Defending the Pluralistic Minimum Universality of Human Rights

İnsan Haklarının Çoğulcu Asgari Evrenselliğini Savunmak

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Abstract

The idea of 'universal human rights' has emerged as a significant topic on the global agenda with the intensification of globalisation through technological change, the spread of transport and digital communication tools, and the increased visibility of instances of gross human rights violations in diverse regions worldwide. However, the spirit of the 'Universal Declaration of Human Rights', which emerged in the aftermath of the wave of fascism in 20th century Europe and the devastation of the Second World War, is still unable to penetrate all parts of the world. Furthermore, the rise of authoritarian populism in recent years has the potential to lead to a retreat from the idea of universal human rights. Thusly, the main purpose of this article is to introduce a viable, effective, pluralistic and minimum universal understanding of human rights on which world public opinion can agree. Within this framework, the intellectual elements of radical universalism and radical relativism, which are the parties to the debate on the universality of human rights, have been subjected to a rigorous analysis. A philosophical discussion was held in order to put forward an understanding of human rights that is respectful of multiculturalism and does not leave individuals at the mercy of the countries and societies in which they live, and to overcome the dichotomy in question. Moreover, the possible obstacles to the implementation of human rights worldwide have been discussed and the limits and scope of the pluralistic minimum universalist understanding of human rights have been revealed.

Keywords: Political philosophy, human rights, universalism, relativism, pluralism

Öz

Küreselleşme sürecinin teknolojik dönüşüm sayesinde şiddetini artırması, ulaşım ve dijital iletişim araçlarının yaygınlaşması ve dünyanın farklı noktalarındaki ağır insan hakları ihlallerinin dünya kamuoyu nezdinde daha görünür olmasıyla birlikte 'evrensel insan hakları' fikri, küresel düzeyde en önemli gündem maddelerinden biri haline gelmiştir. Diğer taraftan 20. yüzyılın ilk yarısında Avrupa'da deneyimlenen faşizm dalgasının ve 2. Dünya Savaşı'nın yıkıntılarının ardından ortaya çıkan İnsan Hakları Evrensel Beyannamesi'nin ruhu, bugün hala dünyanın her noktasına sirayet edememektedir. Son yıllarda yükselen otoriter popülist dalga ise evrensel insan hakları fikrinden geri dönüşe sebep olma potansiyeline sahiptir. Buradan hareketle bu makalenin temel amacı, dünya kamuoyunun üzerinde uzlaşabileceği, uygulanabilir, etkili, çoğulcu ve asgari evrenselliğe sahip bir insan hakları anlayışı ortaya koyabilmektir. Bu çerçevede insan haklarının evrenselliğine yönelik tartışmanın tarafları olan radikal evrenselcilik ile radikal rölativizm anlayışlarının fikirsel unsurları titiz bir incelemeye tabi tutulmuştur. Bir yandan çok kültürlülüğü önemseyen diğer yandan ise bireyleri içinde yaşadıkları ülkelerin ve toplumların insafına bırakmayan bir insan hakları anlayışı ortaya koymaya ve söz konusu ikiliği aşmaya yönelik bir felsefi tartışma yürütülmüştür. Dahası, insan haklarının yeryüzünün her noktasında uygulanabilmesinin önündeki olası engeller incelenmiş ve çoğulcu asgari evrenselci insan hakları anlayışının sınırları ve kapsamı ortaya konmuştur.

Anahtar Kelimeler: Siyaset felsefesi, insan hakları, evrenselcilik, rölativizm, çoğulculuk

Introduction

In a world of radically different and sometimes antagonistic societies, cultures, traditions and perceptions of life, the universality of human rights poses an important and constant area of conflict. The source of this conflict area can be attributed to two fundamental assumptions. Firstly, there is a significant discrepancy between individuals and states in terms of their religious beliefs, political and economic development levels, customs and procedures. Secondly, the standards pertaining to a range of issues, including safety, the implementation of laws, schooling and political participation, are interpreted in accordance with the principles of universal human rights (Nickel, 2013). Nevertheless, there are instances when it is not permissible to justify and legitimise the mistreatment of minorities and individuals whose lifestyles diverge from the norms in a given country on the grounds of cultural dissimilarities. In such cases, it is necessary to establish minimum criteria to determine the extent to which cultural practices in one part of the world are deemed acceptable by the rest of the world.

It is therefore essential to ascertain the universal fundamental rights and freedoms that all individuals are entitled to in order to lead a healthy, free and decent life. However, it is also crucial to consider the differences between societies and individuals while setting these standards of rights and freedoms. The article defends the idea of 'a pluralistic minimum universalist position' and argues that all humans are endowed with certain fundamental rights and freedoms that are intrinsic to their nature. To this end, it presents a critical examination of two extreme reductionist positions: firstly, the moral monist position that asserts there can be only one system of values in the world; and secondly, extreme relativist postmodern position that removes the grounds for setting any standards. The paper is structured into three principal sections. Initially, the tension between the universality of human rights and the diversity of moral traditions and cultures across the globe will be examined from a theoretical perspective. Subsequently, the global applicability of pluralistic minimum universalist human rights will be evaluated. Finally, the boundaries of pluralistic minimum universalist human rights will be delineated.

Universality or Diversity: A Theoretical Discussion on Universal Human Rights

The ongoing controversy surrounding the question of the universality and universal applicability of human rights is characterised by the inherent tension between the radical cultural relativism and the radical universalism based on the perspective of ethical monism. The doctrine of radical cultural relativism maintains that culture is the exclusive source of the legitimacy of moral rights and norms. The doctrine of radical universalism, on the other hand maintains that cultural norms are inconsequential with regard to the legitimacy of moral rights and ethical principles, which are universally applicable (Donnelly, 1984, p. 400).

Radical cultural relativism is a theoretical framework that treats country, society, or culture as the fundamental unit of analysis. Consequently, it tends to downplay the role of individual preferences within these larger units. It is therefore evident that a relativistic standpoint cannot be justified solely on the basis of the significant moral, cultural and societal differences that exist across the globe. This is particularly pertinent when one considers the numerous regimes that have oppressed their own people, such as the Nazi regime in Germany (Fagan, 2005). The relativist arguments, at this point, ignore the heterogeneity and diversity within a society, culture and country. In no societies, cultures or countries, people are simply passive members who accept the entire package of moral values imposed on them without any sceptical questioning (Parekh, 1999, p. 134).

Iran and Saudi Arabia serve as a case study exemplifying the intolerance of Islamic fundamentalism towards atheists, agnostics, deists, and other religious minority groups. Iran's penal code explicitly stipulates death as the penalty for proselytising and attempts by non-Muslims to convert Muslims. Furthermore, the legislation prohibits Muslims from modifying their religious beliefs or renouncing their faith. In Saudi Arabia, individuals who identify as liberal, espouse free thought, or adhere to atheistic beliefs are subjected to frequent persecution, including arbitrary arrest, torture, and, in certain instances, capital punishment (FORB, 2021). Female genital mutilation (FGM) is another illustrative case of the detrimental impact of local culture on women's physical and psychological health, as well as their general well-being. Despite the slow progress being made due to the prevalence of cultural and social factors that perpetuate the practice of FGM, a number of organisations, including civil society groups, human rights organisations and other interested parties, are taking steps to raise awareness and advocate for the protection of human rights in Nigeria (Ekefre & Etuk, 2023). It is therefore imperative that the struggle for human rights is not abandoned on the grounds of cultural respect when individuals are denied their most basic rights by their own state, society or culture.

It is also important to consider the potential for cultural, moral, and value evolution. Ethical traditions that are sceptical about

human rights can be modified to reduce conflicts between the tradition and human rights. This modification can occur gradually as different elements and standpoints within a culture begin to re-evaluate their ethical tradition (Caney, 1998, p. 58). The process of re-evaluating traditions does not necessarily entail a complete rejection of the traditions themselves. Rather, it involves a critical examination of their historical origins, the values they espouse, and their effects. Additionally, it entails an analysis of how these traditions can be adapted or transformed in a manner that aligns them more closely with contemporary standards and values (Ekefre & Etuk, 2023, p. 200). The advancement of women's rights in numerous patriarchal societies globally serves as an exemplar of the potential for rigid cultural norms to evolve over time. The impact of the doctrine of universal human rights on such rights struggles is discernible. Those whose rights have been violated by authoritarian or totalitarian regimes receive moral support from the existence of universal human rights.

It is possible to identify existing international human rights norms in nearly all moral traditions. In order to achieve complete harmony between traditional norms and contemporary universal standards, some of those norms might require reinterpretation in an innovative manner (An-Na'im, 1987, p. 3-4). It can be observed that each society may possess an understanding of what is considered to be 'right', despite the absence of an explicit term that defines 'rights' (Boylan, 1999, p. 153). For example, Keown (1995, p. 28) has highlighted the potential for an ethical alignment between human rights principles and Buddhist teachings, despite the fact that the values espoused in Buddhism are not explicitly attributed to the concept of human rights. Furthermore, the concept of human rights is not static. A variety of cultural traditions contribute to the ongoing revision and development of human rights, as these cultural differences may highlight a range of concerns in different societies. The socialist tradition is an illustrative example, as the socialist standpoint has introduced economic concerns to the agenda of human rights (An-Na'im, 1987, p. 4). Thusly, it would be erroneous to assume that universal principles of human rights and local cultures are in all cases in competition or in conflict with one another. Conversely, in numerous instances, they reinforce and facilitate one another in a constructive manner.

Those who espouse relativism also view it as a beneficial stance that can facilitate tolerance and respect for diverse cultural practices. At this point it is necessary to clarify what exactly it means to respect and tolerate to a culture. First, recognition of different views, cultures, beliefs, and traditions does not necessitate the rejection of objective ethical truths. In other words, a person can be tolerant of different moral standpoints and practices without accepting that those moral practices and standpoints are equally true or exempt from any ethical critique. Second, the relativist view prevents a person from taking an ethical stance towards issues such as torture. When confronted with individuals who advocate for torture, a relativist may disengage from the ethical discourse, attributing his/her anti-torture stance to the influence of his/her own cultural background (Widdows, 2011, p. 35-36). Consequently, the absence of a foundation for discussion, which is essential for the emergence of a normative perspective on any given issue, renders all discussions on any issue futile.

It is also crucial to engage in discussion regarding the various perspectives on the existence of an objective and universal truth or value. This is essential for a comprehensive understanding of the relativism-universalism dichotomy. Moral monists posit that human beings possess the capacity for rational inquiry, enabling them to identify universal and objective criteria for a single superior mode of true life (Parekh, 1999, p. 129). This form of universalism entails the imposition of a hierarchically superior value system and the rejection of the values espoused by so-called "lower" nations and sub-nations (Donnelly, 1984, p. 402). Therefore, this approach brings a tendency to impose specific values upon particular cultures in a top-down manner, rather than a commitment to safeguarding fundamental rights.

While reason plays an important role in shaping moral perspectives, it is not a sufficient explanation for morality in itself. It is necessary to consider other factors, such as customs, disposition and the ethical and sense-based roots of morality. Moral monism reduces a wide variety of norms and values to a single norm or value and seeks to compare different ways of life with reference to the measurement of that single norm or value. However, a good way of life depends on a multiplicity of values and cannot be measured by a single value or norm (Parekh, 1999, p. 136-137). Moreover, moral monism is not a viable approach since it is inherently impossible to identify a single, universally accepted truth regarding the relative merits of different cultural and existential perspectives.

On the other hand, a similar hierarchy can be established by those who are in opposition to the universalism of human rights. The concept of "human rights nationalism," as articulated by Altwicker (2020), entails the deployment of a legal discourse that gives precedence to the local over the universally applicable. As evidenced by the UK's Conservative Party's "Protecting Human Rights at Home" stance, this approach prioritises the supremacy of national legislation over that of international law, without making any reference to the culture. If a country with this approach is minimally committed to universal values of

human rights, then there will be no serious problem. However, if the country in question is completely opposed to universal human rights values, then this decentralisation will cause major problems.

For those who espouse relativist views, it is not possible to evaluate another society since the perception of each individual is shaped by his or her own society. Consequently, it is not possible to identify universal and objective criteria that can be used as a basis for evaluating other societies (Parekh, 1999, p. 128). It is a scientifically established fact that no qualitative technique exists which can be used to evaluate or judge different cultures (American AAA, 1947, p. 542). Furthermore, no objective moral value or value system exists which is not dependent on a specific society. Moral values vary over time and across different locations and can therefore be understood as the outcome of a variety of cultures (Mackie, 1977, p. 36-38).

At this juncture, Rachels (2012, p. 18) presented a challenge to the two primary premises of relativists, namely that "different cultures have different moral codes" and "therefore, there is no objective truth in morality." He argued that these premises are not sound because, in order to construct a sound argument, all premises must be true and must be followed by a logical conclusion. The mere existence of disagreements between different societies does not reveal the absence of objective truth. For example, in Greek culture, it was considered taboo to eat dead people, whereas in Callatian culture, it was a normal practice. Similarly, there were differing beliefs about the shape of the earth: in some communities, it was believed to be flat, while in others, it was believed to be a sphere. Many scientists defend the evolutionary theory, while in many societies, people adhere to creationism (Widdows, 2011, p. 37). It can be argued that there are certain universal ethical principles that are essential for the survival of any society. For example, in a society where murder is not prohibited, it is unlikely that individuals would feel secure, which could ultimately lead to the collapse of larger societies. In such a society, people may come together to establish a small-scale, secure society. This illustrates that the desire for safety is a fundamental ethical standard (Rachels, 2012, p. 23).

Consequently, pluralistic minimum universalism strives to attain a balanced position between relativism and moral monism with regard to the existence of objective truth. Similarly to relativism, pluralistic minimum universalism posits that individuals may adhere to disparate moral tenets. However, it also maintains that these moral stances can be evaluated according to a universally applicable value system. In contrast to moral monism, it asserts that there can be multiple valid value systems and that no single value system is inherently superior to the others (Parekh, 1999, p. 130). It is thus evident that humanity stands in need of a perspective that is conducive to multiculturalism to the greatest possible extent. This should, at the same time, establish a set of fundamental standards that would also serve to prevent any authoritarian state or culture from depriving people of their fundamental rights. Consequently, the concept of 'universal human rights' is not one that can be reduced to a simple "either/or" dichotomy.

The Global Applicability of Universal Human Rights

A significant point of contention in the discourse surrounding the universality of human rights is the extent to which so-called Western-centric human rights principles can be applied to societies situated beyond the West (Cobbah, 1987, p. 309). From a relativistic perspective, the relativity of norms and values across diverse cultural contexts implies that there is no singular global declaration that can be universally applicable across all societies (AAA, 1947, p. 542). Thus, this perspective challenges the singularity of the Universal Declaration of Human Rights (UDHR). UDHR and other core human rights instruments, however, comprise a framework of principles that aim to establish minimum, general, universal principles rather than comprehensive principles that govern all aspects of life. Consequently, the universality of these human rights instruments derives from their minimalist character.

The assertion that the UDHR is inherently Western in orientation is not a valid claim. The preliminary phase and initial drafts of the UDHR were produced by two distinct bodies: the Drafting Committee and the Commission on Human Rights. The members of these bodies were selected from the States on the basis of their cultural and geographical diversity. In the voting process for the Declaration, 48 votes were cast in favour, with eight members abstaining. Two members of the United Nations, namely Yemen and Honduras, were absent from the voting process. It is of greater significance to note that there were no votes in opposition to the Declaration. A diverse range of states with markedly disparate cultural structures, including Afghanistan, Argentina, Burma, China, Colombia, Cuba, Egypt, El Salvador, Ethiopia, India, Iran, Iraq, Lebanon, and the Philippines, collectively endorsed the Declaration (UN, 2024). Moreover, the existence of an international treaty represents a joint commitment on the part of the signatories, and furthermore, it satisfies the criteria for the establishment of a shared intention. This confirms that the interpretation of the intention of a treaty should be focused on the shared intention, and not on the individual intentions of the states in question (Wu, 2022, p. 383). It is thus imperative that human

rights treaties be acknowledged and upheld, regardless of the intentions of the states that create, regulate, amend, and ratify them.

Moreover, a considerable number of significant human rights documents have been ratified by nearly three-quarters of the countries in the world. Additionally, numerous African, American, and European countries are participants in regional human rights systems that possess international courts (Nickel, 2013). Advancements in global communication have created opportunities to monitor and respond to human rights violations, and public awareness of these has been increasing (Karns & Mingst, 2010, p. 494). Consequently, the contemporary human rights network is characterised by a high level of participation, receptivity to critique and adaptability.

Furthermore, the assertion that the UDHR is not applicable to disparate regions of the world is contingent upon a particular point in time and fails to acknowledge the evolution of global support for human rights over time. In recent years, there has been a gradual but consistent increase in support for the application of universal human rights principles (Nickel, 2013). When queried as to whether human rights have been a "force for good in the world", a global average of 72% of respondents indicated affirmative agreement. Among the countries with the highest levels of support for the assertion were Nigeria (86%), Kenya (85%), Bangladesh, Ethiopia, and Colombia (each 82%), and India (80%). Only in Japan was there less than majority support (45%) for this proposition (OSF, 2023). As a matter of fact, it is evident that new social movements, as a force of global opposition, espouse an approach centred upon the issues of freedom and democratisation. These new social movements, which are predicated upon a struggle for human rights, advocate for those who are oppressed and those whose rights are violated. In the context of globalisation, the struggle for human rights has become an intrinsic aspect of new social movements (Aras, 2023, p. 60). Thus, it can be reasonably deduced that an increase in sensitivity to human rights, as organised under the umbrella of new social movements, will act as a driving force for change in authoritarian/totalitarian regimes.

A further point of contention regarding the global applicability of 'universal human rights' is that the term is often perceived as a threat to communal ethical traditions. It is argued that human rights are more compatible with individualist cultures, which are often at odds with the communal values espoused by many African and Asian societies. Furthermore, the application of human rights principles to these societies may result in unintended consequences, such as the externalisation of cultural imperialism. This perception of threat arises from the individualistic concept of human rights, which has been attributed to the Western origins of the human rights concept (Fagan, 2005). In this regard, Mutua (2001, p. 214) argued that Western countries impose a specific kind of political, social and economic model, namely liberal values, on the non-Western world. This line of reasoning posits that the pursuit of human rights has the effect of atomising individuals by undermining the efficacy of collective structures.

However, collective and communal rights, such as those pertaining to minorities, are increasingly embraced by the 'third generation' of human rights. There have been significant attempts to implement and synchronise human rights principles with collective-based societies. Consequently, the whole concept of human rights can no longer be considered 'culture-blind' (Fagan, 2005). Furthermore, the objective of a human rights principle that seeks to safeguard the individual in relation to collective entities does not imply that the principle mandates an individualistic culture in opposition to collective cultures. The primary objective of human rights principles is to safeguard the individual. The fact that the principles of human rights overlap with certain ideologies does not invalidate their fundamental motivation.

One of the key arguments against the universal applicability of human rights is that many countries will resist these principles. The increasing prominence and acceptance of the radical right may, in fact, indicate an epistemological crisis for pivotal aspects of the informational politics of human rights and its epistemological frameworks, which require urgent attention. The digital-authoritarian trend around the world represents a significant challenge to the role of facts and shame as fundamental tenets of information politics (Bowsher, 2024, p. 2). In particular, human rights principles that aim to protect individuals from state repression are seen as a threat, especially by authoritarian/totalitarian regimes, and are rejected out of hand. The demonization of human rights allows authoritarian or totalitarian leaders to justify their actions by claiming that external forces are interfering in their internal affairs. This tactic can be used to consolidate the support base of authoritarian regimes, leaders and parties at the grassroots level. This leads to the question of whether the establishment of universal human rights principles and institutions should be abandoned because it is not feasible to apply such principles in every country.

Afghanistan is an important example of a country where oppression and tyranny against its own people is the most advanced form of experience. The Taliban have enacted a policy of excluding women from education institutions and workplaces, prompting several aid organisations to suspend operations in the country and donors to consider reductions in assistance (ICG, 2023). While the Afghan population, particularly those belonging to disadvantaged groups, is enduring a profoundly challenging existence, it is imperative not to remain passive in the face of egregious human rights violations on the grounds of avoiding ethnocentricity.

In response to the question of feasibility of human rights around the world, it is first necessary to emphasise the importance of human rights principles and institutions in setting human rights standards and defining processes. Secondly, in countries where authoritarian or totalitarian regimes prevail, opposition movements often seek to align themselves with universal human rights principles and institutions, which serve as a guiding role for them. Thirdly, the concept of human rights is inextricably linked to a state's international reputation. Countries with a favourable human rights record are often perceived as more legitimate and credible by other nations. Conversely, those with a poor human rights record often face criticism and condemnation, which can have a detrimental impact on their international reputation and potentially result in diplomatic isolation. (Kim & Park, 2024). Consequently, even those in positions of authority who are inclined towards authoritarianism/totalitarianism may find themselves motivated to align their actions with the tenets of human rights. Saudi Arabia's endeavours to rehabilitate its reputation on the global stage, particularly through the relaxation of certain restrictions on women's involvement in social and political life, can be contextualised within this framework.

The Scope of Universal Human Rights

One of the most contentious issues regarding the universality of human rights is the extent to which these rights should be universally applicable. The debate concerns the question of whether these rights should encompass all forms of liberal rights, including religious liberties, freedom of speech, democratic participation, and the freedom of the media (Talbott, 2005, p. 9). It is challenging to ascertain the extent of this scope, given the multitude of positive and negative rights. Given that every positive right entails a corresponding positive duty, it is to be expected that positive rights will be the subject of considerable debate.

As Parekh (1999, p. 130-131) expressed, "the universal values constitute a kind of 'floor', an 'irreducible minimum', a moral threshold, which no way of life may transgress without forfeiting its claim to be considered good or even tolerated". A fundamental comprehension of the fundamental tenets of human rights, which encompass the essential minimum standards for a 'decent life', is crucial to prevent the excessive and exploitative utilisation of the human rights concept, which is a primary source of concern for many individuals. A 'decent life' is a humble criterion; everything which contributes to making an individual's life good and excellent is not included in this definition (Nickel, 1987, p. 172).

It is crucial to differentiate between negative and positive rights in order to more accurately delineate the scope of universal human rights. Excluding positive rights from the definition of pluralistic minimum universal human rights is a vital step in this process. The term 'negative right to liberty' is defined as "the right not to be interfered with in doing what we want". In contrast, the term 'positive right to liberty' is defined as "enhancing the liberties of other people by positive duties such as providing equality of opportunity as in the instance of the welfare state". Positive duties necessitate the performance of specific activities towards others, which may result in involuntary action (Narveson, 2001, p. 59). Consequently, negative duties act as a restrictive force, whereas those with a positive value act as an incentive (Başkan, 2023, p. 383).

The satisfaction of negative rights is relatively straightforward, as it merely requires that individuals are not subjected to the intervention of others (Wenar, 2011). As a negative right, the right not to be subjected to torture can be asserted as a universal human right. This right is realised as long as parties, such as the state or organised groups, who might torture a person do not use physical or psychological violence against that person. On the other hand, when the right to a certain level of material sufficiency is recognised as a universal human right, additional responsibilities are imposed on other parties. The reluctance to fulfil these additional responsibilities can lead to the overshadowing of more fundamental survival rights, such as the right not to be killed or tortured. Thus, keeping universal human rights to a minimum would have practical benefits in terms of internalisation and enforceability of those human rights.

Conclusion

The notion of universal human rights and the multiplicity of ethical traditions and cultural practices across the globe give rise to a dichotomy between universalist and relativist perspectives. In light of the growing influence of postmodern reasoning and the rise of far-right ideologies, particularly in Western societies, these two positions are becoming increasingly radicalised. In light of the aforementioned considerations, the objective of this study has been defined as the identification of a compromise position between the two opposing stances and the construction of a comprehensive set of universally applicable human rights that is feasible, practical, and more widely accepted by the majority of nations.

The relativist arguments regarding the cultural and ethical diversity of the world are unable to refute the universality of human rights due to the heterogeneity of each culture and society, the evolution of cultures over time, and the contribution of cultural diversity to the development of human rights. Furthermore, in the name of respect for diverse cultural traditions, authoritarian or totalitarian regimes are accorded unchecked authority over their respective populations. On the other hand, an radical relativist attitude will eliminate the grounds for ethical discussion on any subject. In order for such ethical discussion to be possible, it is necessary to identify minimum commonalities. Thusly, it is possible to identify some minimum universal truths in some fundamental issues. However, there is no hierarchical relationship between those truths.

The principles of human rights are becoming increasingly applicable on a global scale, as evidenced by a growing consensus among world public opinion and the acceptance of numerous human rights documents and standards by a significant number of states. Moreover, the sanctions to be faced by states that do not take human rights as a basis and the potential for enhanced international prestige through compliance with human rights norms are influencing authoritarian and totalitarian regimes to adopt a more universal approach to human rights.

The tenets of radical universalism, shaped by moral monism, create a hierarchy between different cultures that is at odds with the multicultural ethos of the globalised world. Furthermore, it determines value sets that have the potential to exceed the minimum human rights standards, and sets maximalist objectives for human rights institutions that are not feasible. It is therefore imperative that the primary objective is to establish universal human rights principles that do not include positive rights, are not ethnocentric, do not impose the values of certain ideologies and respect differences. It can therefore be argued that the scope of human rights should be limited to what has been termed the 'irreducible minimum'. The present study has thus furnished a theoretical and philosophical foundation for future studies that will undertake a detailed assessment of each human rights principle.

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