

Do the values that are called 'human rights' have independent and universal validity, or are they historically and culturally relative human inventions?

In many African countries many girls get circumcised. Their parents tell them, they are more beautiful after this rite and that they need to do this, if they want to get married. With this custom the girls get initiated into their tribe, if they don't do it they will be excluded. During the very hurtful and brutal process the labia of these children are cut, often under alarming hygienic circumstances.

The human rights convention of the UNO condemned this practice harshly because it offends the human right of the unharmed body of these girls. The Africans defend their ceremony because it is part of their culture and religion. So the question is to be posed, whether anyone has got the right to condemn cultural practices that are against the human rights. This leads to the more general question if the values that are called 'human rights' have independent and universal validity, or if they are historically and culturally relative human inventions.

Why the answers to these questions have to be 'no and no the human rights have no independent and universal validity' I will show in the following essay. For that purpose I will first define the expression 'human rights'. Afterwards I will explain the culturerelativistic position, find some critical points about it and finally come to a conclusion.

I define the human rights as rules that have the aim to guarantee every human being a life worth living that considers the dignity of man. They try to regulate a fair living together without any unnecessary violence. The human rights proclaim universal values, they are stronger weighted than any other laws and rights. An example for a human right would be the right of freedom or the right of an unharmed body.

On the first sight I thought that the human rights should be valid for every human being in every time and culture because everyone wants to be free and to have an unharmed body and no one should have the right to hurt or to lock up someone else. I think so because in my western culture the individual is most important. But in other cultures, for example in eastern, Islamic cultures, the collective is rated higher than the individual. For example is it usual there for the father to find a husband for his daughter to make sure that it is the most helpful connection for the whole family. The individual wishes of the daughter are subordinated to the collective ones of the family. So how can I say that human rights that are based on the ideas of one culture can be valid for another one? Who has got the right to formulate universal human rights?

We could try to find a solution with rational thinking and assessment of different situations. We could for example argue with the statement that you should treat everyone else the way you want to be treated. Consequentially customs like the circumcision would not be carried out anymore because I suppose no one would want to be circumcised. But we would also have to consider that everyone has got different wishes how he wants to be treated. So communication is central to make sure with treatment another person wishes.

The difficulty of the rational argumentation is that the rationality is also only a part of the western culture. In other countries it is unusual to try to explain everything rationally. They do for example easier accept the existing rules, traditions are much higher rated than rational explanations against these traditions.

Cultures are not good or bad, they just are. Only in comparison with the values of another culture they get judged. Consequentially there would have to be a universal standard, which is free from every cultural influence to judge which aspects of a culture are good and which aren't. The problem is that everyone's thinking is highly influenced and based on the values of the culture he is living in. We can not reflect independent and objective because we have always the norms of our own culture in mind, we can not free

ourselves from them. As a consequence no one would be able to formulate human rights which have independent and universal validity.

The result of this theory is that no cultural ritual, no matter how inhuman and cruel it is, can be forbidden. That means that everyone would be at his culture's mercy without the help of any other state or institution. So the barbarian circumcision described in the first part would be legal and free from every judgment.

The cultures used to exist separated from each other. For this reason they did not judge their culture because they did not know anything else to compare. With the globalization the different societies got mixed with the result that some people sentence their culture based on the norms of another that corresponds better to their own thinking. This people have to be saved from cruel customs and rites with a declaration of human rights which guarantees the individual rights and wishes of every human being.

If I consider these two sights I come to the conclusion that universal human rights are morally needed in the actual time but the human being is not able to formulate statements that are valid for everyone on earth. That is why I would answer the question 'Do the values that are called 'human rights' have independent and universal validity, or are they historically and culturally relative human inventions?' with no, the human rights do not have universal validity, they are historically and culturally relative human inventions.

From my point of view the only solution would be that human rights are defined individually for every single person considering all influences because universal statements can not be found. In this case, as I already mentioned, the communication with every involved being would be central.