



Kobina Ofosu-Donkoh

# Human Rights in African Religions and Philosophy

The Case of the Akan of Ghana



**LAMBERT**  
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## CHAPTER 1 INTRODUCTION

### I. The Problem of Human Rights in Africa

Human rights talk in most third-world countries, and in this context, in most of Africa, too often degenerate into mere rhetoric, as many African governments, while publicly trumpeting the nobility of international human rights standards, often disregard and/or violate the human rights of their own citizens with impunity. By so doing, these leaders seem to be claiming that the international standards are good only for citizens of the countries and cultures from which they initially originated. Concerning their own countries and citizens, some *third-world* political and opinion leaders have argued that the international standards are an imposition of foreign values that are incompatible with their own local situations. Moreover, many of the citizens whose own rights are often trampled upon by their governments even tend to agree with this argument.

While some governments appeal to the incompatibility argument only as propaganda that seeks to throw dust into the eyes of citizens and to divert attention from matters of human rights, citizens who embrace such propaganda do so either as a result of blind loyalty to their governments or out of ignorance, for a careful study of most African cultures leads to the discovery of the core values of the international human rights standards embedded within those cultures. It seems clear that what appears to be “incompatible” is rather the sources from which the international human rights standards were derived and the foundation upon which they were established – the eighteenth-century liberal state of nature which, it is alleged, focuses mainly on the individual as if s/she were an isolated autonomous being without community. Such a being does not exist in African societies, where, as rightly pointed out by Mbiti, “I am because we are, and since we are, therefore I am.”<sup>1</sup> While we recognize individuality as an essential, indispensable component of the human being, we also contend with Hegel in the spirit of Aristotelian thought that there is an equally essential and indispensable component of the individual that is responsible for social, religious, political and moral development and growth.

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<sup>1</sup> Mbiti, J. S., *African Religions and Philosophy*, 2nd. Edition, (Oxford: Heinemann Educational Books Ltd., 1990), p. 141. Originally published by Doubleday in 1970.

This is the cultural community into which the individual is born and nurtured, and which imparts its values unto her as a way of life. The character of the individual, as a finished product, to a large extent, depends on the cultural expectations of society. This is even truer in culture-sensitive African societies.

In this book, we will point out the fundamental power of culture in promoting and upholding human rights. We will then argue that the eighteenth-century liberal foundation of human rights fundamentally ignores culture as an effective tool for upholding and maintaining human rights, and we will examine this liberalism in this context, using the views of Hegel to portray just that defect. Hegel himself will be portrayed as proposing an alternative theory that aims at equilibrium. And then we will seek to legitimize human rights in the Akan culture using that culture's own values, customs, traditions and beliefs.

## II. Description, Scope and Method of Study

This book generally aims at creating an exploratory forum for further academic discussion and scholarly research in the cross-cultural approach to human rights. Our purpose is to redirect human rights research along a cross-cultural path, and by so doing, legitimize human rights in African cultures, a legitimacy based on the life-enhancing traditional values and local institutions of Africa, a legitimacy that comes from the local experience of Africans themselves, one that they can relate to and make sense of, one that they can therefore respect, honor and promote without suspicion or any form of skepticism. We will approach this from the perspective of the Akan of Ghana, focusing on the religious, philosophical, moral and social aspects of their culture, with a view to locating and discovering inherent life-enhancing values and norms, and thereby invoking them as the validating principles of human rights within that culture.

We contend that the eighteenth-century liberal basis of modern universal human rights standards has too often ignored the role of culture in enhancing and promoting human rights within respective individual societies. This, to a large extent, explains the continued violation of human rights, especially in culture-sensitive, tradition-oriented countries (mostly, in so-called

third world countries). To ensure recognition and effective universal implementation of human rights, we must begin to ground them in the life-enhancing values and belief systems of individual cultures in order to make them meaningful and more powerful.

The call to culturally legitimize human rights for effective local recognition and implementation is made on the assumption that every existing culture has some potentially life-enhancing values that can be identified, developed and utilized as a support system for human rights within that culture. African societies are no exception, for the modern human rights standards are fundamentally compatible with African cultural traditions. They are deeply rooted in the African belief in the dignity of the human being, and are “invocable” and defensible on the basis of those African value and institutional systems that are responsible for the enhancement and preservation of human dignity. Invoking local traditional values and beliefs in support of human rights within African societies will be more effective and yield a more meaningful response than merely imposing human rights standards from without that are devoid of a culturally reasonable explanation and local support. Acting as a formidably well-grounded support system, African cultural values and institutional systems could be more effective in enhancing and promoting human rights in Africa, given the overwhelming power and influence of culture in African societies.

To facilitate a clearer understanding of the development of human rights in Western civilization, a historical analysis of the evolution of human rights in Western thought will be done, followed by a Hegelian critique of the liberal foundations of human rights, which will portray the limitations of liberalism in terms of its neglect of culture as an essentially powerful tool in matters of human rights. The Akan idea of communitarianism which seeks the well-being of both the individual and the community, and which recognizes both entities as essentially interdependent, will be presented as a valid alternative to the extreme individualistic tendencies embedded in the universal human rights standards. A case will be made to the effect that there is no fundamental antagonism between the individual and society, and that the two are separate but complementary entities which mutually reinforce each other. The individual cannot therefore be stripped of all cultural and community identity with a view to establishing his/her absolute

autonomy.

As has been clearly articulated in the preceding discussion, our method will be comparative and cross-cultural: partly social scientific (studying the Akan culture as a particular empirically given culture and asking what difference that culture makes to its carriers regarding their recognition and promotion of human rights) and partly philosophical (analyzing significant Akan cultural beliefs, practices and values with a view to eliciting their life-enhancing potentialities as a fundamental basis for recognizing and promoting human rights within that culture). Again, the desired objective of the book is to legitimize human rights on the basis of indigenous Akan institutional, belief, and value systems. Its overall significance lies in its contribution to the global understanding of human rights from a cross-cultural perspective.

### III. Previous Research on the Subject

Much has been written on human rights in Africa, especially on the disregard and violation of the international standards by African governments and other ethnic superiors. The tendency of such literature has always been to identify and condemn human rights abuses on the African continent<sup>2</sup> and to call for stricter measures on the part of the United Nations to pressure African leaders to conform with the international standards. It is evident that such literature has had little or no effect on the African human rights problem. As a methodological approach to the study of human rights, the cross-cultural legitimacy of human rights was proposed by Abdullahi Ahmed An-Na'im, when he presented it as a viable and most workable solution to Africa's human rights problem.<sup>3</sup> An-Na'im's cross-cultural approach calls for the study of individual cultures with a view to locating their life-enhancing values that are compatible with the international human rights norms and invoking them as the foundations of human rights in those

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<sup>2</sup> See Howard, Rhoda, *Human Rights in Commonwealth Africa* (Totawa, NJ: Roman and Littlefield, 1986).

<sup>3</sup> See An-Na'im, Abdullahi Ahmed, "Problems of Universal Cultural Legitimacy for Human Rights" in Abdullahi Ahmed An-Na'im, and Francis M. Deng, eds., *Human Rights in Africa: Cross-Cultural Perspectives* (Washington, DC: The Brookings Institution, 1990), pp. 331-367. See also An-Na'im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights" in *Human Rights in Cross-Cultural Perspectives, A Quest for Consensus*, Philadelphia: University of Pennsylvania Press, 1992), pp.21-43.



cultures. Such a cross-cultural study, to the best of my knowledge, has not yet been done on the Akan culture. A library and Internet search, including dissertation abstracts, failed to show the existence of any such study. Prof. Kwame Gyekye's chapter on "Human Rights" in his *African Cultural Values*<sup>4</sup> only briefly discusses the existence of a concept of human rights in traditional Africa, drawing from the Akan experience. Chapter 4 of his *Tradition and Modernity*,<sup>5</sup> entitled "Traditional Political Ideas, Values and Practices" provides a useful survey of democratic elements in African traditional thought, with reference to the Akan. A cross-cultural approach to the study of human rights among the Akan, however, requires, among other things, an in-depth analysis and interpretation of the religious, philosophical and social values, beliefs and practices of the Akan. And that is precisely what we intend to do in this research project.

#### IV. Significance of the Study

The goal of a cross-cultural approach to the study of human rights is to provide a framework for tapping and utilizing the power inherent in individual cultures as an effective instrument in legitimizing and defending human rights within those cultures. As the world becomes smaller and smaller in this computer and technological age characterized by a strong sense and awareness of multiculturalism, the global importance of cross-cultural perspectives on human rights in such an age cannot be overemphasized. Cultures other than those that can be characterized as "Western" have always been suspect of the intentions of the Western world in promoting human rights within their boundaries. The suspicion has revolved around the fear of destroying and replacing local traditional values with incompatible foreign norms. A cross-cultural approach to the study of human rights dispels any such fears since it begins not with foreign values but with the very local traditional norms that the people of that culture so cherish and defend. Rather than using what seem to be foreign values as the defining and determining yardstick for measuring and interpreting local values for local people, the cross-cultural approach identifies the traditional values that are life-enhancing and promotes them as compatible with the

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<sup>4</sup> Gyekye, Kwame, *African Cultural Values* (Philadelphia: Sankofa Publishing Company, 1996).

<sup>5</sup> Gyekye, Kwame, *Tradition and Modernity: Philosophical Reflections on the African Experience* (Oxford: Oxford University Press, 1997).

so-called foreign norms. If appropriated by well-intentioned researchers, this method of study will produce the framework for effective human rights protection in many cultures.

Given the continuous violation of human rights on the continent of Africa and the need to ensure their protection, it is hoped that this book will serve as pioneer in creating a regional platform for the cross-cultural analysis and interpretation of African cultural values as a bedrock of the international human rights norms. And who would not be happy to see Africa and Africans embrace, defend, and protect their own human rights as rooted in and made meaningful by their own culture? With the protection of human rights come stability, tranquility and development.

## CHAPTER 2

### THE SIGNIFICANCE OF CULTURE IN MATTERS OF HUMAN RIGHTS

In spite of the increasing international popularity of the idea of human rights and the strong verbal commitment of governments worldwide to promote and maintain UN standards of human rights, there still remains a significant gap between the theory and practice of human rights in countries all over the world - north, south, east and west. The disparity has often effectively, though not inappropriately, labeled most human rights talk as rhetoric rather than reality. In Africa, the issue of human rights has been a matter of serious concern not only to the international community but also to Africans themselves, due to this discrepancy.

While none of the modern day African nations participated in the formulation of the 1948 UN Universal Declaration of Human Rights (since most of them were non-existent then as internationally recognized independent sovereign states), yet most of them have approved and ratified the declaration and the subsequent UN human rights instruments. In fact, the transition from colonialism to independence itself was already stamped by the adoption of European-style national constitutions which, among other things, sought to guarantee and protect the human rights of citizens of the newly declared independent African states. Ironically, however, a survey of the history of human rights in post-colonial Africa indicates otherwise, for these constitutions were sooner or later amended, suspended or abolished either through military *coups d'etat* or by ruling party-parliaments in order to justify the subversion and/or violation of the human rights provisions embodied in them. The very African leaders who fought for and won independence for their people failed to respect the human rights of their citizens as enshrined in the national constitutions they adopted.

Soon after the declaration of independence which marked the transition from colonial Gold Coast to independent Ghana in 1957, Dr. Kwame Nkrumah, the renowned Pan-Africanist and first President of Ghana, enacted a Preventive Detention Act that made provisions for the imprisonment of suspects without trial, and which was subsequently used to incarcerate and torture hundreds of the President's opponents. It was the abuse of this act that eventually came to play a significant role in Nkrumah's overthrow in 1966. Idi Amin's Uganda (1971-79) was

already a signatory to the UN Declaration and its subsequent treaties when that President established and consolidated his reign of terror which tortured and murdered Ugandans by the thousands. Similar incidents happened under the governments of Marcias Nguema in Equatorial Guinea (1969-1979) and Jean-Bedel Bokassa in the Central African Republic (1966-1979). Jerry John Rawlings of Ghana (1979, 1981-1999) launched what a "revolution" in that country in June 1979 and presided over more than a decade of arrests, imprisonments and executions as well as the confiscation of private property without the due process of law, only to dismiss such human rights violations later as "excesses of the revolution."

The records of many other African governments, past and present, are littered with countless blatant disregard for human dignity and violation of human rights. It might seem that the 1981 adoption of the "African Charter on Human and Peoples' Rights" by the 18<sup>th</sup> Summit of the Organization of African Unity (OAU) in Nairobi, Kenya was symbolic of a genuine attempt on the part of African governments to respect, recognize, maintain and protect the human rights of Africans. But again, experience belies that assumption, for since the adoption of the Charter, no significant improvement has taken place in human rights practices on the continent. The instability, and in some cases the stability, of many African governments, has depended, to a large extent, on the gross violation of human rights by these governments. The situation is reminiscent of the proverbial biblical son who respectfully said to his father, "With all due respect, Sir, I will" and yet never did what was asked of him and what he so gracefully accepted to do (Matthew 21: 30).

Ordinarily, such disparity between the theory and practice of human rights worldwide, and particularly in Africa, has been blamed on ineffective implementation of the international human rights standards, either on the part of the United Nations Organization (UN) or by governments, deliberately or unintentionally. While there may be some truth in such claims, yet the root of the disparity between rhetoric and reality in matters of human rights is much deeper than these explanations. Abdullahi Ahmed An-Na'im has pointed out, and rightly so, that the lack of harmony between the theory and practice of human rights in countries worldwide stems

from the neglect of culture as a potential validating tool in matters of human rights.<sup>1</sup> Given the power of culture over human lives, human rights talk must necessarily be done within a cultural context in order to be taken seriously by human beings. The role of culture in this context is what An-Na'im describes as "cultural legitimacy." He argues that

the difficulties in implementing established human rights effectively, and in recognizing other claims and interests as human rights and implementing them also, derive from the insufficiency of cultural support for the particular right or claim. Culture mediates power and acts as the framework within which self-interest is defined and realized in any community.<sup>2</sup>

Such power, as according to An-Na'im, "mobilizes political forces," compelling governments to render themselves accountable for the effective implementation of human rights norms. An-Na'im appropriates Roy Preiswerk's definition of culture as "the totality of values, institutions and forms of behaviour transmitted within a society as well as material goods produced by man,"<sup>3</sup> and, in that context, defines cultural legitimacy as "the quality or state of being in conformity with recognized principles or accepted rules and standards of a given culture."<sup>4</sup> He explains further that the "prime feature underlying cultural legitimacy is the authority and reverence derived from internal validity. A culturally legitimate norm is respected and observed by the members of the particular culture, presumably because it is assumed to bring satisfaction to those members."<sup>5</sup>

For the purpose of this book, we would like to expand the An-Na'im/Preiswerk definition of culture to include inherited patterns of thought and beliefs from which derive organized social and individual behavior. In the context of this book, the cultural legitimacy of human rights means the validation of human rights by the life-enhancing cultural institutions, beliefs, practices, and values of the Akan of Ghana (West Africa), with a view to fostering genuine local recognition and support for those rights.

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<sup>1</sup> See An-Na'im, "Problems of Universal Cultural Legitimacy for Human Rights," *op. cit.*, pp. 331-332

<sup>2</sup> An-Na'im, *Ibid.*, pp. 331-367.

<sup>3</sup> Preiswerk, Roy, "The Place of Intercultural Relations in the Study of International Relations" in *Year Book of World Affairs*, vol. 32 (1978) p. 251.

<sup>4</sup> An-Na'im, *Human Rights In Africa*, p. 336.

<sup>5</sup> An-Na'im, *Ibid.*, p. 336.

The idea of cross-cultural foundations of human rights, as has been noted by Tore Lindholm, is not new in human rights talk. John Humphrey, the first director of the United Nations Division of Human Rights initially charged with the preparation of the Universal Declaration of Human Rights (UDHR) in 1946, is reported as having made serious efforts toward a cross-cultural approach,<sup>6</sup> but he could not achieve much to that effect, due perhaps to objections by the United Nation's Western sponsors. In an effort to contribute to the ongoing development of the UDHR, the United Nations Educational, Scientific and Cultural Organization (UNESCO), in 1947, initiated and sponsored an international inquiry into the theoretical and philosophical foundations of an internationally recognized universal human rights, "in the hope that such a study may prove useful to the Commission on Human Rights ... in suggesting common grounds for agreement and in explaining possible sources of differences."<sup>7</sup> According to Jaques Maritain, "the respect for cultural diversity" featured significantly in the study, which drew participants from UNESCO member-states. It was partly on this basis that UNESCO concluded among other things that all human rights "derive, on the one hand, from the nature of man as such and, on the other, since man depends on man, from the stage of development achieved by the social and political groups in which he participates," for they are "implicit in man's nature as an individual and as a member of society."<sup>8</sup>

The significance of culture in the development of a universal conception of human rights was thus recognized by UNESCO by implication of its recognition of the interdependence of individuals as communal beings. A more powerful signal was sent to the United Nations Commission on Human Rights by the American Anthropological Association in the same year (June 1947) in the following statement authored by Melville Herskovits:

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<sup>6</sup> Verdoodt, Albert, *Naissance et signification de la Declaration Universelle des droits de l'homme* (Paris: Nauwelaerts, 1964) chapters 1-2, cited in Tore Lindholm, "Prospects for Research on the Cultural Legitimacy of Human Rights: The Cases of Liberalism and Marxism" in *Human Rights in Cross-Cultural*, op. cit., p. 387.

<sup>7</sup> UNESCO, "The Grounds of an International Declaration of Human Rights" [Paris, July 1947] in *Human Rights: Comments and Interpretations*, ed. Jacques Maritain (Westport, CT: Greenwood Press, 1973) Appendix 2, p. 258.

<sup>8</sup> *Ibid.*, p. 268.

Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole ... The rights of Man in the Twentieth Century cannot be circumscribed by the standards of any one single culture, or be dictated by the aspirations of any single people. Such a document will lead to frustration, not realization of the personalities of vast numbers of human beings.<sup>9</sup>

The association explained further that a universal declaration of human rights must thus “take into full account the individual as a member of the social group of which he is a part, whose sanctioned mode of life shapes his behavior, and with whose fate his own is thus inextricably bound.”<sup>10</sup> That the final draft of the UDHR as adopted in December 1948 could not address this issue, indicates a failure on the part of the UN Commission on Human Rights to grasp the significance of a cross-cultural approach to human rights implied in these signals. An-Na'im is therefore not mistaken in his observation that the issue of cultural legitimacy was not addressed during the formulation of the current UN standards of human rights, and we believe this was not done presumably because of the liberal foundations upon which human rights were established. It is in this regard that he (An-Na'im) calls for a rethinking of the idea of human rights from a cross-cultural perspective, with a view to seeking cultural authentication not only for the existing human rights norms but also for others that may strongly suggest themselves as potentially capable of ensuring universal human dignity in a global environment.

Rethinking human rights from a cross-cultural perspective thus means examining the institutions and thought patterns of existing cultures in order to discover values and norms that are capable of supporting the idea of human rights, and on which human rights can be firmly grounded. In order to work effectively in various cultures, human rights must be grounded in the life-enhancing traditional institutions and values of those cultures, for it is common knowledge that demands made on the basis of beliefs and practices deeply rooted in a given culture are often acknowledged and accepted as genuine by the members of that culture. A notion of human rights

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<sup>9</sup> American Anthropological Association, “Statement on Human Rights” in *American Anthropologist* 49, No. 4 (1947): 542-43.

<sup>10</sup> *Ibid.*, p. 539.

based on, and justified by, a people's own value system and moral standards stands a better chance of being properly understood, identified with, endorsed, supported, upheld and defended by that people.

The call for a cross-cultural approach to human rights has not gone unopposed, for there has been a tendency on the part of some human rights scholars to construe this method as an attempt to formulate new concepts of human rights based on the traditional values of particular cultures, and even to dismiss it as "cultural relativism" as opposed to universalism. Rhoda Howard has "argued against the enterprise of surveying world cultures and religions in order to establish a consensus on human rights." The basis of her argument is that the conception of human rights is exclusively Western and has never existed in any known culture, and that such an enterprise only amounts to cultural relativity.<sup>11</sup> While no one disputes the Western historical and philosophical origins of the modern UN human rights standards, yet arguments of this nature by some Western scholars only serve to reveal their chauvinistic and imperialist intentions. If we accept human dignity as the fundamental basis of human rights, it follows that human rights cannot be divorced from human dignity without at the same time losing its reason to be. And since human dignity constitutes the fundamental core of many known cultures, it becomes unthinkable to argue that the conception of human rights is totally absent in all known cultures other than the Western culture. From a cross-cultural perspective, the issue of human rights is not a question of who abstracted and developed it from its human dignity bedrock but whether or not they can be founded and legitimized in non-Western cultures based on their own values and beliefs.

The concerns expressed by these scholars about the dangers of cultural relativism in human rights, more often than not, stem from two false assumptions: a) that the appeal to culture might be done at the expense of universalism, and b) that the approach only serves to empower non-Western, third world leaders to hide behind cultural beliefs and violate the human rights of their citizens. While these may be genuine concerns, yet we cannot fail to recognize that some of these concerns are sometimes expressed by advocates of what has been described as "extreme

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<sup>11</sup> Howard, Rhoda, "Dignity, Community and Human Rights" in *Human Rights in Cross-Cultural Perspectives*, op. cit., pp. 81-102.



universalism,” a position which obscures the reality of cultural diversity in human society and the powerful influence of culture on human behavior.

In the first place, the fact that we are all human on an equal basis points to the existence of certain universal values inherent in every society. We must not forget, however, that at the same time we are creatures of our respective cultural traditions. And with the overwhelming power and influence of culture on human behavior, one cannot emphasize universality at the cost of the significance of culture. Extreme universalism is a mark of utopian unreality. Our differences must not be blurred by our quest to be universal, for we are both universal and different to some extent, because we are what our respective cultures make us. It is largely our differences that restrain certain cultural groups from effectively recognizing and respecting human rights standards that have a tendency of setting up the individual against society.

Secondly, views against cross-cultural perspectives of human rights obviously downplay the overwhelming influence of culture over both individual and communal behavior. Explaining the relationship between culture and behavior, An-Na'im points out elsewhere that culture is

... the source of the individual and communal worldview: it provides both the individual and the community with the values and interests to be pursued in life, as well as the legitimate means for pursuing them. It stipulates the norms and values that contribute to people's perception of their self-interest and the goal and methods of individual and collective struggles for power within a society and between societies. As such culture is a primary force in the socialization of individuals and a major determinant of the consciousness and experience of the community. The impact of culture on human behavior is often underestimated precisely because it is so powerful and deeply embedded in our self-identity and consciousness.<sup>12</sup>

Our being human cannot thus be divorced from our cultural affinity, for we are the product not only of biology and chemistry but also of culture as determined and upheld by society. The complete humanity of the individual is brought about only through the process of nurture, learning and growth as informed and guided by the dictates of a given culture.

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<sup>12</sup> An-Na'im, ed. *Human Rights in Cross-Cultural Perspectives*, op. cit., p. 23.