

Human Rights: The Clashes Between Individual And Collective Rights

Dr Husayn Salimi

What are the limitations and the borderlines for human rights? How far and by what criteria do social rights and welfare limit man's rights and freedoms? This is a question of great significance, which without answering, one cannot reach a universal hypothesis on human rights.

Before we embark on answering the question, which is the main concern of this article, it is worth mentioning that those who generally propose questions of this sort tend to mar human rights. The bulk of work written on this issue is meant to find ways either to threaten human rights or to flinch them. The best example in this regard is the theory of Stalinist Marxists on human rights, which tends to invalidate the theoretical foundations of human rights and to limit them by means of giving credence to social rights. It cannot be disputed that many of these theoreticians seek to vindicate the atrocities of Marxist states and their violation of human rights by reinforcing the general social welfare.

At this point I deem it necessary to cast a brief glance on this viewpoint so as to determine that our discussion on the limitations of human rights and the relationship between individual and collective rights is totally separate from other views like those of the Marxists.

From the viewpoint of orthodox Marxists, one has to bear in mind a few hypotheses when discussing human rights:

- 1) Social rights have priority over individual rights and social expedience and the expedience of the progressive class has priority over the rights and welfare of each individual.
- 2) Human rights are the ideology and power tool of international capitalists who wish to extend their powers to every part of the globe.
- 3) Human rights justify the interests of the superior classes of the society.

Based on these hypotheses, orthodox Marxists have sought to analyse human rights, intimating various conditions and limitations for them.¹ Whenever any international organisation remonstrated against the violation of human rights in the Soviet Union or any eastern bloc country, their writers, politicians and thinkers discussed human rights in the light of hypotheses noted above.

Basically, orthodox Marxists are against man's having inherent right to freedom and property, believing that this form of defending human rights is an individualistic outlook arising from the bourgeois trend of thought which ultimately will end in justifying the interests of the ruling class in the capitalist system. What in their view can be used, as the main basis for human rights is the concept of expedience and public rights. In their eyes, social rights and interests have priority over the individual's rights and privileges. Indeed, what is called human rights serves the interests of those that safeguard the capitalistic system or those that benefit from it. Thus, human rights can be violated when social well being is jeopardised.²

Many of the gruesome events, which took place during the Marxist period in the Soviet Union and Eastern Europe, were justified in the name of defending social welfare. The violation of the most fundamental human rights such as freedom, the right to property and even life was perpetrated under the pretext of public welfare, which assures true human rights.

It goes without saying that what we endeavour to express in this article is radically different from this outlook on human rights. Discussing the limits that social welfare and rights can create for individual rights does not mean discounting the inherent rights of individuals or justifying the violation of human rights under any circumstances.

The Clash Between Individual and Public Rights According to the Universal Declaration of Human Rights

With a brief glance at the first steps taken in formulating the new human rights, one wonders if granting extreme freedom to man does not lead to social chaos. With this view, the formulators of human rights have striven to find ways to protect human rights and to forestall social chaos. Therefore, individual and public welfare has become so complicating an issue that they have not yet found a fundamental solution to it.

The first indication of this perturbation can be observed in the Declaration of the Rights of Man and of the Citizen approved on August 26, 1789. According to this Declaration, "men are born free, remain free and equal in rights; the aim of all political association is the preservation of the natural and imprescriptable rights of man. These rights are liberty, property, security and resistance to oppression."

In Article four, liberty is thus described. "Liberty consists in the freedom to do everything, which injures no one else: hence, the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. Law can only determine

these limits.”³

According to Article five of the same Declaration, “Law cannot prohibit such actions as are hurtful to society. Nothing can be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.”⁴ According to this Declaration, law is the expression of the general will and what the people’s representatives determine is the manifestation of law and general will.

As observed in this Declaration, there are some limits for individual rights and freedoms, which are, accepted facts. That human rights and freedoms are limited where they are injurious to society or where the rights of others are infringed upon is a concept accepted as the first and most impassioned step in formulating human rights. This is the point where the clash between individual and public rights emerges, as the representatives of every society, basically known as formulators of the general will according to the Universal Declaration of Rights, can determine the limits and the hurtful aspects of human rights.

Since there are different values, cultures, principles and traditions among different nations, a number of different interpretations appear: What is hurtful? What threatens public well being? How and by what criteria must the law limit individual rights and freedoms? This is the crux, which may give a different spin to the fate of human rights in different countries.

Different solutions are provided to this crux within the context of political obligations and the dominant culture within each society. In the eighteenth and nineteenth century France, the first step to safeguard and advance human rights was taken in what appeared to be the violation of the basic human rights. At that time it was deemed advisable that the revolutionary authority of the French Community be guarded against alien aggression and that the power of the French government, which served to protect revolutionary values and those of the general public, be consolidated.

The achievement of this aim called for a powerful army, independent of the wealth of the feudalists and nobles. With respect to this law, military service was made obligatory. Obligatory military service is a clear sign for limiting human rights with the purpose of serving public welfare.⁵ By virtue of this law, men are deprived, for some time, of choosing profession and residence, of the right of political choice and sometime—even life itself and placed under full military supervision and service to ensure public security. Historians state that the armed forces are created as a result of obligatory military service, as one of the pillars of the French government and that of Napoleon Bonaparte.⁶ It was an army, which marched along with its soldiers, French revolutionary values and new concepts like human and civil rights to the far reaches of the world .

However, the army in question consisted of men who were deprived of parts of their rights to ensure public security. Accordingly, limiting human rights to ensure public welfare existed at the very first step of formulating them. Perhaps, that is why the formulators of the Universal Declaration of Human Rights have sought to block all the ways to the abusing of this inevitable necessity. Attempts have been made

not to include any limits or stipulations for the basic human rights in the totality of the 30 articles of the Universal declaration of Human Rights. The preamble to the Universal declaration of Human Rights, states:

This Universal Declaration of Human Rights a common standard of achievement for all peoples and nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of the Territories under their jurisdiction.⁷

According to the Universal Declaration, human rights are, therefore, an ideal for which everyone should strive. By way of avoiding any probable misinterpretation for the violation of human rights, the last article of the Declaration (article 30) states: “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”⁸

These emphasises show the deep awareness of the formulators of these international bills as to the misinterpretations made with the effect of violating fundamental human rights . Besides, they imply that they are fully aware of the clash between individual and collective rights. For the same reason, a similar emphasis is made in Article Five of the International Covenant on Economic, Social and Cultural Rights declared on December 16, 1966:

Nothing in the present Covenant may be interpreted as l) Implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognised herein, or at their limitation to a greater extent than is provided for in the present Covenant. No restriction upon or derogation from any of the fundamental 2) Human rights or existing in any country in virtue of law, conventions, regulations or customs shall be admitted on the pretext that the present Covenant does not recognise such rights or that it recognises them to a lesser extent.⁹

Emphases of this sort are frequently observed in other books or interpretations on the Universal Declaration of Human Rights. Can the point that states or governments should in no case violate human rights be a legal solution to the violation of human rights? Can we shut eyes to the fact that states and governments inevitably limit individual rights and freedoms to serve social interests? The answer stems from the ill intention of the ideological States that oppose human rights but in general, it arises from inescapable social facts.

The article on Hygiene and Human Rights in *Payam-i UNESCO* provides a striking example of these facts. The article centres on the point that when mortal diseases like AIDS spread, and social health and even life is jeopardised, the States have no choice but to limit human freedoms and check their slightest movements. In fact, when it seems necessary to prohibit freedom of movement, residence, and

intercourse in case of fear for the spread of maladies, which threaten social life, limiting human rights is meant to safeguard social welfare and expedience.[10](#)

At first glance, this issue seems to be an established principle well understood by the formulators of human rights. As cited from the French Declaration of Human Rights in the preceding pages, legitimate Staes arising from public will and the free choice of people have the right to promulgate laws which serve the rights of the entire community. Such laws originate from the general will, which determines social welfare and limits human rights.

This idea is suggested in paragraph two of article 29 of the Universal Declaration of Human Rights, “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Of course, in paragraph three of the same article, it says, “These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.”[11](#)

Apparently, this solution has put an end to this crux, namely that if democracy is established in a society, the law in this democratic society can determine the conditions for achieving the full realisation of the just requirements of morality, public order, and the general welfare and these conditions are the limitations, which the general welfare imposes on individual rights.

However, this is the point from which the inextricable crux of human rights comes up. What if they establish a democratic society without promulgating laws in harmony with those enumerated in the Universal Declaration of Human Rights? Should we ignore the general will, considering article 30 of the Universal Declaration of Human Rights and article 5 of the International Covenant on Economic, Social and Cultural Rights, for the sake of observing the principles in these bills? Should we place a nation as opposed to the Universal Declaration of Human Rights if through democratic means that it administers religious principles as the paradigm of its ruling policy? Questions of this kind bring up more fundamental questions with respect to human rights. Can human rights be universal without considering the differences in culture, religion and race?

If we take it for granted that the new human rights stem from modern man’s thoughts and modern western civilisation, is it not possible that the nations of the world may interpret and utilise human rights in the light of their own cultures and religions? Alternatively, is the universality of the present human rights dependent on the universality of western beliefs and values?

The general welfare and interests in each society are determined in accordance with culture, nationality and religion. Now should we ignore the culture and religion of a nation when there is a clash between its religion and culture and the new human rights? Is such a thing possible? If yes, is such an insistence not an indication of the disregard of the present realities in different nations?

These questions will be dealt with in the remaining pages of the present article. In case we fail to find definite answers to them, we could at least propose them properly.

Two Views on the Universality of Human Rights

Nowadays there are diverse articles on human rights written with the purpose of answering such questions as proposed earlier in this article. Amidst the topics which interest modern scholars are the impacts of nationality and national traits on the concepts of human rights, the differences and diversities among the nations and their effect on human rights, the universality and non-universality of western interpretation of human rights and the effect of ideas, philosophies, and religions on the concepts and the exercise of human rights.

As an example, A.G. Milen seeks to answer these fundamental questions in a book entitled *Human Rights and Human Diversity*. He discusses human rights under two main titles *morality* and *rules*. In his opinion, the social roots of morality are, on the one hand, common and universal and on the other hand, different and regional. The concepts of justice, good and evil are accepted by all in one way or another; however, two different elements, namely religion and ideology, among different peoples give rise to different principles of morality and different norms of good and evil in different societies.[12](#)

As each society is built upon the prevailing normality and customs, human rights are interpreted differently in different nations. Hence, the idea of human rights, in Milen's opinion, may ultimately be recognised as the modicums of the universal moral rights and exercised at different stages.[13](#) Consequently, due to the existence of different traditions, norms, moralities, religions and ideologies, human rights are interpreted and exercised differently which may be universalised as the modicums that the universal morality accepts as rights.[14](#)

Like many other writers, Milen wishes to generalise human rights but the point has come within his grasp that human rights cannot be exercised equally and equitably for all societies merely because human societies are very different from one another.

Notwithstanding, there are writers like Jack Donnelly who lay stress on the universality of human rights despite the fundamental differences in religion, culture, and ideas. Donnelly maintains that the universality of human rights arises from the simple principle that every one has rights because they are human beings, not because they live in such and such a society. He asserts that although man develops different cultural traits in different societies, different cultures and cultural relativism do not in the least impair the universality of human rights.[15](#) What is introduced as human rights by different religions such as Islam and Confucianism or African interpretations is not in fact human rights but a group of common themes in relation to human rights and is only an interpretation by a certain religion.

In Donnelly's eyes, the term right embodies a political and an ethical conception in all languages. These two concepts include being right and rightful. In the former, what is meant is being in the right and

in the latter, having right. He posits that human rights embrace the two concepts, namely those human rights are a truth and a right to be enjoyed by man by virtue of his nature. According to him, human rights belong to a certain category of rights.

Human rights are ethical, arising from the humanity of man, confined to the highest level of social rights. However, they may affect the lower rights. For instance, non-discrimination may affect the legal rights of homosexuals and the rights of employment in a country like the United States.[16](#)

In Donnelley's view, the main source of human rights is Man's Moral nature, deriving from man's nature. Human nature can be illustrated based on a scientific definition of his needs, not meaning, of course, human needs for survival but rather for conducting an existence worthy of the dignity of man.

Unlike other social activities, Human rights are not granted to man by the one Supreme Being, nature or the physical facts of life but rather they spring from man's free will.[17](#) For this hypothesis, Donnelley offers no scientific or philosophical reasons but states it as an obvious hypothesis, which is the root of universal human rights.

In addition, he asserts that the individual constitutes the basic subject of human rights. It is the individual, not general and social welfare, which is the intent of human rights.[18](#)

Elsewhere Donnelley gives examples from other religions and cultures such as Islam, Christianity, and Chinese and African philosophy to the effect that the notion of human rights existed not only among Western countries but among non-Western states as well. However, the notion of human rights in these cultures is totally apart from the human rights stemming from western liberalism. Quoting Edward Said, he asserts, "Islam does not declare that the state should preserve man's dignity and values and that it should assure his happiness."[19](#) Hence, Donnelley believes that Islam focuses more attention on man's duties than on human rights.

Ultimately, Donnelley maintains that multiculturalism and cultural relativism are by no means impediments in the way of the universalization of human rights. What in different societies is affected by their cultures indicates the ways that human rights are exercised but not their totality and foundation because human rights arise from human nature, manifested in its best form within the context of western liberalism.[20](#)

This is one of the ideas, which seek, by refuting the claims of culturalists and relativists, to prove that human rights are universal and that nothing can cause to change them in any areas or cultures. While the individual is the cornerstone of human rights, no one shall have the right to limit or impair the rights included in the Universal Declaration of Human Rights in the name of the collective rights or under the pretext of differences in needs or conditions in a certain culture.

In defiance of the fact that ethnocentrism is imputed to a fundamental and important matter in international studies and human rights, it has left but a slight influence on human rights. Article 27 of the

International Covenant on Civil and political Rights declares that “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language.”²¹ This implies that the formulators of human rights well knew that ethnocentrism in different communities could possibly affect the exercise of human rights.

Although this article tends to the maintenance and preservation of human rights even in societies with different ethnic backgrounds, it also signifies that the influence of ethnic difference on the exercise of human rights is not a matter to be disregarded. This point has been of interest to Rodolfo Staven Hagen, which he has treated, in his *Ethnic Questions*.²²

In view of the different ideas furnished here, let us return to our discussion on the impact of limiting the collective rights and benefits on human rights. Although commentators have placed emphasis on the universality of human rights, it seems that human rights shall have different conditions to be fulfilled due to the existence of different mechanisms in determining the general welfare in different societies. This, of course, does not defy universal principles, known as human rights. However, it affects the exercise of human rights. The two backgrounds, which we shall deal with, are scientifically verified which will cause differences in giving shape to the general welfare in different societies and naturally will affect the strategies of exercising or limiting human rights.

Cultural Relativism

The cultures generally distinguished by their language or art indicate the spiritual identity of different social groups, people or nations. The existence of different cultures suggests the existence of diverse identities, customs, manners and values which different people have chosen to live by. This concept is one of the principles of anthropology. Fundamentally, cultural anthropology has come into existence with a view to investigating the reasons for cultural differences and to find out why people in different societies choose different ways for living.²³

For instance, wearing clothes in a certain fashion is considered a habit or even a value in one society whereas it is looked upon with contempt or surprise in other societies. Why are the concepts of good and evil, right and wrong, loss and benefit, different in different societies? Cultural anthropology seeks to answer questions of this sort by discovering the differences among peoples in different societies.

The concept of cultural relativism is of the main principles of modern anthropology. “Of the most important principles of anthropology, is cultural relativism, that is, the ability to look upon the beliefs and customs of different peoples according to their own cultural boundaries not ours.”²⁴

In the broad sense of the term, culture is a system of beliefs, values, manners and customs applied by the society members to adjust themselves to the situation in which they live or to one another. Culture consists in the sets of behaviour acquired by instruction, reward and frustration, which teach man the

social behaviour.

Culture is a system of socialisation and social assimilation.²⁵ Because social assimilation differs in different societies and the cultures are different, it seems natural not to evaluate them with a single touchstone.

Although the anthropologists adopt different attitudes in explicating the cultural differences in different societies, they admit to these differences and by a general consensus, declare that they can give rise to different social procedures each one of which in one way or another is effective in determining the general welfare. Hence, the existence of different spiritual identities and cultures specifies the ways of determining the general welfare and reinforcing individual rights.

Multiculturalism somehow has its roots in the selfsame anthropological findings and has an inescapable fact made by different cultures in different societies. Multiculturalism is juxtaposed with monoculturalism.²⁶

Monoculturalism, basically arising from western culture and EuroAmerican culture, believes in the supremacy of a certain culture, which will soon pervade the entire universe. The values proceeding from modern western thought have pervasive quality and monoculturalism states that regional cultures will soon and inevitably be incorporated into this culture.²⁷

The concept of universalisation in international relations or the idea of the end of history proffered by Fukuyama is in a way assimilated with monoculturalism²⁸ because in all these theories, the existence of a superior and unique culture: which will absorb all other cultures, is universally accepted. In other words, it is generally believed that the power and potentialities of this culture exceed those of other cultures and history will ultimately flow in a course in which the communities will reach a common point in their cultures and norms.

The notion of the universality of today's human rights shares this belief and authorities like Donnelly who offer its universality believe that human rights in their entirety have roots in western liberalism and like monoculturalists and the advocates of the universalization of human rights regard the western values as superior and developing in all parts of the world.

It is worth mentioning that the writer of this present article thinks that the fundamental individual rights should not be sought out in the western culture and community, for these rights spring from human beings which cannot be limited by the norms arising from a certain culture or value. The crux of contemporary human rights is intensified where it is limited and interwoven with another culture and attempts are made to assimilate the treatment of religion, the relation between God and man, the way of dressing, and even the judiciary methods with human rights within the realm of western culture.

While some commentators regard the universality of human rights in this way, they tend to accept monoculturalism and do not tend to accept the fundamental role of different cultures in the exercise of

human rights.

As opposed to this view stand the multiculturalists. Multiculturalism which is based on facts from cultural studies suggests that the different nations, communities and groups due to having history, social heritage, language and consequently different cultures have different identities and adopt separate methods of living.²⁹ Based on the views the multiculturalists, which have recently turned in the form of Chicago Cultural Studies to Critical Multiculturalism, stress that the universalisation of some principles of the Western culture is impossible.

What Clinton states as the *American fashion of life* and what George Bush recalls as the *new universal system* because it is based on some kind of monoculturalism, are criticised by this group.³⁰ This criticism includes the attempt to universalise and assimilate the political models and systems. According to this group, the historical heritage and the different cultural identities of peoples cause the political systems and different decision-making organisations to take shape in different countries and even democracy if accepted, shall have varying forms and even different natures in different countries.³¹

The much debated subjects in multiculturalism are extensive, and out of the scope of the present article. However, what can be the corollary to this current of thought is the impossibility of complete assimilation of social, political and cultural conditions in different societies. Over the recent years, this concept has been debated not only by different thinkers and theoreticians but in international assemblies as well.

In the World Conference on Cultural Policies held in Mexico City in 1982, much emphasis has been placed on the cultural differences and the necessity of preserving the cultural identity of different nations. In the report of the first commission, cultural identity is thus explained:

Cultural identity is the fundamental axis which gives shape to most decisions, conducts and fundamental behaviors and a dynamic process which enables the society to develop and preserve its specific characteristics.³²

In the recommendations of the conference, the first part is allotted to cultural identity. Somewhere it says, "The conference accepts that cultural identity is determined not only in distinguishing between the forms and ways of cultures and arts of a people, but includes the spiritual values of a people in morality, habits and customs of that people as a whole."³³ Hence, the States gathered in Mexico City Conference accept that peoples can have different spiritual values and found their social life on this basis. Hence, they suggest. "The Member States are recommended that they should:

1. Respect the preservation of cultural identity of all nations, places and peoples and fight any discrimination in cultural identity of other countries, places and peoples
2. Develop the cultural identity through all suitable means
3. Protect the cultural and national heritage which determine the national and cultural identity by

analyzing their contents and importance

4. Accept that culture is created by people and that the people's life is the source of all cultural creativities and that culture should arise from real life of people in order that the possibility of reaching a constant progress becomes available.[34](#)

Therefore, the existence of different cultural identities and values and the need for preserving these differences and the compromising change of these between them is accepted by all the participants in the conference. Of course, these declarations and recommendations contain extensive dimensions and varying concepts. However, this point can be stressed that the existence of identities and different ways of life and socio-cultural values in different nations are accepted in this conference and their recommendations and reports reveal the recognition and importance of cultural differences in the world.

On the same basis, some new views on social sciences especially international relation are based on the fundamental cultural differences between different nations and parts of the world. Regardless of the point whether these theories are completely acceptable or not, the existence of them reveals the attention that modern scientists pay to fundamental cultural differences between nations in different cultural realms of the world.

Samuel Huntington's view on the clash between civilizations, which has attracted much attention, is a striking instance of such views. Huntington states, "Civilization is a cultural entity. The villages, the ethnic groups, lands, nationalities, and religious sects all have certain cultures which contradict each other at different stages. The culture of a village in the north of Italy may be different from the village in the south of Italy but they have in common the Italian culture, which distinguish them from German villages. The European communities have common cultural features, which distinguish them from Arab communities . The Arabs, the Chinese, and the westerners are not considered as a part of an extensive cultural entity, but that each one of them constitutes a civilization. Hence, civilization is the highest cultural classification and the most extensive cultural identity.

The civilization should be defined concerning common elements (language, history, religion, traditions, and organizations) and about the mental associations of men.[35](#) Somewhere else, he says, "the difference between civilizations is fundamental. The civilizations are distinguished from history, language, culture, tradition, and religion. Their views on the relation between man and God, individual and group, State and citizen, husband and wife, parents and children and issues such as freedom, equality and hierarchical order are different. These differences are far more important than political and ideological differences."[36](#)

Undoubtedly, Huntington's definition of civilization and their ways of treating this are debated and tens of books and articles have so far been written on this issue. However, why are Huntington's views and his explanations on the differences between seven or eight main civilizations of the world (western, Confucian, Japanese, Islamic, Hindu, Slav-orthodox, Latin American and African) so interesting under

the present conditions? Today, even the commentators believe that this interest in Huntington's approach is due to an unknown fact.³⁷ He has attracted the authorities to a subject, which has been paid less attention to. Hence, those who have launched severe attacks on views of the clash between civilizations, implicitly accept that there are different civilization-cultural realms in the world today in which the foundations of socio-political relations are different and this is the point which we have in mind in this article. On the same basis, Huntington calls the West Unique not universal in the Foreign Affairs in his recent article. He holds that the western culture and civilization are based on history, language, social classification and different cultures which shall never be repeated in all parts of the world, for the concept of modernization is different from the concept of westernisation and no nation shall ever be able to be western without enjoying the historical, cultural, and political conditions particular to the west.³⁸

Based on principles, which claim to universalisation, if mingled with the western culture and civilization the possibility of universalisation is taken from it. This concept does not only spring from Huntington's views but from the views of those who accept the fundamental socio-cultural differences between different cultural realms.

The Gras School in France developed by the leadership of Allan Debenoius is an instance of this. This school of thought severely criticized Huntington's views and regarded them as Western expansionism against the world's cultures. The thoughts of Allan Debenoius and his counterparts are close to the right wing even the French radical right wing. However, they regard their most important duty to criticize the western civilization against American leaders. Debenoius believes that democracy and new liberalism are at a dead-end and that the nations of the world have cultural identities and life, which ultimately stand against the western developing ideology and culture and even the human rights arising from them.³⁹

In short, the Gras School opposes the complete assimilation and universalisation of western values. They defend the nations' right to difference and seek to prove the cultural identity of different nations against the American technocracy. In their views, the nations with cultural and civilization identity will stand against the assimilation and universalisation and the tomorrow of the world shall belong to countries such as Iran, Egypt, India and China, which have deep cultures and civilizations.⁴⁰

The resistance of these nations and all groups, who wish to preserve their identity against the westerners, will create the future tensions of the world. Allan Debenoius regards the ideology of human rights as an American model and although he does not reject it altogether, he believes that the right of nations and the preservation of cultural identity of nations have priority over human rights.⁴¹

The aim of pointing to the current thoughts of Gras school is not the approval of all the stances including the complete rejection of human rights, but shows this point that the consideration of civilization-cultural differences in different thoughts can influence the concept of universalisation of western interpretations of human rights.

Therefore, the existence of cultural differences between different nations and areas is an undeniable fact. Undoubtedly, these differences will have a determining effect on the ways of formation and collective interests in different parts of the world. Considering that collective interests are given shape through democratic ways, the main factor limiting human rights is different in different societies. Hence, the way of applying human rights in cultural areas and in different parts shall be different. This does not mean the limiting of human rights, but a study of human rights as a principle separate from the western reading.

The western reading of human rights which has been present in formulating the Universal Declarations of Human Rights has been used in the most particular aspects of human life such as dressing, the relation between men and women and civil law and sought to organize the most particular social conduct on this basis regardless of the fact that the different socio-cultural conditions in different countries do not allow the assimilation of all social conducts and organizations even under the pretext of human rights.

The existence of different regimes and political systems in different countries shows the existence of different processes for decision-making and the ways of safeguarding collective interests among nations. These different processes shall influence the decisions and the nature of the decisions taken in different nations. When Graham Allison drew his decision-making models, he well realized that the nature of the organizations and decision-making systems would influence the nature of the decision-making processes.⁴² Of course, Allison's model is used more for decision-making in foreign policies but one can realize that the existence of the different political organizations and systems shall be followed by collective interests.

In *Countries and Concepts*, Michael Roskin has made a comparison on different political systems in the seven important countries of the world. After examining the historical background and the vital role of history in shaping the political systems of these countries, he has scrutinized the main political foundations of these countries. He holds that there are key organizations in the policy-making of any country, the recognition of which is one of the main factors in recognizing the political system in that country. The main political norms of any country are the second main factor in the shaping of policy.⁴³

The models of political wings to each other and the methods and models which each political group uses in relation to its opposite side, are the third main factor in policy and ultimately, the issues under debate in each country and the political groups are the fourth main factor in the general decision-makings. Hence, the different political systems are distinguished from one another based on important organizations, strategies and action models and the issues under debate. Undoubtedly, the method of decision-making on the main discussed issues in any community will be different from one another. In other words, the existence of different political systems will cause the collective interests in any society to be substantially contradictory to those of others.

Here, our discussion is not on the recognition of the backgrounds of differences in political systems but we propose to clarify this point that the different political regimes will nourish within them different

collective interests and these different collective interests shall to a large extent influence the different attitudes towards human rights.

The existence of communistically political system in China will cause the collective interests as to the present ideal of any regime to be defined differently from those in Taiwan, which has a different political system. The culture, rituals, traditions and languages of the two countries are the same but the their different political systems have caused the collective interests in these two countries to have contradictory definitions. The interpretation of human rights and the methods of limiting them by collective interests are extremely different in the two countries.

The different interpretations of the interests in North Korea and South Korea are another instance of the influence of political systems on the methods of determining collective interests and treating human rights. This is intensified when the political system of a country is mingled with the certain ideology or political theory and that this ideology is the basis for the legitimacy of that political system.

The sovereignty of religion in society especially when it is done with certain democratic mechanisms can also influence the political system and the method of determining the social welfare. In Saudi Arabia, the Islamic republic of Iran and the Islamic republic of Pakistan, Islam is considered the official religion but the main basis is political. Except in Saudi Arabia, in both countries, Islam is chosen through democratic means by the majority of the community as the basis for government. It is understood that it will have the most important influence on the shaping of collective interests and the general welfare and the methods of exercising human rights.

Of course the existence of different political systems in these three countries have caused different interpretations of Islam and the methods of determining collective interests on the basis of Islamic thoughts.⁴⁴ This shows the independent influence of political systems on the methods of determining collective interests even in the countries in which they have accepted a single religion for the social welfare. In these three countries, the way of looking at women's rights, the people's participation in political matters, and the methods of exercising judicial laws, the freedom of religions are exceedingly different. These differences arise not only from different interpretations of religion but from political systems. Also, there are some common points in the functions of these countries.

Hence, the existence of different political systems especially when ideology and religion are interwoven the method of interpreting human rights will be different.

Undoubtedly, this is not alien to any theoretician on human rights, but many thinkers view this affair with a critical eye and believe that the universal ideal of human rights is such that all the political systems in the world will adapt themselves to it. In other words, the advocates of the complete universalisation of human rights accept the fundamental difference between political regimes but believe that the universal current of human rights require to influence the unacceptable political systems in order that they make ready to fully exercise human rights.

This great expectation reminds man of the idealistic goals between the two World Wars. They believed that with the spread of morality, the international organizations could overcome the discussions, debates and blood shedding in the international arena. With the advent of fascism, Nazism and the second world war, the idealists came to a dead-end and it seems that the advocates of the unconditional universalisation of human rights shall suffer a similar fate in encountering the facts arising from different political regimes.

Hans J. Morgenthau believed that human and international rights took shape in the exchange of powers, namely when the superpowers of the world would create a balanced atmosphere at international plane. However, even under such circumstances, human rights might turn into a power tool in the hands of the superpowers.[45](#)

At all events, the undeniable differences between political systems are an assumption on which modern sociology is founded. These differences not only determine the mechanisms determining the social welfare but also lend different nature to the concept of collective interests, the general welfare and human rights.

Conclusion

Human rights arise from man's inherent rights; hence, one cannot consider them as synonymous with the reading or interpretation of a certain domain of human civilization. Assuredly, men are inherently noble and have the right to life, property and fundamental freedoms; however, the way of granting these rights and freedoms cannot be done similarly throughout the world.

As discussed in this short article, the necessity of limiting human rights for protecting social welfare is as accepted and emphasized as the role of human rights. In addition, human rights are accepted in most of the basic bills on human rights. However, the way of limiting them exactly refers to cultures and the current necessities within the different civilizations. Hence, the steps taken with a view to detailing the regulations regarding the exercise of human rights do not answer the real needs of different peoples. For instance, the minimum age for marriage, minimums for clothing of men and women or the ways of civil judgement are designed on the basis of western models and the attempt to universalize them is the expansions of western readings rather than propagating the principles of human rights.

The main contradiction in contemporary human rights arises from the same thing, for the Universal Declarations of Human Rights allow the limiting of them through the fixed rules by proletarian states. In other words, the rules formulated by the State, which is the general will, can limit human rights for protecting the general welfare. However, if such a State acts based on the religious teachings accepted by the majority of people and determine some of the rules determined in the international regulations of human rights, then it becomes accused of violating human rights. Therefore, the mechanism arising from within human rights may lead to the violation of human rights.

At this point, this question emerges if the general will has severe limitations for determining the social welfare. Can the State play its role as long as individual rights and interests are not hurt as the proponents of social convention believe? Apparently, it is impossible to provide an exact answer to this question, for on the basis of new human rights, the members of the society should not behave in a way that will contradict any rules set forth in the Universal Declaration of Human Rights even if they value their local culture or accept a religion as the criterion for individual and collective interests. It seems that the right of choice and self-determination and the right to determine public interests due to facts arising from different cultures and values may be juxtaposed with some individual rights and freedoms. What is called the enigma of the clash between individual and collective rights contains this meaning.

Apparently, the conditions are such that only the cultures, which accord the western liberalism, shall not encounter this contradiction. Indeed, can we make equal all cultures and political regimes to reach human rights? Or in formulating the executive rules of human rights and their evaluating criteria, we have to move in a direction the realization of which becomes possible in all parts of the world and the human persons shall reach their inherent unalienable rights besides protecting the social identities and originalities.

In a lecture at Tehran University on 10 December 1997 which coincided the fiftieth anniversary of the Universal Declaration of Human Rights, Kofi Annan, the Secretary General of the United Nations, regarded human rights as a universal affair:

Human rights are the manifestation of forbearance in all cultures, which are the basis for peace and progress. If human rights are properly understood and justly interpreted, they are not alien to any culture. This universality of human rights gives authority to them, enabling them to cross the frontiers, the impediments and thwarts any force. Human rights are universal not because they find their origins in all traditions and cultures but because they were approved by 185 member states of the United Nations. The Universal Declaration of Human Rights is the fruit of the discussions of certain scholastic gatherings most of which were not from the western countries.

This interpretation of human rights universality is different from the western one. This interpretation in one way or other accords the harmony of human rights with different cultures. Kofi Annan cites Imam Ali's letter to the ruler of Egypt :

Let the treasure of good deeds be the nearest treasure to you; fill your heart with pity, love and kindness towards others; do not act towards them like a voracious animal which has fallen upon an easy prey, for they are either your brothers or equal with you in creation.[46](#)

In Kofi Annan's opinion, human rights are common treasure, which can be found not only in all religions but also with all eastern and western philosophers. In his eye, human rights do not spring from western civilization with which other cultures or peoples should endeavor to adapt, but arise from man's nature and accord all cultures. He states:

There is no single model for democracy and human rights or cultural symbol. However, there should exist democracy, human rights and cultural freedom for all peoples. Man's talent shall guarantee respect for these values in all societies. That is why in Africa, I talk of African human rights. In other words, we should find the meaning of human rights in the language of people whom human rights protect. This gives me confidence that human rights shall some day be universal. Besides emphasizing equality, the Universal Declaration of Human Rights is a fundamental condition for universal variety and this signifies the authority and eternity of human rights. The Universal Declaration of Human Rights respects universal variety and pluralism, and explicates it clearly. This Declaration is a standard for an age, which we have in view, the age in which relations and co-operations between peoples and nations shall guarantee their durability. The struggle for human rights has been against tyranny and injustice everywhere; struggle against slavery, exploitation and racial separation. Today, human rights are not different from this affair.⁴⁷

This explanation of the Secretary General of the United Nations is a fundamental interpretation of human rights and different from the western reading of these rights which is found with some contemporary writers. So, human rights arise from man's nature and find universality in the mingling with different cultures and civilizations. Moreover, this is the only interpretation, which shall cause them to last.

- ^{1.} Zagorka Golabovic, "Philosophical Basis for Human Rights in Marxism in: Human Rights, Christians, Marxists and Others in Dialogue, Edited by Leonard Swilde, (New York: Paragon House, 1991), pp. 71–80.
- ^{2.} Vesna Pesic, "A Marxist Conception of Equality and the Problem of Civil Rights, in: Human Rights, Christians, Marxists and Others in Dialogue, op. cit, pp. 85–100
- ^{3.} Bill of Human Rights, Ed. Hushang Nasirzadeh, (Tehran, Jihad-I Danishgahi, 1993), p.89
- ^{4.} Ibid., p.90
- ^{5.} Robert Roswell Palmer, The History of Modern World, translated by A. Mubashiri (Tehran, Khwarazmi, 1991).
- ^{6.} Ibid.
- ^{7.} The United Nations, The United Nations and Human Rights, 1945–1995 (New York: UN, 1996), p. 153.
- ^{8.} Ibid., p. 155
- ^{9.} Ibid., p.230
- ^{10.} Jonathan Mann, "Hygiene and Human Rights", The Message of UNESCO, no. 301, 1996, pp. 35–40.
- ^{11.} The United Nations, op.cit., p. 154.
- ^{12.} A.G. Milen, Human rights and Human Diversity, (New York: State University of New York Press, 1986), pp.62–70
- ^{13.} Ibid., pp. 102–131
- ^{14.} Ibid., pp. 139–145
- ^{15.} Jack Donnelley, Universal Human Rights in Theory and Practice (London: Cornell University Press, 1989) pp. 9–12.
- ^{16.} Ibid., p. 13
- ^{17.} Ibid., p. 17
- ^{18.} Ibid., p. 19
- ^{19.} Ibid., p.52
- ^{20.} Ibid., pp. 143–161
- ^{21.} The United Nation, op. cit.
- ^{22.} Rodolfo Staven Hagen, The Ethnic Question, (New York, United Nations University Press, 1990), pp. 60–63.
- ^{23.} Daniel Thebes & Fred Plague, Cultural Anthropology, translated into Farsi by Muhsin

Thaliathi, (Tehran: Ilmi, 1996), pp. 25–30.

[24.](#) Ibid., p.42

[25.](#) Ibid., p.45

[26.](#) David Theo Goldberg, Multiculturalism, (Cambridge: Blackwell, 1994), p. 20–35.

[27.](#) Ibid., pp.35–43

[28.](#) Francis F. Fukuyama, The End of History and Last Man, (New York: Praeger, 1992).

[29.](#) Ibid., pp. 50–56

[30.](#) Chicago Cultural Studies Group, “Critical Multiculturalism.” in op.cit. pp. 114–125.

[31.](#) Ibid. pp. 125–135 and see: Ramon A. Cutiere, Ethnic Studies, Op. cit. pp. 157–168.

[32.](#) World Conference on Cultural Policies, (Paris: UNESCO, 1982), p. 22.

[33.](#) Ibid., p.59

[34.](#) Ibid.

[35.](#) Samuel Huntington, The Clash between Civilizations in: The Views on the Clash between Civilizations, Compiled and translated into Farsi by Mujtaba Amiri, (Tehran: Bureau for Political and International Studies, 1995), p. 47.

[36.](#) Ibid., pp. 48–49

[37.](#) Ibid., pp. 10–25, 85–100

[38.](#) Samuel Huntington, “West Unique Not Universal,” in: Foreign Affairs, Nov./Dec. 1996, pp. 28–47.

[39.](#) Allan Debenious, The Critique of Democracy, translated into Farsi by Hushang Farkhujastah – not printed.

[40.](#) Shahruz Rastigar Namdar, Farewell to the Twentieth Century by Allan Debenious, Siyasi Iqtisadi Ittilaat, nos. 105, 106, pp. 15–16.

[41.](#) Ibid., pp. 17 & 18

[42.](#) Graham Alison, Methods of Decision-making in Foreign Policies, translated by Manuchihr Shuja’i (Tehran: Bureau for Political and Economical Studies, 1994), pp. 70–95.

[43.](#) Michael Roskin, Countries and Concepts, (Eaglewood Cliffs: Prentice: Hall, 1989).

[44.](#) Hans J. Morgenta, Policy in Nations, Translated into Farsi by Humayra Mushirzadah, (Tehran: Bureau for Political and International Studies, 1994).

[45.](#) Kofi Annan’s Lecture at Tehran University on the Occasion of the Fiftieth Anniversary of the Universal Declaration of Human Rights, Tehran: Center for Information of the United Nations, 1997, p. 3.

[46.](#) Ibid., p.4

[47.](#) Ibid., pp.5–6