

I. INTRODUCTION

A society's human rights viably indicate its relative development to date and the extent to which it should be willing and able to proceed in years to come. Human rights provide protection from an abuse of power that would otherwise serve to limit one's moral being, and grant permission to a fair share of whatever it is that individuals are entitled to. Human rights differ from *special* rights, which are acknowledged only under certain conditions, arise out of special circumstances, and are dependent upon agreements between persons (e.g. marriage, contracting work) and upon particular social relationships (e.g. family, employment). It is thus preferable to live in a society that recognizes *human* rights rather than solely *special* ones: regardless of the circumstances an individual might face, there would never be a suspension of the protections and permissions granted by his basic human rights.

The general rationale for human rights thus established, a definitive theory of human rights ought to be developed to address a number of related concerns. This essay will explore the fundamental theoretical necessities of such, and further debate the universal and culturally relative approaches to these theories. First, a basic understanding of human rights is needed, including definitions of key terms required to distinguish *human rights* from other types of *rights* allotted to *humans*. Once this is considered, we must explore an extensive list of suggested human rights as they exist ideologically today, and furthermore, how the employment of such rights might lead to a better understanding of the scope to which they apply. Certain rights are commonly regarded as more fundamentally important than others; thus, there must be an understanding of the societal institutions whose existence is necessary for such rights to

be effective.¹ Ultimately, this essay will provide the groundwork needed to formulate an opinion regarding the foremost issue of debate in the human rights arena: whether these rights should be set unconditionally as a universal standard, or if a more pragmatic approach, allowing for cultural relativism, ought to be affirmed instead.

II. KEY CONCEPTS SURROUNDING HUMAN RIGHTS

A. How is “human right” defined?

In an attempt to formulate an opinion on any human rights issue, including which rights ought to be labeled as such or the scope these rights ought to encompass, a definition of “human right” must first be determined. Yet we cannot merely reach for a dictionary to formulate an explanation; the attempt to establish a definition in this manner will be circular. In other words, an individual cannot define “human right” if he is unsure of a veritable right that will exemplify the definition; a “human right” is not a concrete concept or object with a defined border in the same way that “apple” or “to jump” is. Similarly, an individual cannot begin to develop this boundary exemplifying a specific human right if he does not have an unwavering definition from which to first operate. As such, we must piece together a generally accepted meaning of “human right” through the work of earlier philosophers, who attempted to formalize a definition as best as they individually saw fit.

A natural starting point from which to define “human right” ought to be an association with a *right* that is attached to being *human*. Kurt Baier, Professor Emeritus of Philosophy at the University of Pittsburgh, defines human rights as “those moral rights whose moral ground and generating factor are the same, namely, being human in some relevant sense.”² Baier thus uses **human nature** as the sole groundwork of definition, defining the existence of morality as determinant of an actual human right. This definition certainly seems relevant, but does not offer much further understanding; through this overly literal interpretation, as a right claimed by being human, there is little enhanced comprehension.

In a different approach, Joel Feinberg, Professor Emeritus of Philosophy at the University of Arizona, defines “human right” by the **scope** it covers. He states that they are “held equally by all human beings, unconditionally and unalterably,”³ thus assuming intrinsic universality in all human rights. To subsequently classify a right specifically as a *human* right, one must simply contemplate existent *general* rights and select one that is already universal in scope. In determining “universality” as the defining factor, there should be no doubt as to whether any individual holds some specific right; if the right to life is universally practiced, then this right can be habitually classified as a “human right.” It must be noted, however, that in determining true universality, not only must every human being have the right, but each individual must also have access to the same *extent* and *quality* of the right.⁴ This greatly limits the rights that we can consequently label “human” in today’s world.

While both Baier and Feinberg formulate concrete definitions of “human right,” neither does so indisputably: clearly, their definitions are not alike. Furthermore, Feinberg’s definition may even prove fruitless if there are no rights that presently exist in universal practice. Thus, even rights that are widely accepted as utopian today ought to not be classified as universally humanistic if they are not yet globally enforced. However, this notion sets the idea of a universality of rights in a retrograde motion. Rather than advancing the process of universalizing the human rights that are abstractly recognized as acceptable and desirable, this rids any possible notion of human rights if such rights are not *already* accepted universally. If the universality of a right must exist prior to its classification as a “human right,” as Feinberg implies, the Universal Declaration of Human Rights (Appendix A) is seemingly nullified; instead of listing

already practiced universalities, the Declaration lists rights to be universally recognized in the future. Instead of striving towards the uniformity of a set of favored human rights, Feinberg immediately denies any opportunity of classification as a human right if the right is not already universally accepted.

In an attempt to define “human right” in a more concrete manner, Hugo Bedau, Professor Emeritus of Philosophy at Tufts University, proposes a somewhat similar approach to Baier’s: the **moral groundwork** of a theory is more important than the origin or acceptance of the rights themselves. He believes that:

... a different view of the matter would be to regard any doctrine of human rights as an expression of, and thus rooted in, the general moral conception of human life. In this conception, no human beings are excluded from its scope, and there are no special or unique features of human beings to be cited as *the* point of origin or ground for human rights.”⁵

There is less focus on an actual definition of “human right” here; rather, Bedau acknowledges that human rights will inevitably exist through moral action, regardless of a formalization of any necessary intrinsic composition.

It is most meaningful to understand the *implications* of having a right as a human being. Rather than focus on whether universality must precede or follow the development of a human right in order for classification as such, it is necessary to define “human right” by the morality that accompanies it: if a right is both *derived from* and *prescribes further* moral action, it ought to be defined as a human right. For example, the basic right to liberty results from a lack of persecution or arbitrary imprisonment by a nation’s government, i.e. ethical treatment. The right to brush one’s teeth, on the other hand, is largely unrelated to any fundamentally moral action. In the same way, without the right to liberty, an individual would be unable to engage in further ethical actions; his

superiors would confine him to acting in whatever manner they deemed necessary. Without the right to brush one's teeth, however, he might still be free to act in a moral fashion, not physically limited by his lack of this one specific right. As such, in accord to the aforementioned definition, the right to liberty should be determined as a fundamental human right, while brushing one's teeth should not be.

Clearly, if everyone within a society acts in a moral and ethical manner, then there should be no need to question one's rights; unjust violations should not occur. A governing body should be able to examine the ethics of a questionable action to determine if a right was broken that coincides with one's moral existence as a human being. From this definition, however, two problems arise: which view is used in determining the morality of an action as it defines a human right (to be discussed in Section III of this essay), and how "human" ought to be defined when deciding the scope of moral action as it is applied to a right.

B. How is "human" defined? What is it that makes a right a *human* right?

An understanding must be developed to explain exactly what it is to be a "human" deserving of *human* rights, and why *solely* humans are capable of this aforementioned morality. Multiple views on the application of human rights develop because cultures have different definitions of what it means to be "human." A universal application of human rights is thus inconceivable with these varied ideas of humanity. For instance, while many Westerners merely examine biological composition to determine whether or not someone can be labeled a human, certain Islamic cultures refuse to recognize women and other minorities as such. They therefore do not believe themselves in violation of the

human right to liberty when enslaving women; women are simply not considered human. Clearly, the definition of “human” must be widely accepted for any hope of a universal understanding of human rights. However, if this said definition is in conflict with centuries-old beliefs and traditions about who is considered human, then movement towards a universal conception of human rights seems almost completely hindered.

While there is considerable variance among Muslim countries regarding their treatment of women, for example, there exists some form of distinct subjugation of females in all such regions. Women in Turkey are the most liberated in the Muslim world; the nation’s founder, Mustafa Kemal Atatürk, was an adamant secularist who was a strong believer in women’s rights. As such, “women enjoy a level of importance that is impressive not only by the standards of other Islamic countries but also by European lights.”⁶ However, in stark contrast, women in Saudi Arabia are not permitted to operate cars or fly in an airplane without permission. Additionally, they must be segregated from men when working, and must fully cover their bodies when in public or in the presence of the opposite sex.⁷ Furthermore, in Egypt recently, a law passed which now makes it easier for a woman to get a divorce; however, she is still unable to leave the state without the permission of her husband.⁸ And in Kashmir, when Muslim women ignored the demand that they cover themselves from head to toe, “radicals began throwing acid in the faces of the uncovered women.”⁹ Thus, while it would be an unfair generalization to classify all Islamic societies as similarly lacking in the human rights that they guarantee to all human beings, there is a definite discrepancy between the treatment of the female sex in these Central Asian countries, and elsewhere in the world.

Islamic definitions of “human” thus seem relatively subjective to the Western mind. As such, it will be more productive to work with a most familiar definition, human *being*. Bedau correctly notes that it is not sensible to include “non-human persons,” such as aliens and androids (if they exist), as worthy for human rights, and these rights are “clearly intended to exclude infra-human beings, such as animals.”¹⁰ Furthermore, he realizes that if we allow these rights to apply to all human *persons*, the question arises as to whether human fetuses and severely disabled adults can be considered rational humans in the same way as living, thinking, beings can. From Bedau’s stated ideas, we can further formulate a most applicable definition of ‘a human deserving of human rights’ by employing the term “human being” literally: an innate being with the specific biological characteristics of *Homo sapiens*.

Once the idea of “human being” is understood as a more specific definition of “human,” we must continue to explore why *human beings*, more than other living creatures, are deserving of specific moral rights. In doing so, we can date back to the eighteenth century and the ‘natural’ rights philosophy of John Locke, where essence was labeled as a characteristic exclusive to human beings; it has been thought to explain the unyielding moral treatment for which solely humans are fitted. However, essence itself must be further examined to reveal what in *it* specifically fosters the establishment of human rights.

Bedau raises a number of empirical suggestions regarding what precisely about an individual’s essence deems him eligible for the possession of human rights. One such suggestion is the human *capacity to feel pain*: if not unjustly violated, one’s human rights most certainly protect him from the intensity, duration, and frequency of excessive pain.

Yet Bedau states that this capacity should not be considered an overly critical link between essence and human rights: animals can experience similar pain and its absence without similar rights of protection, and this existence of cruel treatment is neither morally better nor worse than inducing pain in human beings.

The second of Bedau's suggestions is human *rationality*. Though this trait is more easily attributable exclusively to human beings than the capacity to feel pain is, it, too, cannot be the sole link between essence and human rights. Bedau recognizes that no human being is completely rational throughout the entire course of his or her life. Surely, if such rationality were the sole component of essence, neither newborns nor the sick would embody any level of rationality deserving of human rights, even though they remain human beings with these seemingly intrinsic rights nonetheless. Furthermore, he points out that there is no clear "lower limit" that distinguishes the rational being from the other, the human being from the animal. This offers additional evidence that rationality alone cannot link the essence of a human being and his access to human rights.

There must be an additional characteristic inherent in a human being that guarantees him access to human rights. Bedau thus suggests *autonomy*, "the distinctive capacity of persons to deliberate, choose, and act as self-ruling agents,"¹¹ as recognized by the Kantian moral traditionalists, when judging the worth of an individual's essence. If an individual is able to deliberately govern his actions, then he is fit to be treated according to certain standards and to exhibit those standards when interacting with other like individuals. Similar to the link to rationality, though, Bedau realizes that this suggestion may be both overly broad and narrow in definition. Neither *only* human

beings nor *all* human beings possess autonomous traits, and it is difficult to establish a cutoff for which actions can be considered autonomous.

Bedau makes a final attempt to connect essence to human rights in considering an individual's *intrinsic worth*. Yet this vague trait needs explanation and definition itself; in terms of determining which standards ought to be used to judge it, intrinsic worth is no more concrete than the concept of human rights is. Similar to the definition of "human right," Bedau notes that the linkage between a human being (and his essence) to a human right also seems to rely on some intrinsic *morality* linking humans to human rights; an individual's undefined essence alone cannot account for such. We can subsequently conclude that human rights ought to be attached exclusively to human beings based simply on their understanding and demonstration of moral and ethical action, regardless of the rationalization process behind any connection to human essence.

It is important to acknowledge the specific benefits to having these human rights that are provided by an awareness of moral behavior. These rights are reminiscent of the significance of human dignity and of the primary importance of the self, which are both *based upon* and *furthered by* virtuous existence. Unwavering access to these rights intensifies an individual's respect both for himself and for others. A human being with a human right will revere the liberty and well being that he gains by having access to such. Additionally, Baier adds that these rights provide a universal propensity towards equality within a society, which will *ideally* extend to all adult human beings that, as defined above, have the biological characteristics of *Homo sapiens*.¹² As such, even if human rights do not initially apply equally to all members of society, there is at least that notion of the importance of opportunity for all. If the link between a human right and its

necessities is clearly grasped, then the necessary scope of applicability of such rights is better understood. Moral thought governs the actions of human beings, without influencing the behaviors of other autonomous, rational, living creatures. Thus, only human beings are capable of understanding and requiring specific human rights.

C. How is the existence of human rights justified?

Perhaps the most significant of all questions addressed thus far is an entirely philosophical one, for which there is no single truthful answer: how is the existence of human rights justified? Similarly, how do *we*, as human beings, justify *ourselves* as deserving of any such rights to begin with? Jeremy Bentham attempts to solidify the abstractness of our demand in attacking any doctrine of ‘natural’ human rights. He suggests, “it is by imposing obligations... that rights are established or granted.”¹³ This idea of obligation disregards the concept that human beings *are* even morally entitled to intrinsic human rights by nature. Instead, Bentham focuses explicitly on the performance of specific duties to obtain human rights. Even though Bentham’s view abates further hypotheses about the inception of human rights, his idea is so extreme that further exploration must first be conducted before his philosophy may be potentially accepted.

A more conventional approach concerning the foundation of human rights addresses their unconditional nature. As such, these certain rights “arise out of our ‘nature’ as human beings, rather than out of anything special, local, transitory, or contingent,”¹⁴ as Bentham suggests they do. Issues surrounding the concept of human rights have proven to be highly debatable, without clear-cut answers to such theoretical questions. Thus, classification as simply “unconditional” only promulgates this illusory

approach, vaguely attributing the formation of human rights to whatever it may be that comprises their nature. And as the aforementioned definition notes, human rights both *arise from* and *further* moral action; as such, **it is this idea of morality that constitutes their nature.**

With the nature of human rights thus acknowledged, as derived purely from an individual's morality, the presence of absolute, universal human rights may be cause for conflict. For example, an individual who acts in his own defense may be forced to violate someone else's rights to ensure that his own will not be violated instead. As Bedau points out, if human rights were solely based on absolute morality, the incarceration of a criminal (thus taking away his right to liberty) would be considered a violation, even if he acted in such a way as to deserve the punishment. Thus, in order to justify such discipline, there must be conditions under which the punished human being cannot morally appeal to his human rights to nullify the imprisonment.¹⁵ Instead, a person ought to yield his own rights if he violates those rights of others.

Human rights are not, therefore, unconditionally absolute by some intrinsic morality. The justification for their foundation must rely on certain obligations, as Bentham suggested: namely, the existence of a human right must rely upon the moral action that both *stems from*, and is *furthered by*, this right itself. Human beings are distinguished from other species by their generally moral conception of life, regardless of its lack of absoluteness in all cases. Therefore, Bedau offers a mere "general morality" as justifying the existence of human rights. As such, he does not exclude any human beings from their scope, and does not establish one single point of origin for their existence.¹⁶ Human rights are best justified by the importance of morality in everyday life. People

would be unsuited to conduct themselves in a fully moral manner without access to these specific rights both that are required of them, and that further offer them protection from the actions of others. As such, the need for, and subsequent justification of, human rights is established through human morality.

III. UNIVERSALISM AS RELATED TO HUMAN RIGHTS

Human rights are unquestionably *moral* rights. There are certain principles or norms, warranted from the moral point of view, which underlie human rights. Bedau concludes that “having a human right, therefore, is not anything that can be established merely by asserting or claiming something as a human right, nor are the human rights you and I have a matter of taste or opinion. They are a matter of what is entailed by an adequate moral theory.”¹⁷ It thus seems to follow that human rights are not legally created; the only role the law plays is either in the recognition or the ignorance of them once the obligations are filled that warrant their foundation.

By linking morality to the law, we unintentionally apply a philosophically universal stance to human rights. As Bedau states: “because human rights are moral rights, a government’s failure to enforce them under law does not constitute evidence that its citizens do not have these rights; such a failure of enforcement would indicate that persons probably do not have these rights as legal rights.”¹⁸ This idea, that uniform human rights exist abstractly the same everywhere and are available for potential access to everyone, differentiated mainly by legal structures, is quite comforting.

An individual is unable to control the nation or the culture that he is born into; such inherent characteristics are based solely upon his parents’ traits and decisions. This uncontrollable nature of being provides the basic foundation for the universalistic claim that certain people should not be denied certain human rights based upon the culture in which they reside. Even if such rights are not legally enforced in a certain culture at a certain time, it should be acknowledged that the rights *do* indeed exist abstractly the same everywhere. Thus, it is only a matter of inciting the law to gain access to them; they are not inherently denied to certain people or cultures. Birth imposes countless unfair

advantages that impact the outcome of one's life; basic human rights ought not further the inequity.

One may argue against this concept of theoretical universalism with the belief that having an abstractly accessible human right is purposeless unless the right is actually recognized and enforced by the nation's government. However, there would be much less opportunity for gaining certain human rights globally if these rights were entirely inconceivable to a culture, ignored without even the notion that a violation was occurring. If there were no overarching 'higher' law, which universalism itself supports (in theory, if not necessarily in practice), there would be no notion of the struggle needed to grant equal treatment to all peoples and all cultures worldwide. With an overriding notion of universalism, on the other hand, "it is at least conceivable that conceptions of human rights, which were originally Western, have been accepted or will be accepted by non-Western societies, and vice versa."¹⁹ Immoral actions will only cease to exist with the knowledge of why such a change is desirable. Without even a notion of equal rights for all, the undesirable discrepancy between ethical treatment of human beings within different cultures will continue indefinitely.

Western thinkers first developed Communist thought. Today, Communism is practiced almost entirely in Asia.²⁰ Analogously, there exist certain human rights that, even if viewed as extremely regional today, have a similar likelihood for adoption into the future normative practices of other countries. There are certain human rights that are almost universally accepted already; as such, there should be no restriction placed on any changes that other countries might undergo in later years. For example, nearly every government condemns genocide, torture, and kidnapping as gross violations of human

rights today, even though such belief has not always been accepted; instead, they were believed to be relative to one's culture. Over time, if the backbone of universalism remains a looming ideal, there will most definitely be movement towards implementing commonalities among the accepted human rights of most nations.

There is often dispute over the fact that universal ideas tend to coincide mainly with Western beliefs. While this observation is indeed valid, it should not necessarily be an overly troubling problem. The quality of life in Europe is unarguably much higher than that found in Central Asia. This can readily be correlated with the extent of the rights guaranteed to the peoples of the respective nations. It is undeterminable whether a higher standard of living is a means or an end of far-reaching human rights; they have a symbiotic relationship, feeding off of each other. A country with a relatively low quality of life most likely lacks essential human rights; the caste system in India and forced abortion after the birth of one child into a Chinese family both exemplify this phenomenon. Thus, because a higher quality of life is not sustainable through the arbitrary injection of economic policies or social practices alone, the universal institution of certain human rights, such as that of free movement within a state's boundaries, should instead help generate this shift.

Additionally, Jack Donnelly, an Andrew W. Mellon Professor in the Graduate School of International Studies at the University of Denver, notes that there is a clichéd Western belief that developing countries are satisfied with the strong cultural norms in their societies, such as the second-class treatment of women and children. However, for example, many families in the Muslim or East African worlds actually look to the more developed countries with a desire for the privileges provided by more inclusive human

rights. Mass emigrations of the twentieth century must not be forgotten; older generations have struggled to escape the hardships of their homelands, rarely intending to return, with the aspirations of gaining more rights for their offspring.²¹ Donnelly believes that many Americans, whose ancestors likely fled this glorified “village life,” tend to develop the idea of a thriving traditional culture in certain areas to ease much of the guilt incurred through their own indulgence in an excessive and materialistic lifestyle.

Ideally, there should be a universal human right providing all people with equal access to the freedom of life and liberty. For example, Muslim women ought to be given opportunities equal to those that other women (and men) around the world already have. These women, *if given the choice*, may actually desire to remain at home with their children. However, according to increasingly universal views, they should not be *forced* to do so solely because of cultural norms; they ought to have that right to decide their life’s direction for themselves. Western women generally have the most freedom, are treated with the highest morality, and have sufficient ability to further promote the moral good through their actions. It thus seems legitimate that non-Western women gain similar rights, as human beings, to treatment in an equally ethical manner. This view is very obviously biased towards Western ideals. However, as mentioned above, there is an undeniable truth to the fact that these women experience a relatively ideal standard of living in regards to the freedoms they are permitted. It thus seems warranted to attempt a universal replication of this standard.

There are, however, clear drawbacks to an open acceptance of the necessity of universal human rights. An attempt at immediate enforcement of such rights (assuming that they could somehow be agreed upon) would be fruitless; there must be a universal

intellectual acceptance along with a physical one. Otherwise, the rights will not endure. Even without an immediate forced implementation, their gradual inclusion through evolving legal rights seems idealistic and impractical. Obedience of these human rights would become solely a legal issue. Obviously, every country cannot be required to enact similar, arbitrary laws; the different cultures and ideals found throughout the world prohibit this. Additionally, even if universal human rights hypothetically exist in the theoretical abstract, and simply aren't globally enforced, these universal rights do not *really* exist, for all purpose sake. Without any requirement for the actual acceptance and practice of these conceptual human rights, and without enforced punishment for their violation, they are solely a mental construction.

IV. CULTURAL RELATIVISM AS RELATED TO HUMAN RIGHTS

While universalists are most concerned with establishing an accepted number of human rights to be applied cross-culturally and adhered to in different countries, cultural relativists permit a variety of specific human rights to be included in their philosophies. They are less concerned with the enforcement of certain worldwide human rights; relativists acknowledge that inevitable differences will always exist between cultures, and view any attempt to conform to universal views as ineffectual. As such, no fundamental theory of human rights is imperative: there need only be a basic recognition that these human rights exist in different forms in different places, depending on the relevant cultural norms.

The general idea of relativism is applicable in numerous situations to varying degrees. A relativist view simply implies that there is no one overarching truth; thus, what a person believes is affected by his or her correspondent circumstances. Relativism is certainly more applicable in some situations than in others. For example, an East Coast corporate executive will likely not hold the same views on morality as a nun from the Midwest, although it is almost certain that they will agree on the existence of gravitational force. Obviously, in different situations, similar concepts may generate widely diverse views, even if all who are judging the said concepts are intrinsically alike.

As suggested above, the credibility of relativism depends largely on what relativists philosophize about. Few people will disagree that a person's perspective on color combinations or musical preferences is related to his or her upbringing. Such differences in belief are readily accepted; no inherent universal truth exists as a basis from which to judge the validity of such views. There is an acceptance of the validity of each opposing view, even under the same circumstance: two people can listen to the same

piece of music and hold differing opinions on its appeal, with the realization that one view is no more correct than the other. This relativism, however, is not normally considered a valid argument for moral issues; morality is more significant, and should seemingly be held to a higher and more concrete standard.

However, even with this assumption that morals ought to be universal, different societies have different views on how their populations should act. Yet such views do not necessarily precede specific *rights*. For example, certain religions follow the Ten Commandments, which consist of specific rules and prohibitions. Although everyone in this society may obey these moral regulations, these religions form a concept of right and wrong action as it relates to the obedience of specific rules. As such, there is no conception of people as “creatures with *rights*,”²² only as creatures with *morality*. If relativism were to suggest that human rights coincide merely with a society’s particular moral beliefs, there would exist no intrinsic value to having these rights. Therefore, cultural relativism must also incorporate the idea of moral action as recognizably protecting inherent *privileges* that accompany being human within a specific society, as would differ from within another community.

Taking a culturally relativist stance to moral standards gives rise to many debates; it is generally unacceptable and hypocritical that both sides of an ethical issue be correct under different circumstances, or that certain standards apply only to certain cultures. Yet human rights issues have no definite truths that can be used as a concrete basis of judgment, other than subjective, morally correct action. Thus, many people remain unwilling to accept an unyielding universality of human rights. Therefore, some conception of cultural relativism must be granted.

Cultural relativism epitomizes the idea that tolerance of ‘the other’ is necessary when accepting certain truths and struggling with others. Regardless of an individual’s acceptance of other cultures, however, Western beliefs tend to dominate most moral action today. As such, the majority of proposed universal human rights coincide with American and European values. This influence is founded on a belief that the most ‘developed’ civilizations must be the most ethically correct ones. Cultural relativism was thus initially “introduced in part to combat these racist, Eurocentric notions of progress.”²³ Beliefs are now continually established upon the realization that universal claims are not always the most equitable or practical ones across cultures. There is more support of the idea that there can be multiple outlooks on human rights’ issues, which may vary because they are based largely on the circumstances of one’s environment.

Of course, there are arguments against any form of cultural relativism. For example, even though Western ideals are not presently enforced worldwide, there is still little *acceptance* of anything different. If instead of accepting cultural differences as they are, there were a strong movement towards actually universalizing human rights, a larger number of societies would be forced to communicate about the specific rights that they already accept as moral, but have been too fearful to support outright. With the overt practice of the human rights that are already conceptually accepted as universal, a general respect and acceptance of other societies would be better established. With culturally relative human rights, there need only exist cross-cultural *tolerance*. For example, most Westerners do not understand or accept the idea of the inferiority of Muslim women (or even Orthodox Jewish women) but their lack of protest against such treatment demonstrates a general tolerance nonetheless. Thus, there is a passive acceptance of

relativism: there exists an ideal in the West for the allowance of a woman's human rights, as evidenced by the disdainful way that treatment of Islamic women is viewed, yet there remains an unwillingness of most Westerners to work towards universalizing this human right that they deem morally correct. Acceptance of cultural relativism has thus led to apathy in defending ethically acceptable ideas.

V. SUGGESTED HUMAN RIGHTS

We must work through a specific list of human rights in an attempt to decide whether they are best fit for universal or culturally relative acceptance. A theoretical work would remain incomplete if it consisted of pure speculation without concrete application; the importance of the theorist's evaluations would remain unclear. At the same time, however, a theory of human rights should not be considered defective if it does not conclude with a complete and definitive list of such rights. If an absolute list were actually capable of being formulated without objection, there would remain little need to construct a theory surrounding the basis for such rights. Universality would be evident. However, given the uncertainty regarding which rights should dominate any theoretical derivation, this idea of a definitive list is unlikely to gain full support. Therefore, debate over an idealistic (universal) or pragmatic (relativist) stance is more productive if the nature of such suggested rights is examined in relation to how they are presently conceived.

An inceptive guideline of suggested human rights is most necessary to this theoretical examination. Desirably, it "will enable us to tell in any given case whether or not a certain pattern of conduct, or a certain kind of act, is within one's human rights, or is a violation of someone's human rights."²⁴ However, as the world has only recently begun to globalize and advance technologically, any development of international and indisputable human rights, if universality *is* indeed determined as the ultimate goal, will take time. A more global approach to a greater number of actions, such as government and economic policies, is first necessary before there can be even potential support for a concrete list of specific rights. A distinct focus on independently universalizing human rights, without first globalizing surrounding institutions, will prove fruitless.

A. How does the Universal Declaration of Human Rights compare to a national constitution in documenting human rights?

Every country has its standard human rights, either implicitly enforced through acceptance by its inhabitants, or explicitly enforced through written documentation. For example, developing countries may not have a scripted constitution that states their rights, yet inhabitants can still act in such a way that implies some general knowledge of expected behavior. The United States, on the other hand, has three human rights documented clearly in the Declaration of Independence: life, liberty, and the pursuit of happiness. The Constitution's Bill of Rights acts as further reinforcement. Universally, human rights are thus acknowledged by specific societal actions that endorse their acceptance; if constitutional law does not indoctrinate them, then at least common law does.

In hopes of formalizing some international standard, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights on December 10, 1948. An international commission of scholars and experts from a variety of disciplines initially developed this Declaration; it consists of thirty articles, in which a total of over seventy rights are cited. It was an enormous milestone at the time of its creation, as an initial step towards universalizing human rights. The Declaration is regarded as “the triumphant product of several centuries of political, legal, and moral inquiry into the basic elements of what the Preamble to the Declaration rights calls ‘the dignity and worth of the human person,’”²⁵ and it continues to be cited in theoretical explorations of human rights documentation.

The Universal Declaration is a compilation of human rights at different stages of development: it includes both rights that were inherently accepted before their official documentation, and others that the creators hoped would eventually become accepted upon formalizing their existence. The Declaration does not assure that all of the rights listed within it are capable of acceptance, however, which perhaps invalidated its legitimacy from the start. Yet, by setting some universal standard that has the potential for being fully accepted in the future, the Declaration might still act as a guiding force to provoke certain rights in countries that are without them now, or that had been without them at the time of initiation.

To begin with, the Universal Declaration lists a number of commonly accepted, individualistic human rights. Although they are not yet unconditionally given to every human being worldwide, these rights are certainly within the limits of comprehension for all cultures. The present lack of universality arises only within cultures that have incompatible definitions of “human”: everyone who is considered human is endowed with these rights universally. Examples of such rights include: “all human beings are born free and equal in dignity and rights” [Article 1], “everyone has the right to life, liberty and security of person” [Article 3], “no one shall be held in slavery or servitude” [Article 4], and “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” [Article 5]. It is feasible for such rights to be universally accepted, specifically as *human* rights, rather than *special* rights or privileges, because there is no set standard by which they are introduced, outside of being human. Additionally, all of these rights follow our previously established definition of both arising from, and furthered by, moral action. Globalization has already reached such an

extent that human beings can be feasibly assured that these individualistic rights are not repeatedly violated within their culture. Inhabitants of presently racially segregated countries, for example, may look to the United States as a nation that has made profound advances towards equality over the past century, and they will thus be compelled to change their own behavior to become equally moralistic. Additional similar instances exist which demonstrate that these basic human rights are indeed attainable in societies where they once were lacking.

In addition to these individualistic human rights, the Universal Declaration also lists legalistic human rights, which pertain more specifically to one's rights as a citizen of the world than his rights as a human being. Examples include: "everyone has the right to freedom of movement and residence within the borders of each state" [Article 13], "everyone has the right to seek and to enjoy in other countries asylum from persecution" [Article 14], and "everyone has the right to a nationality" [Article 15]. These, too, can be feasibly accepted universally. These human rights provide no room for any culturally relative justification for explicit discrimination against particular groups that a government wishes to oppress as non-human (women, minorities, etc.). Rather than forbid the full and systematic oppression of a group within a specific culture, the Universal Declaration includes these rights in an attempt to establish minimal rights for those human beings, as citizens of the world, who remain oppressed or violated according to cultural norms.

The Universal Declaration also lists very specific human rights, which have caused the majority of the debate surrounding human rights' enforcement as necessarily universal or culturally relative. These rights continue to remain absent in many

developing countries, largely because they are not *capable* of being granted, based on the present institutional construction of these societies. The universality of specific rights is highly debated because these rights are more explicit than the aforementioned individualistic and legalistic rights; this last set of rights lists mainly Western ideals. The Declaration's specific rights include: "everyone has the right to own property alone as well as in association with others" [Article 17], "everyone has the right to freedom of thought, conscience and religion" [Article 18], "everyone has the right to take part in the government of his country, directly or through freely chosen representatives" [Article 21], and "everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment" [Article 23]. This portion of the Universal Declaration is geared toward Western, if not specifically American, ideals.

Most of the developing countries in Africa, Eastern Europe, Southeast Asia, and South America do not foster a society in which freedom of religion is permitted. Certain African nations do not allow individual ownership of land; this practice would remove the traditionally tribal aspect of the cultures. Even the United States, which prides itself in the ideals of freedom and liberty for all human beings, violates a number of the Declaration's specific human rights: a section in Article 23 states, "everyone, without any discrimination, has the right to equal pay for equal work." Clearly, the continuous struggle of minorities and women for equal wages in America indicates the repeated violation of this right. Although hiring practices *have* focused on increasing diversity in recent decades, there still exists a notable inequity of salaries in the United States, even with the formal acknowledgement of Article 23 of the signed Universal Declaration.

Additionally, there is no nation in the world does not face some significant sign of poverty, regardless of the human right granted in Article 25 of the Declaration:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Worldwide organizations use this particular article to legitimize their protests against the current state of society in relation to its guaranteed human rights. Clearly, whether this right is desired as universal or culturally relative is significant in their argument. If a “standard of living” is accepted as relative to the resources that a country can offer its inhabitants, there is increased hope of its universal acceptance. If, however, rights such as disability and unemployment benefits are unconditionally stressed as a universal goal of the Declaration, overwhelming distaste for such obviously frivolous Westernized ideals will develop. As such, any attempt to eventually universalize other ideals that better pertain to the country might be met with similar distaste, and subsequently disregarded.

The human rights targeted in the Universal Declaration are surprisingly trivial in today’s world. As it stands, the Declaration does not pertain to every country, but only to those whose governments choose to sign it. Yet, even with that signature, the rights outlined in the Declaration are not necessarily followed, as exemplified by the United States in the aforementioned Article 23. Additionally, if an individual country already has respect for such specific human rights, that country will not need to sign the Universal Declaration to enforce these rights; a national constitution ought to provide

that legality. Conversely, the countries that do not already accept these specific human rights, on account of a culturally relative disagreement, will not sign the Declaration. By refusing to sign the Declaration, they acknowledge that such rights will not be granted within their nation, and do not wish to be legally bound to a document that declares a willingness to accept them. Finally, there are other countries that claim to theoretically accept and work towards providing the specifically stated rights, sign the Declaration, but then continue to violate them for an extended period of time during a transitional phase, as the rights were not previously a part of the culture. Therefore, as ideal and noble as the Universal Declaration of Human Rights seems to be, its role as an influential statement remains unfulfilled.

B. Should the notion of one overarching universal human right thus be supported?

The extent to which moral action fully justifies the existence of human rights is widely debated. Because “moral action” is itself a relevant term, and thus largely subject to the discretion of one’s culture, ethicists have found it necessary to formulate specific human rights that human beings are entitled to. Their goal is similar to that of the Universal Declaration, i.e. to substantiate certain rights as universal. However, to avoid the Eurocentric sentiment of the overly specific human rights listed in the Universal Declaration, many theorists have worked to develop one, all-encompassing right that can more easily become universally applicable. With just one singular universal human right, there is much less of a chance that this right will exclude certain peoples or conflict with other, supposedly universal, rights.

Supporters of the idea of one universal human right may, for example, believe that if both the right to life and the right to happiness were specifically classified as “human rights,” a universal standard could never be established. According to some views, when a woman decides that she needs an abortion to assure future happiness in her life, she violates the right to life. Similarly, if she decides to uphold the right to life, she may infringe upon her right to happiness. Because there exists the strong feeling that a human right, by definition, ought to be universal, the notion arises that rights similar to those two mentioned above should not be categorized as “human rights” per se. Following this opinion, one all-encompassing right might be better accepted. As to be expected, though, there is much discrepancy over what this one right is.

English legal philosopher H. L. A. Hart declared this one basic human right to be “the equal right of all men to be free,” while American philosopher A. I. Melden hypothesized it to be “the right [of persons] to conduct their own affairs in the pursuit of their interests.”²⁶ American idealist philosopher William Ernest Hocking declared the most basic human right to be “the ‘natural’ right to develop one’s powers equally with others”; William Frankena, Professor Emeritus of Philosophy at the University of Michigan, contended it to be “the right to institutions that will protect *prima facie* or high-order goods”; and Ronald Dworkin, Professor of Law at New York University School of Law, considered “the right of each person to concern and respect as an individual” as the one absolute human right.²⁷

A sixth commonly recognized, overarching human right is the right to life. In every view of human rights, life is incorporated as a precursor to further rights; it thus seems that this can adequately be named the sole right that every living human being has,

regardless of how a culture chooses to define “human.” It should not, however, be accepted as *the* exclusive human right. Although everyone initially has equal access to the right to life, this right does not actually guarantee any moral protection other than the maintenance of a heartbeat. Additionally, if the sole purpose of a human right is to guarantee the right to life, then the concept as a whole seems worthless. If an individual is not alive, he is dead; there is nothing, other than subsequent punitive measures, which can reinforce the right to life once it is violated. There is seemingly little reason to classify life as the singularly universal human right. Although different human rights presuppose a right to live, the right to life is not explicitly developed from, nor does it further imply, characteristically moral behavior,²⁸ as we already classified as the definition of a human right.

With these competing ideas of one, all-encompassing human right, it seems impractical to choose one philosophy over another without extensive explanations provided by the theorists to support their specific conclusions as superior to the other suggestions. The belief that there may, in fact, be one basic human right, applicable to all human beings, is welcomed support for the universal stance on human rights. Having just one human right offers valid sustenance to the argument that such a right can be universally accepted and globally protected. However, the protection that the right provides may be compromised in an attempt to formulate a singular, overarching human right. If the right must offer the preservation of all human beings within all societies, as declared within one short phrase, then that right cannot assure much specific protection. Because the assurance of complete preservation of moral dignity is superior to the need

for one right with universal applicability, the idea of having an all-encompassing human right is relatively unappealing.

VI. AN ATTEMPT AT RECONCILIATION

Obviously, there are numerous approaches to developing a theory on human rights. It is important to assure that both the greatest quantities of people receive moral and ethical treatment, and that these people receive a similar quality of protection. Additionally, there must be some consideration of one's cultural norms to prevent the exploitation of certain beliefs. As such, a compromise between absolute universalism and cultural relativism must be reached without conceding the obvious benefits of each approach.

A. How is “weak cultural relativism” defended?

Jack Donnelly argues for a relatively universalistic approach to instituting internationally recognized human rights. This approach is called “weak cultural relativism.” Donnelly believes that a universal approach that allows for both historical and cultural distinctiveness in the implementation of the rights is optimal. Universality is thus assumed, but “the relativity of human nature, communities, and rights serves as a check on potential excesses of universalism.”²⁹ Donnelly develops an original defense of

weak cultural relativism that introduces numerous aspects of compromise that have not been previously considered in human rights theory.

To begin, Donnelly creates three hierarchical levels under which a culture can introduce relative ideals to a universalistic approach: “in the *substance* of lists of human rights, in the *interpretation* of individual rights, and in the *form* in which particular rights are implemented.”³⁰ In other words, the potential divergence between cultures of a universal and relative approach is found either in the actual *essence* of the rights, in the way some already-universal essence is *interpreted* by the varying cultures, or in the actual *execution* of the universally interpreted essence of rights in different cultures. Donnelly defends his stance as a weak relativist by endorsing the most cultural divergence between rights to exist at the bottom level of the structure, their form of implementation.

Donnelly explains his allowance for a discrepancy between the forms of implementation of rights in various cultures with his observation that nearly all cultures have a similar core of moral aspirations. These include: life, social order, the family, protection from arbitrary rule, prohibition of inhuman and degrading treatment, the guarantee of a place in the life of the community, and access to an equitable share of the means of subsistence.³¹ As such, the overarching essence of human rights theory must be morally universal; no society is intrinsically superior based on its moral inclinations. However, Donnelly notes that this universal *conceptualization* of the substance of human rights is not ample evidence to assume that the actual acknowledgement of rights are similarly universal, as Bedau had suggested it might be. Instead, Donnelly believes in the importance of a similar standard of such values that are actually *implemented* cross-

culturally. Even if these rights are not enacted in exactly the same *form*, due to inevitable cultural variability, a culture ought to at least understand that it must somehow enforce the rights that have been universally appreciated.

To exemplify Donnelly's hierarchy in human rights theory, one can examine the universally moral desire for *social order within a society*. Because there is a universally conceptual understanding of the need for an orderly society, it is necessary for societies to act in such a manner as to assure its implementation. However, some variance exists between the structures that different societies implement to enforce this social order. Thus, Donnelly's idea for tolerance of cultural relativism at the lowest level of his hierarchy is essential: an orderly society in China might be imposed and accepted through Communism, while social order is best instituted through a democracy in the United States. A primary step towards universalism is taken with a guarantee of the overarching human right to social order, even if it is not necessarily enacted in a similar form. Clearly, numerous human rights stem from simply having order within a society. The outcome of universal *recognition* of this moral right is far superior to the fact that the *form of implementation* is merely relative to specific cultures, as Donnelly conceives of in the institution of his hierarchy.

The degree to which human rights should be enforced through weak cultural relativism can also be determined by examining internal versus external judgments³² of certain rights. Donnelly believes that if a right's existence is extremely significant within one culture, but not as important to institute within most others, such as the right to unemployment benefits in the United States, then the right can be individually accepted as relative to that specific culture. Likewise, if the existence of a right is not overly

important to one particular society, but extremely urgent to most other cultures, then there ought to be a universal implementation of it. The conflict between universalism and cultural relativism thus arises when a human right is similarly important to all cultures. The right to equal treatment of women exemplifies this divergence of opinion between cultures that cannot be solved by simply determining which culture the right is most important to. For the past fifty years, women's rights throughout the world have increased significantly due to an active attempt to equalize gender rights in many developed countries. However, in certain traditional Islamic cultures, as previously exemplified, women have continually been given an irrefutable second-class citizenship. Societies must learn to respect the cultural ties that others have to their practices, as exemplified by their lack of intervention to enforce a universal standard on the treatment of women. The realization that such treatment is accepted internally helps ease the need to immediately intervene and impose external principles when they are not urgently in demand.

B. How is “weak cultural relativism” flawed?

The idea that a culture's internal view of human rights should not necessarily be externally disregarded demonstrates the uncertainty of weak cultural relativism. Even with the fear of ethnocentricity that accompanies the enforcement of moral concepts on traditional societies, Donnelly admits that countries remain obligated to follow their own moralities when their belief is strong enough. He states: “to refuse to act on our own precepts simply because others reject them is to fail to give proper weight to our own moral beliefs... And no matter how firmly someone else, or even a whole culture,

believes differently, at some point we simply must say that those contrary beliefs are wrong.”³³ Societies have just as much moral obligation to spread their own beliefs of human rights to others as they do to follow these morals themselves. In this call for the imposition of personal ideals, Donnelly’s argument embodies a largely universalistic stance and subsequently erodes his idea of weak cultural relativism.

Donnelly’s support of universalism, which follows from the obligation of cultures to enforce acceptance of their own moral ideas if they feel so compelled, is highly controversial. This is especially true in the wake of September 11, 2001. The terrorist attacks on the United States directly resulted from of a small contingent of people who believed they were obliged to impose their own moral precepts on a country that had beliefs that were contrary to their own, and, as such, were simply wrong. Donnelly might potentially respond to this argument by stating that societies ought to be protected from external judgment on their own (traditional) practices if their culture is not in an overwhelming state of duress regarding specific rights’ violations, i.e. “there is a thriving indigenous cultural tradition and community.”³⁴ Thus, if a culture seems to be self-sufficient as is, with internal unification around specific human rights equally as strong as external beliefs, Donnelly concedes that criticism of this “thriving” culture should be withheld. As such, there should be no intervention attempting to universalize any specific rights that are seen as lacking.

This argument is obviously flawed. It unarguably resorts to a Eurocentric way of thinking, with the implication that certain human rights (or lack thereof) found in the “thriving” traditional societies are permissible just as long as they are practiced in a manner that the *more* thriving, developed countries deem acceptable. This approach not

only furthers the egoism of the societies who are in the position to make this judgment about other cultures, but it also contradicts Donnelly's earlier claim that all societies have the obligation to enforce the moral actions that they deem universally significant.

C. What further problems exist in defining a “thriving” culture?

Donnelly does not offer a basis for identification of the “thriving” society that he believes free from the external impositions of human rights. Even if *we* attempt to define a “thriving culture,” this concept will never apply to the culture as a whole. For example, perhaps a thriving society is one that does not live in constant fear of its existence, i.e. there is freedom from suppression and discrimination. While certain segments of a population may flourish as such, such as the upper classes of American society, every culture has some incidence of poverty: thus, there is always a segment of the population that is concerned with its ability to survive. Therefore, the society as a whole is neither “thriving” nor free of fear, as Donnelly seems to imply is possible.

We might further classify a culture as thriving if its people are active, productive, energetic, caring, contributing to society, and taking care of their own needs. Yet again, the entirety of a population will never encompass all of these attributes. Neither can an entire culture be free from hunger, nor can all families (or their equivalents) be fully intact and nurturing, both of which are characteristics of a prosperous society.

Additionally, in examining certain societal institutions, we can determine a society as thriving if its people are educated and its health problems are addressed, with no one going without the care that he or she needs. By examining the structure of the United

States alone, however, a society that is stereotypically thought of as thriving, we can immediately conclude that even *it* does not meet such the aforementioned requirements.

Subsequently, with the assumed impossibility of a fully “thriving” culture, it follows that perhaps only a large proportion of the population needs to hold the noted characteristics in a flourishing culture. For example, a society might be considered thriving if some 90 percent of its people fulfill the aforementioned characteristics; it would thus meet the definition established to practice certain human rights as relative to its culture. Yet further issue develops over determining this exact percentage: at some point, the balance tips from being a thriving culture to one that is unfulfilled as such. The location of this exact point becomes issue for official debate; Donnelly clearly extends no insight on such an idea.

As evidenced, Donnelly’s endorsement of weak cultural relativism initially took a universalistic turn with his suggestion that a society be obliged to enforce its morals on others. However, he further footnotes this argument by excluding “thriving” cultures from the forced imposition of these external standards. Not only is this footnote an *entirely* culturally relativistic approach, as it allows certain societies to practice (or abstain from) certain human rights that are traditionally exercised, but it is also left unjustified; no definition for “thriving” is even offered. Donnelly’s final claim that the traditional practices of a society should be accepted only if it is flourishing is unquestionably relativistic. This idea further convolutes the overly universalistic argument the he first proposes, of outwardly enforcing one’s own morals on other cultures. Thus, Donnelly does not formulate a strong support for his idea of weak cultural relativism; it merely strays from one indecisive approach to another.

VII. CONCLUSION

With the ambiguity of Donnelly's proposal for weak cultural relativism, it is best to simply reach a compromise between the two opposing views: human rights are substantially universal, but inherit a relativistic stance when legally enforced. In a roundabout way, Donnelly argues for this relatively universal approach to human rights, as does Bedau. Two further stipulations must be made to this idea, however.

A. The impact of globalization on universalism

In today's world of rapidly increased globalization, *everything* is becoming universal. Clothing, television shows, and music exemplify the expansion of popular culture, while organizations such as the United Nations and the European Union epitomize a unity of different countries and cultures under similar policies. Clearly then, universalism through globalization is not unfounded; it is merely a natural and gradual

process in which each relevant culture comes to understand and accept change at its own rate.

We ought, then, to apply the same progression to the question of human rights. While there are numerous articles and theories that debate the issue, most do not support either an entirely relativistic or an entirely universalistic approach to the implementation of such rights. There will never be a clear-cut answer to the debate. Strong arguments support each side, and similarly strong arguments can be made against each. While it is not necessarily correct to enforce one culture's moral ideals on another, it is also incorrect to ignore the injustices that occur within cultures where there is an absence of such rights. Therefore, the best possible solution to the human rights debate at this time is to simply wait. In due time, globalization will unquestionably spread even further into a greater number of peoples' lives; they will become citizens of the *world*, rather than of just one specific *nation* or *culture*. Technology, ranging from email to the airplane, is forcing the spread of ideals through education, travel, religion, economics, and numerous other important institutions. This global culture has increased unfoundedly over the last ten years, and will continue to do so into the future.

As such, it is inevitable that intellectual ideas will universalize as well; they must simply be given the time to do so. To provide a foundation with which to support universally similar human rights, there must first be the acknowledgement and establishment of comparable institutions within each culture. For example, there must first be more of a global economy, which has already started to develop through necessity, to assure equal employment rights for all human beings. We cannot attempt to allow Muslim women the right to work if there is neither the place nor the opportunity to

do so. The same principle applies to the right to vote: ideals of autonomy must first be universalized before the enforcement of the respective universal right will be deemed appropriate. Additionally, the implementation of an educational institution in all nations is necessary to instill some value of life and further motivate persons to act in a manner that would enhance their existence.

Of course, there is no guarantee of complete globalization of our world. At the rate that universal ideas are currently expanding in economic, political, and social practices, however, such a concept does not seem far-fetched. Once the aforementioned institutions are better understood on a global scale, certain human rights will likely become universally accepted as well. European practices, for example, cannot be enforced where there is no other presence of Western life. And because it *is* largely this Western culture that has indisputably started to spread internationally, through the sprawl of globalization and commercialism, it seems fair to assume that these Western human rights practices will eventually be the dominating universal as well.

B. How will the establishment of an opt-out clause facilitate a transition to universalism?

We must not use this move towards globalization as an end to current progression towards resolving the human rights debate over the acceptance of universal or culturally relative ideals. Thus, as a mode of transition into future acceptance of universal human rights, Donnelly states that the “right to ‘opt out’ of traditional practices in favor of ‘universal’ human rights or alternative human rights interpretations seems ideal for it permits an individual in effect to choose his or her culture, or the terms on which he or

she will participate in the traditional culture.”³⁵ With the institution of this so-called “opt-out” clause, individuals in a culture will be able to influence its traditions and permissible actions so that they coincide with more universally accepted ideas. Historical practices of a nation should not dictate the proceedings of its modern-day citizens.

For example, if an Indian woman, whose husband is selected for her at the age of five, decides to invoke the right to liberty that she inherently has as a human being, she should be able to opt out of this traditional practice. Liberty, as defined in Section II.A, results from a lack of persecution or arbitrary imprisonment by a nation’s government, i.e. ethical treatment. Additionally, having such freedom permits further ethical action; the government is unable to prohibit seemingly moral behavior. As such, the right to opt out of a practice based on a violation of the human right to liberty differs from the desire to opt out from the payment of one’s taxes. Tax evasion does not attempt to rectify any specific circumstance in which one’s human rights are blatantly violated. Nor does it permit the taxpayer’s morality to flourish upon an avoidance of his duties as a citizen.

Additionally, it must be stipulated that the opt-out clause should not be used to *refuse* protection from already-established human rights practices within a culture; a person must only employ the clause to opt out of traditional practices that *violate* such rights. This provision, for example, acts to prohibit parents from sacrificing their children with the decision to opt out of traditional cultural practices that forbid this. Human rights cannot be opted out of; seeming violations of them can. As such, a culture will gradually come to understand the needs and desires of its people as human beings in

a more globalized world, and offer protection of their moral rights if determined preferable to the traditional practices.

With both the immediate establishment of an opt-out clause, and the vision of an increasingly global world in the future, a universalized enforcement of human rights is most feasible. Because all persons are intrinsically similar, regardless of the culture into which they are born, comparable human rights ought to be implemented universally. These rights range from the most basic ones to liberty and happiness to the more specific rights of unemployment benefits and ownership of property. The common tie is a link to both being initiated by, and further permitting, the moral action of a population, which itself will naturally become universalized through the evolution of globalization.

Furthermore, if an increase in globalization in forthcoming years is accepted, there need be no argument over *which* rights ought to be universal, and which ought to be culturally relative. Fair and moral treatment of all human beings, by all human beings, is clearly the most important end result. “Human rights” merely act to define the universally similar standards that we must strive to make available to all persons. With the practice of universalizing *institutions*, higher and more universal *moral behavior* will subsequently follow.

¹ Hugo Adam Bedau, "International Human Rights," in And Justice for All: New Introductory Essays in Ethics & Public Policy. Eds. Tom Regan and Donald VanDeVeer. Totowa, NJ: Rowman and Littlefield, 1982. pp. 287-306, at pp. 290-91.

² Kurt Baier, "When Does the Right to Life Begin?" in Human Right. Eds. J. Roland Pennock and John W. Chapman. New York: New York University Press, 1981. pp. 201-229, at p. 216.

³ Quoted in Pennock, *op. cit.*, p. 19

⁴ Bedau, *op cit.*, p.298

⁵ *Ibid*, p. 299

⁶ Lisa Beyer, "The Women of Islam." *Time Magazine*. 3 December 2001. p. 59

⁷ *Ibid*, p. 56

⁸ *Ibid*, p. 55

⁹ *Ibid*, p. 56

¹⁰ Bedau, *op cit.*, p. 299

¹¹ *Ibid*, p. 299

¹² Pennock, *op cit.*, p. 21

¹³ Quoted in Bedau, *op cit.*, p. 296

¹⁴ Bedau, *op cit.*, p. 299

¹⁵ *Ibid*, p. 301

¹⁶ *Ibid*, p. 299

¹⁷ *Ibid*, p. 297

¹⁸ *Ibid*, p. 297

¹⁹ Peter Baehr, Human Rights: Universality in Practice. New York: St. Martin's Press, Inc., 1999. p. 13

²⁰ *Ibid*, p. 13

²¹ Jack Donnelly, Universal Human Rights in Theory and Practice. Ithaca: Cornell University Press, 1989. p. 120

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- ²² Bedau, *op cit.*, p. 288
- ²³ Alison Dundes Renteln, International Human Rights: Universalism Versus Relativism. Newbury Park, CA: Sage Publications, Inc., 1990. p. 63.
- ²⁴ Bedau, *op cit.*, p. 296
- ²⁵ *Ibid*, p. 291
- ²⁶ *Ibid*, p. 291
- ²⁷ Pennock, *op cit.*, p. 20
- ²⁸ Bedau, *op cit.*, p. 295
- ²⁹ Donnelly, *op cit.*, p. 110
- ³⁰ *Ibid*, p. 110
- ³¹ *Ibid*, p. 113
- ³² *Ibid*, p. 114
- ³³ *Ibid*, p. 116
- ³⁴ *Ibid*, p. 118
- ³⁵ *Ibid*, p. 124