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International law of Human Rights and Traditional Values: ways of reunion

Introduction

The following presentation is based on the research into the aspects of discrepancies between international law of human rights and traditional values. The issue to discuss is how the internationally elaborated norms of human rights protection should be dealt with within certain historical and cultural background. The aspects of the high rates of human rights violations and the ways of its improvements can be viewed and solved through the reunion of the ethics, morals and traditions that exist in a country and those which are elaborated within “modern” human rights and basic freedoms protection concept. In order to achieve universality in protection of rights and freedoms the local traditions and values should not only be taken into account, but also can be relied on while looking for ways of implementation of “alien” international norms.

Modernization and the renaissance of traditional values in modern world.

In the beginning of the 20th century the authors of modernization theory used to claim that modernization and technical development would lead to declined reliance of societies on the traditions and moral values. Technical development claimed to stay uniquely western until the traditionally organized societies not abandoned their traditionalism for the sake of development. Non-western civilizations were offered to assimilate “morally superior and technologically developed” western culture as a substitute for their abandoned traditions and values.

However, this did not prove to become the reality. Now, in the very beginning of the 21st century we are witnesses of the “renaissance” of the religious and traditional values discourse. And one of the important issues to discuss here is that of reconciliation of the values of newly developed modernized societies and those of societies which are still based on the traditional cultural organization approach.

The process of promoting and strengthening of “western” concept of human rights and basic freedoms faces usually the challenge of resistance of the “non-western” civilization to adopt the values being in discrepancy with local morals, traditions and practices. The reasons of such resistance may have different grounds (economical, political, religious, and cultural). Thus, the states which demonstrate an unstable rule of law and human rights protection happen to claim their own original cultural background which does not allowed them to adopt so easily the values offered together with the human rights and basic freedoms “packages” (as we often see on the examples of the states where Muslim religion prevails with regard to the women’s rights, for ex.).

Among other reasons named in support of impossibility to implement and strengthen the “western” human rights and basic freedoms there are political reasons (fear of political and economical expansion), discrepancies between the “western” values and local traditions and practices, discrepancies between morals established in the religious values and those which are promoted by the human rights supporters, fear of loosing the uniqueness, originality of the country, etc. The norms protecting human rights thoroughly elaborated at the international level and provided in international law rules and norms often appear at the regional level only for the politics’ sake, but not in order to improve the current high rate of violations in this area.

The latest revival of the traditions and cultural values in the modern world allows to find the way of adopting the universal human rights and freedoms

values through the local religious and cultural traditions. Reunion of the values and human rights would help to promote the ideas provided both in international human rights mechanisms and religious and moral calls for universal human well-being.

Cultural identity can also be used to promote the interest of the group and in the process may strengthen cultural diversity . Thus there is no doubt expressed in latest research that despite obvious movement to the globalization and unification of life-styles, the cultural diversity is an important factor threatened by globalization. And the list of societal cultural dimensions and characteristics can be presented and used for the purpose of looking deeply into the differences and see whether these differences can serve as basis for improving well-being in the societies reluctant to the spread of 'western values' and 'international human rights'. Here we would like to see whether there is a way to reunite the cultural approaches to human rights and freedoms and to establish the freedom of the personality despite the different cultural and historical background of the states who are to adapt these values.

Western and Non-Western approaches to Human Rights

Despite the fact that the failure to implement , promote and strengthen the protection of human rights is often attributed to a reluctance of local culture, religion to adopt the "alien" values, there are examples when local culture, traditions and practices (for ex. religious) promote ideas and concepts similar to those included in modern human rights concept. Religion itself is the way to achieve the human well-being through established within it norms and duties of the people. Furthermore any religion also argues for the universality of its ethical norms and rules. Universality which claims the human rights concept as an essential

condition for its promotion and protection is also based on the concept of universality of religious norms and rules.

Although the notion of human rights does not stem from a religious basis the religion, morals and ethics can be a fertile ground for cultivating concepts related to human well-being and freedom.

The human rights concept based on the values of freedoms, equity and human well-being elaborated within European enlightenment and strengthened in the international law mechanisms have features very similar to all basic religions.

The freedoms and rights, elaborated within the international legal system of human rights protection, were not necessarily based only on the achievements of western scientists and philosophers. Jewish, Christian, Muslim religious tradition includes the discussion related to tolerance, freedom, rights for life, etc. Thus, it is not completely right to argue that the western based human rights are the base for the promotion of uniquely “western” values and traditions.

Looking into the messages of the main world religions one can easily find there a number of counterparts with the human rights concepts. A number of writers in religious ethics have attempted to show, not only that traditional religious values are compatible with a strong commitment to human rights, but also that the world’s religious communities themselves possess resources for human flourishing which either anticipate or correct modern understandings of human rights and responsibilities. The religious ethics which during more than a millennium call for the human rights well-being, is trying to offer the ways of its achievement. The outlines of the human rights and call for the freedom, tolerance can be met in Islam:

“True Islam also advocates human rights. The conception of human rights in Islam is outlined by Allamah Abu a-Ala Mawdudi as follows: every human being has (1) the right to life, (2) the right to the safety of life, (3)

respect for the chastity of women, (4) the rights to a basic standard of life, (5) individual's right to freedom, (6) the right to justice, (7) "equality" of human beings and (8) the right to cooperate and not to cooperate with rules."

In Christianity, the message is not different. Human rights is portrayed as a call for respecting the dignity even of those who intend to humiliate you, call for essence of tolerance and accommodating the views of others even when these views are confrontational. In Sermon on the Mount Jesus Christ called for tolerance and respect of the views different with views of the majority:

"Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy.

44But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you;

45That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust.

46For if ye love them which love you, what reward have ye? do not even the publicans the same?

47And if ye salute your brethren only, what do ye more than others? do not even the publicans so?

48Be ye therefore perfect, even as your Father which is in heaven is perfect."

Even when the language of rights is not fully embraced, as for example in several contributions relating to East Asia, a strong emphasis is still placed

on the universal importance of respectfulness toward others of compassion for human well-being .

However, seeing the support or relativist position on the ground of opposite views on the rights and freedoms of western modern societies and those related on traditional and religious norms, the problem is to find a way of reunion of the moral and ethical grounds of well-being support and the modern human rights concept.

Difficulty of implementation, universality of human rights

The relativist position promoting the origin of the traditional, historical and cultural background is often considered as an excuse from the universal implementation, promotion and strengthening of the human rights and basic freedoms provided in the international legal mechanisms.

The fear of the “western” values together with the “western” philosophy and economic policy expansion often leads to the reluctance or the refusal of traditionally based societies to follow the ideas elaborated within the human rights concept. Universality of human rights as a basic principle of the concept is being refused by the supporters of the relativist position as being in discrepancy with local traditions, values and practices.

However, the universality of the human rights shall not necessarily be understood as the universal implementation of the human rights elaborated at the international level without taking into account the cultural, religious, traditional and ethical norms existed in a certain country.

The human rights concept which seeks to achieve the universal well-being of every human creature has a lot in common with world religions and traditions. And the question is whether within every culture there is a challenge to achieve the well-being of the possessors of this culture, it is possible to find a way to reunion the human rights concept and this

traditional based approach. The challenge is to find “receptors” in local culture on which the human rights can rely and locked in the process of implementation.

The challenge of the researcher is to find among the traditional values those traditional values those which can embrace easily the ideas promoted by human rights supporters.

Traditions and values which can serve as a base for implementation

Religion

In the experience of most Western European and North Atlantic societies, the development of pluralism, democracy and tolerance has been marked by a retreat of religion from the public arena, its privatization and the general growth of secularization as the defining context of public life.

The very particular form of this process – secularization retreats religion from the public domain – reduced its claims on the public sphere.

However, in accordance with the certain research conducted on the topic of the influence of the modernization process on the traditional societies, the researchers admit that the traditional religious values often play a crucial part with the human rights development, protection and implementation processes.

Thus, John Clayton , in his research draws the attention to the aspect of reconciliation and cooperation between rights and freedoms elaborated at the international level and basically relying on the European (Western) values and historical achievements, and traditional (here: religious) aspects of culture on which the human well-being mostly based in traditional societies. Within religious values discourse one can find positive human rights within the traditional values, “rooted deep in a pre-modern past that

would have lacked the linguistic and conceptual apparatus of modern human rights concepts”.

Family values.

The freedoms and rights elaborated in the international human rights mechanisms are deemed to provide the legal protection to the interests connected to the family values. Traditional societies based on the religious norms, morals and ethics consider the family as a corner stone of the society. Thus, the importance of the family, respect of parents (regardless of how they behave), love and care for the children (parents must do their best for their children even if their own well-being suffers), idealization of the large family in traditional society, high fertility rates may be used as receptors on which the human rights protectionist may ground the issues related to the abortion possibilities, euthanasia, (traditional) gender roles and sexual behavior norms, attitude to children, acceptance or rejection of homosexuality

Fatherland (national pride)

Within the specific features of countries with family- and traditions-oriented values there is also a high level of national pride, more respect for the authority, trust to the highest levels of the authority. Third generation of human rights related to the environmental, socio-economic issues may be related and locked on this aspects.

Conclusion

During the 1993 World Conference on Human Rights held in Vienna, the U.S. secretary of state warned against allowing cultural relativism to

become the last refuge of repression. But some delegates listening to Warren Christopher on that occasion may have harbored their own worry that such insistence on universality could easily become the last refuge of imperialism.

However, the supporters of the relativist approach complain that the West in general or the United States in particular uses its preferred priorities in human rights as a means of imposing its own political ideology and economic policy on the rest of the world.

That is true that the discrepancies between traditional and modern “human rights approach” to the universal well-being achievement is not an excuse for the authorities which are not willing to implement internationally elaborated mechanisms adopted at the regional level.

The approach discussed here is seeking for the reconciliation of the universalism and relativism in order to achieve the universal well-being on the base of reunion of human rights conception and traditional morals and ethic of the state.