*Is there still a role for human rights in the 21st century?*

By definition, human rights are ‘inalienable fundamental [rights](http://en.wikipedia.org/wiki/Rights) to which a person is inherently entitled simply because she or he is a human being." In the 21st century, human rights have been called to attention in a number of different scenarios: from deciding in a court of law whether a criminal and migrant should be allowed to stay in a country, to deciding whether nations should go to war in the face of what they see to be breakages of human rights in a certain country. Due to the impressive and wide ranging effects human rights have and continue to have, it is vital that we feel that the role that they have is justified in the society we live in today.

Pluralism (the idea of the integrity of people’s culture and ideas) and democracy are now widely acknowledged to be two of the most influential concepts in Western politics, in the 21st century. For human rights to have a relevant role in our society, it appears that the creation and enforcement of human rights must therefore be pluralistic. An example of this is the Yogyakarta Principles, a document signed by human rights experts in Yogyakarta, which is designed to provide guidance on how people who identify as lesbian, gay, bisexual or transgender (LGBT) should be treated. This was not turned into a treaty, so does not affect human rights law across the world. What it did do however, was to influence the creation of the UN declaration on sexual orientation and gender equality. In this manner, it does appear possible that human rights laws can be created as society changes in need of them.

But this creates a large problem. The very nature of human rights, being pluralistic, mean that they can be created as society needs them, as mentioned above. Therefore, this implies that human beings change. Creating a human rights act, however, implies that human beings did not have this right before the act was passed. This means that, by creating human rights for ourselves, we are giving other humans the power to create the rights for other humans. This begs the question as to who gave us the right to elect those humans into having the power to create such rights. Not only does this appear to be a rather elementary perversion of the first cause argument against God, which can be answered simply by arguing that these people were elected by general consensus, but it could also suggest a deeper issue. The very principle of creating rights is in fact in violation of our human right to be seen as and treated as equals.

Referring back to the UN declaration on LGBT rights – whilst 98 member-states supported the motion, 54 did not. This appears to be acceptable: it is only democracy, our preferred way of working, which suggested that people who identify as LGBT have rights. Yet 54 countries disagree. It is hard to accept that in today’s world, in which we are claiming to be progressive, and we claim to be working towards equality, the opinions of the whole population of 54 different countries are ignored. Yet it is also hard to accept that in today’s world, in which we are claiming to be progressive, and we claim to be working towards equality, the opinions of the populace of 54 different countries are against LGBT rights, and that people are persecuted in those countries only because of who they love. Hence, human rights bring about an innate contradiction, and the only way to solve this contradiction is to decide that the populace of the countries that support LGBT rights are better and more worthy human beings than those who do not, which again, is incredibly hard to accept. Yes, the majority of the UK appears to disagree with these countries, and, yes, we may feel it is entirely disgusting to not support equal treatment of LGBT people, however it is also entirely disgusting to decide that those with a different opinion to yours are deemed to be lesser than you. In this manner, human rights are an attempt to define the set of morals that we as humans all work by. This requires the belief that human beings each have a core set of values and morals which can be worked out, and set out as rights. The problem is that if this core set of values and principles did exist in every human being, it would hardly be necessary to set them out as rights. In this manner, the idea of human rights is self defeating.

The only way, it seems, to maintain your moral values whilst not arrogantly decreeing that you are a superior human to those who hold different values is to argue that human rights are subjective. It could also be argued that there is a higher power that decides these rights for us, however, due to the lack of agreement as to what this higher power is, and more importantly, what its ideals on human rights are, it appears that this fits under the terms of subjectivity. The logical extension, then, of the idea that all human beings have the right to be equal to each other is to permit a system of anarchy – a system in which no human is allowed to tell another human what they can or cannot do, due to the fact that all human beings must be seen as equal. However, both due to the fact that humans who would not flourish under a state of anarchy (eg the disabled or seriously ill, without systems in place to protect them, would be left to suffer) are certainly still to be seen as equal, and also that the majority of human beings would be entirely uncomfortable in this situation, this appears not to be feasible. Therefore, a happy compromise must be made, with respects to the subjectivity of rights.

The idea in particular discussion here is the idea of cultural differences. For example, the age of consent in Spain is 13. In the UK, it is 16, and in some US states, it is 18. These three regions are all western, and the differences between the people there appear to be negligible. It therefore seems incomprehensible that each has a different law regarding the age of consent, and even more ridiculous that a 14 year old from the USA could travel to Spain and legally partake in sexual activities, that are illegal in the USA. That 14 year old is not suddenly, over the course of the journey, more mature or any more able to cope with the demands of a sexual relationship, nor are they really any different at all.

The difference must be, it seems, in the upbringing of the child – where they hail from. Yet, this implies that a 14 year old from Spain is not equal in maturity and ability to maintain relationships (and so, according to Peter Singer’s definition of personhood, a better and more valuable person) than an American 14 year old. This attitude seems almost unfounded and old fashioned, not at all in keeping with the 21st century. Yet, these differences in law must each be respected, as they are the laws of the country, and have presumably been agreed upon by the majority in that country. The only answer appears to be that the rights of these 14 year olds do change, depending on how many rights the culture they grow up in is prepared to give them – and this is the crux of subjectivity between each culture.

Human rights are not in fact equal to each human being, but must be decided within a smaller subsection of the human population, which, with its different culture, will ascribe different rights. It must then be the right of the other human beings in the world to not interfere with that culture and to allow it to run its course as it would do without a human rights council, or the UN marching in with Western soldiers with machine guns. Each region’s populace would decide within itself which rights they would wish to ascribe to themselves, in a situation exactly the same as that of each country’s populace deciding within itself which rights they would wish to ascribe to themselves. As such, human rights do not appear to have a positive role in the 21st Century – they only allow intolerances of the laws chosen by the populaces of different countries, and allow the few to create a fake sensation of righteousness, which is then used to directly contravene the respect and equality postulated by the human rights laws themselves.

From a theoretical perspective, then, this is all well and good. Human rights do not have a place in the 21st Century, and they should be given way to a widespread feeling of respect for how other people choose to live their lives. Yes, we disagree with some decisions (how many female non-Muslims would wish to wear the burka?), yet we would tolerate these cultural differences, as those who disagree with our decisions would tolerate ours. Unfortunately, the world is not quite as idealistic as this. The main problems (regrettably) come from both religion and those countries which work in a manner which does not allow the people to decide their rights – a pair which are all too often intertwined.

The entire argument that laws are essentially the chosen rights of a country’s populace is taken apart by the accusation to some countries that the law makers do not listen to or respect the populace. This happens when a religion is becoming law, and so those outside of this belief are forced to act to the rights chosen for a culture which is not theirs (for example in September in Turkey, when there were mass demonstrations against the perceived “Islamisation” of Turkish law, sparked by the Muslim president Abdullah Gull).

Religion is all too often seen, as the philosopher Kierkegaard defines, a “teleological suspension of the ethical”. This means that religion is in itself higher and more important than human ethics and morality. The example of this in the Christian Bible would be the Akedah, or the Binding of Isaac, in which Abraham agrees to sacrifice his son, Isaac, on the Lord’s command. In the case of human rights, this viewpoint means that people are prepared to suspend their respect for cultural differences, which they would normally uphold, in the name of their religion. This is a massive problem for human rights at the moment, with arguments over the use of the burka/niqab, especially prominent in the debate over the Madina free school, which requires all girls, Muslim or not, to wear the burka, and has been throughout history, an example being the Crusades. This problem is not easy to solve, indeed the act of stopping these infringements to people’s freedoms and human rights requires the dictation of how one should enact upon ones religious belief, which is entirely an infringement of one’s human rights.

Perhaps, then, human rights are needed in a 21st Century setting. Human rights, when used to empower people, when given to people, create a number of different problems, both theoretical and in reality. Human rights appear to destroy individualism, in an attempt to find and enforce similarities and objectivity between the 7.046 billion members of our planet, entirely against the first article of the declaration, that “All human beings are born free and equal in dignity and rights”. In this manner then, in this 21st Century where equality and freedom of subjective opinion are the most important principles, they have no place. However, if human rights could be used to protect the preferences of each individual person, as opposed to setting out what those preferences should and should not be, then they would become entirely necessary.