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Human Rights: When Might Makes Right?

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Abstract. This article illustrates the various rights underlying the concept of human rights as right.

Why are human rights right? Can the various answers all be right?

Human rights can be justified on a moral stance that humans, by virtue of being human, are due certain privileges. These privileges are inalienable--i.e., not capable of being transferred or separated. In fact, these privileges are more than privileges because they are inalienable: in essence human rights are one's due. The moral stance from which one's due stems may be secular or sacred. The stance ultimately is based on rationalism, faith, empiricism, or some combination. As these epistemological tools have their vulnerabilities, so does the moral stance and so do the justification of human rights.

Human rights can be justified on a legal stance. In other words, human rights are right through various legal traditions. With a contemporary perspective, one might most often allude to the common, civil, socialist, and religious traditions. But, the various traditions have their own respective vulnerabilities. The precedent and usual practice criteria of the common law tradition and what should be and what is criteria of the civil law tradition are ultimately based on combinations of arbitrariness, accident, and functional utility. The furthering policy and power criteria of the socialist tradition are ultimately based on functional utility. The sacred should criteria of the religious tradition are based not on God's word but on ever-changing human interpretations of them. Can and should arbitrariness, accident, functional utility, and ever-changing human interpretation form the human rights foundation? Moreover, the legal traditions can be traced back to some moral stance and to the vulnerabilities of a moral stance.

Paradoxically, human rights may be best justified by physical force or its threat--by might. Might is ultimately the tool that coerces an end to human rights violations. Might deters human rights violations. If human rights as a way of life is to be accepted by more and more of the world, will this not occur through an ideological conquering backed by might? Might--as with some variants of moral and legal stances--may not only found human rights but also may militate against such rights. It is this conundrum that confounds human rights' friends and foes. (See Doise, W., Staerke, C., Clemence, A., & Savory, F. (1998). Human rights and Genevan youth: A developmental study of social representations. *Swiss Journal of Psychology*, 57, 86-100; Handwerker, W.P. (1997). Universal human rights and the problem of unbounded cultural meanings. *American Anthropologist*, 99, 799-809; Jennings, T.E. (1996). The developmental dialectic of international human rights advocacy. *Political Psychology*, 17, 77-95; Macek, P., Osecka, L., & Kostron, L. (1997). Social representations of human rights amongst Czech university students. *Journal of Community and Applied Social Psychology*, 7, 65-76.) (Keywords: Human Rights.)