



# Universalism and Particularism: A Fraserian Approach to Human Rights

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## Abstract

This paper endeavours to analyse the conflictual relation that the concepts of 'Universalism' and 'Particularism' share and delves into how the debate came to the fore, the seemingly irreconcilable strands in both, which on the surface, make them incompatible with each other in a particularly partisan either/or debate. It then seeks to explore, how on certain issues, both work in tandem and come across as complements to each other. The concept of 'Universal Human Rights' is taken as one such project, seen through the lens of Fraserian 'status model' to situate the issues of social justice, identity politics, and the struggle for recognition within the domain of Human Rights.

**Keywords:** Universalism, Particularism, Human Rights, Fraserian approach, Politics of Recognition, Social justice

## 1. Introduction

"The nationalisms of the modern world are not the triumphant civilizations of yore. They are the ambiguous expression of the demand both for...assimilation into the universal... and simultaneously for...adhering to the particular, the reinvention of the differences. Indeed, it is universalism through particularism, and particularism through universalism." (Wallerstein, 1984:166-7).

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The issue of the conflictual tension between the two concepts- metaphysically, ontologically, as well as normatively, has been a subject of many debates, which even differ at times in seeing what 'reality' is.

Reality- what it consists of, what its dimensions are and how to see and interpret it, have been major issues in political philosophy since time immemorial. One such debate is the debate between universalism and particularism- with both sides contesting how they prove to be more adequate, reliant and insistent, and intent- seemingly, at times, to completely obscure the other one from the picture. Where a universalist point of view aims to "work to make all human beings part of our community of dialogue and concern, showing respect for the human wherever it occurs, and allowing that respect to constrain our national or local politics" (Nussbaum, 1997: 60-61), working on laying the ground rules, particularism, at a theoretical level, and in its most extreme form is completely antagonistic of any possibility of universalist or generalist formulation. Dancy, for example, argues that even broad, nebulous universalistic framework or guidelines may differ in their impact and import in different contexts and goes on so far as to maintain that "almost all the standard thick concepts.... are of variable relevance" (Dancy, 2004: 121). This strain comes across even on issues such as human rights and social justice. Fraser develops her 'status model' to examine the issue of identity justice, and her model could be utilised to examine the issue of human rights and the universalistic-particularistic tension that runs through it, which would be discussed in this paper.

## **2. The Conflict Between the Universals and the Particulars**

Raphael's School of Athens, in its depiction of Plato, with one of his most renowned students, Aristotle, is a visual ode, in a way, to the contrast that lies between the universal and the particular. While Plato points towards the sky, in reference to his ideal, unchanging universals, Aristotle holds his hand down for emphasizing the particularity of the concrete reality.

A universalist seeks to make way for granting a coherent landscape to see the sheer multiplicities, the infinite possibilities of facility,

and normativity which exist at any given point in time. She strives to make sense of them and then to devise the way the things ought to be, by making a framework, without which all would collapse into haphazard, anarchic chaos rendering any constructive endeavour to make sense of anything at all, impossible. Without any sort of ground rules and principles, it would be a mere pandemonium with devastating, endless clashes. Moreover, the structurality we see in all spheres, political included, for instance- in the organization of the world into nation-states, is based on a large part on theories such as social contractarianism, which start with the assertion that human individuals have a certain essence, out of which arises the human nature- a universalist foundation on which their other endeavours are built up.

One of the most celebrated defences of universalism is by David Lewis, who posits that idealizations such as the ideally rational belief system are “among the theoretical benefits to be found in the paradise of possibilia” (Lewis, 1986). With all things possible, the most rational thing to do would be to choose the most rational method out of all given theoretical systems. Relativism, here, comes out as a strong contradiction. It renders all the versions of any happening to be autonomous and competent in equal degree, which leads to devastating consequences, one tragic but very impactful being moral nihilism, by which cultural relativists create meta-narratives and totalizing claims (Gellner, 1982). This has been empirically and historically witnessed: the Holocaust also being borne out of a regime which had no shortage of rationalizations as to what they were doing was right and intellectually sound, as Gentile claimed, fascism was only anti-intellectual if “one divorces knowledge from life....brain from heart....theory from practice” (Gentile, 1928, as cited in Vincent, 2009), or as manifested in the racial theories of Gobineau and Chamberlain. Advocates of universalism also identify how resorting to particularist tendencies may play out in a manner not desirable: “how easy it is for local or national identities and their associated hatreds to be manipulated by self-seeking individuals for their own gain” (Nussbaum, 1997). Here, the threat becomes one particularity posing as a universality. However, this assertion was not meant as an assertion to “give up local affiliations, which can frequently be the source of great richness in life” (Nussbaum, 1997) accommodating the diversity of

the human condition, but that these should not be impediments to a commitment to “humanity as a whole” (Nussbaum, 1997)- a universal thread that binds us all together.

Particularists, however, have raised issues that were marginalised for far too long. These cultural and intellectual critiques could be seen in the writings of post-colonial theorists, critical race theories, feminist theories. Edward Said (1978), in his post-colonial writings, argues for the use of a particular ‘narrative’ rather than ‘vision’ in the interpretation of the geographical entity known as the Orient, i.e., a historian, an academic would not form a universalist discourse based on a panoramic view of only half of the globe, but rather on the basis of a focused, a localised and a complex type of history of experiences which are lived and felt- that allow space for the presentation of the dynamic variety of human experience.

Secondly, the particularist contends that no universal principle could suit the sensibilities of all groups of people at all times. In its broadest sense, a universal principle would be so general and vague that it would require some particular fillings in order to be applied anywhere at all. If it tries to overstep this ambiguity then it risks being suited more to the situations and interests of those who concocted it, rather than to the sheer diversity and complexity with which the different societies grapple with. Hence, what is actually suited to the interests, needs, and demands of the member of different sub-groups of the global populace, or even a national one, can only be particularly determined. This can well be deciphered into the debates which carry into contemporary times, most prominently in the identity-based assertion of rights and claims for inclusive and legitimate recognition to various diversities.

Also, debates have been forged over what could actually be considered as objective truth, or whether such a thing as an objective truth even exists. Postmodernity, in this vein, posits an ‘incredulity towards meta-narratives’ (Lyotard, 1978). Many timeless truths have often proven insufficient, inadequate, or even plainly wrong with ever more emerging facts and perspectives. Celeste Olalquiaga (1992) argues that postmodernism’s most enduring features are its destabilization of hierarchies and the versatility of critical practices. In its self-reflexivity, postmodernism seeks to create a framework for the articulation of difference

whether feminist, Black, Queer, subcultural, or subnational. It seeks to dismantle those hierarchies that privilege some cultural traditions over others. Ihab Hassan (1987) proposed that postmodernism wanted to replace hierarchy with anarchy; mastery with exhaustion; purpose with play; design with chance; distance with participation; centring with dispersal; genre with intertext; metaphor with metonym; and determinacy with indeterminacy.

Hence, a particularist question, how can any universal formulation, which claims to speak for all times, places and people even be possible? However, one of the most menacing critiques of the postmodern project is impregnated within its own arguments, in that, seeking to repudiate and deconstruct all the grand narratives, it too falls into a 'grand' attempt to critique all generalities. It operates within the systems such as language, which it asserts is itself ridden with various power structures. And also, it offers no vision of any concrete alternatives that may be created as replacements for the old system. However, the vitality of postmodernism is exhibited not only in how it has changed the whole face of many disciplines and added a whole new dimension to critical enquiry, but also in how it has, to some extent found a niche for itself: a task which it is to carry out, the political task, as Foucault (2006) argues, "the real political task in a society such as ours is to criticize the workings of institutions that appear to be both neutral and independent, to criticize and attack them in such a manner that the political violence that has always exercised itself obscurely through them will be unmasked so that one can fight against them." It is this persistence to seek something beyond what has for long been cloaked in the guise of 'justice' that particularists seek to unravel.

It was amidst all these debates that a monumental treatise by Rawls, 'A Theory of Justice' (1971) was published. One of the major characteristics of the work was the treatment of the concept of justice as a universal virtue of any fair society, which was deemed as what all societies actively seek. It began with the critique of the Utilitarian ideas, another approach with universalist credentials, and highlighted how it was filled with inadequacies. It also sought to address discrimination against Blacks which was very rampant in the United States at that time. But a fierce critique of this

approach was raised by the emergent group, which came to be known as Communitarians. Communitarians sought to rupture the universal pretensions of the liberal theoretical framework. Their main target has been Rawls description of the original position as an “Archimedean point” from which the structure of a social system can be appraised, a position whose special virtue is that it allows us to regard the human condition “from the perspective of eternity”, from all social and temporal points of view. Whereas Rawls seemed to present his theory of justice as universally true, communitarians argued that the standards of justice must be found in forms of life and traditions of particular societies and hence can vary from context to context. ‘Alasdair MacIntyre and Charles Taylor argued that moral and political judgment will depend on the language of reasons and the interpretive framework within which agents view their world, hence that it makes no sense to begin the political enterprise by abstracting from the interpretive dimensions of human beliefs, practices, and institutions (Taylor, 1985; MacIntyre, 1978 and 1988; Benhabib, 1992 and 1984)’ (Bell, 2020). Michael Walzer, a communitarian thinker, asserts how social meaning, and hence the normative values which come with them are a part of the communities in which they belong. However, without doing away with this particularist tendency, Walzer develops his own brand of universalism which he calls ‘reiterative universalism’. He iterates ‘I want to take my stand among the universalists and suggest that there is another universalism, a non-standard variety, which encompasses and perhaps even helps to explain the appeal of moral particularism’. (Walzer, 1989). Here, he highlights how universalism makes it possible for there to be any form of particularism to be possible. For Walzer, international morality (including Human Rights) is a ‘minimalist morality’, different from the ‘maximalist morality’ which is framed in the close-knitted political communities. However, he asserts that this form of universalism, if taken into consideration, “would have to be considered in terms so abstract that they would be of little use in thinking about particular distribution” (Walzer, 1983), which differ vastly in different contexts.

### **3. The Blending of Universalistic-Particularistic tensions in Human Rights: Seeing in the prism of the Fraserian Approach**

The conflictual tension between the two approaches seems more to be based on the long-insistent drive to choose one among the binaries, refusing any demesne to that grey area that afflicts the human condition- both, universally and particularly. Herein lies the substructure of what defines the 'whole' as a group/ground for which the formulations based on either of these approaches are to be applied, rendering the universalist approach inevitable in its usage, to begin with, along with the crossroads of the contingent relative positionality amongst the subsets of this whole group. This comes in the manifestation of the myriad 'particularities', of-identity, region, religion, culture, ethnicity, ideology, the differing weltanschauung, the moral and ethical notions, the epoch and its zeitgeist, and the differing practices. These particularities can be simplified and broken down to the most fundamental unit, so as to say, the basic block, the cell, of Social Sciences- the individual. This unit nonetheless shares the nomenclature of being an individual with others, forming a 'whole'- constituting, what can be called, to borrow the Platonic-Aristotelian linguistics, the 'individual-ness', in which each particularity takes part. It is this particular individual-ness that comes in conflict with universal individual-ness. It is in this context that Isaiah Berlin observes how moral beliefs and viewpoints could not be based entirely on rational analysis, and hence the society at large consists of an infinite and indeterminate number of values, which are inconsistent and irreconcilable. Conflicts of values are 'an intrinsic, irremovable element in human life'; 'the notion of total human fulfilment is a...chimera', owing to the different values individuals attach to different goals. 'These collisions of values are of the essence of what they are and what we are'; a world in which such conflicts are resolved is not the world we know or understand (2002; 1990), hence the idealistic realization of the same, remains a 'chimera'. However, in this backdrop, universalism forms a bedrock on which can flounder, flourish, compete and exist the various particularities, the debates on which gained traction in the 20th century.

The post-war 20th century was a century of tumult, confusion, enthusiasm, new beginnings, several endings- all at once. Many new nationalities were forged, carved out, and created, new identities asserted, a whole new world was born with many free nationalities walking the cautious path of securing their newly achieved sovereignty. In the field of Moral Philosophy, however, all was far from promising. With positivism, linguistic philosophy, emotivism dominating the scene, the claims of traditional metaphysics to a cognitive status were challenged. Everything unverifiable by the sense of experience was rejected as meaningless. Philosophy was regarded as a “second-order study”, “a conceptual and not a substantive enquiry” (Gellner, 1959) and relegated to an inferior pursuit. But it was not this sentiment that came up with and elaborated the concept of Human Rights. Philosophical positivism lost relevance by the 1940s and 1950s because it could not satisfy the incessant and inherent human need to make sense of reality in a certain way out of crude materiality. The basis of behaviour guiding the conduct in the interaction among and between the groups and individuals with strict adherence to formats such as situation ethics, could not satisfy basic moral imperatives. It was in this ‘New World’, where the concept of Human Rights was introduced. With something as striking as a ‘Universal Declaration of Human Rights’ being embedded into the very structure of new world order, the development was seen by many as nothing but a garb for the overarching tendency of the West to not give up on their colonial ambitions and to maintain their hold in form of cultural imperialism. It was asserted that these ‘rights’ were in fact a mould into which the West seemed intent upon thrusting others into, for creating a hegemonic value-system, which others had to subserviently abide by. Cultural relativism and the need for maintaining the distinct identity of numerous patterns of life was reiterated and debated. “In the context of the debate about the viability of international human rights, cultural relativism may be defined as the position according to which local cultural traditions (including religious, political, and legal practices) properly determine the existence and scope of civil and political rights enjoyed by individuals in a given society” (Tesón, 1985), which



were not only to be identified but also be respected in case of conflict with any universal prescriptions.

Despite these allegations and rallying-cries against Human Rights, they have come into the 21st century as the most vocal and go-to phrases of the political and legal discourses in the international arena. There are certain values, which are recognized by the United Nations as Universal and Common for all people, that have been accepted by almost all states with signing and ratifying as International Human Rights Declaration and International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. These universal claims have found themselves voices in myriad movements and social thoughts, whether it is the issue regarding the LGBTQIA+ Rights, or in the form of the 'Black Lives Matter' movement, or the neo-feminist MeToo movement.

By no means have the Human Rights achieved a status of perfect execution, but they have, almost universally, achieved the status of a moral, ethical, legal, linguistic and aspirational high-ground, which is succinctly reflected in the fact that even the perpetrators of the blatant and gross abuse of Human Rights, still have to pay lip-service to them- both, within the confines of their nationalistic jurisdictions, and internationally, as has been stated by Spagnoli, "One cannot fail to notice the inconsistency of those rejecting human rights: their rejection takes place in the public square created by human rights. It is difficult to reject human rights without using them." (Spagnoli, 2007). Rainer Arnold calls universalism a "propensity towards global acceptance of human rights" (Arnold, 2013), because they are based on the moral appeal of the universal appeal of a universal individual. This quest for rights comes forth with the issue of justice as well.

The idea of justice on two fronts: redistributive justice and the recognition model, both become pertinent and equally important when one talks on the issue of Human Rights. This idea of reciprocity as a basis of recognition was first conceived by Hegel, and since then has been prominently featured in debates of social justice, identity-politics and critical socio-political theories. The relevance is particularly appealing in debates on human rights, where the human self needs participation on an equal footing in the ethical and political landscape of these 'rights' to assert a

'personhood' at the crisscrosses of local, regional, national, and global levels. The ability to participate in this landscape is not the mere legal enforcement but also on the process of identity-formation within self-reflexive individuals, where identities are formed on the acceptance of the larger whole. Axel Honneth develops upon the Hegelian idea to posit that the intersubjective struggle for equal recognition has an implicit 'moral grammar' for social conduct, where the struggles are guided by normative ideals (Honneth, 1995). Nancy Fraser takes up the issue further and highlights how a three-dimensional account of justice is needed to address maldistribution, misrecognition, and misrepresentation. The grievances against justice aggravate when structural patterns force unjustified status inequalities on certain peoples or sections (Fraser, 2008a).

Fraser contends that the issues of social recognition and redistribution as attributes of justice are not antagonistic to each other, but complementary units. She makes a critique of the politics of recognition which identifies the injustices and suppression of people in primarily a cultural sphere, "a free-standing cultural harm", independent of the socio-economic realities accompanying it. For overcoming these problems, she prescribes the 'status model', "from this perspective, what requires recognition is not group-specific identity but the status of individual group members as full partners in social interaction. Misrecognition, accordingly, does not mean the depreciation and deformation of group identity, but social subordination—in the sense of being prevented from participating as a peer in social life". This can be witnessed for example, in the issue of social justice for females and the resistance to their insubordination. The non-recognition to equal status is not merely cultural, but this injustice overlaps in the structure of social, economic, and political spheres as well. The cultural engagement of females works in tandem with their oppression in other spheres, barring them from participation as equal peers. This injustice is not only an injustice to a female for being a female, but she is also an individual suffering injustice. Fraser's 'status model' "understands social justice as encompassing two analytically distinct dimensions: a dimension of recognition, which concerns the effects of institutionalized meanings and norms on the relative standing of social actors; and a dimension of distribution, which involves the

allocation of disposable resources to social actors". Hence, addressing our quest for social justice for women includes not only raising the cultural-particular issue for the deconstruction of debilitating norms and patterns but the redressal in the structural mechanisms as well. The question would hence include how women have to be provided opportunities for financial autonomies, and if they are to engage in economic spheres, what alternative models should be developed for the roles that females had to undertake in the cultural and social spheres.

The model devises in itself a blending of universalistic-particularistic aspirations in paving the way for the ideal of justice. It normatively makes it imperative for the process of the struggle for recognition and accommodation of identities to take place within the universal framework of the participatory method, in that it makes space for making all individuals effectively avail their individuality in a fuller sense. It also makes way for particularistic tensions to be resolved, so as to not only acknowledge the distinctive struggles faced by different particularities but to make changes in the institutionalized frameworks and redistribution to bring them at par with other social identities in the society. When applied to the issue of Human Rights, the model suggests that as human beings, containing pluralities and multitudes, all must effectively be able to participate in the "principle of participatory parity", equality of status in the public, social, participating domain-- which, "permits all to participate as peers in democratic discussion and decision-making" and an "equal voice for those standing vis-à-vis a given issue" (Fraser, 2008b). For Human Rights to be realized effectively, the status model suggests that it is not adequate to only consider the 'liberal consensus' notion on Human Rights (Evans, 2002), which considers largely the abstract-universal concept, excluding the functional aspect of the 'frame' for whom the rights are in effect realized. When the decentralized or those in the periphery are 'essentialized' as 'natural', this framing overlaps with misrecognition and maldistribution. For claims of justice and demands of the fulfilment of Human Rights for females and the LGBTQIA+ groups, the essentialization in the public or popular discourses as 'naturally undeserving' to the former and in instances, even 'unnatural' to the latter, poses the huge hurdles in the pursuit of identity-based justice claims and to the particular

realizations of the basic Universal Human Rights. The problem is further complicated when it comes to struggles for recognition of identity in the developing and under-developed countries where the strong and rigid hold of traditions and customs become firm strictures in the integration of modernization in economic systems with their cultural and social milieu. A possible way out, as suggested by Fraser is the use of affirmative political strategies, which may help to “redress disrespect by revaluing unjustly devalued group identities” (Fraser, 1997). Hence, there is a need to dismantle the ‘essentialized’ devaluations which acquire structuralization. This is exhibited in ascribing females to be ‘caring’, ‘nurturing’, and with this simultaneously depriving the males of these virtues, and hence the collective societal expectation for females to choose child care over career choices. Someone not abiding by this expectation is ‘punished’ for breaking these constructed ‘natural’ laws. This punishment takes the form of outright coercion, societal disapproval, to being scrutinized for being a participant in the public. When forced to eschew financial independence, she becomes a dependent herself, not only economically, but also in aspects where she could be an equal, democratic peer. Hence, according to the Fraserian status model, there is a need for creating universal, effective, and democratic recognition for those who suffer injustice, but the project remains incomplete without being particularly oriented to address pattern-based injustices in all spheres. Similarly, when it comes to the issue of LGBTQIA+ Rights, the need is to fight stigma at the cultural level, but it is not merely the ‘free-standing cultural harm’, it is also a harm to the status of the person as an autonomous individual in all spheres. Therefore, the pursuit of social justice also requires that hindrances to their access to the economic sphere, social sphere, and the political sphere are also removed. This would require measures that would create frames with reference to those in the LGBTQIA+ communities, but at the heart of it, these would be aspirations for accommodating and including the universal consideration of all being able to live with the dignity of what it means to be a human.

Both of these issues, eventually tie themselves to being firmly anchored in the notion of being a ‘human self’ in a fuller sense of the term and being able to live as one, a universal yearning. This is

the issue which the concept of Human Rights also evokes, a 'universal declaration' to provide for one and all enabling environments to fully recognise their potentiality. The paths, however, to achieve this realization, are fraught with injustices, prejudices, and suppression, with each calling for a particularly innovative solution to address these perils.

To this end, however, it comes out as not a fully adequate strategy to make the State the sole guardian of affairs. Doing so makes the State, within a particular geographical distribution, as an officiating authority of who would be the rights-bearing subjects, excluding the movements, peoples and embodied subjects, and the 'structural causes of many injustices which are not territorial in character' (Fraser, 2008b). Hence, it calls for a more efficacious approach, which while not eschewing on the universalist notions, embodies within it the demands of the excluded. The Fraserian status model adopts an approach that makes it incumbent on the local, national, and international authority bearing institutions to address recognition not only at the level of identity in the social and cultural spheres but also to address the material deficiency which is formed as a part of the vicious cycle of misrecognition and the consequent maldistribution. It is only by addressing both the issues at par that a uniquely entwined thread of the universalistic-particularistic strands appears, which would weave the fabric of a just future.

#### **4. Conclusion**

Universalism and Particularism- both find their application on several normative issues where they are set ostentatiously to oppose the other to a bitter end. Theoretically, the debates are as much complex as are the inevitable practical manifestations of them. But indecisiveness coming out of the dilemma on which of these two should have an upper hand may set a deadlock on any steps to move forward in any direction whatsoever. While there certainly are issues that are what Gallie referred to as 'essentially contested' (Gallie, 1956), but there are niches and situations, contexts and spaces to make the two work together. There indeed can be identified an existence of ethical universals, which is compatible with a variety of culturally relative particular

interpretations. The concepts such as Human Rights have shown this to be possible, with the Fraserian approach showing how the issues of social recognition and redistribution work in tandem to bring forth a way to a more equitable realization of social justice and Human Rights. The Fraserian 'Status model' suggests not merely the recognition of the issue of identity, but the structural redressal of the problems and roots of injustices that inhabit the different spheres. Such an approach could make great headway for issues such as feminist movements which are not only identity-based movements but are also seeking to address the subservient role females have been driven to in all spheres. A similar argument applies to the issue of the LGBTQIA+ movement as well. The particular contours of policymaking and measures to be taken for equity hence need to be framed in accordance with who the particular subjects would be, to fulfil the universal enabling for the realization of justice for those deprived of it.

Using theoretical tools like Fraserian 'Status model' to issues of social justice with universal-particular antagonisms could be a starting point from which could be developed more tools and frameworks which we could use to address, analyze, observe, and redress a variety of issues. In fact, we need more research and innovative thinking to synthesise more models for issues of universality, particularity, recognition, and justice and for analyzing how they could fit together for a more inclusive and equitable society, with the Fraserian model being one such helpful framework.

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