



Human Rights between Religious Foundations and Ethnocentrism

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Abstract :

Given the frequent grounding of moral rights justifications in specific cultural practices, which lacks universal consensus, it is crucial to augment existing frameworks rather than discard them. Proponents of human rights make assertions that could benefit from the inclusion of comparative religious ethics perspectives to forge a more globally resonant basis. By discerning core concepts and principles common across diverse religious ethico-legal traditions, while acknowledging variations in their interpretation and application within specific contexts, constructive discourse can foster enhanced comprehension of rights.

Key words : human rights, universality, religions, ethnocentrisme

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Introduction

The global establishment of human rights is no accident, as their intellectual and historical development is firmly embedded in history. The idea of human rights arises from a collection of philosophical viewpoints and societal customs that have been influenced by diverse sources and cultures. Virtually every civilization, belief system, or cultural heritage acknowledges the inherent "entitlements" individuals possess by virtue of their humanity, irrespective of the specific terminology or system within which these customs evolved.

Based on the prioritization of the individual, the principle of universal human rights is logically derived. Consequently, it represents a theoretical framework grounded in a particular conception of humanity. Simultaneously, it constitutes a project reliant on global initiatives aimed at its adoption and institutionalization. Universality, in this context, exists initially as a theoretical construct before becoming a realized condition. However, the practical application of this concept presents significant challenges.

The notion of universality has been a prominent subject of inquiry for scholars across diverse disciplines and historical periods. As a normative construct, its meaning and associated cultural values are subject to variation and evolution depending on the context of its origin, the perspective of its articulation, and the objectives of its proponents. Therefore, the integration of this abstract and contested philosophical idea into a complex international order characterized by pragmatic and realist considerations invariably gives rise to numerous difficulties.

Furthermore, the conceptual uncertainty surrounding the notion of universality is paralleled by divergent perspectives on the implementation of human rights. While initial acknowledgement of rights may be purportedly universal, the pragmatic application of these recognized rights is challenged by varying

interpretations of the underlying concepts of "right" and "human." Consequently, the term "human rights" has become an umbrella term encompassing disparate, and at times conflicting, meanings. The definition of human rights is subject to diverse interpretations, leading to situations where certain practices considered rights by some are deemed violations by others.

While the notion of human rights is acknowledged across diverse cultures and societies, its interpretation and application are culturally contingent. This disparity has generated a complex array of philosophical and theoretical challenges within the international human rights dialogue, complicating the development of universally accepted instruments applicable across different cultural contexts. Underlying this tension, a philosophical debate persists concerning the nature of rights, specifically whether they constitute a communal ethical principle or a globally binding legal framework. This philosophical divergence was particularly apparent during the drafting of the International Bill of Human Rights. The present study seeks to evaluate the participatory nature of the current human rights discourse, examining whether it reflects contributions from a spectrum of cultures or represents a globalized model imposed by a particular power structure. This inquiry will be addressed by exploring the central question: do human rights represent a universal framework informed by diverse cultural perspectives, or are they primarily the outcome of a Western, ethnocentric perspective?

1/ The religious basis of human rights in the monotheistic religions:

The Abrahamic faiths significantly contributed to the evolution of human rights concepts, offering safeguards against oppression by authorities, societal exploitation, and even self-destructive behaviors. A core tenet shared among these traditions is the responsibility to safeguard human dignity and ensure a reasonable standard of living. This analysis will concentrate on the perspectives of the three primary monotheistic Abrahamic religions.

1/1 Human rights in Judaism:

Jewish tradition, rooted in the Torah received by Moses, emphasizes principles of compassion, fraternity, and emancipation from servitude. It obligates adherents to both divine obedience and interpersonal benevolence. Furthermore, it prescribes ethical conduct even towards adversaries, presenting a virtuous existence as superior to animosity and ingrained prejudice.¹

However, the Torah underwent significant development, with rabbinic scholars contributing interpretations and expansions that were later codified into authoritative texts, including the Talmud. These texts reinforced the concept of a unique relationship between the Jewish people and the divine, a notion that has been argued to have fostered exclusionary attitudes. Critics contend that this emphasis on chosenness has led to a prioritization of rights for those within the group, potentially at the expense of universal human rights, despite the presence of ethical principles within the Book of Exodus, such as respecting elders, prohibiting violence and infidelity, and discouraging dishonesty and envy, which advocate for the recognition of inherent human dignity."²

The Book of Deuteronomy recounts the Ten Commandments, purportedly dictated by a divine entity and inscribed on tablets. These precepts, transmitted to the author, contain stipulations that implicitly acknowledge fundamental human entitlements. For instance, the injunction against unlawful killing upholds the entitlement to existence, while the ban on theft safeguards possessory rights. Furthermore, the proscription against desiring another's dwelling, land, labor, livestock, or belongings, as detailed in Deuteronomy, serves to reinforce these protections."³

The practice of child sacrifice, particularly the offering of firstborn sons, constituted a component of the religious observances of the ancient Israelites, a notion supported by scriptural passages within the Book of Exodus that mandate the dedication of firstborn male offspring."⁴

1/2/ Human rights in Christianity:

It is agreed that Christianity did not come with a new law, and Christ emphasized the implementation of the Torah law: "Do not think that I came to abolish for you the laws of heaven and earth. Not one jot or one tittle will pass from the law."⁵

Christ was interested in preaching and tolerance, and the Christian religion was based on the love of man for his fellow man, and carried a lofty human example based on love, justice, fairness, and brotherhood. Christianity also called for the equality of all before God.⁶

Christian principles might be seen as a moral and spiritual treasure that saved society at the time from the materialism that the Jews had introduced. to eliminate religious and class disparities, to love one's enemies, to be good, and to treat people's souls with compassion. to one another. If someone slaps you on the right cheek, give them the left one as well."⁷

Emperor Constantine's well-known Edict of Milan, issued in 313 AD following his conversion to Christianity, transformed the Church into a great temporal power. The concept of a "just war" was developed by Saint Augustine in the fifth century. It holds that the legitimate king may wage war in defense of his people. adherence to the will of the Creator. In its pursuit, acts of violence lose all characteristics of sin. The most notable drawback is The outcome is that the "wicked" are subjected to the basic human rights abuses of the "righteous" without consequence.⁸

One of the key teachings of Christianity was the separation of religion and state, in keeping with the adage, "Render to Caesar. " "What's Caesar's is Caesar's, and what's God is God's. " It also stressed the emancipation of people from the oppression of the ruler and his beliefs. by differentiating between a man as a citizen and as an individual with free will.⁹

1/3 Human Rights in Islam

In the seventh century AD, when Islam first appeared, it maintained certain Arab principles devoted to respecting humanity, placing a strong emphasis on things like brotherhood, adherence to agreements, and commitment. and chivalry. The Hilf al-Fusul, a treaty between several tribes to promote the first human rights group known to the Arabs, was established in the first century. the oppressed and keep familial connections. The Hilf al-Fudul was observed by the Prophet, may God bless him and grant him peace, and he later described it following his mission. that he would have answered if he had been summoned to speak for his people.¹⁰

Islamic law provides protections for human rights that are unmatched by any other positive law because of its unique and all-encompassing perspective of humanity. Islam places the human being at the center of the existential journey, with all of its ramifications and ambitions pointing towards a conclusion: the rights. as God's most esteemed creation, it is in the best interests of humanity..¹¹

Human dignity in Islamic law is an intrinsic and inherent dignity derived from being human. As such, it does not leave a person, whether alive or dead. There is no difference in this between a king or a hired hand, rich or poor, old or young, Muslim or non-Muslim. This is because honor is absolute and general and includes every human being. Among the evidence of the extension of dignity to a human being even after his death is the command to wash the dead, not to reveal his faults, to shroud him, to pray over him, and not to exhume his grave.¹²

Finding human rights in Islam depends on two fundamental principles:

First: As a creature with a unique character that lives in two realms, "material and moral," man is the subject of human rights.

Second, human rights are realistic constants that may be found by understanding the right and reality of human nature.¹³

The most significant aspects of human rights in Islam are:

Human rights are inviolable and beyond the grasp of a monarch, ruler, or political party.

Everyone is obligated to safeguard human rights since they are enforceable. They represent a religious obligation and a trust.

Human rights are a gift from the Almighty, who has entrusted humanity with the duty of succession and is the greatest expert in human needs.

The human component of human rights transcends all distinctions, regardless of their kind.

Human rights are not absolute. The interests of society take precedence over the interests of the individual and the group. "Where there is the public interest, there is God's law. "

In Islamic law, the limits of a person's rights and liberty are determined by the rights and freedom of others, as "there shall be neither harm nor retaliating harm. ".¹⁴

Most Muslim jurists concur that the protection of human rights falls under the purview of Sharia's dedication to carrying out its overarching goals, which are the preservation of life, the preservation of reason, the preservation of religion, the preservation of lineage, and the preservation of wealth. The five things that must be protected are these. Different rights are protected by categories. For instance, the protection of life includes the rights to life, food, and security, among other things.¹⁵

Building upon the elevated position of humankind, the Divine has ordained inherent entitlements and liberties designed to ensure well-being. The Holy Quran pioneered the articulation of fundamental human rights, predating their subsequent codification in modern international instruments. Given the extensive scope of rights delineated within Islamic jurisprudence, the following selection will serve as illustrative examples rather than an exhaustive enumeration.

The right to life and physical safety is a great mercy, as evidenced by the Almighty's saying: "Whoever kills a soul unless for a soul or for corruption done in the land - it is as if he had slain mankind entirely" (Surat Al-Ma'idah, verse 32), and also His saying: "And whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and the wrath and the curse of Allah are upon him and a great punishment is prepared for him" (Surat An-Nisa, verse 99).

As for freedom of belief, it is enshrined in the Almighty's saying: "Whoever wills - let him believe; and whoever wills - let him disbelieve" (Surat Al-Kahf, verse 29), and His saying, the Almighty and Majestic: "And if your Lord had willed, those on earth would have believed - all of them together" (Surat Yunus, verse 99), and His saying, the Almighty and Majestic: "There is no compulsion in religion."

The right to equality: God Almighty says: "O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women" (Surat An-Nisa, verse 1), and God Almighty says: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of God is the most righteous of you" (Surat Al-Hujurat, verse 13), and God Almighty says: "And among His signs is that He created the heavens and the earth and the diversity of your languages and colors" (Surat Ar-Rum, verse 22).

2/ Human Rights in the Context of Ethnocentrism

This is done through Western philosophical theorization and the generalization of the objectives of Western reference to various countries around the world on the basis that they represent a shared humanity, embodying the best that human reason can achieve. Although these are not merely examples for Western society, but rather a lived reality and a model sought to be generalized to all countries of the world through the conceptual and value monopoly of human rights standards. This is achieved by imposing the concepts of "human" and "right" according to Western measures, leading to selectivity among rights and fragmented defense thereof. ¹⁶.

2/1/Imposing a western concept of the human :

The inquiry into the fundamental nature of humanity is a long-standing pursuit across various academic disciplines. While a comprehensive exploration of its scientific and philosophical dimensions is beyond the

scope here, a human being can be conceptualized as a sentient organism distinguished by its capacity for logical thought, bipedal locomotion, and a relatively developed cerebral cortex. Within the individual, cognition, affect, and volition function interdependently. Intellect provides the foundation for comprehension, emotions mediate interpersonal connection and feeling, and agency enables decision-making within the boundaries of human existence.¹⁷

Western philosophers have long been fascinated by the concept of humanity and the attributes that differentiate humans from other beings. Locke, for example, posited that humankind is defined by rationality and cognitive capacity. Jean-Jacques Rousseau, however, challenged this, citing evidence of rudimentary comprehension in some animal communities, and instead emphasized the capacity for self-improvement as the defining human characteristic. Aristotle, characterizing humans as the most intricate of animals, argued that the crucial distinction lies in the possession of logos – encompassing discourse, linguistic ability, and intellect.)¹⁸

Concerning Hegel, his perspective is that humanity's defining characteristic, in contrast to other beings, lies in the yearning for acknowledgement from another person. This attainment is secured through a fierce contest where each participant endeavors to compel recognition through a willingness to endanger their existence. This compels others to concur with their perspective. In line with Kojève's confirmation that humans are self-aware, and that an understanding of inherent human worth is only realized when an individual consciously risks their physical well-being, followers of Hegel, like Kojève, view contemporary individuals as "striving for validation and value." They posit that modern liberalism provides the exclusive path to realize this acknowledgement in a more restrained manner.¹⁹

This "conflictual" and "clashing" logic about Western human thought "Humanism" turned it into a "racist ideology," so that only the Western human, and not humanity as a whole, became the center of the world, and it declared that he alone is the center of the universe. This immediately made Western humanity imperialistic, and materialistic thought prevailed, dominated by the logic of interest and power among peoples, in response to a "racist" ideology hostile to humanity. The Western globalization project has achieved its success and continuity because the entire human race paid the price, and only the Western human took the spoils.²⁰

It appears that the Western perspective has focused on the instinctive and material aspects of humans, neglecting the spiritual and emotional side, unlike Islam which views humans in both their material and honored aspects. Sheikh Muhammad Al-Ghazali says: "The status of humans is exalted because they carry within them a breath of the Spirit of God Almighty and a spark of His most sacred light. It is through this divine endowment and this lofty breath that they become distinguished from all other creatures, and an imprint of the attributes of the Supreme Creator is transferred to their being."²¹

So, man is a breath from the Spirit of Allah Almighty in a handful of clay. Man is mind, spirit, and matter organized in one environment in complete harmony, as Allah Almighty said: "When your Lord said to the angels, 'Indeed, I am going to create a human from clay. So when I have fashioned him and breathed into him of My spirit, fall down to him in prostration.'"²²

The human being, whom God created in the best form, is a noble and honorable creature before God. His dignity is inherent, derived from his own humanity and not from the recognition of other human beings. This means that his dignity does not stem from his nationality, color, gender, or homeland. Honor is absolute without discrimination between Muslim and non-Muslim, man and woman, Arab and foreigner. Rather, it is a dignity established by God's words: "And indeed, We have honored the children of Adam and carried them on land and sea and provided them with good things and preferred them over many of those We have created with [definite] preference."²³ Therefore, every human being, and every human being, is a precious creation to God.²⁴

Islam harmonized humanity's intellectual and ethical faculties with their inherent traits, creating a framework that values all aspects of the individual. In Islam, freedom stems from the ability to manage

one's impulses. Humankind is seen as inherently possessing "responsibility," as the Quran states: "Indeed, We offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man bore it. It was unjust and ignorant." Within Islamic jurisprudence, humans are custodians of a sacred "trust," contrasting with a Western perspective that often portrays them as economically driven beings governed by cravings and caprice.²⁵

The Western perspective on humanity is rooted in a critical stance towards Christianity and religious institutions broadly. This viewpoint aims to emancipate the individual's inner self (their spiritual existence) from ecclesiastical control and their physical existence (their material well-being) from princely power. Consequently, within the European conceptual framework, the fundamental human entitlement centers on the rights to one's physical person and possessions. To safeguard these entitlements, Western individuals often operate under a "Darwinian principle," characterized by competition, the pursuit of survival, and the triumph of the most capable, frequently justified by the notion that the desired outcome validates the methods employed.²⁶

Unlike the Islamic doctrine, which focused on the emergence of the spiritual concept of man and the emergence of the moral person who carries the concept of the spiritual message centered in conscience, emphasized the supreme values of the individual whose relationship with God is not subject to any mediation, and deepened the humanistic tendency indicated by the monotheistic religions.²⁷

2/2/ The Monopoly Western vision of rights:

Some jurists claim that the theory of human rights is a product of Western (European/American) thought, or as Upendra Baxi called it, "The gift of the West to the rest," which is based on the notion that "The West is the best." ²⁸ However, history has proven that the essence of human rights issues remains the same across all ages, with differences usually occurring in form and manner of expression. In other words, what varies in human rights issues from one era to another is the level of awareness of them, not their very essence.²⁹

Nevertheless, the Western conception of human rights started to solidify during the Renaissance. This period witnessed the rise of the Protestant Reformation, which posited the individual as a being autonomous from the government and exclusively accountable to their God for their own redemption. A crucial consequence of the Reformation was the definitive separation of religious and worldly power, a development that subsequently facilitated the rise of absolutist political regimes after the diminished influence of the Church.³⁰

The modern era was marked by the emergence of a thought that opposed the absolute rule of government and enshrined the principle of respect for human rights. Among the most prominent pioneers of individualism were Hobbes, Rousseau, Montesquieu, Pufendorf, etc., where the problem of human rights and their complex relationship with authority was first raised by the Anglo-Scan writers Hobbes and Locke. Both of them placed the idea of the "contract" as the cornerstone of their political theory, but the absolute and pessimistic vision of the former conflicted with the optimistic and liberal vision of the latter.³¹

Hobbes believed that man was a selfish creature, which caused early human life to be chaotic. To eliminate the evils of early life, individuals submit to a central authority that guarantees stability for the benefit of all. This is achieved through a contract between individuals in favor of the ruler, who was not a party to the contract. By virtue of this, individuals relinquish all their rights to the ruler, who enjoys absolute power.³²

Unlike Hobbes, Locke believed that primitive life was characterized by goodness, freedom, and equality. However, human nature drives people to seek what is best, which led to the establishment of a society to ensure the organization of rights. For this purpose, he chose the method of contracting to establish a ruling authority. Individuals relinquished a "part" of their rights to society in favor of the ruler, who was obligated to protect the remaining part as a party to the contract. The ruler's authority was restricted, given that sovereignty belonged to the people, who had the power to remove the ruler in the event of his breach of the terms of the contract.³³

In **The Spirit of the Laws**, Montesquieu posits that the diffusion of authority is fundamental to safeguarding individual rights and liberties. His argument centers on the principle that every government should delineate three distinct branches: the legislative, the executive, and the judicial. Critically, these branches must operate through independent institutions, free from mutual control or interference. Furthermore, Montesquieu asserts that legislative authority rightfully resides with the citizenry, who should exercise this power through elected delegates. He contends that a consolidation of legislative and executive functions invariably leads to the suppression of freedom, as the entity possessing both faculties would be prone to formulating inequitable laws and enforcing them with undue partiality.³⁴

Jean-Jacques Rousseau modernized social contract thought with the goal of improving what he perceived as a morally deficient society. Crucially, Rousseau's concept requires each person to cede their entitlements, uniqueness, skills, and power to the unified populace, essentially becoming an integral and indistinguishable component of the whole. For Rousseau, liberation and fairness are realized when personal rights are held collectively within the community. This surrender of individual prerogatives is not to a governing body, but rather to the overarching power of the people.³⁵

The Western understanding of rights arose from a philosophy centered on the individual, disassociating the person from broader social structures and limiting government's role to satisfying personal, self-regarding desires and aggregate claims. This viewpoint encouraged the evolution of socialist ideology, which criticized individualistically conceived human rights as advantages accrued by a restricted population – namely, privileged, Caucasian, adult men seeking to safeguard their own concerns amidst the class struggles generated by capitalist economies.

The Marxist Leninist perspective takes into account the position of the individual as a member of society, without denying their enjoyment of natural rights³⁶. Western human rights are merely a reflection of the economic base that embodies the power of the bourgeois class and are considered a means placed in their hands to control and dominate the exploited classes. Thus, these rights are formal and theoretical, lacking any real substance for the majority of people, and constitute class privileges for a few.³⁷

In his seminal work, "The Jewish Question," Karl Marx critiqued the separation between civic entitlements and what he termed "the rights of man." He argued that the rights enshrined in the foundational documents of the American and French Revolutions ultimately reduced to the prerogatives of a self-absorbed individual. This individual, according to Marx, exists within an insular society motivated by personal gain and governed solely by subjective desires.³⁸

Human rights are not absolute. When the interests of the individual and the group intersect, the interests of society prevail. "Where there is the public interest, there is God's law."

The limits of an individual's freedom and rights stop at the rights and freedom of another individual, as in Islamic law "there shall be neither harm nor reciprocating harm."³⁹

The majority of Muslim jurists agree that the protection of human rights comes within the framework of Sharia's commitment to achieving its overall objectives, which are the preservation of life, the preservation of reason, the preservation of religion, the preservation of lineage, and the preservation of wealth. Protecting the five categories protects various rights. For example, the preservation of life includes the protection of the right to life, food, and security, etc.⁴⁰

Islam's position on the idea of human rights was balanced. It did not prioritize the interest of the individual over the interest of the group, as liberal capitalist philosophies did, nor did it prioritize the interest of the group over the interest of the individual, as socialist and social philosophies did. Rather, it balanced the two interests, which made the Islamic perspective on human rights consistent with human aspirations in all parts of the world, making it applicable at the global level of human rights.⁴¹

A review of the diverse and evolving interpretations of rights within the Western tradition underscores the need for careful consideration when drawing direct, particularly rigid, connections between liberalism and human rights. The presumption of an inherent link between Western liberal ideologies and human rights

is problematic. Human rights should be understood as a fluid concept, influenced by a multiplicity of perspectives. It is therefore inappropriate for Western entities to unilaterally claim ownership of this concept, especially given instances where Western practices are inconsistent with human rights principles. The international human rights framework is the product of collaborative international action, reflecting the contributions of nations with varied cultural and philosophical underpinnings. These diverse perspectives sometimes challenge the Western-centric tendencies that seek to impose a singular, purportedly universal, definition of human rights onto different global contexts.⁴²

2/3/ Distinguishing between rights and their beneficiaries:

Despite the shortcomings of the concepts of rights and human beings according to Western standards, this did not prevent their spread, especially within the framework of globalization, which adopted hegemonic methods based on a strong belief in the civilizational and Western regional superiority over other civilizations, relying on its material and technical superiority⁴³. This makes its values and civilizational principles worthy of following according to the logic of superiority and domination based on the idea of the Western central ego. This was translated into reality by giving priority to rights linked to Western ideology at the expense of other rights whose implementation does not serve the strategic interests of the actors determining the paths of globalization.

Following the popularization of the phrase "generations of rights," used to portray the evolving and interconnected nature of human rights, debates about human rights became central to the ideological clashes of the Cold War. These debates highlighted differing perspectives on rights between Western and Eastern nations. Western nations largely championed civil and political rights, viewing them as the only genuine form of human rights within a liberal framework. Communist nations, however, countered that these rights merely served capitalist interests and instead asserted the paramount importance of economic, social, and cultural rights.⁴⁴

Following the Soviet Union's demise due to economic and ideological weakness, the controversy lessened. This left the United States in a position of unique global dominance, prompting it to exploit the perceived triumph over Marxist communism. Consequently, human rights, within the new world order, became a benchmark for Western nations, especially the US. However, their approach to human rights remained influenced by the limitations of globalization, resulting in inconsistent application, both in the specific rights championed and in who benefitted from their advocacy, as demonstrated by the application of varying standards.⁴⁵

This perspective manifested in the Western prioritization of "negative" rights, which seek to constrain governmental interventions by empowering individuals with autonomy and protection "from" state interference. These rights necessitate merely the non-interference with individual activities and liberties; they encompass civil and political freedoms that demand only governmental restraint. The acknowledgment of these rights aligned with the notion of a limited government, whose primary function was to protect the exercise of rights and liberties rather than impinging upon them.⁴⁶

The liberal vision of economic, social, and cultural human rights considers the state as a neutral instrument, or potentially so, whose function is technocratic administration and neutral arbitration of laws and rules of a politically neutral social order, which is practically unachievable. Political power cannot be separated from economic power, nor can politics be isolated from social life. Therefore, separating civil and political rights from economic, social, and cultural rights is a distortion of reality and a systematic violation of all human rights.⁴⁷

Despite this, Western nations, especially the United States, remained antagonistic towards economic, social, and cultural rights. The US ambassador to the United Nations at the time, Kirkpatrick, famously mocked these rights, comparing them to unrealistic wish lists, saying they lacked any basis in reality or likelihood, a sentiment echoed by Ambassador Morris Abrams at the UN Commission in 1990, who emphasized the "priority" of civil and political rights.⁴⁸

According to Francis Fukuyama, fundamental human rights consist of three categories: individual freedoms, which protect individuals and their possessions from unwarranted government interference; religious freedoms, guaranteeing the right to express religious beliefs and practice one's faith; and political freedoms, safeguarding citizens from government overreach in areas where state involvement is unnecessary. He views economic, social, and cultural rights as less essential and potentially clashing with these core, foundational rights."⁴⁹

A possible explanation for the neglect of economic, social, and cultural rights is that they are largely rights requiring action from the government to benefit its citizens. This creates conflict with systems that prioritize "property rights" and see other rights as secondary. Since these rights place responsibilities on the state and large companies, who primarily focus on profit, they are often opposed because upholding them could reduce financial gains.

That pessimistic perspective on the government's involvement in human rights is amplified by globalization. This process aims to reduce governmental power while simultaneously shifting the emphasis of freedom from economic domains to political ones. Consequently, a disjointed approach to defending human rights has become more established, prioritizing "negative rights," often perceived as inherently "unrestricted," over "positive rights," which are considered "resource-intensive." This has weakened the principle of universal human rights, which ideally gains strength from the interconnectedness and holistic view of all rights.

Furthermore, Western nations not only differentiated between types of rights, but also discriminated among those entitled to them. While achieving justice, liberty, and respect within their own societies, they initially compromised these principles in their interactions with non-Western populations through colonial practices. This undermined the genuine humanitarian essence and credibility of human rights by solidifying the idea of Western dominance.⁵⁰

This discrepancy was evident in regional frameworks such as the "European and American" conventions, which, while emphasizing civil and political entitlements, simultaneously permitted participating nations to exempt their territories under control from the convention's stipulations. Consequently, Western states retained the capacity to differentiate between populations, extending fundamental rights to Europeans while neglecting the protection of rights for those residing in their dependent territories, despite being subject to their governance. This practice conspicuously reflects a discriminatory perspective on human rights prevalent within Western ideologies.⁵¹

If we understand the "colonial situation" – a term used by certain legal experts – to simply mean that European nations historically possessed colonies, then its perpetuation within the European Convention on Human Rights lacks a sound basis. Its contemporary presence can be seen as a reminder of the policies of domination inflicted upon numerous Asian and African nations, often cloaked in the guise of promoting progress and development.⁵²

Conclusion:

The notion of human rights is a dynamic one, perpetually evolving within the framework of societal, economic, and cultural landscapes, and shaped by diverse global and civilizational forces. While the aspiration for universal human rights has been a consistent aim, realizing this universality has proven challenging, as its interpretation and implementation are contingent on temporal, geographical, and contextual factors. This inherent tension has generated substantial scholarly discourse exploring the relationship between universality and cultural specificity, fueling ongoing debates between advocates for universal application and those emphasizing the relativity of human rights.

Human rights are the product of an intricate historical and intellectual journey, emerging as the culmination of accrued knowledge and philosophical insights, drawing upon a range of diverse influences. This process has culminated in the formalization of human rights within legal frameworks, leading to the development of "international human rights law." This area of law possesses unique attributes that

distinguish it from both traditional international law and domestic legal systems, granting its regulations a distinctive character that strengthens the case for the universality of these rights.

Furthermore, both universality-focused and relativity-focused perspectives present valid arguments supporting their positions. Consequently, a reconciliatory approach, seeking equilibrium between the societal embeddedness of human rights and their universal principles, seems most effective for achieving global standards. This is particularly important given that the practical application of human rights unfolds in a context that rejects both a dominating, universal application and an unqualified relativism.

To sum up, prioritizing human rights is difficult because of their diversity and interconnectedness. They operate as an integrated, interdependent system. Nevertheless, the focus on civil and political rights within globalization can be seen as a result of their compatibility with the growth of free trade. In many cases at the cost of economic, social, and cultural rights, which are given less priority in the quest for worldwide economic integration. Additionally, the predominance of Western-centric human rights viewpoints is related to the hegemony of Western players in influencing globalization. As a result, globalization goes against the notion of universality since it tends to protect specific rights for a small portion of the population, which is in contrast to universality's striving to ensure everyone has all of their rights.

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