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Q3(a)

The debate on human rights is caught between the limitations of both universalism and cultural relativism. Comment.

UPSC Civil Services Mains 2024 · PSIR GS 1 · 20 marks · Rights

Rights: Meaning and theories; different kinds of rights; concept of Human Rights.

Core demand of the question

- State universalism and cultural relativism in the human-rights debate (20 marks)
- Show the limitation of each
- Comment on being 'caught between' them
- Use UN texts, **Rawls**, and Indian constitutional practice

Revision summary

Universalism claims equal human rights for every person; the UDHR and **Rawls**'s basic liberties are leading statements.

Its limit is that lists can reflect one civilisation's power and can thin out social and cultural claims.

Cultural relativism protects diversity and warns against missionary human-rights politics.

Its limit is that custom can then shield caste, patriarchy, and authoritarian local power from criticism.

The debate is caught between those limits; Habermas and the Indian Constitution seek equal personhood with protected cultural space, not a choice of one pole.

Introduction

The human-rights debate asks whether there are rights that every person holds simply as a person, or whether rights are only the product of a culture and cannot be judged from outside. Universalism and cultural relativism each answer that question, and each runs into a limit. Contemporary argument is often stuck between those limits rather than beyond them.

Body**Universalism and its limit**

Universalism holds that human beings have equal moral status. The 1948 Universal Declaration, the two 1966 Covenants, and **Kant**'s person as an end state this. **Locke**'s natural rights and **Rawls**'s equal basic liberties are political forms of the same claim. Torture, slavery, and denial of the vote are wrong even if a local custom blesses them.

The limitation is that universal lists have often been written in the language of a particular civilisation. Colonial powers used civilisation talk to deny self-rule. A thin list of civil-political rights can ignore subsistence, culture, and group life. **Bhikhu Parekh** and critics of Western human-rights diplomacy argue that imposing one legal form can be another hegemony in

Gramsci's sense.

Cultural relativism and its limit

Cultural relativism holds that moral rules are internal to a way of life. To condemn a practice from a UN office is, on this view, ethnocentrism. This protects diversity and warns against missionary politics. **Dharmashastra's** duty-centric order, or a community's personal law, cannot be translated without remainder into an individual-rights sheet.

The limitation is severe. Relativism can license caste humiliation, female seclusion, and authoritarian custom as 'culture'. **Ambedkar** refused to treat caste as a protected cultural right. **Okin** asked whether multiculturalism is bad for women. If every criticism is imperialism, the victim inside the culture has no appeal. Human rights then collapse into whatever the powerful locally name as tradition.

Caught between

The debate is caught between these limits because a pure universalism forgets history and power in the writing of the list, and a pure relativism forgets the person who suffers. **Habermas seeks a procedural way out: rights justified in public reason among those affected, not exported as a finished catechism. India's Constitution tries a practical settlement: Articles 14 to 32 state justiciable rights, Articles 25 to 30 protect religion and minorities, and the basic structure after Kesavananda Bharati stops a majority from erasing liberty.** That is neither a closed Western list nor a blank cheque to custom.

The comment, then, is agreement with the statement as a diagnosis. The way through is a universalism of equal personhood that remains open to cultural form, and a respect for cultures that cannot override the equal liberty of members, especially of women and oppressed castes.

Flow diagram

Universalism -> Equal personhood
 Universalism -> Limit: particular lists and hegemony
 Relativism -> Cultural meaning
 Relativism -> Limit: victims inside custom
 Middle -> Habermas public reason
 Middle -> Indian rights plus cultural articles

Conclusion

- **Universalism gives human rights their point:** some injuries are wrong everywhere. Cultural relativism gives them their warning: lists can hide power and ignore meaning. Each alone fails. The debate is caught between those failures until rights are justified as equal personhood that still leaves room for legitimate difference, as constitutional democracies such as India's attempt to do.

Facts & figures

UDHR, 1948

The Universal Declaration states inherent dignity and equal rights, the charter text of modern rights universalism.

Kesavananda, 1973

Basic-structure doctrine limits Parliament's power to destroy essential constitutional features, including liberty and judicial review.

Articles 25-30

The Indian Constitution protects freedom of religion and minority cultural and educational rights alongside equality and liberty in Part III.

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