

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

*Government is not a fact but a fiction; the only permanent and eternal fact is people.*

- Anselme Bellegarrigue

The idée fixe of today’s world is human rights. Or at least it is in so-called Western countries, where along with word ‘democracy’ it is used to explain the purpose of every action, is it a riot, war or a new law. What people and governments usually fail to understand is the essence of the rights mentioned above, their origin and purpose.

**The Human Rights - Simplicity Is in the Complexion**

Before one goes on to the point ‘where the dog is buried’, one must understand, what kind of dog was buried beforehand. What are the first rights that hop to one’s mind while hearing the combination ‘human rights’? Well, there is a right to life – the essence of all, then we have different freedoms, like freedom of expression, beliefs. All of the freedoms and rights are very basic, they say nothing about the quality of life one must have, of course apart from having fresh water and a basic education. Therefore the human rights are there (written and legalised) in order to assure, that all of the people can satisfy their basic needs, needs, that make us human. By securing the basic needs or human rights, different governments and organisations grant an equal starting place for all the humans. Furthermore, the human rights are inalienable, according to the legal papers and modern philosophers. One can’t give them away or they even can’t be taken, because they are out of our league. I will introduce later, why this condition is important. But one must keep in mind the fact that not everywhere is this starting place secured. In my essay I will show, why isn’t an equal basic start secured for everyone and what good can one make out of the human rights.

**Where Do the Human Rights Come From?**

Part I: The Independent Rights of All Humans

Why a mother of a newborn does not have a right to get a maternity leave in for example Sweden? Because someone, who has more rights and obligations – in this case it’s a

government – gives her that right. All the laws and rights are regulated like this nowadays – in order to have some rights, they must be secured. It is usually a government's work to secure them. This right of the government is based on a simple logic promoted by several philosophers, including Hobbes, and well-knowingly Rousseau, and it's called a social contract. In today's practical world, it is based on 'trading' some certain rights between the government and people. When a person gives away some of his rights to the government, he gets some additional rights from the government. For example one must pass a security check in the airport. Seems an easy procedure, but it involves giving away one's right to the privacy (as you are being searched through) for a while. As a replacement, one gets a warranty of safety that can be viewed as a right, and the trade of rights has been taken place. The case of human rights is similar, they must come from somewhere, and something must secure them. As I mentioned before, the human rights are inalienable. In the human rights philosophy it means, that human rights are like a default setting for a person, he has them because he is a human and as no one can take away his human essence, no one can take away his human rights, they belong together. Meanwhile there is a still popular practise called utilitarianism, godfather of which is John Stuart Mill (with a help from Bentham). While they say, that one's can be sacrificed towards the bigger benefit of the others, Mill is still known as a fighter for the basic rights (like rights of women), that everyone must have in order to have some sort of a tolerable life at all. It means that in order to be even able to consider the further benefits that can be achieved by putting someone's rights over the other's, everyone must have some basement to start with, otherwise the utility monster of Nozick is soon to arrive, leaving some people with no rights and some with the best things a life can offer. But as the human rights are the same for everyone, they must be granted by the power above us all, even above the countries and organisations, as even they are not allowed to take the human rights away from people. So where does it lead us to, what is the most powerful 'thing' that can give us the human rights? The answer isn't simple and frankly, it depends on one's beliefs. The easiest way to answer to this question is through religion. A god, gods or something else, depends on a religion, is the most powerful creature in the universe and it is in his/her/their power to secure these rights. Another explanation can be given through biology – as we all are created by evolution, that we can not control, biology is above as and gives us these rights. In addition to the evolutionary point, biology has an explanation to the equality of all

human beings. Considering the fact, that our birth is a lottery – one can't decide where he will be born, to which country and parents – and we are born here with the same tabula rasa, we are all equal. As we are equal in front of nature, we must be equal in front of the law. For all these reasons, the human rights can be considered universal and independent.

## Part II: The Devil Is In the Details

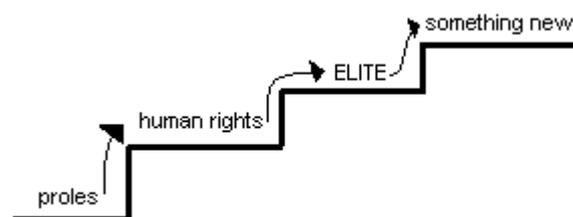
But I wouldn't have chosen this topic for my essay, if the essence of human rights was that simple, now would I? Yes, the human rights are claimed to be universal, something good and bright. A lot of philosophers, politicians and activists have justified their existence and practise; a lot of speeches have been made to urge governments to protect these rights. They claimed these rights to be universal, but in fact they are simply fruits of one political philosophy branch. I must say this philosophy is impressive, almost flawless in the books, but if we look in the reality (luckily a political philosophy loves reality), we can easily spot the weak points of it. The most important point is origin of these rights. As I mentioned before, the explanation to these rights is based on the laws of religions or nature. But in those two areas one can easily recognise the violation of the human rights. Firstly, in religion there is no such a thing as a freedom of expression or beliefs, all the unorthodoxists are banned. Secondly, in both areas there are certain hierarchies established - religions have complicated structures and in nature there have always been tribes, where people have always had their roles (from the head of the tribe to the useless elderly people). It means that in those two areas people are not equal; there have always been some factors that distinguished ones from another based on their strength, intelligence, beauty etc. So paraphrasing the quote from A. Bellegarrigue, 'The human rights are not a fact but a fiction; the only permanent and eternal fact is people'. It means that while the human rights are simply a popular philosophical idea, the only thing certain is people. But simply based on the existence of people we can not claim, that the human rights exist. In the state of nature there are no rights, as no one controls and secures them, so besides the fact that there are no legal rights, there are also no human rights. Therefore they are inventions of some people. To illustrate that fact, one can simply rewind the history and peak into the near past. After the II world war, a lot of countries with a help of United Nations started to create the document that is

nowadays the most important evidence of the existence of human rights. It wasn't created because politicians felt that all human are equal and need some sort of protection, it was created because everyone remembered horrors of the past two world wars. It was created in order to have a legal right to enforce Western culture on the other countries under the flag on world peace. Apart from creating this document, countries represented in the UN by that time did not recognize the human rights and some of them still don't. For example the Soviet Union wrote the whole paragraph of education to this bill, because they had an excellent educational system at home, and they did ratify this agreement, but in reality it was only a fiction for them, no essential human rights were secured in the USSR. And nowadays the USA officially recognises the human rights and 'tries' to give them to the people from developing countries, but they fail to recognise them in their own country. Even if the states claim to have a freedom of speech – a very important human right – they fail to grant it to everyone, because 'it might hurt others feelings', the well-known fact is, that nowadays if a white person insults a black one, it is called racism, if otherwise, then it's called a historical justice. Therefore while speaking of human rights, one must understand, that it is 'a fiction', simply a theory of some philosophers and politicians, they subjective expression of the world. Why subjective? Simply because it is arguable and not universally accepted.

### **Every Existence Has a Purpose**

If there isn't a universal reason of existence of human rights, there must be some other explanation, why the Western countries still appreciate them. After some time of staring out of the window, this reason suddenly accrued to me - it is a mean of domination and progress. Firstly let me explain the point of progress. This can be seen as a staircase. According to Jose Ortega Y Gasset and his book "The Riot of Masses", nowadays proles (average people, known from Orwell's "1984") have gained the same rights as the elite used to have. It means that they are satisfied with the conditions they have and as their abilities are average, they do not produce something new. But the producers of new technologies, cultural heritage etc, co-called elite, has is placed at the same level with proles and accordingly to the 'law of averages' eventually becomes average. At this point I disagree with Jose Ortega Y Gasset, because as I have mentioned before, the human rights are the equal starting point

guaranteed to the western people. And as elite is still presented in our society, it has an urge to climb on to the next level and create a new equivalent of the human rights. This tendency can be seen before. In ancient Athens, the cradle of democracy, the elite was a group of legal citizens, who had the rights nowadays essential to almost everyone, like the right to have a family, own the property and vote. In a time, the proles of that time started to gain same rights, like a right to own a house or have a family and the elite (centuries later), while still having a need to be one step above, created itself some new rights and laws, so the nobility was born. Alongside with new rights and liberties came the new inventions, while the elite still had to be better. New paintings were painted, new philosophical theories written, new technologies made. So nowadays, as we all here are on the step called 'human rights' some of us must take a leap and invent something new, that will raise the elite above the proles. And then this perpetual cycle will continue, some will create something new and others will follow and therefore the human rights are simple a measure of progress, that will give a push to the elite to lead the proles to the next level.



Alongside with progress comes domination. While thinking, why do we do all those things, like having wars, protecting others and even having children, the answer is simple – it helps us to dominate the world. In the case of children it is easy – the more the merrier, they populate the world and one's genes dominate. But as the structure of today's social world is quite complicated, the means of domination vary. And not only a single person wants to dominate with his or her genes, the cultures and countries are also programmed to dominate. I am not saying that this is the meaning of life, but certainly it is one of its purposes. The human rights are in this case a perfect mean to ground the actions, which are in reality taken place so one could dominate over the other. Almost every action in the name of human rights is similar to the actions in the name of Catholic god, which used to take place in the medieval Europe, so the Catholic Church could expand itself and dominate. Similar actions are

taken place in today's world, when NATO or just American army plan their missions. The invasions of Iran and Afghanistan are said to be protective actions towards locals. What that actually means, is that the Western civilisation enforces its culture and beliefs on the other one and turns them into the followers of West. Simply said the West will dominate.

### **The Last Words Are Not of the Least Importance**

The human rights should be a simple and basic collection of rights and liberties, understood and followed by everyone. But in reality, if you give it a second thought, they are one part of certain modern philosophy with an enormous group of followers. The human rights are 'a fiction' like a good fairy tale, used by some cultures to dominate and achieve their goals. The human rights are also a fuel to a motor of the progress and only future can show us, where the road leads to.