

The Challenge of Cultural Diversity and the Universality of Human Rights is a Matter of Culture*

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- 1.** The challenge of cultural diversity and the universality of human rights regardless of its philosophical, political and practical aspects is a matter of culture. A better and deeper understanding of the cultural nature of this challenge would probably yield a better resolution of the problem.
- 2.** The dominant feature of cultural matters is that they hardly accept authoritative commands. Due to the gradual nature of cultural reforms and developments, culture can hardly be developed through command and order. Cultural engineering in the sense of making culture through authoritative commands is not efficient, neither in a national nor an international scale. This implies that human rights in order to be welcomed by different societies and countries, needs to be part of an active dialogue and discourse with different cultures.
- 3.** The targets of norms, including legal norms, are, at the end of the day, human beings and it is basically through an active interaction between human beings as free agents and the norms that norms would be acknowledged. The legal norms of human rights are not excluded from this general rule. Therefore, human rights as far as they are legal norms might be followed and perused in the private and public spheres once they have been accepted through a cultural and educational procedure.
- 4.** Considering the fact that even though human rights are related to human beings, they are, at the end of the day, a collection of legal norms, and every set of legal issues has cultural aspects, can help advocates of human rights open their eyes to a wider range of culture and cultural matters. Also, realizing the fact that the list of human rights is not closed and human rights in its historical development can be completed and evolved makes human rights more flexible and compatible with different cultures; this fact is partly proved by recognition of different generations of human rights within the system of human rights.
- 5.** In the same line, as far as Islam is concerned, for Muslims to get involved seriously in the discourse of human rights, a universal understanding of Islam is needed. No one can deny that Islam as a religion stems from a particular historical and geographical background despite its divine roots. An enormous body of evidence suggests that shari'a has the colour and shape of the society in which it emerged, despite its universal mission and divine nature. Shari'a was supposed to fight a hegemonic pagan culture in which mankind was humiliated and different forms of discriminations were easily accepted. One may even claim that philosophically it is impossible for a religion to be categorically far from the customs, beliefs and manners of the society in which it was emerged and established.

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6. As far as diversity is concerned, the background in which Islam emerged was not a seriously multi-cultural society. This, in its turn, was a cause for Islamic teachings to concentrate more on Muslim's duties and obligations towards each other rather than towards the people of other faiths.

7. Nowadays, Muslim scholars are in great need of outlining a more universal version of Islam applicable throughout the world and compatible with the realities and requirements of our diverse societies. In such a universal reading of Islam many historical, geographical and cultural characteristics should be ignored or minimized and universal aspects of Islam, addressing all human beings as the servants of God, must be highlighted.

8. Such an understanding of Islam would certainly yield more sympathy between Islam and human rights. To achieve such an understanding of Islam is in itself a matter of culture and education and cannot be achieved through force and pressure. Such an understanding needs its own epistemological and hermeneutical backgrounds. Hermeneutics in this regard is very significant because Islam and in particular shari'a is text-based and a deep theory of meaning and interpretation are needed.

9. In this way the cultural nature of human rights as a set of legal-cultural issues should be considered and politicization of human rights must be seriously avoided. Considering the epistemological and hermeneutical requirements of such understanding among other bases and foundations would call the two parties of the debate to more patience and moderation and consequently to a more suitable background for active interaction between Islam and human rights. This interaction does not necessarily mean delay and failure in the implementation of human rights. The core of human rights as the joint heritage of mankind cannot be ignored with the excuse of cultural diversity while the door for some specific interpretations, based on some special norms of particular cultures, is allowed. This approach may result in a more effective, dynamic and beneficial model of interaction between Islam and human rights and therefore to a more common and truly universal understanding of human rights.

Keywords: Islam, Human Rights, universalism, cultural diversity, cultural discourse.