

## **UNIVERSAL DECLARATION OF HUMAN RIGHTS: THE ISSUE OF UNIVERSALISM AND CULTURAL RELATIVISM**

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DOI: 10.46609/IJSSER.2023.v08i07.006 URL: <https://doi.org/10.46609/IJSSER.2023.v08i07.006>

Received: 1 July 2023 / Accepted: 18 July 2023 / Published: 21 July 2023

### **ABSTRACT**

This article examines the Universal Declaration of Human Rights and the charge of universalism leveled against it by cultural relativists. The UDHR is the first document that enshrines rights and freedoms for human beings. The rights enshrined are available to all individuals, irrespective of their religious, cultural, or political moral systems. It is a normative statement on how human beings should be treated.

The UDHR faces the charge of universalism, that it imposes the same values which are Eurocentric in nature on all nation-states. It is considered by critics as a hegemonic project, which reflects the moral chauvinism of Western liberal individualistic societies. Cultural relativists hold that beliefs, customs, and cultural and moral values are relative in nature. Rights emerge from the cultural context of societies and should be seen from this standpoint and not in isolation from the context. This article examines the charge of universalism against the UDHR through the eyes of Johannes Morsink and Jack Donnelly.

**Keywords:** Natural Rights Human Rights, Moral Rights, Universalism, Cultural Relativism

### **1. Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) is the first document in the history of human rights that enshrines fundamental rights and freedoms to be universally protected. It was adopted by the UN General Assembly on 10th December 1948 in Paris. It is a milestone document that was drafted by representatives who came from different legal and cultural backgrounds of the regions of the World.

The UDHR lays down that human rights are basic rights and are available to all human beings irrespective of their nationality, race, color, religion, and political system. These rights are inalienable and inherent in nature. Those who drafted the UDHR were profoundly influenced by

the natural rights theory propounded by 17th-century thinker John Locke and later on adopted by Thomas Jefferson (architect of the American Declaration of Independence) and others.

John Locke, writing during the Glorious Revolution, gave the theory of natural rights. He held that human beings are born with rights, they are pre-social and pre-political. They are inherent and inalienable. They are neither contingent upon society nor the state. Human beings possessed these rights before society and the state came into existence. This theory was given basically to put limits on the powers of the state and expand the arena of freedoms of individuals. [However, it was the freedom of the rising middle-class “burgess” that was the focus of attention at the point.]

The UDHR lays down that human rights are the minimum common standards to be achieved by all peoples and all nations. The horrors of the Nazification of Germany, the IInd World War, atrocities committed by the warring powers against each other, the holocaust, and the issues concerning food, and water greatly influenced the minds of the drafters. (Morsink, pp. 36). This background should be kept in mind while reading the UDHR.

The UDHR contains a Preamble and 30 articles. The rights included in the UDHR are individual rights. They are embedded in the conception of human dignity and equality. The rights granted are universal in nature, available to all individuals independent of their political, social, cultural, practices and moralities.

The rights recognized in the UDHR are plural in nature. Rights granted do not address a single issue, but rather the manifold needs of an individual - related to life, liberty, freedom of belief, opinion, religion, social security, rest leisure, and education. They have been given to real-living individuals having varied needs.

The rights given in the UDHR are interconnected and interdependent upon each other, for instance, the right to work and the right to join trade unions mutually support each other. Similarly, the right to life has no meaning without economic rights like an adequate standard of living. The UDHR, thus, provides a comprehensive, and holistic list of rights, each right supporting the other right. It recognizes actual living individuals situated in varied contexts. Interdependence of rights indicates a “functional relationship” between rights, where the whole is more important than the sum of its parts. ((Donnelly, 2014, pp.31).

UDHR does not assign a hierarchy of rights or prioritize certain rights. All rights have their own place, they are indivisible. Of 58 members of the United Nations at the time, 48 voted in favor of the UDHR in the UN General Assembly, eight abstained, two did not vote and none against it.

The UDHR has inspired and paved the way for the adoption of many human rights treaties and

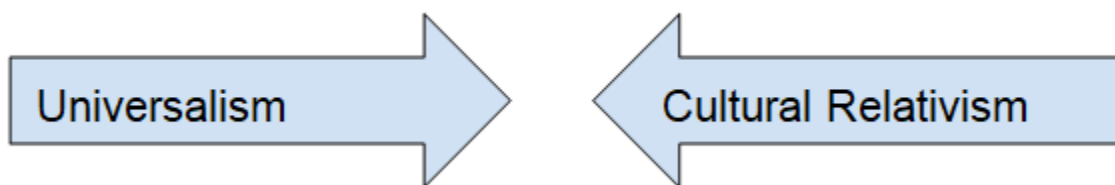
conventions at the global, regional, and national levels. It is a reference point for all peoples and all nations as to how human beings ought to be treated. It not only recognizes the moral worth of all individuals but also emphasizes peace, dignity, and equality of human beings. The UDHR is a normative statement on what the world ought to be. It is a political project to be undertaken by states. The formulation of rights is at the international level, but its execution/ implementation is the duty of the state through the rule of law.

### **Rights Included in UDHR**

- Article 1- Right to Equality-All human beings are born free and equal in dignity and rights
- Article 2- Freedom from Discrimination
- Article 3- Right to Life, Liberty, Personal Security
- Article 4- Freedom from Slavery
- Article 5- Freedom from Torture and Degrading Treatment
- Article 6- Right to Recognition as a Person before the Law
- Article 7- Right to Equality before the Law
- Article 8-Right to Remedy by Competent Tribunal
- Article 9-Freedom from Arbitrary Arrest and Exile
- Article 10- Right to Fair Public Hearing
- Article 11-Right to be Considered Innocent until Proven Guilty
- Article 12-Freedom from Interference with Privacy, Family, Home, and Correspondence
- Article 13- Right to Free Movement in and Out of the Country
- Article 14-Right to Asylum in other Countries from Persecution
- Article 15-Right to a Nationality and the Freedom to Change It
- Article 16- Right to Marriage and Family
- Article 17- Right to Own Property

- Article 18-Freedom of Belief and Religion
- Article 19- Freedom of Opinion and Information
- Article 20- Right of Peaceful Assembly and Association
- Article 21- Right to Participate in Government and in Free Elections
- Article 22-Right to Social Security
- Article 23-Right to Desirable Work and to Join Trade Unions
- Article 24-Right to Rest and Leisure
- Article 25-Right to Adequate Living Standard
- Article 26-Right to Education
- Article 27-Right to Participate in the Cultural Life of Community
- Article 28-Right to a Social Order that Articulates this Document
- Article 29-Community Duties Essential to Free and Full Development
- Article 30- Freedom from State or Personal Interference in the above Rights(UDHR)

## **2. Critique of the UDHR**



### **Universalism Versus Cultural Relativism**

The UDHR defines human rights standards to be adopted by all nations for all people. This has brought the issue of human rights to the centre of the debate. The UDHR faces the charge of universalism that it imposes the same values which are Eurocentric in nature on nation-states that have different political, ideological, religious, and cultural moral systems in other words, it is based upon Western cultural and philosophical assumptions. It is a neo-imperialist and culturally hegemonic project that reflects moral chauvinism.

This leads to a collision between two central ideas, that of universalism and cultural relativism. Universalism as a philosophical concept holds that some ideas have universal applicability, that is, it is possible to apply certain norms or values to all people regardless of the cultural contexts in which they are located. On the other hand, cultural relativism as a concept holds that beliefs, customs, and morality exist in relation to a particular culture, these moralities are not universal or uniform rather they are relative in nature and ought to be understood in this way. According to Cultural Relativists, Communitarians, and Contextualists, rights and duties emerge from the cultural context. They cannot be understood in isolation from the cultural context from which they emanate. The notion of uniform or universal rights is nothing but fiction, according to cultural Relativists.

Concerns about Eurocentrism were expressed right in the beginning when the UDHR was being drafted. In 1947, the American Anthropological Association (AAA) expressed its concerns about Eurocentric bias which might occur while drafting the UDHR and hence wrote a long memorandum to the Human Rights Commission to be cautious. The worries and caution expressed by the AAA have assumed the form of criticism in recent years. The recent literature is replete with arguments on universalism, and cultural imperialism that the UDHR is based upon Western cultural and philosophical assumptions, it is a neo- imperialist and culturally hegemonic project, and a reflection of moral chauvinism.

The death of socialism and communism, the disintegration of the Soviet Union, and the Worldwide triumph of the project of liberalism have brought the idea of universalism to the center of debate and attack. Cultural relativists: the communitarians and contextualists allege that liberalism and the UDHR have a common agenda - that is to spread liberal ideas worldwide and that both, Liberalism (as a philosophical doctrine) and human rights, as a concept, are hegemonic in nature and scope. They hold that universalism is inbuilt in both doctrines.

### **3. Defense**

Can universalism be justified, knowing that the cultural contexts of human beings cannot be ignored? The article examines the charge of universalism by cultural relativists from Johannes Morsink and Jack Donnelly's perspective.

#### **3.1 Johannes Morsink**

Many theorists have responded to the charges of universalism raised by cultural relativists. They have used moral and philosophical arguments to justify the universality of human rights, that all human beings have equal moral status and inherently possess equal rights. Morsink Johannes, (1999) in his comprehensive and rigorously researched work, "The Universal Declaration of Human Rights : Origins, Drafting & Intent" takes another approach to address the issue of cultural

relativism.

Morsink carefully examines records, secondary sources, and drafting materials, and argues that there was a consensus among the drafters of the UDHR, (who came from different regions of the world carrying with them their own, social, ideological, cultural, and religious moralities) over the universality of rights. He dismisses the arguments of cultural relativists that the UDHR recasts Western Liberal values in the guise of human rights. He argues that the final document that emerged from divergent traditions and viewpoints was a consensus on universal rights.

Morsink responds to the charges of cultural relativists. The cultural relativists maintain that the rights comprised in the UDHR have emerged out of the individualistic Western values and do not translate into Eastern and Asian societies, which give primacy to communitarian or group values over individual rights. Cultural relativists point towards the countries that abstained from signing the UDHR when voting was taking place in the UN General Assembly to make their point. Eight countries abstained from voting in which there were six communist states led by the Soviet Union, Saudi Arabia, and South Africa. Morsink's investigation reveals that the states that abstained from voting actually played an active role in the drafting of the UDHR, they were instrumental in including some articles in the final document. Their abstention from voting Morsink points out did not amount to the rejection of the idea of human rights. They abstained either because they believed that the UDHR had gone too far in imposing universal standards or that it did not go far enough in implementing the idea of human rights.

### **3.1.1 The Six Communist Abstentions**

The Communist bloc was the largest bloc that abstained from voting. Morsink (chapter 1, pp. 21) points out that the six communist nations did not reject the declaration but abstained from voting. There were in agreement on the issue of rights but differed on certain aspects. Their differences with other members of the UN General Assembly on the UDHR emerged out of their ideological position.

Morsink's reveals that the Soviet Union wanted to participate in the drafting of the Declaration to condemn Fascism and Nazism and wanted to save the world from the recurrence of the horrors the beliefs had brought. It was the Nazification of Germany which led the world to the stage of II<sup>nd</sup> World War. But to condemn Fascism and Nazism, the Soviets had to take a position on the state, which they could not because the Soviets believed that after the revolution, the contradiction between the state and classes (masses) had been resolved. The state (the proletarian state) and masses were in harmony with each other, so the state could become the principal provider of rights. However, the other member states felt that individuals needed to be protected not only from each other but also from state violation and abuse of rights. The state was a repository of all

coercive and ideological power. Therefore, individuals had to be protected from the state irrespective of the nature of state power (whether it is socialist, liberal, or other).

Thus, the communists had to choose whether to condemn fascism from the vantage point of human rights or see things from their own ideological position, where the state is seen as a provider of rights. The communist bloc abstained from voting on the ground that enough was being done to condemn Fascism and Nazism.

Morsink reveals that Article 29 also became an issue for the Soviet Union and delegates of other countries. This article holds that “everyone has duties to the community, in which alone the free and full development of his personality is possible.” “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law .....”. (Morsink, pp. 22) The Soviet Union wanted to add “and the corresponding requirements of a democratic state” to the article, which meant that rights could be restricted by law and according to the requirements of a democratic state. Delegates rejected the position adopted by the Soviet Union, for it was raising the state above society and individuals. It was abrogating individual rights. (Morsink, pp.24)

In the case of Saudi Arabia, Islamic Law (Sharia) was seen to be in direct contradiction with Articles 16 and 18 of the declaration. Article 16 ensures the right for any individual to marry and found a family, while Sharia Law states that marriage is to be solely between a man and a woman; Article 18 ensures freedom of religion, while Sharia Law requires all Saudi citizens to follow Islamism.

Sovereign African countries barely existed when the United Nations adopted the Universal Declaration of Human Rights in 1948. It was the first time an internationally agreed-upon document was being adopted which unequivocally recognized the inherent dignity and equal and inalienable rights of all irrespective of race, color, creed, or religion. But most of the African countries were still under colonial rule, except Egypt, Ethiopia, Liberia, and South Africa – which were members of the UN. South Africa abstained from signing the document because it could disturb its practice of racial discrimination and segregation- apartheid, and it knew that the United Nations would use it to condemn them. (Morsink, pp. 26)

### **3.1.2 Factors that shaped the UDHR**

After responding to the charge of abstention by cultural relativists that abstention does not mean rejection of universal human rights, Morsink reveals the factors that influenced the drafters of the UDHR. The most important of these was the experience of the II World War, “the barbaric doctrines of Nazism and Fascism.” There were other influences also, but none could match the horrors of the Holocaust. One of the motifs behind the UDHR was to “avoid another Holocaust



or similar abomination.” According to Morsink a number of articles in the UDHR, are in direct reference to the abuse of human rights committed by Hitler’s Nazi government. Emphasis were being laid on “new democratic internationalism.”

According to Morsink, (pp, Hitler’s extreme organic view of the state had a profound impact on the drafters. Hitler spoke of the inner unity of people’s will and state as a “living organism of a nationality”. He identified the state with race and race with blood. State as “an organization of a community of physically and psychologically similar living beings for the better facilitation of the maintenance of their species.” The task of the German Reich was to “assemble” and “preserve” “the most valuable stocks of basic racial elements .....and raising them to a dominant people. This “extreme organicism” broke down all lines between persons and their state and led to barbaric acts against Jews who were perceived as inferior to the Aryan race. The drafters sought to prevent the recurrence of such aspects of the Holocaust by including specific rights. The first five articles of the UDHR focus on the right to equality, freedom from discrimination, right to life, liberty, and security. Other provisions too reflect the drafter’s desire to prevent another Holocaust.

The Nazification of Germany, the IInd World War, and the Holocaust provided a major impetus for drafting the UDHR, however, other factors like the Cold War, the women’s movement, the Latin American Socialism, also shaped the writing of the document. Thus, the content and form of the UDHR according to Morsink were defined by several factors.

The Superpower shaped not only the content of specific articles but also the broader purpose of the document. Morsink says that some delegates wanted the document to include the implementation principles, but the superpowers wanted that the document be a declaration of principles with questions of implementation to be taken up later. Ultimately superpowers won the argument, Morsink argues that this was a victory of the UDHR too, as the document acquired a different moral status and assumed a central role in the protection of human rights.

While the superpowers were united on this point but differed on many accounts. There were ideological differences between the two powers regarding the content of various articles. For instance, the Western nations supported the notion of freedom of conscience and freedom of political belief; the Soviet Union- led Communist states opposed protecting freedom of political conscience. Ideology determined that only political ideology could be correct, therefore the Communist bloc withheld their support for the right to hold other ideologies. Ultimately, the Western bloc won the argument and the right to hold political opinion was upheld. Morsink points out that this instance reflects the effect of Cold War politics on the UDHR.

Morsink also reveals that women’s lobby played a vital role in influencing the content of every



article. The lack of sexism in the UDHR depicts the universality of the rights in the UDHR. The chair of the Subcommission on the Status of Women created by ECOSOC played an active role in the drafting of the UDHR. The activism of Bodil Begtrup and the pressure of the Soviet delegation removed sexism from the document. In almost all the articles words like “all”, “everyone” and “no one” are used, (Morsink, pp. 118) except for Articles 23 and 25 where workers’ rights are mentioned by using the phrase “himself and his family.”

The influence of the Latin American countries was writ large on the UDHR. (Morsink, chapter 4). The Latin American bloc spoke in one voice. Their unity strongly influenced the content and form of the rights, especially the group rights. The inclusion of socio-economic rights like the right to work, food, clothing, housing, medical care, right to security during unemployment, sickness, disability, widowhood, old age, or due to other circumstances, and the right to education was due to the Latin American socialist tradition and the Soviet pressure.

Besides these factors, Morsink also refers to the influence of key individuals on the UDHR. John Humphrey was the most influential person among the drafters. (Morsink, pp 26-28) He wrote the first draft of the UDHR. His influence was pervasive throughout the drafting process. Morsink calls Humphrey the father of the UDHR. Morsink holds that other drafts grew out of Humphrey’s initial rights’ framework. However, he recognizes Rene Cassin as an “invaluable member of the inner core of the drafters.”

Humphrey practiced law before he became a professor at McGill University. After that, he accepted the position of director of the Division of Human Rights at the UN. He held socialist views, this allowed him to work closely with Latin American delegates in the drafting of the UDHR. The inclusion of socio- economic rights in the UDHR was also due to key individuals like Humphrey.

According to Morsink, although American first lady Eleanor Roosevelt was not directly involved in creating a draft, she exerted considerable influence over the drafting process. She served as a “buffer between the two Cold War camps.” Morsink says that in the period 1946-48, there was no other public figure dedicated to the cause of human rights and trusted by both superpowers. She was sympathetic to the Soviet view and held that both powers had to work together. Morsink points out that, there was an unwritten rule in the Commission on Human Rights that delegates would not pass cynical comments about violations in other countries, as this would block the goal of writing a declaration acceptable to all. For instance, the Soviet delegation did not say anything on racism in the US, they knew that Eleanor Roosevelt was one of the most vigorous opponents of racism. She responded calmly, her cool dignity set an example for the rest of the delegates.

Similarly, Dr. Peng- Chun Chang (China), Dr. Charles Malik (Lebanon), Hernan Santa Cruz (Chile), Alexie P. Pavlov (Soviet Union) Hansa Mehta (India) representing various cultures, races, religions, and political systems played a crucial role in the drafting of the UDHR. Morsink says that there was no single author of the UDHR.

Morsink in his well-researched thesis presents that the universality of human rights emerged out of consensus on the part of the drafters who came from different regions of the world representing distinct religious, cultural, and ideological moralities. Several factors that shaped the nature and content of the UDHR.

### **3.2 Jack Donnelly**

Jack Donnelly looks at the issue of universalism and cultural relativism from a different angle. He avoids taking the position of extreme universalism or extreme cultural relativism. It is a blend of universalism and cultural relativism. He argues for a form of universalism that gives substantial space to the claims of the relativity of rights. Donnelly, talks of “relative universality of human rights.” He explores different ways in which human rights can be called universal and different ways in which human rights can be applied in relative ways.

#### **3.2.1 Universalism**

Donnelly (2007), describes human rights as universal rights from many vantage points from conceptual (substantive), historical, anthropological, functional (utility), to ontological. From a conceptual or substantive point of view, human rights are rights that one has simply because one is human. From this viewpoint, human rights are equal rights available to all human beings, they are inalienable and universal. Conceptual universality endows rights to everyone, whether everyone enjoys them or not in practice is a different matter altogether. Donnelly refers to the flagrant violation and abuse of internationally recognized rights across regions and cultures of the World. There is a universal possession but not a universal endorsement of global human rights, The implementation and enforcement of international human rights is relative. (Donnelly, 2007, pp. 283)

From a historical or anthropological standpoint, (Donnelly, 2007, pp. 284) human rights are universal for the reason that all societies historically and cross-culturally have manifested their own conception of human rights. Most societies and cultures have practiced human rights for most of their history. He points out at the large body of literature on the non-Western conceptions of human rights. Arab literature very often traces back rights to the Koran, similarly Asian societies have their own narratives on human rights.

Although human rights have a historical and anthropological basis, according to Donnelly, they

were not based upon the values of justice, fairness, or human needs. (Donnelly, 2007, pp. 284). These values were not fundamental principles in ancient, medieval, and even modern societies. The idea that all human beings are equal in dignity and moral worth and are endowed with basic rights was alien to them. Ancient Greece practiced slavery, distinguished between Hellenes and Barbarians, denied basic rights to foreigners. The idea of equal rights was equally alien to Plato, Aristotle, Homer and many other ancient and medieval thinkers. The same was true with ancient Rome, both as a Republic and Empire. Thus, ancient and medieval societies did have their own conception of rights, but this was not based upon the values of equality, justice, or human needs. They denied basic equal rights to sections of their populations.

Natural or Human Rights ideas first developed in the Modern World. John Locke gave the theory of natural rights-that individuals are born with rights. The idea of equal, inalienable, and universal rights emerged from his writings. The American and French Revolutions used these ideas to construct new political orders.

Human rights ideas and practices emerged from the social, economic, and political transformations of modernity. This was the period when feudalism was dismantling, and market society and capitalism were emerging. Capitalism brought about a massive expansion of wealth for some, but was also accompanied by the spread of slums, poverty, ignorance, and disease for the majority of the population. As modernization progressed, the dispossessed groups started raising claims for relief from poverty, ignorance, and disease. Thus, equal and inalienable natural and human rights became central. The success achieved by some groups also led others to lay similar claims for their equal rights. Human rights under these conditions were an effective response to a wide range of threats experienced by human beings governed by market principles and bureaucratic states. This according to Donnelly represents the functional utility of human rights. (Donnelly, 2007, pp. 287) Human beings face these threats everywhere, therefore human rights deserve the tag of universal. In a nutshell, the functional utility of human rights depends upon the remedies that it provides when human dignity is under threat.

Human rights have been endorsed in the international human rights law. Besides the human rights bill, (which consists of the UDHR, the International Covenant of Civil and Political Rights, and the International Covenant on Social, Economic and Cultural Rights), there are several treaties which deal with specific issues like child labor, Indigenous peoples, disability, Genocide, etc. The language of human rights has been adopted by people's movements, opposition, and by NGO's. Human rights have become the '*lingua franca*' of legitimate and emancipatory politics, and global standard setting in contemporary international politics.

Moral and Political theory has also come to endorse the universality of human rights. In "The Laws of Peoples" (1999) Rawls refers to the international legal principles which form the basic

structure of international order. The basic structure is the focal point, a site of justice. Something which is so significant and whose effect is so pervasive and permeating must be arranged on fair principles. Rawls talks about “overlapping consensus” on the principles governing the basic international structure, all peoples (following their own religious, cultural and ideological moral systems should) support these principles from their own vantage points, on a rational basis. Rawls regards human rights as a necessary condition governing the basic structure of international order marked by countries having different religious, culturalmoral doctrines. Rawls shows that a stable and just international order can be evolved on a rational basis, even when countries are deeply divided by conflicting religious, philosophical, and moral doctrines.

“Overlapping consensus” in Rawls theory, according to Donnelly, implies that contemporary human rights have multiple foundations. (Donnelly, 2007, pp. 289-290) The transnational historical foundation, overlapping consensus on a single moral code, provides for what Donnelly calls “Ontological Universality.” (Donnelly, 2007, pp. 292)

### **3.2.2 Relativism**

Donnelly, not only talks about different ways in which human rights have universal basis, but also refers to the relativity of cultural values. Cultural values differ across boundaries and time. (Donnelly, 2007, pp.294). Cultural relativity is a basic fact which cannot be denied.

Donnelly distinguishes between methodological and substantive relativism. ((Donnelly, 2007, pp. 294) Methodological relativism advocates a non-judgmental analysis of cultures, which was popular amongst mid-20th-century anthropologists. The arguments of methodological relativism and historical or anthropological universalism go hand in hand with each other. Historical universalism holds that all societies historically and cross-culturally have manifested their own conception of human rights, and methodological relativism maintains that there should be an objective or non-judgmental analysis of humanrights.

Substantive notion demands respect for cultural differences. Donnelly holds that there are serious issues with the substantive notion of cultural relativism or absolute cultural relativism. (Donnelly,1984, pp. 404)Absolute cultural relativism assumes that cultures are coherent, cohesive, homogenous, static and infallible from a moral point of view. Contingency and contestations within cultures are ignored by cultural relativists. Donnelly holds that Donnelly holds that culture is“a repertoire, of deeply contested symbols, practices, and meanings over which and with which members of society constantly struggle.”

Thus, Donnelly recognizes the fact of cultural relativity but has problems with the absolute or substantivenotion of cultural relativism.

Donnelly points out that the notions of self-determination and sovereignty are grounded in cultural relativism. ((Donnelly, 2007, pp. 296-297) The principle of Self- Determination is an ethical principle that involves a claim that free cultures give people an entitlement to choose their own way of life. Cultural relativity cannot be denied, and absolute cultural relativism is undesirable and insupportable on moral grounds. On this basis, Donnelly holds that the reality and facticity of cultural relativism can act as an “antidote” to the doctrine of absolute universalism.

Donnelly further points out that post-cold war conditions and the rise of post-structural and post-colonial perspectives have unleashed a new stream of relativism and anti-universalist arguments. (Donnelly, 2007, pp.297). These perspectives challenge universalism and draw attention to the power relations that are embedded in the international order, at the same time open space for autonomous groups and peoples across the globe. Donnelly points out that these perspectives have questioned the hegemony of the idea of human rights in the post-cold War conditions. He also holds that some radical post-structuralists have also raised their concerns against absolute cultural relativism and have preferred a dialogical approach with cross- cultural consensus.

Donnelly points out over the past decade, discussions have moved away from the dichotomous approach which pits the two ideas of universalism and cultural relativism against each other. The theorists have realized the dangers of extreme positions and have begun to appreciate the insights in the position of their critics.

While concluding his argument of “relative universality of human rights” Donnelly refers to Richard Wilson who says that “ideas of and struggles of human rights are embedded in local normative issues yet are caught in the webs of power and meaning that go beyond the local.” (Donnelly, 2007, pp.299) Donnelly points out that one should look at what ought to be universal and what to be relative in the domain of human rights. Rights related to life, liberty, and security of a person ought to be universal, but certain rights like the right to participate in the electoral system can be defended on relative grounds. He says that relativity with regard to such issues is not merely defensible, but also desirable.

Limited deviations from international norms can be justified if they conform to the overarching structure of the UDHR. If a particular cultural value is of great significance to groups in society and if it does not violate basic rights, they deserve sympathetic consideration. Autonomous practices of free people should not be dismissed lightly, especially when they are well-established practices.

## **Conclusion**

The UDHR enshrines rights and freedoms that need to be universally protected. The rights and

freedoms are available to all individuals irrespective of their political, religious, cultural moralities. Rights enshrined are universal in nature. They are plural, interconnected, interdependent, mutually supportive of each other. The UDHR does not establish a hierarchy of rights or prioritize certain rights over others. Rights enshrined in the UDHR are given to real-living beings having multifarious needs.

The universal nature of rights has brought the UDHR at the center of debate and criticism. Cultural relativists have levelled charges against the UDHR. It is held that the UDHR imposes Western liberal individualistic values on all the nation states, even when they have different religious and cultural context.

On the basis of the origins and intent behind the Declaration, Morsink holds that universalism was the result of a consensus among the drafters who came from different regions of the world carrying with them their own, social, ideological, cultural and religious moralities. He examines the case of six countries who abstained from voting at the General Assembly and holds that they abstained either because the UDHR had gone far in imposing universal values (Saudi Arabia, South Africa) or that it did not go far enough in implementing the idea of human rights. (The Communist bloc). He also examines the role of various factors that went into shaping the UDHR - Cold War conditions, Latin American Socialism, Women's lobbies all shaped the UDHR. Thus, the UDHR and its emphasis on universality was the result of an overlapping consensus among the drafters. There was no single author of the UDHR. Universality of rights was the outcome of an overlapping consensus among the drafters of the UDHR.

Donnelly, avoids the position of absolute universalism and absolute cultural relativism. He talks of "relative universality of human rights." He not only examines different ways in which human rights can be called universal, but also refers to the relativity of cultural values. His position blends universalism with cultural relativism.

To conclude, people's struggles with regard to human rights violations are local in nature, and happen at that level, but they are also connected with larger structures of power that go far beyond the local.

## **References**

1. Donnelly Jack. (1984). Cultural Relativism and Universal Human Rights, *Human Rights Quarterly*, Nov, 1984. Vol. 6 No. 4 John Hopkins University Press. (<http://fs2.american.edu/dfagel/www/class%20readings/donnelly/cultural%20relativism.pdf>)
2. Donnelly Jack. (2007). The Relative Universality of Human Rights, *Human Rights*

*Quarterly*, JohnHopkins University Press. (<https://www.jstor.org/stable/20072800>)

3. Donnelly Jack. (2014). *Universal Human Rights In Theory And Practice*, Rawat Publications, NewDelhi. (<https://www.rawatbooks.com/human-rights/universal-human-rights-in-theory-and- practice>)
4. Morsink Johannes. (1999). *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. University of Pennsylvania Press, Philadelphia. (<https://www.jstor.org/stable/j.ctt3fhrpm>)
5. UDHR, (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>)