



Periodical Profile

Respect for Cultural and Religious Specificities as a Human Right

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No amount of argument and controversy was raised in thought and practice, locally, regionally or globally over any concept as much as that which was raised over the concept of human rights. Although many of the general principles of human rights are universal principles endorsed by all peoples and civilizations, a substantial and significant aspect of them differs in the perception of these peoples and civilizations in terms of their particularities and their respective customs, traditions, values, cultures and religions.

Indeed, the question of the universality and specificity of human rights is not new. It emerged with the declaration of the first international document reflecting international consensus on principles of human rights, i.e. the Universal Declaration of Human Rights of the United Nations General Assembly on December 10, 1948. This Declaration came under criticism because its principles failed to observe and recognize the cultural differences and the civilizational specificities. This has led to the reluctance of many countries to adhere to these principles. In addition, many of these countries later refrained from acceding to a number of international conventions on human rights, as some of the formulations contained therein conflict with the national constitutions and legislations of these countries and do not take into account the local customs and traditions, or respect the prevailing religious values and provisions in their societies. This position is supported by two arguments:

First: The relativity of human rights

Far from the doctrinal and philosophical differences on the meaning of cultural and religious specificity in the field of human rights, these



differences find their justification on one hand, in the fact that each society by virtue of its political, economic and social conditions, the prevailing values, traditions and customs, as well as the historical experience, is unique. It is also found in the fact that schools of jurisprudence, philosophy and politics are influenced by interests of the countries to which they belong or whose orientations they express.

Second: International attitudes towards the universality of human rights

There are legitimate concerns among thinkers who reject the unqualified universality of human rights and emphasize cultural and religious specificity, or if you wish, the relativity of human rights. Endorsing the word “universality”, these thinkers believe, will lead to the dissolution of the cultural identities of non-Western countries, especially developing ones.

Moreover, in light of Western attempts to dominate the world under the umbrella of “globalization” in the wake of US unilateralism since the early 1990s, the same position was expressed by many non-Western countries which saw in the word “universality” a serious threat to their sovereignty and a pretext for other countries to interfere with their internal affairs. This has been accompanied by the rise of calls by Western countries, especially the United States, for international intervention to protect human rights. In this context, phrases like “the right of international humanitarian intervention”, “the duty of international humanitarian intervention”, “international intervention to restore democracy”, and “the responsibility of protection”, besides others, have emerged, acting as evil in the guise of good for developing and small countries.

Research has shown that the phrase “universality of human rights” represents a new form of the West's centuries-old efforts to tighten its control and impose its values on the countries of the non-Western world, especially developing countries in Africa and Asia. That is because universality in this context means imposing human rights in their Western interpretation. This imposition is based on the claim that the West is the model that should be emulated and that its version of human rights is the ideal formula that must prevail. These efforts are closely connected with political, economic and military interests and gains for the West.

The prevalence of Western cultural and behavioral patterns in non-Western and developing countries, specially in the context of a set of



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international human rights documents with claims to universality, which gives them a degree of legitimacy and acceptance, will inevitably lead to a kind of cultural subordination to the West among the dominant elites in these countries. Those elites will consequently be naturally inclined to promote and maintain the interests of the West.

In conclusion, although some of the rules and provisions of human rights are universal, and are therefore not subject to rejection by individual countries under the pretext of protecting their identity, such as the right to life, to safety of the body, etc, others cannot be considered universal and their applicability should be subject to each community's specific circumstances, a position informed by the counter-claim for the relativity of some human rights principles and supported by religious and cultural specificity.