

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

'Rights' are often classified as either positive or negative, which are defined roughly as follows: a negative right is the right to non-interference, that is to be allowed to do whatever the right entitles one to without other people attempting to hamper or limit this effort (for example freedom of speech), whereas a positive right is the right *to something*, in other words a guarantee to receive a certain benefit or to have something done for you (for example the right to an education or to social securities). It is easy to note that the concept of rights is necessarily and inalterably connected with obligations. Anybody having any right imposes certain obligations on some or all other people, such as to refrain from killing a person that has the right to live, to not take items that are granted to another person via his right to possession or in case of positive rights to support the person with the necessary facilities etc. for him to be able to receive the education, medical treatment or whatever else he is entitled to. In general a person having some negative right means that other people lose the freedom to something (to act in disrespect to the right in question, that is), whereas a positive right equals to a requirement for (at least some) other people to act in a certain way (providing the means to take advantage of the right). Thus the claim that there are universal human rights that every person shares independently of cultural and social factors directly translates to the claim that there are certain universal obligations that apply to everyone regardless of said social and cultural circumstances, agreements et cetera.

Let us examine the concept of the universal obligations that people have in respect to the assumed universal human rights. Because rights are either moral or social, and because rights independent from societal factors are by definition not provided by society, it follows that the universal rights and thus the resulting universal obligations are of a moral nature. Therefore in order for universal human rights to exist universal moral obligations, universal morality, that is, must as well. That, however, is far from a given.

Universal morality is generally supported by two types of arguments. The first one is the moral realist view that morals, values, rights etc. indeed exist in the world in one way or another and thus moral statements, as they refer to these entities, either manage to describe the world correctly or not. It then results that the truth of moral statements can not be agreed on by people just like we can't agree whether or not it is raining, for example. Moral realism has its problems, however: why should we take the stand? Since there are theories that explain (well, at least claim to) morals through, for example, only human intelligence and rationality, principles like Occam's razor raise the question whether the extra assumptions about moral entities existing independently are necessary or well enough justified. There are also problems about gaining information of these universal rights and morals and the motivation to follow them that apply here as well that I will delve into a bit later on.

The other, more modern approach for justifying universal morals bases on the aforementioned human rationality. (It should be noted, however, that the distinction is not absolute. Moral realist theories can use rationality as means for, for example,

getting to know the moral realities of the world.) This makes sense: if we refuse to assume that morals and rights 'just exist' and should thus be obeyed, it is natural that reasoning needs to be presented for following certain moral principles or to be moral at all. A wide variety of theories related to rights and morals apply to human rationality, from contract theories such as Thomas Hobbes's to Immanuel Kant's categorical imperative or theories focused on actions' consequences such as utilitarianism. Each of these theories suggest that people should abide by certain moral rules and principles because it is rational for them, that is, they are personally better off and 'gain well-being' from accepting the morals instead of everyone being amoral.

It is to be noted that not every moral theory that builds on rationality necessarily aims to formulate universal moral principles that apply to everyone equally. However, in most of the theories everyone is generally considered in essence as rational an individual as everyone else in the sense that everyone seeks to maximize his well-being and thus the theories most often adopt the notion that (due to 'equality of rationality') the same principles apply to everyone and that there is no grounds for excluding or exploiting some people but not the others. However, further inspection reveals this perspective flawed, perhaps even contradictory.

An intriguing feature of rational theories of morality is that they at least implicitly sacrifice the absolute value of morality due to the very formulation of the arguments. If people are assumed to be rational and if the reasoning for being moral is that it helps maximize everyone's rational desires, it follows that morality is in the end not valuable by itself but instead merely as means to some other end. What results is that an individual should only be moral as long as it indeed is the best way of getting what he wants (the individuals are assumed to be rational, after all). Consider a man that knows he is going to die in five minutes. Assume the opportunity arises for him to kill an old rival of his as his last action. Moreover, assume the man is rational and totally convinced that he will receive great pleasure from the action and, since he himself is just about to die, that he can't be punished by other people for the killing. Killing the rival indeed seems like the action with the best outcome for the man in question, that is, a rational thing for him to do. However, if we assume the rival to have the right to live, the killing certainly has to be in some way *wrong*.

So, moral obligations that apply to a person in every situation are by nature something that he has to obey *despite* there being a seemingly more appealing alternative. The obvious question follows: why should he? What if a person chooses to reject these values and other people's rights? If we assume universal rights and morals independent of other people and society, it obviously follows that there has to be something about the act that makes it unappealing even if the moral agent's peers do not punish him for it through any means. However, as presented before, it is easy to conceive of situations where a rational person would clearly see the 'immoral' alternative more appealing assuming the motives for morality implemented by the society and other people are lifted off. Because it is hard to conceive of people being irrational, in other words willingly choosing the worse alternative instead of a better one in a situation of choice, in my opinion the obvious conclusion is that in the core of it there are no absolute values or morals and thus no absolute, universal human rights. Morals and human rights are about the society making certain actions more appealing than others by rewards, threats of punishment etc.

Morality and rights being a social phenomenon instead of absolutes leads to a certain type of historical and cultural relativism. If there are no absolutes through which to evaluate different practices, there are merely different options or alternatives. It, however, does not mean that the alternatives should be considered incomparable or equal in all aspects. Moral theories etc. can, as noted earlier, help rational individuals reach their goals even if they ought not to be considered absolutely obliging and thus they can be used to evaluate different customs, principles etc. and select the most beneficial one for the needs in question. It also does not result in that people should abandon all sorts of altruism and adopt the most selfish ethics possible. When examining real people instead of simplified rational agents a key point is that the 'preferences' people chase or the 'utility' they seek to maximize is not anything as simple as money or whatever is used in models of game theory etc. Due to upbringing and the society influencing an individual's ways of thinking, opinions and notions about values, it is not at all 'irrational' for an individual to prefer, for example, improving the quality of life of people worse off than themselves to amassing more personal wealth. What needs to be noted, however, is that different individuals have different sorts of preferences and goals and that rational individuals should only be expected to oblige to any system of rights as long as it's in their best interests. Thus in a world of rational individuals without assuming supernatural motivators such as divine retribution, the notion of universal human rights independent of social circumstances is not realistic.