# Human Rights

## *Introduction*

Human Rights are not gifts from a State or privileges given by a government. They are **rights entitled to individuals simply by virtue of being human**. Whether you are rich or poor, a citizen or a foreigner, even a prisoner of war—these rights belong to you. That is what makes them universal and inalienable.

Think about it—citizenship rights may vary from country to country, but **Human Rights travel with you wherever you go**. They cannot be taken away just because you cross a border.

## *Karal Vasak's Evolution of Rights*

The famous jurist **Karal Vasak** explained how these rights developed, almost like stages of human civilization:

1. **First Generation Rights** – These are **civil and political rights**: right to life, liberty, freedom of speech, equality before law. They protect individuals from the excesses of the State. Think of them as shields.
2. **Second Generation Rights** – As society evolved, people realized freedom alone is not enough. So came **social and economic rights**: right to education, health, work, social security. These ensure dignity in daily life.
3. **Third Generation Rights** – In our interconnected, multicultural world, Vasak highlighted **cultural rights of minorities and the benefit of world citizenship**. These include the right to a clean environment, self-determination, development, and recognition of one's cultural identity in a multicultural society. These rights move beyond the individual to embrace humanity as a whole.

## *Why this matters*

So when we speak of Human Rights, we're not talking about abstract theories. We're talking about the very conditions that allow a person to live with **freedom, dignity, and equality**, regardless of who they are or where they come from.

In short: **Civil and Political rights protect your freedom, Social and Economic rights secure your dignity, and Cultural/Collective rights recognize your identity in a diverse and global society.**

## *Historical Background of Human Rights*

For centuries, starting from the **Peace of Westphalia 1648**, the world was governed by one principle: **non-intervention in domestic matters**. What happened inside a country was considered its own business—no outside interference.

But here's the catch: **even before civilizations and nations existed, man existed**. That means Human Rights are not tied to the creation of States or citizenship. They are older, deeper, and more universal.

## *Immanuel Kant's Philosophy*

The great philosopher **Immanuel Kant** made a powerful argument: rights are grounded not in states or laws, but in **human reason** itself. For Kant, **human dignity is a categorical imperative**—an unbreakable moral law. Why? Because man is an **end in itself**, never just a means to someone else's goals. That thought lies at the heart of modern human rights.

## *From Hitler to Nuremberg*

The atrocities of **Hitler** and World War II shattered the old idea that States can do anything they want behind closed borders. After the **Nuremberg Trials**, a new principle was born: **crimes against humanity** could be prosecuted even without reference to the domestic law of a

particular State. This proved that **Human Rights are above the law of any nation**.

### *1948 UDHR*

This led to the landmark **Universal Declaration of Human Rights (UDHR, 1948)**. It contained **30 Articles and a Preamble**, laying down civil, political, socio-economic, and cultural rights. Among them:

- Right to **privacy**
- Right to **nationality**
- Right to **consent to government**
- And the recognition that **democracy itself is a Human Right**.

For the first time, humanity had a universal framework.

### *Helsinki Accords 1975*

Later, the **Helsinki Accords (1975)** expanded this framework further by making human rights part of international dialogue and diplomacy, binding both East and West during the Cold War.

### *The Essence*

From **Westphalia to Kant, from Hitler to Nuremberg, from UDHR to Helsinki**, the journey of Human Rights shows one truth: They are **older than nations, higher than laws, and deeper than politics**. They rest on the dignity of being human.

### *The Debate on Human Rights*

Now, the journey of Human Rights doesn't end with the **UDHR**. The real fire begins with the **debates** around it.

### *Selective Use by the West*

Critics say: Human Rights are often used **selectively** by Western powers. Example? In **resource-rich West Asia (Libya)**, the West was quick to intervene under the banner of Human Rights. But in **poor Africa (Rwanda)**—where genocide killed hundreds of thousands—the response was slow, almost indifferent. So, Human Rights here look like a tool for **geopolitical interests** rather than universal morality.

### *Universalism vs Particularism*

Then comes the famous **Universalism vs Particularism** debate.

- Universalism = Human Rights are the same everywhere, for everyone.
- Particularism = Values are shaped by culture, not imposed by outsiders.

Take the **Asian values debate**: Leaders like **Lee Kuan Yew (Singapore)** and **Mahathir bin Mohammed (Malaysia)** argued that in Asia, the focus is not on individual liberty but on **solidarity, discipline, loyalty, and respect for authority**. They said Western liberalism doesn't always fit non-Western societies.

### *Religion vs Universalism*

Religion adds another layer. For example, **Iran rejected the UDHR**, claiming it was rooted in **Judeo-Christian traditions**, not in Islamic or Asian moral frameworks. That's why religious conservatism often clashes with the claim of Human Rights being **universal**.

### *Michael Ignatieff's Insight*

But then comes a counterpoint. Thinker **Michael Ignatieff** argued that most opposition to Human Rights comes not from genuine cultural values but from **vested interests**—that is, from those who are actually committing **HRs violations** and don't want to be held accountable.

### *Minority Rights and Limits*

Another sharp angle: what about minorities? Yes, **minority communities** deserve protection. But

Ignatieff and others warn—minorities cannot demand the continuation of **outdated, irrational practices** in the name of **identity**. Human Rights protect dignity, not harmful traditions.

### *The Essence*

So, the Human Rights debate is alive:

- **West** accused of hypocrisy.
- **Asia** insists on cultural particularism.
- **Religion** questions universality.
- **Thinkers like Ignatieff** remind us: often, the loudest critics are those with the most to lose from accountability.

Human Rights are not just about texts like UDHR—they are about power, culture, and values constantly negotiating with each other.

### *Cultural Relativist & Communitarian Scholars*

The **cultural relativist** position says: Human Rights cannot be seen only through a Western, individualistic lens. Cultures matter. **Communitarianism scholars** remind us that individuals live *in* communities, and values are shaped by these collective identities.

### *Will Kymlicka*

Here, **Will Kymlicka** becomes important. He argued for **cultural rights for minorities**. Why? Because minorities need more than just abstract "equality"—they need recognition of their **language, traditions, and way of life** to flourish with dignity.

### *Bhikhu Parekh*

On the other hand, **Bhikhu Parekh** takes a slightly different but complementary approach. He says—don't just tolerate differences, **create dialogue among communities**. Through conversation, negotiation, and respect, communities can shape **common values acceptable to all**. It's not about one culture dominating, but about finding shared ground.

### *Human Rights as Cake*

Think of Human Rights like a **cake**. Too often, groups scramble for their slice—pulling, fighting, claiming. But scholars suggest: Human Rights should not be a **scramble for cake**, but a **peaceful distribution**, ensuring everyone gets nourishment without conflict.

### *Positive Values to Integrate*

And here comes the most beautiful part: Human Rights don't have to be cold legal rights. They can be enriched by **positive cultural values** like:

- **Cooperative spirit** (working together, not against each other)
- **Regard for elders** (wisdom and continuity)
- **Hospitality** (inclusion, warmth, dignity for outsiders)

These values add soul to the framework of rights.

### *Composite Culture of HRs*

So, ultimately, Human Rights should evolve into a **composite culture**—a living fabric that weaves together the best from all civilizations. This composite model encourages **cooperation, collaboration, and social progress** rather than conflict.

### *The Essence*

Cultural relativists are not rejecting Human Rights. They're saying: *Let Human Rights breathe in different cultural air.* Let them adapt, absorb **cooperative spirit, elders' wisdom, hospitality**, and become a truly **global culture of dignity**.

***PYQ***

1. The debate on human rights is caught between the limitations of both universalism and cultural relativism. Comment. 2024, 20
2. Comment on: Cultural Relativism. 2022, 10
3. Human Rights are complex and contested social practice that organises relations between individuals, society and the State. Comment. 2022, 15
4. Can there be universal conception of human rights? Give your arguments. 2021, 15
5. The implementation of human rights is regarded as a matter of changing the conduct of States." Comment. 2016, 15
6. Analyse the relationship between natural rights and human rights. 2013, 10
7. Critically examine the cultural relativist approach to human rights. 2010, 30
8. "Human rights are basic moral guarantees that people in all countries and cultures possess, simply because they are people." Explain the statement. 2008, 60

9.