

HUMAN RIGHTS, CULTURAL RELATIVISM AND NON-ALIGNED COUNTRIES PERSPECTIVE

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Pandangan terhadap hak-hak azasi manusia terbagi dua. Pertama, mereka yang menganggap bahwa hak-hak azasi manusia bersifat universal, oleh karena itu harus diterapkan dimana saja dan kapan saja. Pandangan ini dikedepankan oleh negara-negara Barat. Sebaliknya ada yang menganggap bahwa hak-hak azasi manusia itu bersumber pada kebudayaan suatu bangsa. Setiap masyarakat memiliki nilai-nilainya sendiri berbeda dengan masyarakat lain, dan nilai-nilai tersebutlah yang menjadi patokan kehidupan mereka. Penerapan hak-hak azasi manusia menjadi berbeda-beda.

I believe you understand what you think I said, but I'm not sure you realize that what you heard is not what I meant.¹

Background

Human rights is a relatively new term for what has been traditionally understood as natural rights or the rights of man.² From the justification of rights perspective, Maurice Cranston, a noted human rights scholar, classifies human rights as:

"... a form of moral right, and they differ from other moral rights in being the rights of all people at all times and in all situations. This universal characteristic of human rights is a large part of our

¹Quoted from Rupert Ross, *Dancing With A Ghost: Exploring Indian Reality* 5 (1992).

² Maurice Cranston, *What Are Human Rights ?* 1 (1973).

problem in seeking to justify them".³

If human rights are presumed to be universal, why are there any views labeling them cultural relativism? What is the perception of the non-aligned countries in this debate?

From this point of view, I will try to describe that cultural relativity is an undeniable fact, especially from the view of the non-aligned countries, which generally consider human rights as Western concepts.

Cultural Relativism in Human Rights Theories

If human rights are literally the rights everyone has as a human being, they would seem to be universal by definition. One of the objections to this view comes from the cultural relativism proponents. Their argument based on the cultural relativism doctrine which holds that at least some variations cannot legitimately be criticized by the outsiders.⁴

The primary question in this discourse is whether other cultures have a concept of human rights or not. If they have a certain concept of human rights, the next question is whether or not it resembles that of the Universal Declaration of Human Rights or any other human rights instruments.⁵ From these questions come another debate, namely, the universalism versus relativism of the human rights concepts.

Actually, we can find many arguments which try to condemn those who try to "impose incompatible values" or to "exploit the issue of human rights".⁶ Such kind of arguments usually come from the Third World countries. I will discuss this in the next section.

Jack Donnelly, one of the leading writers in human rights theories, classifies some degrees of cultural relativism as follow:⁷

³ *Id.* at 21-22. For a stimulating discussion, see also, Josiah A.M. Cobbah, *African Values and the Human Rights Debate: An African Perspective*, 9 Human Rights Quarterly 309 (1987).

⁴ Jack Donnelly, *Universal Human Rights in Theory and Practice* 109 (1989).

⁵ Alison Dundes Renteln, *International Human Rights: Universalism Versus Relativism* 11 (1990).

⁶ This argument comes from President Suharto of Indonesia at the occasion of the tenth summit of the Non-Aligned Movement (NAM) in Jakarta, Indonesia, on September 1992. See Mike Jendzejczyk, *Arguing the "indivisibility" of rights at the non-aligned conference*, 10 Human Rights Watch 5 (Fall 1992).

⁷ Donnelly, *supra* note 3, at 109-110.

- (1) radical cultural relativism, which holds that "culture is the sole source of the validity of a moral right or rule". He confronts this with radical universalism, which holds that "culture is irrelevant to the validity of moral rights and rules, which are universally valid";
- (2) strong cultural relativism, which holds that "culture is the principal source of the validity of a moral right or rule";
- (3) weak cultural relativism, which holds that "culture may be an important source of the validity of a moral right or rule".

In my opinion, the Third World countries, especially the non-aligned countries, tend to hold this theory. Depending on the situation, each country may hold one or more degrees of the theory.

In Third World countries, individuals generally view their personhood in terms of their group identity. The concept of an autonomous individual possessed of inherent. They experienced domination, colonialism, authoritarian ruler, the repression or imprisonment of indigenous dissidents etc.⁸

These experiences lead them to respect their own values. They always consider their own values as the best values. Subsequently, if there is an effort to indoctrinate them with new values, such as human rights, it will have no positive result. They will label it cultural imperialism.

Non-Aligned Countries Perspective

At the occasion of the tenth summit of the Non-Aligned Movement (NAM), which took place in Jakarta, Indonesia last year, human rights was a major topic of discussion. This meeting was attended by ninety-five government representatives and heads of state.

The debates in this forum focussed on the complex relationship between civil and political and economic and cultural rights. They tried to formulate "a strategy and rationale for resisting pressure for human rights improvements - especially if that pressure comes in the form of conditions on aid or trade with governments and institutions in developing countries".⁹

As reported by Mike Jendrzeczyk, a Washington Representative of Asia Watch, some Third World countries representatives and heads of state

⁸Adamantia Pollis, *Human Rights in Liberal, Socialist and Third World*, in *Human Rights in the World Community* 152-153 (Richard Pierre Claude and Burns H. Weston eds., 1992).

⁹Mike Jendrzeczyk, *supra* note 5.

presented their own perspectives on human rights. Juan Almeida Bosque, a representative from Cuba, stated that:

*"We cannot permit the imposition of foreign models to our realities... It is equally important, as part of the international community's adherence to human rights, to promote educational, scientific and cultural advances".*¹⁰

Another view came from Iran's delegation. They stated that "arrogant powers try to use the human rights issue as a political leverage in order to impose their views ...". Finally, the report also quoted a statement of Malaysia's Prime Minister, who criticized Western democracies for placing such high value on freedom of speech and free press, when "the world press is controlled by the powerful [and is used] to undermine the very freedoms they preach".¹¹

If we look at these arguments, we will understand that the universality of rights may not prevail in certain parts of the world, especially in the non-aligned countries. From this point of view, we can also learn what the non-aligned countries think about human rights. Moreover, we can try to study what kind of rights prevail in these countries.

Universalism and Relativism

Are human rights really universal? Do the non-Western societies also have the concept of human rights? Some scholars argue that human rights are universal rights. They also realize that human rights are not timeless, unchanging, or absolute. They consider them as the highest moral rights which regulate the fundamental structures and practices of political life, and - in ordinary circumstances - take priority over the moral, legal and political claims.¹²

On the other side, other scholars develop the theory of cultural relativism. The champions of this theory are Frans Boas, Ruth Benedict and Melville Herskovits.¹³ Herskovits, maintains that:

¹⁰*Id.*

¹¹*Id.*

¹²Donelly, *supra* note 3, at 1.

¹³Renteln, *supra* note 4, at 63.

"cultural relativism is a philosophy which, in recognizing the values set up by every society to guide its own life, lays stress on the dignity inherent in everybody of custom, and on the need for tolerance of conventions though they may differ from one's own".¹⁴

Do the Western societies really understand the non-Westerns' philosophies, ideologies, or values? This question will be the important part in this debate. As I quoted in the beginning of this paper, there is an interesting sentence from the blackboard at the band hall on the Weagamow Lake Reserve on the North of Thunder Bay, Ontario, Canada: "I believe you understand what you think I said, but I'm not sure you realize that what you heard is not what I meant".¹⁵

I believe these words can reflect what the non-Western societies think about their own philosophies, ideologies or values. If the Western societies don't understand what the non-Westerns think, how can they talk in the same language, especially in the field of human rights? In this point of view I can argue that a cross-cultural approach in developing understanding between the Western and the non-Western societies is very important.

Conclusion

From those descriptions I can conclude that cultural relativity is a real and an undeniable fact. To date, we find that it is still difficult to build a bridge between universality and relativity in human rights concepts. The Western societies generally hold the universality of human rights, and the non-Westerners usually represent the relativity. In this paper, I have given some perspectives of the non-aligned countries.

The most important thing in this debate is how to reconcile universality and relativity in constructing human rights instruments, that countries can talk about human rights in the same language.

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¹⁴*Id.* at 65.

¹⁵Rupert Ross, *Dancing With A Ghost: Excavating Traditional Reality* 5 (1992).

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