
CHALLENGES TO THE MODERN CONCEPT OF HUMAN RIGHTS

Sus Eko Z. Ernada¹

Abstrak

Artikel ini mendeskripsikan tantangan-tantangan yang ada atas konsep HAM modern. Eksistensi dari tantangan tersebut menyebabkan penerimaan atas konsep HAM tidak dapat menyeluruh ke seluruh dunia. Terdapat dua tantangan mendasar, pertama mengenai landasan moral dari konsep HAM modern yang tidak bersifat transenden. Hal ini disebabkan oleh paradigma sekularisme yang melandasi perumusan pasal-pasal HAM. Kedua menyangkut universalitas Konsep HAM itu sendiri. Dalam sejarahnya, ketika pasal-pasal HAM di usulkan dalam Universal Declaration of Human Rights (UDHR), pada sidang komisi HAM PBB, 1948, beberapa negara dari Timur Tengah sudah mempermasalahkan pasal-pasal HAM karena dianggap bertentangan dengan ajaran Islam.

Keywords: *human rights, universality, cultural relativism, UDHR, HAM.*

Introduction

This article sheds light on the question of what are the challenges to the modern concept of human rights? In response, I argue that there are some fundamental aspects that pose a challenge to the concept of human rights. These include moral foundations and the universality of the concept of human rights. Those challenges have lead resistance from certain countries in the world to the concept of human rights.

In discussing the modern concept of human rights, this article refers primarily to the Universal Declaration of Human Rights, 1948 (UDHR). In this regard human right is understood as rights that people possess simply because they are human, and that those rights are inalienable and inviolable. Those rights are essentially rights to be free and equal. Moreover, as a modern concept that promotes liberty, human

¹ Lecturer in International Relations, both at the Faculty of Social and Political Sciences, Mulawarman University, Samarinda, and the Faculty of Social and Political Sciences, Jember State University, Jember.

rights work within the broader context of the liberalist perspective. In other words, liberalism provides a theoretical landscape for the development of human rights.

Before discussing the challenges of human rights concept, this article explores the origin of human rights concept and its developments as well as which theory that support the ideas of human rights. Therefore, the discussion of this article will be as follows: firstly, it clarifies the concept of human rights, including the definitions, the origins and the development of human rights. Secondly, this chapter discusses a liberal theory of human rights. Thirdly, it explores some challenges pertinent to human rights, which have led to various interpretations.

What are Human Rights?

A. Definitions

As a concept, human rights have been constantly evolving throughout human history. They have been intricately tied to laws, customs and religions throughout the ages. Their standards change with time according to human needs and interests. Therefore, the definition of human rights is abstract and complex (Shestack 1998:204). The abstractness of human rights can arguably be seen as a virtue, signalling openness for further historic development of human rights discourse in light of future experience and new demands.²

What is meant by human rights? Discussing this matter requires a conception of what rights one possesses by virtue of being human (Shestack 1998:203). As Dalacoura (1998:6) argues, “human rights are the rights people have by virtue of their humanity”. Those rights are essentially to freedom and security, without any existence would be considered less than human. With regard to collective rights and groups are “meaningless if they imply the disregard of individual rights” (Dalacoura 1998:6).

Bielefeldt (1995:588-60) suggests that there are three aspects of modern human rights: political legal claims; equality and freedom; and universal perspective. The first entails political and legal standards framed through national, regional and international institutions. Thereby, the scope of human rights is limited. They do not represent an all-encompassing way of life, nor do they provide a yardstick by which to evaluate cultures and religions in general. Therefore, human rights are not necessarily the highest manifestation of ethical spirit in human history,³ but rather concentrate on political justice by setting up some basic ‘normative standards’ (Donnelly 2003:1).

² Some intuitive moral philosophers claim that definitions of human rights are futile because they involve moral judgments that must be self-evident and that are not further explicable. See for instance, Shestack (1998:201-34).

³ In this regard, human rights are not intended to replace the highest ethical spirit such as the Christian demand of affection or love, Islamic solidarity or the Buddhist ethic of compassion.

The second aspect of human rights relates to “equality and freedom” (Bielefeldt 1995:589). Human rights rely on a commitment to the mutual recognition of human beings in their inalienable dignity. The idea of human dignity has roots in various cultures and religions that include the claim that all human beings should be entitled to equal respect. In the modern era, this claim has become politically binding in terms of equal rights of freedom. According to Kant, freedom is the only “birthright” of all human beings (in Gregor 1991:63). Similarly, Gray (1991:96) argues that freedom is a natural right which belongs to humans at all times. This right exists because of the existence of moral rights, which lead to “at least one natural right, the equal right of all men to be free” (Hart 1967:53). This argument seems hypothetical in character; in other words, if there are no such moral rights, then there will be no freedom. But at least it shows that the right to be free is justified by such moral rights. Thus, freedom and equality constitute the emancipatory content of human rights. As it is stated in article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights”.

In addition to political and equity issues, a third aspect is “universality” (Bielefeldt 1995:589). The message of universality of human rights is also reflected in Article 1 of the UDHR. The concept of universality is a controversial one which attracts criticisms and resistance from the many nations.⁴ The claim of universality is derived from theory of natural rights in the discourse of modern human rights. It suggests that every human being has their own rights that belong to them at all times and in all places by virtue of their being born a human being (Milne 1986:4-10; Donnelly 1985:8-27). Such rights include the right to life, liberty and property as envisaged by John Locke.⁵ Therefore, no recognition is needed for those rights, either from the government or from any legal system, because such rights are universal. By this reasoning, this source of human rights actually comes simply from being a person or human being (Cranston 1962:1-3). Thus, the “universality” of human rights suggests that human rights are cosmopolitan rights, as it were. In its preamble, the Universal Declaration of Human Rights emphasises the global importance of human rights as “a common standard of achievement for all people and all nations”, and as “the foundation of freedom, justice and peace in the world” (Universal Declaration of Human Rights 1948).

⁴ The universality of human rights is questionable; the word “universal” itself contains ambiguity -who decides what is being universal? What makes certain rights universal? These kinds of questions continue to apply in the discourse of human rights.

⁵ Locke imagined the existence of human beings in a state of nature. In that state, men and women were in a state of freedom, able to determine their actions, and also in a state of equality in the sense that no one was subjected to the will or authority of another (Donnelly 1985:8-27; Shestack 1998:207).

In light of the discussion above, it may be suggested that human rights are rights that humans possess simply because they are human, and that those rights are inalienable, independent, and inviolable in characteristic. Those rights are essentially rights to be free and equal. They are thus universal, and apply to everyone without discrimination. In other words human rights are political and legal claims to equal freedom in a universal perspective.

B. The Origins and Development of Modern Human Rights

The origins of the principles of modern human rights can be traced back to at least two strands of Western philosophical and political thought. They are natural law and the Enlightenment (Dalacoura 1998:6; Windsor 1995:177). The idea of natural law was first introduced by Stoic philosophers in the Hellenistic period and later by philosophers of the Roman period. They conceived of the individual as distinct from the citizen, worthy of rights and duties because of their human attributes rather than their membership of the city-state.⁶ Then, in medieval Christian thought, natural law was conceptualised by Thomas Aquinas as the rational individual's participation in divine law and consequentially the guide to morality and ethics (Cranston 1973:11).

However, natural law did not have a specifically political content, especially in the sense of determining the relationship of the individual to the state (Donnelly 1985:1-10, 45-9). Therefore, it was the Enlightenment that placed the individual at centre stage and divorced knowledge from revelation. Donnelly (1985:46) suggests that the Enlightenment helped unleash the potential of human rationality and creativity. It created the intellectual ground for the birth of science and the exploration of knowledge by rational individuals. At the political and moral levels, because humans are endowed with reason, they are ascribed "natural rights";⁷ moreover the state was regarded as an outcome of a social contract between the individual and political authority. The idea of natural rights then spread as the economic frontiers expanded.

Thus, natural law led to natural rights, which are most closely associated with modern human rights. The idea of natural rights prevails in the minds of many in the West. They were translated into various Bills of Rights, such as the one enacted by

⁶ Actually in Sophocles's 'Antigone' has been found the idea that there exists a higher and more compelling law than that of the princes, which is binding on our conscience. See for instance, Cranston (1973:9-10).

⁷ The concept of natural rights rested on the combination between two traditions, natural law and Enlightenment. This marriage of two traditions enabled the emergence of human rights in the history of human civilization. As Dalacoura (1998:6) argues "the former harked back to its religious or metaphysical antecedents, the latter secularised natural law and rendered human reason sovereign".

the British Parliament in 1689, which enshrined the right to a fair and public trial by jury and outlawed excessive fines and cruel and unusual punishment. Colonial America's *Declaration of Independence* in 1776 added a new right, namely the right to pursue happiness. In France, the *Declaration des droits de l'homme et du citoyen* (1789) added two more rights, the rights to security and the right to resist oppression, with a popular slogan "*liberte', egalite', and fraternite'*" (Cranston 1983).

Then, more than a century and a half later, in the aftermath of World War II, the Universal Declaration of Human Rights was disseminated to the international community in 1948. Since that time, the concept of human rights has been expanded, and presently concerns not only traditional civil rights, but also economic and social rights. The United Nations agreed to these expanded rights in 1966 with the ratification of three covenants—the International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.⁸

To sum up, the origins of human rights go back to the Western political thought; their progenitors include natural law, which later evolved as natural rights and the momentum of Enlightenment in the eighteenth century. The concept of natural rights was the philosophical impetus for the wave of revolt against the absolutist power of the Church and state. Natural rights are inalienable from the

⁸ Civil and political rights consist of, for instance, the rights to life (Article 6), the right to liberty, and security of the person (Article 9), the right to equality before the courts and tribunals (Article 14), the right to freedom of thought, conscience and religion (Article 18), the right to hold opinions without interference (Article 19), the right to peaceful assembly (Article 21) and the right to freedom of association (Article 22). Meanwhile the economic, social and cultural rights consist of, for instance, the right to work (Article 6), the right to form trade unions (Article 8), the right to social security (Article 9), the right to an adequate standard of living for oneself and one's family (Article 11), the rights to education (Article 13), the right to take part in cultural life (Article 15), and so on.

Nevertheless, this has led to controversy, especially between the liberal states and the socialist states. The liberal state gave priority to civil and political rights, whereas the socialist or communist states gave priority to economic and social rights. The universal concept of human rights was then spelt out by some Third World countries, particularly with the aim of adjusting the concept of human rights appropriately to regional or local conditions and culture. There thus exist several regional declarations of human rights, such as the Convention for Protection of Human Rights and Fundamental Freedoms (1950), which was supported by the European countries united in the Council of Europe, and the African Charter of Human Rights and People Rights (1981). Moreover, there is also the Cairo Declaration on Human Rights in Islam (1990) which was supported by the Muslim States united in the Organization of the Islamic Council (OIC). The Arab Charter on Human Rights was signed in 1994. In addition, in Asia, the Asian Declaration was signed in 1997 by Asian states, which reaffirmed their commitment to the principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights. See for instance, Donnely and Howards (1987:23 -26).

individuals. Thus, there is no longer any power that can interfere in individuals' rights, which are bestowed upon them at birth (Held 1997:74). The concept of natural rights, then, was translated into various Bills of Rights and incorporated into the Universal Declaration of Human Rights. Moreover, the idea of natural rights identifies with, and provides security for, human freedom and equality, from which other human rights easily flow. It also provides security and support for a human rights system, both domestically and internationally.

Toward A Liberal Theory of Human Rights

The historical development described above shows that the emergence of human rights was associated with the political struggle in the eighteenth century Western society, in which it was described as a transition point between a commitment to absolutism and the struggle of liberalism against tyranny (Held 1997:74). Thus, it demonstrates that liberalism has had a significant contribution toward human rights development in contemporary political practice. As Donnelly (2003:47) argues, liberalism has provided “a strong and attractive normative foundation” for human rights.

By way of definition, Maurice Cranston (1967:459) points out that “a liberal is a man who believes in liberty”. In two different ways, liberals accord liberty primacy as a political value. First, liberals have typically maintained that humans are naturally in “a *state of perfect freedom* to order their action...as they think fit...without asking leave, or depending on the will on any other man” (Locke 1960:287). Thus, normatively, freedom is the basic fundamental liberal principle (Gaus 1996:162-166).

Moreover, from a historical perspective, liberalism has implied the attempt to uphold the values of freedom of choice, reason and tolerance in the face of tyranny, the absolutist system and religious intolerance in the West since the seventeenth century (Held 1997:74). Liberalism aimed to free the polity from religious control and to free civil society from political interference. In its development, liberalism was associated with the doctrine that individuals should be free to pursue their own preference in religious, economic and political affairs (Held 1997:75). Therefore, the commitment of liberalism is to the issues of liberty, freedom and autonomy (Donnelly 2003:48), with the emphasis on individual freedom rather than the liberty of society, the state or other corporate actors. As Donnelly argues,

Liberals see individuals as entitled to “govern” their lives, to make important life choices in for themselves, within limits connected primarily with mutual recognition of equal liberties and opportunities for other (2003:47).

The discussion above indicates that human rights clearly enlarge the scope of individual freedom. However, they are by no means merely individualistic

(Bielefeldt 1995:590). They are not meant to lead to an “atomistic society” devoid of communitarian solidarity (Donnelly 2003:25). This is because human rights always imply a social dimension. Human freedom can unfold only in relation to fellow persons. According to Donnelly (2003:26) human rights are embedded in a social context and have important social dimensions. Thus, individual rights can be enjoyed through collective action. For instance, freedom of association cannot occur without society. Freedom of association, obviously, is a right of collective action. Another example is workers’ rights, family rights and minority rights. Those rights are enjoyed by individuals as members of social groups or occupants of social roles. Thus, it might be argued that the language of communitarian is explicitly recognised in the Universal Declaration of Human Rights; as it cites in Article 16, “The family is the natural and fundamental group unit of society and is entitled to protection by society and the state”.

Moreover, the liberal theory of human rights is not without objections from other theorists of liberalism. According to Donnelly (2003:48-49), neo-liberalism is fundamentally opposed to the liberal human rights perspective. Neo-liberal equality involves political indifference to competing preferences rather than guaranteed access essential goods, services and opportunities (Gaus and Courtland 2003:1-8). In defending liberal human rights theory, it might be argued that this difference is consequence of the different pattern of structural adjustment in the welfare states of Europe and North America, states with which the Universal Declaration model has been specifically associated.⁹

To sum up, liberalism (especially the American model) has provided a theoretical perspective in developing the modern concept of human rights. Liberalism is especially committed to freedom, equality, individual autonomy and tolerance. And this language is easily to be found in articles of the Universal Declaration of Human Rights. Moreover, individual autonomy is a salient characteristic of liberalism; thus, the Universal Declaration of Human Rights is also regarded narrower to individual rights. Nevertheless, this does not necessarily mean that it is individualistic; in fact some rights which are stipulated in the Universal Declaration of Human Rights can only be applied through society, such as rights of association and family rights.

⁹ Gaus and Courtland (2003:1) argue that liberal political tradition has varied in different countries. In England—in many ways the birthplace of liberalism—the liberal tradition in politics has centred on religious toleration, government by consent, personal and especially economic freedom. In France, liberalism has been more closely associated with secularism and democracy. In the United States, liberals often tend to be much more sympathetic to capitalism but are often less enthusiastic about civil liberties.

Challenges to the Modern Concept of Human Rights

Since the notion of human rights has replaced that of natural rights, the problem of human rights is inescapable. There are two sets of difficulties associated with the concept of human rights. The first problem concerns its moral foundation, and the second problem is related to the issue of universality.

A. Moral Foundations

The moral foundation of human rights has become a salient problem since the Enlightenment, which elevated the value of human freedom over Christian faith (Windsor 1995:178). It sought to reduce the hold of religious law and the church over society and thus make possible the peaceful coexistence of people with different creeds. The point was that religion—the belief in the absolute—rendered people intolerant of other points of view and of one another.

Dalacoura (1998:11) claims that this was a perfectly legitimate conclusion given the Christian experience. Moral religious legitimation then was banished to the private realm and became a matter of personal conscience, not of society. Thus, the natural rights that replaced natural law do not seem to have strong ‘sacred’ moral justification. In our time, changes in the concept of human rights have been based on the demands of human beings, and not based on what is right according to transcendental values. Thus, what we call rights depends very much on the supporters of those rights. The more supporters, the more likely it is that these rights will be codified and recognised by all humans.¹⁰

However, the claim of less moral justification for human rights is not entirely accurate. As Bielefeldt (1995:593) argues, the modern concept of human rights does not simply derive entirely from “Occidental culture”. The concept of human rights gelled politically under the circumstance of revolutions and often faced a great deal of resistance from the representatives of the established cultural and religious traditions in the West. For instance, The Catholic Church endorsed religious liberty as late as 1965 at the Second Vatican Council. This might give evidence that the idea of modern human rights is also influenced by religious values (or at least, human rights principles are not entirely Occidental).

Thus, the assumption that human rights do not have moral foundation is not entirely accurate. It is true that the idea of human rights derives from the attempts to make the individual free from political interference from Church and state. However, one thing that needs to be taken into account is that the Catholic tradition is rooted in

¹⁰ For instance, the issue of homosexuality was taboo in society based on the religious values, but because there is pressure from many people about the necessity to recognise the rights of homosexual people, some countries have recognised the existence of homosexual people in society.

the Western culture, so it is plausible that the Roman Catholic doctrine has influenced the development of human rights.

B. Universality Versus Cultural Relativism: An “Overlapping Consensus” in the Discourse of Human Rights

The second problem relates to the issue of universality of human rights. As mentioned in the previous section, one of the significant aspects of human rights is their universality; however, the universality of human rights is not beyond question.¹¹ The concept of universality of human rights is mainly faced with the idea of cultural relativism. According to cultural relativists, there is no such thing as universal rights. They argue that natural rights ignore the social basis of individual's identity as a human being (Pollis and Schwab 1976:1-36; Perry 1997:461-509). A human being is always a product of some social and cultural milieu, and different traditions of culture and civilisation contain different ways of being human. Therefore, all rights and values are defined and limited by cultural perceptions.

However, the claim of cultural relativism is not entirely accurate. The cultural relativist argument obscures often troubling realities and power. Cultural relativists seem to ignore the fact that culture is actually constructed (Donnelly 2003:102-3). According to Zechenter (1997:332-33) cultural relativists fail to recognise culture as an ongoing historic and institutional process where the existence of a given custom does not mean that the custom is either adaptive, optimal or consented to by a majority of the culture's members. This argument demonstrates that culture is not a given, it will depend on how the members of society shape it. Moreover, the cultural relativism argument is often made by government as an excuse not to implement human rights.¹²

The universality of human rights also has been associated with Westernisation. As Julian Friedman (1980:31), a prominent cultural relativism theorist, argues the universalistic orientation is 'Western' rather than universal. This is because natural rights are tied only to the Greek, Roman and Catholic traditions. Similarly, this notion also has been suggested by the American Anthropological Association to the UN Commission on Human Rights when it prepared the draft of the Universal Declaration of Human Rights:

¹¹As mentioned in introduction that there are three cultural challenges to the universality of human rights resurgent Islam, from within the West itself, and from East Asia. Each of these challenges is independent of the others, but they are taken together. They raised substantial questions about the cross-cultural validity and legitimacy of human rights norms (Ignatieff 2002:102-16, 2001: 3-53).

¹² In many cases, Third World governments tend to focus on economic development and defer human rights implementation until development is accomplished. See, for instance Mitchell and McCormick (1988:476-98).

Because of the great numbers of societies that are in intimate contact in the modern world, and because of the diversity of their ways of life, the primary task confronting those who would draw up a declaration on the Rights of Man is thus, in essence, to resolve the following problem: How can the proposed Declaration be applicable to all human rights conceived only in terms of values prevalent in the countries of the Western Europe and America.¹³

That human rights originated in the West might be undeniable. But human rights are historically connected with the experience of radical pluralism that today is an unescapable reality in many societies all over the world (Bielefeldt 1995:593). Thus, the universality of human rights does not mean the global imposition of a particular set of Western values, but instead, as Bielefeldt (1995:593) calls it, a “universal recognition of pluralism and difference”—different religions, cultures, political convictions, ways of life—insofar as such difference expresses the unfathomable potential of human existence and the dignity of person.

Therefore, in responding to the debate on the universality of human rights, it may be necessary to take into account what John Rawls (1971:133) has argued: that the international debate on human rights is accomplishing an “overlapping consensus” across different peoples, religions and cultures. An overlapping consensus means a practical normative consensus on political and legal justice in a pluralistic democratic society. Whereas comprehensive philosophical or religious doctrines are unlikely to get general support in pluralistic societies, the concept of political justice is defined by Rawls as entitling only limited normative demands. In this context, limited normative demand refers to the basic societal institutions and does not cover the more encompassing normative claims made in religious teachings.

Thus, using Rawls’s concept of political justice, human rights set only a limited normative standard in that they focus on political and legal standards of international justice (Rawls 1993:68-71). At the same time, those normative standards can be connected with more comprehensive cultural values as long as they refer to the principle of human dignity, which itself might facilitate a critical mediation between the normative requirements of human rights on the one hand, and various cultural traditions on the other. Therefore, an overlapping consensus between different religious and cultures might be attainable.

Conclusion

In conclusion, human rights are the rights that belong to human beings from birth. Human rights are inalienable, independent of obligation, undefined by role and

¹³ The Statement on Human Rights submitted to the Commission on Human Rights, United Nations, by the executive Board, American Anthropological Association, 24 June 1947, as quoted in Lubis (1993:20).

unconditional on status or circumstance. Thus, rights are legitimate claims or entitlements and, as such, imply corresponding duties. Since human rights are inalienable they constitute the starting point for political morality in any human society that purports to respect them. Therefore human rights have political and legal claims to equal freedom in universal perspective.

The emergence of the concept of human rights was associated with the rise of liberalism in the West, and liberalism has made a significant contribution to the development of human rights theory. Although human rights originally derived from Western culture and the Catholic tradition, this does not mean that human rights do not apply to other cultures, including those of in Muslim countries. This is because the human rights are already universal, since they are regarded as rights which belong to all human beings. Moreover, although human rights put more emphasis an individual freedom, they are not necessarily individualistic. The language of communitarianism has been explicitly cited in articles of the Universal Declaration of Human Rights.

References

- Bielefeldt, H. 1995. "Muslim Voices in the Human Rights Debate". *Human Rights Quarterly*, Vol. 17, No. 4, pp.587–617.
- Cranston, M. 1962. *What are Human Rights?* New York: Basic Books.
- _____. 1967. 'Liberalism' in Edwards, P. (ed.). *The Encyclopedia of Philosophy*, New York: Macmillan and the Free Press:458–61.
- _____. 1973. *What Are Human Rights?* New York: Taplinger.
- _____. 1983. "Are There Any Human Rights?" *Deadalus*, Vol. 112 (Fall), pp.1–17.
- Dalacoura, K. 1998. *Islam Liberalism and Human Rights: Implications for International Relations*. London: I.B Tauris.
- Donnelly, J. 1985. *The Concept of Human Rights*. London: Croom Helm.
- _____. 2003. *Universal Human Rights in Theory and Practice*. Ithaca: Cornell University Press.
- _____. and Howard, R.E. 1987. *International Handbook of Human Rights*. Westport, Connecticut: Greenwood Press.
- Gaus, G.F. 1996. *Justificatory Liberalism: An Article on Epistemology and Political Theory*. New York: Oxford University Press.
- _____, and Courtland, S.D., 2003. "Liberalism". In Zalta, E.N. (ed.). *Stanford Encyclopaedia of Philosophy*. Stanford: Stanford University. Available online at <http://plato.stanford.edu/entries/liberalism/#Phil> [accessed on 14 May 2003].
- Gray, T. 1991. *Freedom: Issues in Political Theory*. London: Macmillan Education Ltd.
- Gregor, M. 1991. "Immanuel Kant". *The Metaphysic of Morals*, 63.

- Friedman, J.R. 1980. "Human Rights Internationalism: A Tentative Critique". In Nelson, J.L. and Green, V.M. (eds). *International Human Rights: contemporary issues*. Stanfordville: Human Rights Publishing Group.
- Hart, H.L.A. 1967. "Are There Any Natural Rights?" In A. Quinton (ed.). *Political Philosophy*. Oxford: Oxford University Press.
- Held, D. 1997. *Model of Democracy*. Cambridge: Polity Press.
- Locke, J. 1960 [1689]. "The Second Treatise of Government". In Laslett, P. (ed). *Two Treatises of Government*. Cambridge: Cambridge University Press, pp. 283–446.
- Milne, A.J.M. 1986. *Human Rights and Human Diversity*. Albany: State University of New York Press.
- Pollis, A. and Schwab, P. (eds). 1976. *Human Rights: Cultural and Ideological Perspectives*. New York: Praeger Publisher.
- Shestack, J.J. 1998. "The Philosophical Foundation of Human Rights". *Human Rights Quarterly*, Vol. 20, No. 2, pp. 201–34.
- UN General Assembly. 1948. *Universal Declaration of Human Rights*. Resolution 217 A (III) of 10 December. Available online at <http://www.un.org/Overview/rights.html> (accessed on 3 May 2003).
- Windsor, P. 1995. "Cultural Dialogue in Human Rights". In Desai, M. and Redfern, P. (eds). *Global Governance: Ethics and Economics of the World Order*. London: Pinter.
- Zechenter, E.M. 1997. "In the Name of Cultural Relativism and the Abuse of the Individual". *Journal of Anthropological Research*, Vol. 53(fall), pp. 339–47.
- Rawls, J. 1971. *A Theory of Justice*. Cambridge, Massachusetts: Bellknap Press.
- _____. 1993. *Politics Liberalism*. New York: Colombia University Press.