towards reconciling existing global standards with their cultural norms and values, even within their religious contexts. Such an approach encourages a sincere commitment to upholding human rights norms, as individuals perceive them to originate from their own worldviews and beliefs rather than as externally imposed principles.

As a result, the researcher finds it reasonable to believe that cultural transformation aimed at enhancing the legitimacy of human rights is feasible and could potentially offer a solution to this conflict. By recognizing and respecting diverse cultural backgrounds, international community can simultaneously work towards establishing

shared ideals that garner universal acceptance. In this way, once a consensus is reached on the content, it becomes possible to rely on international law as a means to establish a beneficial and satisfactory measure. This measure aims to ensure that all individuals can depend on a minimum standard of human rights rooted in the inherent dignity and integrity of every human being while also respecting the right to self-determination by refraining from imposing external norms.

Furthermore, the scholar advocates for the notion that safeguarding human rights and the pursuit of democracy are interconnected endeavors. Democracy offers a vital framework and means for enabling citizens to exercise their rights, engage in decision-making processes, and hold those in positions of power accountable. In contrast, the absence of democratic governance often paves the way for human rights abuses. Consequently, there is an imperative need to actively promote democracy as a fundamental element in the ongoing effort to safeguard and uphold human rights on a global scale.

In summary, one could argue that the perspectives presented in this study highlight the absence of definitive answers and conclusive solutions regarding questions related to human rights. Nevertheless, the ethical obligation and practical necessity of upholding the rule of law in the realm of international relations, particularly concerning the protection and advancement of human rights, are too compelling to ignore solely due to the complexity and challenges involved. Simultaneously, it is crucial not to assume that the development of a human rights-based culture will occur swiftly and effortlessly. It is essential to invest further efforts in deepening our understanding of diverse societies and cultures, particularly concerning their interpretations of human dignity. To achieve this, a methodological approach involving conceptualization, analysis, and policy consideration is essential, keeping in mind that certain disparities may persist.

Importantly, the most practical approach to establishing a stable global order involves placing trust in fundamental values such as human dignity, recognizing and valuing diverse perspectives, and continually working to reconcile these differences in mutually beneficial ways. As nations accumulate practical knowledge about the importance of human rights, they have the potential to come together and collectively support a comprehensive global framework for human rights. Achieving true inclusivity on a global scale may be an ongoing endeavor, an ideal that may never be

fully realized in practical terms. However, as emphasized by An-Na'im (2021), it is the responsibility of all human rights advocates in every society to dedicate their time, effort, and resources to transform attitudes and behaviors that undermine the principles of human rights.

Indeed, it is imperative that we collectively increase our awareness of the intricate political challenges associated with the acquisition and manipulation of cultural resources and symbols. Additionally, we should recognize the profound political significance embedded within fundamental concepts like “culture” and “customary law”. By doing so, we can actively work to prevent the perpetuation of discrimination through the normalization of customary practices presented as “the natural order of things” within unexamined cultural frameworks that wield significant influence over legal systems.

As this study concludes, it is imperative to reflect on the transformative impact it has had on the researcher's intellectual perspective. Initially, it should be admitted that the scholar held steadfast and simplistic viewpoints regarding both existing international human rights norms and cultural elements. Nevertheless, the undertaken review of the existing literature has engendered a profound shift in perspective, fostering a deeper comprehension of the inherent intricacies within the subject matter, revealing concealed biases, and underscoring the imperative for a more nuanced understanding. The researcher's aspiration is that this substantial shift in perspective, which has transpired during the course of this study, will similarly influence fellow scholars and individuals who engage with this work. Ideally, it will encourage them accordingly to adopt a more adaptable and open-minded approach to the subject matter, thereby contributing to the development of a more comprehensive and dynamic framework for the protection and promotion of human rights.

Recommendations for Future Research

Based on the insights gathered from this study, several recommendations for future research can be made. These recommendations span various dimensions. Firstly, to expand the scope of research beyond geographic limitations, forthcoming studies could adopt a comparative approach. This approach would involve conducting in-depth investigations in specific countries while remaining mindful of the inherent diversity and uniqueness of each context. Moreover, it is imperative to recognize that,

besides the African and Asian perspectives explored in this thesis, there are numerous other regions that merit attention. These may include the Middle East, Latin America, but also regions such as Australia, or Eastern Europe. Exploring the human rights dynamics in these diverse regions will contribute to a more comprehensive and complete understanding of the complex interplay between cultural contexts and the universal principles of human rights.

Secondly, in terms of research methodology, while recognizing the limitations of relying solely on literature exploration, it is imperative to advocate for a more inclusive and comprehensive research approach. This may involve exploring literature in various languages and disciplines, including gray literature and non-English sources, to enrich the depth of analysis. But most importantly, future investigations should extend beyond a solitary reliance on literature review and consider exploring diverse methodologies. Concurrently, researchers are encouraged to adopt mixed-methods methodologies, combining textual analysis with qualitative interviews, fieldwork, and case studies. Such an integrated approach would ensure a more holistic understanding of contextual factors surrounding human rights issues and enable a deeper exploration of the experiences of those affected. Moreover, to address the challenge of underreported instances and ensure a comprehensive analysis, future research endeavors should actively seek out to include marginalized voices and strive to uncover hidden narratives. Additionally, collaborative efforts with scholars from diverse cultural backgrounds should be actively pursued, as they can offer invaluable perspectives and help mitigate potential biases.

Plus, interdisciplinary approaches hold promise for advancing future research in the field of human rights. Engaging in interdisciplinary collaboration with scholars from various disciplines, including anthropology, sociology, psychology, and history, could provide the potential to uncover previously unexplored dimensions of human rights concerns and offer innovative approaches to addressing the complexities associated with achieving universal applicability. Throughout the application of these methods, researchers should prioritize cultural reflexivity and self-awareness to effectively address and counteract any Western bias. This involves maintaining a constant awareness of one's own cultural background and relevant predispositions. By doing so, researchers can navigate the complexities of the subject matter with greater sensitivity and objectivity, aligning their research practices with the highest ethical

standards. This demonstrates a profound commitment to conducting research that consistently respects the dignity and diversity of individuals and communities, thereby enhancing the credibility and reliability of research findings.

Ultimately, by shedding light on the intricacies and challenges involved in investigating the universality of human rights, this research underscores the ongoing necessity for academic endeavors to proactively address recognized constraints. By carefully identifying and diligently resolving these limitations, future researchers have a valuable opportunity to contribute to a more comprehensive and inclusive understanding of human rights on a global scale.

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