

HUMAN RIGHTS: CHALLENGES AND PROMISES

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The topic of human rights is important from both a governmental and an individual perspective. From my experience, though, the discussions of human rights often lead to generalizations and misconceptions.

Mention the importance of “human rights” to someone and you will probably get any number of responses. For example, here are some possible reactions:

- Of course, everyone needs human rights.
- I’m all for human rights, but this is war. We have to be flexible in fighting terrorists who certainly do not respect human rights.
- The United States does more to promote human rights than any other country.
- Human rights are important, but can we really guarantee human rights if others don’t respect them?
- Human rights have little meaning, since human rights to some might mean oppression to others.

Reactions to the term human rights often appear programmed to resemble well meaning clichés that may not capture the essence of what human rights really encompass.

The underlying difficulty in even discussing human rights begins with the point of departure. What do people mean when they talk about human rights? Is it the right to vote in an election? The right to say pretty much what we choose? The right to worship as we please? The right not to be discriminated against because of race, gender, sexual orientation, ethnic origin, age? All of these rights? In other words, a key question concerning any discussion about human rights involves the definition of human rights. Just what do we mean by human rights?

In the United States and undoubtedly in other countries, people toss out the phrase human rights all the time, as if it is self-evident what they mean. The reality, though, is that this assumption of knowledge can be misleading. Do we really know what we mean when we discuss human rights? Perhaps we have some idea of what we are talking about, but most likely, we are simply generalizing. When asked to give specifics about human rights, we draw a blank.

This presentation is about getting to know human rights. They can be a powerful and effective tool in promoting social policies. But along the way, there are challenges, as well as promises.

HISTORICAL BEGINNINGS OF HUMAN RIGHTS

Early civilizations produced religious codes that established standards of conduct for fairly homogenous groups within limited territorial jurisdictions (Ishay, 2004). By requiring humans to treat fellow humans with dignity and help provide for each other’s needs, many religions are precursors to human rights. In varying degrees, Judaism, Christianity, Buddhism, Confucianism, and Islam all stress what would now be called human rights. These religions emphasize the necessity of fairness from political authorities and the distribution of economic resources to those in need (van Wormer, 1997; Laqueur & Rubin, 1979; Ishay, 2004; Wronka, 1998; Ife, 2001).

In addition to religious concepts, human rights have borrowed from philosophical explorations. Over two thousand years ago, Plato and Socrates explored the realm of basic, inalienable rights of man, which in those times literally meant man (Wronka, 1998). Women's rights as human rights came much, much later (Reichert, 1996, 1998 b). Later, the Romans developed The Twelve Tables, which stressed the necessity for a proper trial, the presentation of evidence and proof, and the illegality of bribery in judicial proceedings (Wronka, 1998).

In the year 1215, a cornerstone of human rights came into existence when English nobles, bishops, and archbishops forced the then reigning King John to end his abuses against his subjects. The subjects drafted a document known as the Magna Carta, which King John signed. The Magna Carta prohibited a sovereign's taking of property without due process and detention without a legal judgment by peers—the forerunner of trial by jury.

Another concept behind the development of human rights is natural law, which holds that a certain order in nature provides norms for human conduct. Two early modern political philosophers, Thomas Hobbes and John Locke, explored a theme of natural rights. Hobbes and Locke stated that the source of natural law was not a set of naturally ordered ends of human well being and fulfillment, but an innate desire for self-preservation (Hall, 1992). The desire for self-preservation in a state of nature led to the establishment of a social contract, the foundation of civil society. According to Locke, the fundamental duty of government became the protection of rights to life, liberty, and property. This concept of natural rights went beyond theoretical views of man and society and aimed to establish actual rules of conduct. Initially, these natural rights focused on freedom of the press, with subsequent attention to freedom of thought in politics and religion. Abolition of slavery and a more humane treatment of criminals also formed part of the natural rights movement (Rawls, 1993).

Uprisings in the late 18th century against government and royalty in France and the American colonies engendered considerable discussion as to how nations should treat citizens. Until this period, privileged males occupied center stage in discussion about concepts of human rights, with most, if not all, rights being solely for men. However, in 1787, the philosopher Condorcet published a treatise on the rights of women, holding that women had the same "natural rights" as men (Staub-Bernasconi, 1998). During the French Revolution of 1789, women were active in the fight against an old feudal regime. Women led demonstrations that forced the king from his palace at Versailles. Women's groups in Paris demanded the same political rights as men, as well as change in marriage laws and women's social conditions.

While the French underwent their revolution, the American colonists had recently completed their own uprising against the British. Out of this revolt came various documents expounding on the rights of man, including the Declaration of Independence (Declaration of Independence, 1776) and later the U.S. Constitution (United States Constitution, 1787). While the Constitution reflected a major step in defining and limiting government action in political and civil matters, that document did not address economic and social needs.

In the late 18th and early 19th centuries, the age of industrialization began in England, Europe, and the United States. In these parts of the world, people left their

agricultural based activities to find work in factories, often working long hours in unsanitary conditions at subsistence pay. Opposition to exploitation of labor began to emerge in the middle of the 19th century. Karl Marx and Friedrich Engels produced the Communist Manifesto to counter what they saw as exploitation of the working class by owners of factories and other means of production (Wronka, 1998). The manifesto outlined the class struggle against capitalists and the eventual takeover of the means of production by workers. Toward the latter part of the 19th century, governments in Europe began to support the development of social welfare as social activists recognized the inadequacy of an individual response to broad economic problems, like massive poverty.

The First and Second World Wars led to greater attention on the interdependence of humankind. A shared desire to condemn warfare and develop institutional frameworks for international cooperation took form. Realizing the vast devastation from those wars, many countries and groups addressed notions of human rights (Morsink, 1999; Wronka, 1998). They emphasized the need to develop a “United Nations” to maintain international peace and security.

In June 1945, the United States, Soviet Union, France, and many other countries laid the groundwork for the creation of a United Nations (Morsink, 1999). The UN Charter pledges the organization to reaffirm faith in fundamental human rights, and Article I of the Charter cites “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion” (Human-rights law, 1998).

A universal declaration of rights ranked high on the agenda of this new organization known as the United Nations even though many governments were reluctant to accept detailed provisions concerning human rights. The Soviet Union had its Gulags, or labor camps, for those who spoke against the government; the United States had its racial problems; and the Europeans had their colonial empires (Burgenthal, 1988). All of these circumstances could be viewed as contrary to human rights principles. Consequently, establishing a strong international mechanism for protecting human rights worked against the interests of these major blocs.

Fortunately, an impetus for a more detailed and comprehensive set of rights than desired by the major blocs existed in the form of private institutions now commonly known as non-governmental organizations (NGO’s) (Farer, 1989). Without the efforts of deeply committed delegates and representatives of private organizations serving as consultants, human rights would have received only a passing reference.

The final draft of the Universal Declaration of Human Rights bore the unmistakable stamp of the horrific experiences of the recent World War II. Rene Cassin, the French delegate, stated that “the last war had taken on the character of a crusade for human rights” and that the declaration was most urgently needed as a protest against oppression (Morsink, 1999, p. 37).

While the Universal Declaration of Human Rights was not a legally binding document—who could have enforced it anyway against powerful countries like the United States and the Soviet Union?—a common precedent for universal human rights now existed. The significance of this step cannot be underestimated. From this point forward, human rights have made astonishing inroads into the vocabularies of philosophers, educators, political leaders, lawyers, and many other groups.

WHAT ARE HUMAN RIGHTS?

Too often, the phrase “human rights” gets tossed around like a verbal football, as if everyone automatically knows what human rights mean and can instinctively play the game without any practice. In reality, understanding human rights takes a lot more effort than simply referring to countries like China, Cuba, or Iran and their seemingly obvious human rights violations. Human rights include a wide variety of concepts and cover many areas of the human condition.

While no single definition could possibly cover the entire gamut of what human rights involve, the idea of human rights can generally be defined as

those rights, which are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. (United Nations, 1987)

People from different backgrounds readily endorse the concept of human rights, which refer to those rights that every human being possesses and is entitled to enjoy simply by virtue of being human (Ife, 2001).

Moving from a general definition of human rights to more specific explanations requires a look at various human rights documents. The importance of these documents is that individuals, groups and governments from all over the world have invested considerable time and thought in drafting the documents. Voices from different corners of the world air within these instruments, which generally take the form of a written declaration or covenant sponsored by the United Nations. Criticism that human rights are western concepts and do not reflect cultures of non-western societies may have some validity. But most of the human rights specified in the various declarations and covenants issued by the United Nations reflect world-wide input.

The starting point in understanding human rights lies within the Universal Declaration of Human Rights, which all members of the United Nations agree to support. While members of the United Nations agree to follow the Universal Declaration, the reality is that many countries pay only lip service to this important document. Yet, at a minimum, approval of the declaration by members of the United Nations indicates a commitment to satisfying the specified rights.

Three “Sets” of Human Rights

The Universal Declaration (United Nations, 1948) refers to what are often classified as three distinct sets or generations of human rights.

- The first set or generation lists political and individual freedoms that are similar to what Americans view as human rights. The right to a fair trial, freedom of speech and religion, freedom of movement and assembly, and guarantees against discrimination, slavery, and torture fall within these political and civil human rights (Articles 2-15). These rights might be described as negative rights, or rights that negate or restrict governmental action. In other words, the first set

of human rights emphasizes noninterference by government.

- Reading beyond the initial set of human rights in the declaration reveals another set of human rights that embody so-called positive rights, meaning that governments and individuals must take action to preserve these rights. This set of rights attempts to ensure everyone, no matter where he or she resides, an adequate standard of living. Under this second set of human rights, 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.” In addition, “motherhood and childhood are entitled to special care and assistance” and everyone has the right to a free education at the elementary level (Articles 16-27).

Of course, the distinction between negative and positive human rights can be viewed as illusory. If government shall not restrict free speech or discriminate against gender or race, who monitors whether government satisfies these negative rights? Obviously, government must affirmatively act to prevent violations of free speech and discrimination. That requires positive action on the part of government. Still, contrived or not, in some discussions about human rights, a distinction between negative and positive human rights continues to exist (Reichert, 2003).

- The third set of human rights involves cooperation among different countries to promote the rights and freedoms listed in the Universal Declaration. This set can be referred to as collective human rights. This set of rights is the least developed among the three different classifications. To establish these rights and freedoms, a spirit of working together must prevail. As stated in the declaration, everyone “is entitled to a social and international order in which the rights and freedoms” listed in the document can be fully realized (Article 28). An example of this concept would be a world-wide effort to assist countries in addressing HIV-AIDS populations. Another example would be an environmental treaty that aims to reduce greenhouse emissions since global warming creates a worldwide problem, and not simply an isolated problem affecting just one country or region. In other words, international cooperation to realize human rights forms the basis of third-generation human rights.

Essentially, the promotion of collective human rights requires intergovernmental cooperation on world issues. One country or group of countries should not dictate conditions to another country or group when those conditions would inhibit the growth or prosperity of the other group. Industrialized countries should not take advantage of less economically developed countries by exploiting resources. The third set of human rights indicates that solidarity among nations and individuals forms a core value of the declaration (Reichert, 2003).

While Americans applaud themselves for their strong commitment to the first set of human rights enumerated in the Universal Declaration, it is within the second group of human rights and increasingly the third set that Americans most frequently come up short. Compared to many other countries, the United States fails to fulfill its obligation to promote positive human rights (Reichert & McCormick, 1997). For instance, our failure to provide adequate health care for all expectant mothers and

children violates the same Universal Declaration of Human Rights that U.S. political leaders continually use to denigrate China, Cuba, Iraq, and other countries. The infant mortality rate, meaning the death of children in the first year of their lives, is higher in the United States than in any other industrialized country (The World Factbook, 2004). And, within the United States itself, disparity in infant mortality rates exists among racial groups, with African-American infants suffering a mortality rate more than twice that of non-Hispanic whites (The World Factbook, 2004). While this poor ranking in infant mortality may not be entirely due to the lack of adequate health care, the failure of Americans to ensure adequate health care to all residents raises an important human rights issue.

In respect to international cooperation, the United States has developed a tendency to go it alone concerning many issues. While the dictator Saddam Hussein in Iraq was no supporter of most human rights, the U.S. based invasion of that country in 2003 can only be described as a headstrong U.S. operation, without regard for legitimate, dissenting views. The refusal of the United States to enter into a major international environmental treaty or support an international court of justice also exhibits a position that goes against international cooperation. Certainly the United States has promoted human rights policies in the international arena. But many times, this involvement requires deference to the U.S. viewpoint by other countries.

To summarize, then, the 1948 document known as the Universal Declaration of Human Rights establishes the initial groundwork for our present day concern about human rights. All members of the United Nations, which is just about every country, agree to promote human rights listed in the declaration. The United States certainly considers itself a leader in the promotion of human rights, but, at least based on the Universal Declaration, shortfalls exist.

While the categorizing of human rights into three sets may help in understanding the different types of human rights, this separation often allows countries to overlook the broad spectrum of human rights. This is not right. We must accept that no set of human rights is more important than another. The right to vote is no more important than having adequate medical care or food to enable us to have a sound mind when going into the voting booth. So, while it helps to understand the different types of human rights, the emphasis of one set of rights over another can work against the realization of all human rights.

Post Universal Declaration Era of Human Rights

After adoption of the Universal Declaration in 1948, the United Nations has issued other human rights documents, including two significant covenants that, along with the Universal Declaration, form an International Bill of Human Rights: (1) International Covenant on Civil and Political Rights (United Nations, 1966 a) and (2) International Covenant on Economic, Social and Cultural Rights (United Nations, 1966 b). In contrast to the non binding nature of a declaration, any country approving a covenant agrees to legally enforce provisions in the covenant.

International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights focuses on human rights that are most familiar to Americans: right to vote; freedom of expression and assembly; right to due process in criminal cases; guarantees against discrimination

on the basis of gender, race, national origin, and other categories; and, generally, human rights that allow a free and fair participation in civil and political life. A notable human right under this covenant was the abolishment of capital punishment for juveniles, or those under 18 years of age (Article 6).

In 1992, the United States ratified the International Covenant on Civil and Political Rights, but not without five significant “reservations,” which included the right to continue capital punishment for juveniles (Newman & Weisbrodt, 1996). However, last year, in a 5-4 decision, the U.S. Supreme Court finally abolished capital punishment for juveniles, a practice almost every other country had abolished years ago (Roper v. Simmons, 2005).

International Covenant on Economic, Social, and Cultural Rights

The second covenant included within the International Bill of Human Rights is the International Covenant on Economic, Social, and Cultural Rights. This covenant aims to make States responsible for providing human rights falling under what might be termed “quality of life” categories. Specifically, the covenant on economic, social, and cultural rights requires countries to provide social benefits to their residents, including decent working conditions, adequate health care, food, clothing, shelter, education, and social security insurance.

In 1978, President Carter signed this covenant, which then went to the U.S. Senate for its consideration. A covenant is like a treaty, and under the U.S. Constitution, the President has the power to propose a treaty, but two-thirds of the Senate must concur with the treaty before it becomes binding (U.S. Constitution, 1787, Article 2). The Senate has yet to ratify this covenant, in part because the United States has not traditionally accepted most social benefits as human rights.

By not approving the International Covenant on Economic, Social, and Cultural Rights, the United States finds itself out-of-step with many of its industrialized counterparts. In Europe the thought of not providing everyone with at least a minimal level of health care would be abhorrent. Certainly the insistence of the United States not to recognize economic and social benefits as human rights appears more and more outdated, with unfavorable consequences. Politicians and business leaders may rant about the cost of a universal health care system and other social benefits, but what about the cost of not providing sufficient economic and social human rights? By far, the United States has one of the highest imprisonment rates in the world. The cost of operating those prisons runs into billions of dollars each year. Additional expenses arise from costly court procedures and law enforcement agencies, as well as providing restitution to victims of crime. If a link exists between failing to provide social benefits (such as education and health care) and a life of crime, then can it really be said that it is cheaper to ignore economic and social benefits to everyone? Would it not be less expensive to provide better educational facilities and social assistance programs during the formative years of a person who, owing to poverty, might grow up to engage in criminal activities than to fork over the huge infusion of government funds necessary to run the legal and prison systems that now house the (often nonviolent) criminal? This is an issue that illustrates both challenges and promises of human rights.

Other Human Rights Documents

In addition to the International Bill of Human Rights, the United Nations has drafted other documents addressing specific areas of human rights, including the Convention of the Rights of the Child and Convention against Discrimination against Women, neither of which the United States has ratified. While the United Nations works together to draft human rights documents, the enforcement of human rights generally remains within the individual countries. The United States or any other country can choose to promote a particular human right and ignore others. This option to pick and choose which human rights to enforce clearly leads to hypocrisy.

Importance of Human Rights

As we have seen, the concept of human rights includes much more than freedom of speech, the right to freely vote, and other political guarantees. Human rights encompass a wide range of political, social, and economic issues, and no country, not even the United States, is immune from human rights violations.

Today, no nation wants to be singled out as a violator of human rights, with this aversion often promoting the side-stepping or concealment of human rights issues: An- Na'im (1995) writes,

[D]ue to the activism of civil society around the world, the human rights paradigm has become such a powerful legitimizing force in national politics and international relations that no government in any part of the world today would openly reject or defy its dictates. Governments will of course deny that they have committed human rights violations or claim that they are striving to comply with those norms to the best extent permitted by their local circumstances. They will try to get the benefits of international legitimacy without the 'inconvenience' of compliance with human rights standards, but that is true of constitutional rights in any domestic setting even in the most developed and stable societies. (427)

While countries and individuals obviously try to avoid being labeled as failing to adhere to human rights principles, the significance is that human rights do matter. Within a period of just less than 60 years, most countries recognize that human rights have evolved into a major goal, or at least, stated goal of the entire world (Reichert, 2003, 2006).

CHALLENGES IN CONTEMPORARY HUMAN RIGHTS

Let's now talk about some of the challenges in contemporary human rights. To highlight these challenges, I will focus on the concepts of universalism and cultural relativism.

Universalism

The concept of universalism came into prominence after World War II (Morsink, 1999; Ife, 2001; Reichert, 2001, 2003). With the adoption of the Universal Declaration of Human Rights, countries all over the world discussed and negotiated values that would become the basis for human rights. The horrific consequences of World War II left a legacy that great harm could result in allowing individual countries or nations to define and pursue their own values. By establishing racial purity laws that led to

the exterminating of “lesser” human beings, Germany had showed the world how destructive an individual culture could become without an overriding check.

A core principle of human rights is that those rights belong to everyone, no matter what status that person holds in society. This notion of universalism underpins human rights. Every individual has a claim to enjoyment of human rights, wherever the individual resides (Reichert, McCormick 1998a; Reichert 2003). For example, human rights include adequate health care and nutrition for everyone. Perhaps a country’s resources are insufficient to provide universal health care and food for everyone and not everyone receives adequate care and nutrition. However, because health care and food are integral to human rights, governments have an obligation to provide a framework for ensuring the delivery of these rights even if local cultures consider the procurement of these items a matter for the individual. Interestingly, in the United States, government does make some efforts to ensure that everyone receives adequate nutrition (via “food stamps” or Link card) and health care (via Medicaid) but does not view these human rights as universal.

Universalism is not without criticism. Critics charge that universalism perpetuates colonialist practices, complaining that one group assumes superiority over the other and bases values, ethics, power on that assumption (Ife, 2001; “Globalisation and prosperity,” 2001; Harris-Short, 2003). Similarly, criticism, as explained by Ignatieff (2001 b), focuses on the “imperialistic” nature of human rights:

Human rights doctrine is now so powerful, but also so unthinkingly imperialist in its claim to universality, that it has exposed itself to serious intellectual attack. These challenges have raised important questions about whether human rights norms deserve the authority they have acquired: whether their claims to universality are justified, or whether they are just another cunning exercise in Western moral imperialism. (p. 102)

While criticism of universalism presents valid issues, human rights do not originate without considerable input by diverse nations. Human rights are internationally agreed values, standards or rules regulating the conduct of states toward their own citizens and toward non citizens. Human rights are, in the words of the preamble of the Universal Declaration of Human Rights, “a common standard of achievement for all peoples and all nations” (United Nations, 1948). These rules, which nations have imposed upon themselves, serve to restrict the freedom of states to act toward their entire population: citizen as well as non citizen, men as well as women, whites and non whites, believers and non believers, married persons and the unmarried, heterosexuals as well as homosexuals. This situation is different from the past, when states, or rather their princes, were absolute sovereigns who could treat their subjects in any way they wanted. Nowadays, human beings have rights: human rights (Baehr, 2001).

While universalism implies that some moral requirements are the same for everyone, it does not imply that we all have a moral requirement to be the same, nor that we have any moral requirement that discourages cultural diversity (Tilley, 2000). From this perspective, the universal concept of human rights immediately encounters a legitimate obstacle—the local cultural, religious, and legal norms. Why should any country accept rules that have been devised by a world body

that includes members who often appear to have little in common with other members? The response goes back to the background leading to the creation of the United Nations and its Universal Declaration of Human Rights. Genocide, poverty, unemployment, colonization, and other afflictions all led to a search for a better way, one that would at least help prevent or ease these afflictions. No single nation could do that. Only by working together and agreeing on a universal set of principles could all nations obtain some success in creating a better world.

Of course, universal principles impose responsibility upon nations of the world to enforce those principles. It is this responsibility that often becomes a sticking point when local cultural norms contradict established human rights principles.

Cultural relativism

Cultural relativism received its greatest prominence as a means to counter colonialism (Roth, 2004). The theme during colonialism in the 1800's was that one culture was superior to others. However, in the 1900's anthropologists questioned this cultural superiority and emphasized that each culture has value in itself. At the time, this viewpoint appeared innovative and progressive.

In cultural relativism, all points of view are equally valid, and any truth is relative. The truth belongs to the individual or her or his culture. All ethical, religious, and political beliefs are truths related to the cultural identity of the individual or society. Cultural relativism is appropriate in some aspects. Language, food, clothing, art, and architecture differ from one culture to another, and it is desirable for the relative differences to remain (Pasamonik, 2004). Also, "cultural relativism maintains that there is an irreducible diversity among cultures because each culture is a unique whole with parts so intertwined that none of them can be understood or evaluated without reference to the other parts and to the cultural whole, the so-called pattern of culture" (Lawson, 1998, p. 13).

Of course, cultural relativism, meaning that one country/culture can determine its own values, regardless of human dignity and life, can have horrendous results (Morsink 1999; Wronka, 1998). Nazi Germany is certainly one of the most well known examples illustrating the evils of cultural relativism. On a lesser scale, the recently publicized circumstances of a 41-year-old-Afghan man being tried in Afghanistan for converting to Christianity sixteen years ago show another case of cultural relativism gone wild (Perkins, 2006). Undoubtedly because of pressure from the United States, Europe, the Vatican and other countries, the Afghan government has now classified the Afghan man as insane and unfit for trial. This face-saving gesture allowed the Afghan government to side-step the entire set of issues, not the least that of the death penalty (Morarjee & Murphy, 2006). The irony here is that the new Afghan Constitution incorporates the Universal Declaration of Human rights, which specifically allows freedom of religion. At this time, the Afghan Christian is seeking asylum, another human right enshrined in the declaration.

The phrase "cultural relativism" often creates confusion in a discussion of human rights. What does this cultural relativism really mean? Simply stated, cultural relativism refers to a view that all cultures are equal and universal values become secondary when examining cultural norms. No outside value is superior to that of the local culture. If the local culture allows female genital mutilation, then the

human right prohibiting cruel or degrading treatment should not prevent the genital mutilation. If the culture accepts genital mutilation, then no outside principle should overrule the cultural norm.

When an uninsured American does not receive adequate medical treatment for an illness because he or she has insufficient income, the local culture and legal system accept that result—even though the Universal Declaration of Human Rights states that everyone is entitled to adequate medical care. The result seems appalling. How can someone be denied medical care? Imagine, though, if the United Nations tried to intervene by saying this was a human rights violation? The UN would get nowhere.

The problem with an uncritical acceptance of cultural relativism lies within the resulting avoidance of examining the societal structure that creates the cultural norm. Who determines culture? As with many cases of cultural relativism within a human rights context, the power to define cultural, religious, and legal norms controls the outcome. For that reason, we should avoid an uncritical acceptance of culture over universal human rights principles.

Universalism and cultural relativism highlight the continual struggle inherent within human rights. Nobody likes being told what to do from outsiders. Unless the local culture acknowledges and understands the importance of universal principles of human rights, then the furtherance of human rights within a society will stall. The goal is to educate people about universal principles of human rights with sensitivity to local culture. At times, though, culture must give way to universality.

PROMISES IN CONTEMPORARY HUMAN RIGHTS

The final part of my speech will address the promises in contemporary human rights. In some ways, the promises are a mere reflection of the challenges: (1) Basic rights for everyone, regardless of culture and (2) Universal recognition of the need to cooperate on a global level. I have already discussed the groundwork for these promises within the challenges of human rights: they are truly two sides of the same coin.

“Human rights are for everyone or they belong to no one.” This Amnesty International phrase about human rights could not be truer. The promise of human rights is that by recognizing that everyone must have the enjoyment of these rights, societies can better design governmental policies and structures that improve everyone’s wellbeing. Human rights do not promise equality for everyone—only the right to a basic standard of existence. Yet, with this basic standard of existence, many of the insecurities and deprivations of today’s world could be at least alleviated, if not eliminated.

Within the United States, gaps between the haves and have-nots are still with us, with catastrophes like Hurricane Katrina illustrating the grotesque nature of these gaps. Can it really be said that this country has achieved human rights for all when thousands of people did not even have the means to seek shelter from a devastating hurricane? Unfortunately, over time, we tend to forget our failure to achieve human rights for all and ignore the promises of human rights. It seems too hard.

The same might be said on a global scale. If we view the HIV-Aids situation in Africa as a local catastrophe, then we are ignoring the promise of human rights that can occur with international cooperation. The HIV-Aids problem in Africa is a global

problem, not simply one restricted to the countries most affected. Human rights require a broader, more thoughtful perspective on world issues. By viewing world issues through a human rights lens, government leaders and others hold out the promise of actually achieving important goals.

FINAL WORDS

Of course, diversity of thought, culture and goals often collide on local, national and international levels. This diversity makes the promotion of human rights a difficult journey. But, as Vanessa Redgrave, a British actress and political activist, said in a recent interview,

I was eleven years old when I listened to a reading of the Universal Declaration of Human Rights on the radio, and the words came over me with a dream that I still dream today... We still have far to go. How far it is depends upon what appears doable and possible to us. When the right door opens, the world can be changed in seven days. The road may be a long one. But it is possible to travel this road in seven days. That would be possible. Really possible. (Geisenhanslueke, 2006: 70)

REFERENCES

- An-Na'im, A. A., ed. (1995). *Human rights in cross-cultural perspectives: Quest for consensus (Pennsylvania Studies in Human Rights)*. Philadelphia: University of Pennsylvania Press.
- Baehr, P.R. (2001). *Human rights: Universality in practice*. New York: Palgrave.
- Buergenthal, T. (1988). *International human rights law*. St. Paul, MN: West Publishing.
- Constitution of the United States, 1787.
- Declaration of Independence, 1776.
- Farer, T. (1989). The United Nations and human rights: More than a whimper. In R.P. Claude & B. H. Weston (Eds.). *Human rights in the world community*, (pp. 194-208). Philadelphia: University of Pennsylvania Press.
- Geisenhanslueke R. (2006, February 23). Ich habe einen Traum. Translated: I have a dream. Interview with Vanessa Redgrave. *Die Zeit*. p. 70.
- Globalisation and prosperity: Going global. (2001, December 8-14): *The Economist*, p. 67.
- Hall, K. ed. 1992. *The Oxford companion to the Supreme Court of the United States*. Oxford and New York: Oxford University Press.
- Harris-Short, S. (2003). International human rights law: Imperialist, inept and ineffective? Cultural relativism and the UN convention on the rights of the child. *Human Rights Quarterly*, 25 (1): 130-152.
- Human-rights law. (1998, December 15). *The Economist*, pp. 4-16.

- Ife, J. (2001). *Human rights and social work: Towards rights based practice*. Cambridge: Cambridge University Press.
- Ignatieff, M. (2001 a). *Human rights as politics and idolatry*. Princeton: Princeton University Press.
- Ignatieff, M. (2001 b). The attack on human rights. *Foreign Affairs*, November/December: 102-116.
- Ishay, M. (2004). *The history of human rights: From ancient times to the globalization era*. Berkeley: University of California Press.
- Lawson, S. (1998). Democracy and the problem of cultural relativism: Normative issues for international politics. *Global Society: Journal of Interdisciplinary International Relations*, 12(2), 251-271.
- Laqueur, W., & Rubin, B., eds. (1979). *The human rights reader*. Philadelphia: Temple University Press.
- Morarjee, R, & Murphy, D. (2006, March 27). Apostasy: Conversion a thorny issue in Muslim world. *The Christian Science Monitor*, pp. 1, 10.
- Morsink, J. (1999). *The universal declaration of human rights: Origins, drafting, and intent*. Philadelphia: University of Pennsylvania Press.
- Newman, F., & Weisbrodt, D. (1996). *International human rights: Law, policy, and process (2nd ed.)*. Cincinnati, OH: Anderson Publishing.
- Pasamonik, B. (2004). The paradoxes of tolerance. *Social Studies*, 95(5): 206-211.
- Perkins, T. (2006, March 24). Religious freedom Afghan-style is no freedom. *The Christian Science Monitor*, p. 9.
- Rawls, J. (1993). *Political liberalism*. New York: Columbia University Press.
- Reichert, E. (2006). *Understanding human rights: An exercise book*. Thousand Oaks, CA: Sage Publications.
- Reichert, E. (2003). *Social work and human rights: A foundation for policy and practice*. New York: Columbia University Press.
- Reichert, E. (2001). Move from social justice to human rights provides new perspective. *Professional Development: the International Journal of Continuing Social Work Education*, 4 (1): 5-13.
- Reichert, E., & McCormick, R. J. (1998 a). U.S. welfare law violates human rights of immigrants. *Migration World*, XXVI (3): 15-18.
- Reichert, E. (1998b). Women's rights are human rights: A platform for action. *International Social Work*, 41(3): 371-385.

- Reichert, E., & McCormick, R. J. (1997). Different approaches to child welfare: United States and Germany. *Journal of Law and Social work*, 7 (1): 17-33.
- Reichert, E. (1996). Keep on moving forward: NGO forum on women, Beijing, China. *Social Development Issues*, 18 (1): 61-71.
- Roper v. Simmons, 543 U.S. 551 (2005).
- Roth, Pierpont, C. (2004, March 8). The measure of America. How a rebel anthropologist waged war on racism. *New Yorker*, pp. 48-63.
- Staub-Bernasconi, S. (1998). Soziale Arbeit als Menschenrechtsprofession. In A. Woehrel, ed. *Profession und Wissenschaft Sozialer Arbeit: Positionen in einer Phase der generellen Neuverortnung und Spezifika*, (pp. 305-332). Pfaffenweiler, Germany: Cengage.
- The World Factbook*. (2004). Retrieved December 8, 2004, from www.cia.gov/cia/publications/factbook/index.html.
- Tilley, J. (2000). Cultural relativism. *Human Rights Quarterly*, 22(2): 501-549.
- United Nations. (1948). *Universal declaration of human rights*. Adopted December 10, GA.Res.217 AIII. United Nations Document a/810. New York: UN.
- United Nations. (1966 a). *International covenant on civil and political rights*. Adopted December 16, GA Res. 2200A (XXI), New York, UN.
- United Nations. (1966 b). *International covenant on economic, social and cultural rights*. Adopted December 16, GA. Res. 2200A (XXI), New York. UN.
- United Nations (1987). *Human rights: Questions and answers*. New York: UN.
- Van Wormer, K. (1997) *Social welfare: A world view*. Chicago: Nelson Hall.
- Wronka, J. (1998). *Human rights and social policy in the 21st century: A history of the idea of human rights and comparison of the United Nations Universal Declaration of Human Rights with the United States federal and state constitutions (rev. ed.)* Lanham, MD: University Press of America.

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