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Human Rights, History of

The expression 'History of Human Rights' has two different meanings. It can be understood (as it usually is) as the history of the idea and the concept of human rights, or (less frequently) as the historical occurrence and study of human rights and their abuses. Therefore, the basic debates about the idea and concept of human rights are first clarified here from a historical perspective. Then, a range of methodological and ethical problems in the historical study of human rights are presented.

1. History of the Idea and Concept of Human Rights

1.1 Moral vs. Positive Rights

In 1689–90, just after the Glorious Revolution of 1688, the English philosopher John Locke (1632–1704) wrote his *Two Treatises on Government*, which contained the first classical formulation of human rights (then still called 'natural rights'). In retrospect, this work stood at the juncture of a set of amazingly diverse ideas, some of which went back to antiquity and some of which will survive the twenty-first century. Locke's point of departure was the doctrine of natural law as it had developed since antiquity and had been

transformed, in certain respects almost beyond recognition, by medieval Christianity and early-modern philosophers. According to Locke, the doctrine maintained that nature endowed all humans with certain basic moral entitlements (such as the right to life, liberty, and property), to which the man-made laws of society, both positive and customary, had to conform.

These natural rights were thought to possess five distinct characteristics: they were discoverable by reason, itself a faculty of human nature; they existed before humans entered society; they applied to all humans by virtue of their being human; they were inalienable; and they were restricted only by the recognition of the rights of others. As such, these rights limited the power of the society—generally in its predominant historical-political form, the state—and its laws, and respect for them was the first test for the legitimacy of political power. Ancient ideas on rationalism, equality, and the restrained exercise of power formed the substratum for this natural law doctrine, which proved to be very influential. Despite its claim of eternity, however, many of the doctrinal components, such as the exact catalog of moral principles or the source of authority for these principles, turned out to be rather flexible.

Although temporarily in eclipse because of the ascendancy of the sixteenth-century absolutist state, the natural law doctrine would be fostered by three developments initiated in that very period. With the Renaissance came an emphasis on individualism and secularism, the outcome of the religious struggles following the Reformation taught the necessity of tolerance, and the seventeenth-century scientific revolution marked the triumph of rationalism. These developments reversed the philosophical priorities of the hierarchical medieval societies: natural law gradually became associated with rights rather than with duties and with individuals rather than with groups.

The perception of the source of these natural rights also changed. Whereas Christianity had maintained that God was the ultimate source and political absolutism had invested the monarch with divine rights, the consent of the governed came to be seen as the final authority. Individuals gave this consent in a social contract, which presupposed that they possessed rights before entering society. Governments owed their origin to that contract, by which free and equal citizens agreed to entrust to a neutral sovereign body some of their rights, to accept its authority and rules as long as it protected them, and to rebel against it if it did not. This formed the basis for the rule of law and the separation of, and balance between, the legislative, executive, and judicial functions of government.

Although previous theories (such as Hugo Grotius') paved the way and later ones expressed similar ideas, it was Locke's political theory which was to prosper, especially outside England. In the age of Enlightenment it exerted profound influence upon the politicians behind the great revolutions at the end of the

eighteenth century. In the United States and France, natural rights, mainly of a political and civic character, were incorporated into the declarations and constitutions of the revolutionaries. In 1789 natural rights transformed into the 'rights of man' (*droits de l'homme*). This marked the beginning of a process of codification of rights within the constitutions of most states and in international law that still has not ended.

From this brief historical overview, it is clear that, although many aspects of the human rights conception have an ancient pedigree, other crucial ones have not. The concept was the result of a unique historical combination of a series of events and philosophical thought reflecting upon them, and developed relatively late in Western history. The natural law doctrine itself knew a curious fate: with unprovable tenets and with the possibility of abusive claims 'in the name of nature,' it became overshadowed by the powerful state-centered thinking of the nineteenth century (as it had been in the sixteenth), but it survived. It was rehabilitated in a modest form after the two world wars. The twentieth-century approach did not derive human rights from nature any longer, but from (historically determined) rational ideas on human dignity.

1.2 Absolute vs. Relative Rights

The debate on moral vs. positive rights was continued by liberal, conservative, and socialist critics of human rights. Typical of this criticism were the works of Jeremy Bentham (1748–1832), Edmund Burke (1729–97) and Karl Marx (1818–83). These critics argued against the abstract and absolute character of human rights. They maintained that rights had to be related to the society in which they were to be exercised. The liberal utilitarian Bentham believed only in the force of positive legislation. For him, natural rights were imaginary, 'nonsense upon stilts.' He feared that they were powerful rhetoric in the hands of rulers and a substitute for effective legislation.

Unlike Bentham, the conservative Burke did not deny the existence of natural rights. However, he feared them for reasons contrary to Bentham's: in the hands of the common people, natural rights would stimulate revolutionary sentiments and cause social upheaval leading to terror and to the destruction of the social fabric. Rights (and the duties linked with them) ought to be derived from the principles and values emanating from the particular traditions of a society.

For the socialist Marx the human rights doctrine was not radical enough. It left the inequalities generated by capitalism untouched (particularly private property) and therefore served the interests of the ruling bourgeois class. Because of these inequalities, the workers were unable to enjoy their rights fully, which therefore remained largely formal. As a class,

the workers had a duty to create the conditions for social change by claiming collective social and economic rights with which to overturn the economic system. The new, egalitarian society would be one without a state, laws, or rights.

These thinkers did not stand alone in their criticism, but their arguments gained a classic character and inspired powerful currents. Bentham's ideas gave impetus to the tradition of legal positivism. Ideas similar to Burke's would feed the romanticism and historicism of the nineteenth century to the extent that they too emphasized cultural identity and diversity. Marx's concerns heightened awareness of the need for social legislation and influenced the 1917 Russian Revolution.

1.3 Men vs. All Humans and Individuals vs. Groups as Rights-holders

Clearly, until long after the era of revolutions, the concept of 'rights of man' covered only very restricted categories of humans, usually male tax-paying citizens. The large majority of women, slaves, and foreigners were excluded. The struggle to include these categories in the ranks of rights-holders would lead to the final transformation of the concept into 'human rights.' As early as 1791, Olympe de Gouges struggled for women's rights. With the movement against slavery, another group followed. Categories of individuals deemed particularly vulnerable (women, children, aliens, refugees, prisoners, the disabled) were eventually protected by special regulations.

Likewise, the difficult problem of how to realize group rights was introduced at an early stage in the human rights debate. Groups deemed vulnerable (minorities, colonized peoples, indigenous peoples) increasingly received special attention. Specific treaties for national, ethnic, or religious minorities were drafted long before general treaties came into effect. The idea of self-determination appealed to peoples under colonial rule or comparable alien subjugation and proved to be a crucial concept. It was a dangerous concept too, because the narrowing of self-determination to only one of its possible interpretations—secession—was potentially explosive and because consensus was lacking as to whom the rights-bearer ('a people') exactly was. Self-determination was promoted to a group right only in the 1966 covenants (see below).

From an acute attention to making the concept 'human' all-embracing, two further questions on the extension of rights can be derived. First, do past and future generations have human rights? As to past generations, one could think of the right to a decent burial or the right to be treated with respect in historical works. As to future generations, the preservation of the cultural heritage of humanity and of the

natural environment are chief concerns as is the relationship between human rights and the human genome. As to future generations in relation to past generations, the accountability of successor governments for human rights abuses committed by their precursors and the obligation to investigate them are matters of legitimate debate. Second, what consequences does the anthropocentric character of human rights have, as it excludes other sentient beings and is often based on restricted and exploitative conceptions of nature?

1.4 Domestic vs. International Jurisdiction Over Human Rights

Since 1800, two tendencies, one international, the other national, partly opposite, partly complementary, have dominated the debate over who was to control the protection of human rights. A process of internationalization started when human rights were incorporated into the constitutions of growing numbers of countries. At the same time, human rights became part of the agenda of intergovernmental meetings, leading to the humanitarian interventions of the nineteenth century (continuing a tradition dating from the seventeenth century) and the gradual incorporation of human rights into international law. That human rights abuses often created conflicts that threatened international peace was a lesson learned slowly. Treaties were drafted to protect selected vulnerable categories such as slaves, war prisoners, and minorities. The League of Nations, founded in 1919, did not formally recognize human rights but added pioneering treaties for minorities, refugees, and mandate territories.

The decisive historical moment for internationalization, however, came during World War II, when the link between human rights violations and war (hence the link between human rights protection and international peace and security) became clearly visible and, shortly after, when the Nazi and Japanese atrocities led to worldwide condemnation embodied in the international war crimes tribunals of Nuremberg and Tokyo. Although the United Nations only paid secondary attention to human rights in their 1945 Charter, this did not prevent work on an International Bill of Human Rights, consisting of a morally compelling but not legally binding Universal Declaration of Human Rights, adopted in 1948, and two International Covenants, one on economic, social, and cultural rights, and one on civil and political rights, both approved in 1966 and entered into force in 1976.

In the efforts to transform human rights into positive rights by making them enforceable in positive law, usually three stages are distinguished: standard-setting (codification of standards), ratification (making standards binding), and implementation (enforcing standards via sanctions). Seminal steps for enforcing standards were the elaboration of complaint mechanisms for state and nonstate actors (mainly since the 1970s), the appointment of a High Commissioner for Human Rights (1993), and the adoption of the Statute of an International Criminal Court with universal jurisdiction to prosecute alleged perpetrators (including heads of state and government) of genocide, crimes against humanity, war crimes committed in international and internal conflicts, and crimes of aggression (1998). Important preparatory work for these new devices was done by a coalition of nongovernmental organizations, the representatives of civil society. The elaboration of human rights institutions and mechanisms on a world scale was parallelled, and often preceded, by similar developments on a regional scale in Europe, America, Africa, and the Arab world.

In the midst of this evolution, the state was the key player. The cherished principles of the Westphalian world order, established in 1648, were national sovereignty and interstate equality. Their corollary, domestic jurisdiction, excluded interference from abroad in the internal affairs of the state. The vigorous doctrine of nationalism and successive waves of decolonization since the late eighteenth century strengthened these principles. Paradoxically, recognition of national sovereignty made possible progress in international law with its core principle of interference in the internal affairs of states. In the first place, states slowly realized that when they adopted human rights as the basis of the rule of law, they implicitly created a duty to protect them everywhere, including beyond their borders. In the second place, it was painfully obvious that the states themselves were the main perpetrators of human rights abuses. Therefore, states reluctantly but voluntarily began to accept an international monitoring element that restricted their sovereign domestic power. The number of humanitarian interventions increased drastically in the 1990s, but their enabling conditions, forms (diplomatic, political, economic, or military), potential abuses, and effects were hotly disputed.

1.5 First- vs. Second- vs. Third-generation Human Rights

As the success and the criticism of the human rights doctrine expanded the list of human rights, analysts grouped them into generations. The first generation, tied to the idea of liberty, were the traditional or individual rights of a political and civic nature. They were characterized as negative rights ('freedoms from') because they favored governmental abstention. The second generation, tied to the idea of equality, were the modern or collective rights of a social, economic, and cultural nature. They were characterized as

positive rights ('rights to') because they favored governmental intervention. The third generation, tied to the idea of fraternity, were modern or collective rights of a global nature. They were characterized as solidarity rights and usually included the rights to development, human security, peace, and self-determination. The rights of indigenous peoples and the right to a life-sustaining environment are frequently added, but these are also listed as fourth-generation rights by some.

Each generation emerged in a particular historical context. The first generation was the result of the late-eighteenth-century revolutions led by the bourgeoisie that abolished feudalism (and colonialism in the case of the United States). Increasing political emancipation and democratic participation in the next two centuries gave further impetus. The second generation developed in the nineteenth century as the socialist tradition with its reformist and revolutionary strategies, and introduced ideas of welfare and social legislation to counter the exploitation of working classes and colonial peoples and to create the necessary conditions for the full exercise of rights. The third generation is usually associated with the Third World demand for a worldwide redistribution of power and wealth; another factor is the tension generated by the staggering increase of interdependency and global problems on the one hand and the need to safeguard cultural identities and diversity on the other. The three generations of rights can be placed on a continuum with justice at the one end and solidarity at the other.

This bewildering diversity of human rights occasioned controversies on their compatibility, priority, and indivisibility. Because all human rights were conceived as inalienable, they sometimes came into mutual conflict. A classic example of a conflict within the same generation of rights is the tension between expression and religion: what is called 'an opinion' by one person, might be labeled 'blasphemy' by the next. But most conflicts occurred between, rather than within, generations. Whereas first-generation rights assumed the character of universally enforceable standards, second- and third-generation rights were rather aspirations whose fulfilment was utterly dependent on the creation of specific conditions. Faced with all these demands, some states, mainly in the First World, gave priority to first-generation rights, while others, mainly in the Second and Third World, struggled, if not for the primacy, then at least for the equivalence of second- and third-generation rights. Acrimonious debates were held on whether political freedom or economic development was to be accorded priority. Those defending the priority of political freedom ('free minds') were accused of perpetuating inequality, those defending the priority of economic development ('full bellies') of perpetuating dictatorial government. In the Cold War era (and beyond), these arguments were used as political propaganda. The hypothesis that political freedom or democracy should be suspended until certain levels of economic development are attained is contradicted by the bitter experience that in such cases freedom is usually trampled underfoot, while no economic development is attained after all. Unaccountable governments generally exacerbate economic and environmental crises. Moreover, how can a present suspension of freedom be conceived as preparing for its future protection? The reverse hypothesis seems to have firmer ground: with their political rights respected, citizens will participate more fully in the economic development of their society. The correlation between economic development and political freedom seems to be accepted, but under which conditions, for which precise political and economic areas, and in which causal direction the correlation is valid remains largely unresolved.

At the 1993 World Conference on Human Rights in Vienna, the second such conference ever and the first after the Cold War, the indivisibility of human rights was strongly reaffirmed. Even so, seven rights acquired a special status as they were the only ones stipulated by the 1966 Covenant to be nonderogable, even in times of public emergency. They are the rights to life, to be recognized as a person before the law, and to freedom of thought, conscience, and religion; and the prohibitions against torture, slavery, imprisonment for non-fulfillment of contractual obligations, and retroactive application of criminal laws.

1.6 Universality vs. Relativity of Human Rights

Seen from a historical perspective, most major religions and ethical systems have been concerned with human dignity. Opinions differ, however, on whether they were also concerned with human rights (viewed as one specific way to realize human dignity). Developing the human rights concept took two millennia in Western history and was so full of unforeseen links, ruptures, reversals, and coincidences, that it may convincingly be called a unique product of that history (see above). The quasi-universal emphasis on the community in which individuals had mainly duties switched in Europe and its American colonies to an emphasis on individuals and rights. Elements of the human rights concept, such as some natural law principles, were available outside the West, but the combination of factors that led to its formulation was not. As the West conquered the rest of the world, it introduced its dominance and violence. At the same time, its notions of freedom, nationalism, and cultural diversity, developed initially for home consumption, fell on fertile ground overseas. These notions, including human rights, proved able to transcend their particular roots and context. In the hands of colonized peoples, they echoed similar indigenous values and served to justly criticize Western exploitation in the language of the West itself. Thus, whereas human

dignity is a universal value with venerable traditions everywhere, the claim of the universality of human rights has an anthropological basis, not a historical one, and is rooted in the universal appeal of a specific system of thought.

The anthropological debate was no less vivid than the historical debate. During the preparatory work on the 1948 Universal Declaration, leading American anthropologists emphasized the cultural relativity of values and denounced the universalist pretensions of the intended declaration as cultural imperialism. Moreover, the historical critics of the universality of human rights (presented above) were succeeded by neo-Marxists, communitarians, and postmodernists. But the most influential group of critics were the vociferous ruling elites of some non-Western countries, especially in Asia and Africa. They challenged specific formulations of private rights such as religion or marriage, and advocated, instead of universality, the principle of domestic jurisdiction or the primacy of second- and third-generation rights over first-generation rights. Remarkably, the surviving victims of imprisonment, torture, and other abuses in non-Western countries (among them many future elites of these countries) found such criticism unconvincing. These victims argued that denying universal human rights to citizens outside the West was itself a sign of cultural arrogance. A new consensus seemed to emerge when 171 states unanimously reaffirmed the universality claim at the 1993 Vienna Conference and thereby made the claim far more representative than at the time of the 1948 Universal Declaration which was approved by a vote of 48 to zero with eight abstentions. At the same time, care for second- and third-generation rights is growing. In 1998 a draft of a Universal Declaration of Human Responsibilities was submitted to the United Nations General Assembly, as an attempt to achieve a better balance between freedom and responsibility and between justice and solidarity.

2. History and Historiography of Human Rights and Their Abuses

The second interpretation of the expression 'History of Human Rights' points to historical research on human rights. When looking at this area, we are confronted with a paradox. On the one hand, as human rights encompass so many spheres of life, large parts of the historiographical production inevitably deal with concrete aspects of human rights and their abuses (e.g. the history of education, the history of slavery, the history of censorship). Equally, historians endeavored to write histories of emancipation movements or of freedom. Grand theories of history and world histories sometimes had implicit views on human rights, and the more recent they were, the more they covered the whole of humanity in an equitable manner. Indeed,

with little exaggeration one could say that almost all history touches on some present human rights concern. On the other hand, it is hard to find research explicitly designed to study a particular right in historical perspective. Some of the methodological and ethical problems involved in this type of research are outlined below.

2.1 Methodological Problems

In the following example, a general question is analyzed to demonstrate the methodological complexities of human rights research. That question is: 'Do human rights abuses increase or decrease over time?' A historical question because of its time dimension, it is also an ethical question to the extent that the answer gives clues about the moral progress of humanity (philosophers of all times have been in dire need of such clues). Questions as broad as this one should be rendered operational. This may be done by narrowing the 'human rights' of the question to one of its categories, 'civil and political rights,' by selecting from this category one important right, 'the right to life,' and, finally, by selecting from this right its most serious abuse, 'genocide.' Reformulated in operational terms, the question thus becomes: 'Do genocides increase or decrease over time?' This question can be approached logically and historically.

A priori logical considerations distinguish between absolute and relative levels of abuse. In absolute terms, the case of an overall increase of genocides is defensible. The population growth on earth, the increasing sophistication of repressive bureaucracies and technologies, and the anonymity often physically and morally shielding the perpetrator are all contributing factors in making this statistically probable. Our perception, however, may be deficient in two contradictory directions: we may overestimate the present absolute level of cruelty because of our lack of knowledge of past cases; alternatively, we may underestimate the actual level because we are too impressed by the countervailing forces, especially since the recent expanding human rights awareness has led to a higher state of general alert and perhaps to more deterrence. In relative terms, the question is very different: given that an equal amount of cruelty probably leads to greater destruction in modern times, were societies more repressive or more human towards their citizens in the past than they are today? In tackling this question, one ought to apply criteria for measuring the degrees of cruelty, but which ones? The number of victims in relation to the total population? The presence of especially vulnerable categories of victims? The occurrence of particularly cruel types of repression? In addition to this difficulty, there is the danger of anachronistically projecting back contemporary conceptions and values into the past. In the

face of the pain suffered by each individual victim, however, such considerations on the moral economy of death may sound superficial or scornful. A probable absolute increase of cruelty or repression in history, then, does not imply that humanity is now more barbarous than in the past, nor that it is less.

Does a historical approach shed more light on the problem? The 1948 United Nations Genocide Convention called genocide 'an odious scourge' that 'at all periods of history (…) has inflicted great losses on humanity.' Thus the term 'genocide'—coined in 1944 by Raphael Lemkin—seems to cover phenomena in all historical periods. Which phenomena? The Convention provides a definition (a series of 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group') that genocide scholars reluctantly accept or decline all together. These scholars argue that many more group types than the ones from the definition have been genocide victims (notably political and social groups) and debate the boundaries between genocides and comparable crimes. They also report that many researchers suffer from psychological barriers in studying the almost unbelievable cruelty of genocide. The body of genocide research only began to grow after 1945, and with the exception of the relatively well-studied Holocaust, it is still lacking in many instances.

Not only do definitions and psychological resistance raise problems, so do heuristics and epistemology. It is often excruciatingly difficult to know how many died and what exactly happened during each specific genocide. Drawing statistics on the number of victims that are more than 'guesstimates' is a skill in its own right. Rudolf Rummel's elaborate statistics (1994) show that the democide rate (a concept including genocide, politicide, and mass murder but excluding war dead) was almost certainly higher in the twentieth century than in any previous century: he presents a calculated total of 169,202,000 dead for the period 1900–87 (including 38,566,000 genocide victims) vs. a hypothetical total of 625,716,000 dead for the period from the thirtieth century BCE to 1900. However, these figures do not allow conclusions about a possible increase of democide, and by implication of genocide, because Rummel derived his hypothetical total of pre-twentieth-century democide from the twentieth-century democide rate and the population for each century since the thirtieth century BCE. Linked to the statistical problem is the source problem: few sources normally survive, at least for the earlier genocides, in history. The sources were either not kept, hidden, lost, or destroyed. When they are available, they come from either perpetrators, victims, or bystanders. When there are sources from two or all parties, they frequently conflict with each other. Finally, their authenticity and reliability have to be tested. In short, the usual techniques of historical criticism have to be applied with unusual sharpness. Even when sources allow the historian to distill a picture of the killings, proof of the intention of the perpetrator to destroy a group as such (an essential component of all genocide definitions) is difficult. Openly stated motives are exceptional and notoriously unreliable and, therefore, intent generally has to be ascribed. This is precarious, especially where the genocide is unanticipated.

Once we have reliable descriptions of the events, the question remains whether they catch the essence of the horror. The limits of representing the unrepresentable have been much debated in recent decades. The analysis and interpretation of the data pose their own problems. First, genocide is a complex interdisciplinary phenomenon with historical, psychological, sociological, political, legal, philosophical, and religious aspects. Second, the systemic and human factors conditioning genocides and the extent to which they are unique and comparable are open to much controversy. Third, it is important to know whether the nature of genocide has changed over time. Among the dozen or so typologies of genocide, some address this problem, however inconclusively. Frank Chalk and Kurt Jonassohn, for example, distinguish between retributive genocide (to eliminate a real or potential threat), despotic genocide (to spread terror among real or potential enemies), developmental genocide (to acquire economic wealth), and ideological genocide (to implement an ideology). They then classify 22 cases from history under the most relevant type. The distribution of cases reveals that the fourth type is a predominantly twentieth-century phenomenon with few historical antecedents. Even if this suggests that the nature of genocide has (partially) changed, the question remains why. With all its methodological difficulties summarily depicted above, the historical approach is obviously far from conclusively answering the initial question either.

2.2 Ethical Problems

The historical study of human rights and their abuses also involves ethical problems. Some of these are related to the researching historians, others to the human beings they study. Most are not unique for this type of research, but they present themselves cogently here. Human rights research can be dangerous, especially when the historians are working on contemporary material in their own society or on cases of the past which suggest easy analogies with the present or endanger the legitimacy of present rulers. This may lead to the persecution of the historians and entail reflection on their professional ethics: what are the rights and obligations of historians working under such restrictive conditions and what should their colleagues working under freer conditions do?

What rights do the human beings under scrutiny have, apart from the right to be treated with respect in historical works (see above)? With regard to the perpetrators of crimes, the question is whether moral

judgments of their acts are possible, and if possible, permissible, and if permissible, obligatory. Opinions of historians widely differ on these points. Few believe that they are judges for eternity, but nevertheless most will admit that there is something like a right to historical truth, for which it is never too late. They would probably subscribe to the professional obligation not to deny or forget the fate of the dead and surviving victims. This justified claim, however, can be at odds with impartial research. It is a task with many risks. Without the passion of the survivors, historians may 'normalize' the cruel abuses of the past by inserting them into the stream of history. They may omit crucial findings for fear of breathing new divisive fever into the collective memory. But still, the distinctive professional contribution of historians to the protection of human rights, if any, is to see that the dead do not die twice.

See also: Cultural Property and Ancestral Remains, Repatriation of; Ethnic Cleansing, History of; Ethnic Conflicts; Genocide: Anthropological Aspects; Genocide: Historical Aspects; Holocaust, The; Human Rights, Anthropology of; Human Rights in Intercultural Discourse: Cultural Concerns; Human Rights: Political Aspects; War Crimes Tribunals

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A. De Baets

Human Rights in Intercultural Discourse: Cultural Concerns

Though human rights are generally recommended, there are still some strong criticisms. One criticism refers to human rights, somewhat derogatorily, as the civil religion of modernity and, by this, takes them to be only a historical phenomenon of a particular culture. Other critics fear that the spread of human rights is nothing but a new and subtle version of Western colonialism or imperialism, namely a supremacy of a its legal culture, which forces values on other cultures. But actually, human rights belong to a universal legal morality, which is common to all mankind although it was thought of in the most radical manner by Western modernity.

Within Western legal culture, human rights are taken as a matter of course. But as far as their foundations are concerned, there are difficulties which are partly of a political, partly of an intercultural, and partly of an anthropological nature. A specific philosophical justification, a transcendental foundation of human rights might help to overcome