

THE VALUES AND CONTRADICTIONS IN HUMAN RIGHTS - in the light of different ethical perspectives

Abstract

This paper explores freedom, equality and justice, from various ethical angles in an effort to clarify the contradictions in values evident in The Declaration of Human Rights. Values, attitudes, and perspectives on this are in conflict, particularly regarding the notion that Human Rights apply to everyone. Thus, the fact that it is up to each nation to enforce these rights is the main reason for the lack of success in promoting, protecting and defending the human dignity of everyone everywhere in the world. Nevertheless, the courage of individuals, the struggle of various organisations to promote humanity and the ethical awareness evident throughout the history of mankind give hope for the future.

Key words: human rights, ethical directions, freedom, liberty, equality, justice

1.0 INTRODUCTION

In the course of very day, our behaviour, attitudes and decisions are often directed towards another individual. Every human being is mingling and interweaving in a network of relations to others. In every meeting with another human being, our behaviour and decisions, intended or unintended, leave their tracks. As the Danish philosopher Knud Ejler Løgstrup points out:

“A person never has something to do with another person without also having some degree of control over him or her. It may be a very small matter, involving only a passing mood, a dampening or quickening of spirit, a depending or removal of some dislike. But it may also be a matter of tremendous scope, such as can determine if the life of the other flourishes or not” (Løgstrup, 1997, p.16).

The type and degree of control a person has over another individual has implications for their quality of life. Our attitude towards others reflects our values, norms and culture. Values are the foundation of everything that is of major importance in the lives of human beings, and the theory of ethics is a reflection of values, morals, norms, attitudes and culture.

An example of global values is The Universal Declaration of Human Rights, drafted and adopted in New York on December 10th 1948, which confirmed that human beings are free and equal in dignity and rights, independent of and without distinction of any kind, be it race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (<http://www.unhchr.ch/udhr/lang/eng.htm>). The implementation of these values seems to be the hardest task mankind ever has faced. Unfortunately, there are many

examples of the failure of this implementation, such as the recent and ongoing events in eastern Burma, where the peaceful protests of monks, activists and ordinary citizens against 45-year with misrule and repression, have led to use of force by the Burmese military government (<http://www.witness.org>). The impact of the situation in Burma on those affected, and the contradiction between such events and the values expressed in the Universal Declaration of Human Rights, is hard to comprehend.

1.1 Purpose

The purpose with this paper is to shed light on the core concepts: freedom, justice and equality in Human Rights. Through concept clarification and exploration of ethical perspectives that emphasize virtue, duty and consequences, it is possible to obtain a better understanding of the most important conceptual contradictions and complexities. The focus is not on the various conventions or the different instruments and tools used for promotion, protection and defence of The Declaration of Human Rights. Ethical values are often contradictory to each other, and this seems also to apply to those values that are included in The Universal Declaration of Human Rights. These contradictions become explicit in the notions of “freedom of” and “freedom from”, and of justice and equality for “the individual” and for “everyone”. The discourse of modern human rights has now passed its fiftieth year, while the history of ethics dates from prehistoric times.

1.2 Background

This issue was raised at a Human Rights training course on Poverty, organized by the Comparative Research Program On Poverty (CROP) in Bergen, Norway, in August 2007. The course lecturers, Dr. Lars Petter Soltvedt and Dr. Camilo Pérez-Bustillo, shared their knowledge and experience in dialog with the 28 participants from Africa, Asia, America, South America and Europe, thereby creating a unique and challenging environment for learning and reflection, an environment in which these contradictions became evident. As a nurse and lecturer in the theory of ethics at Faculty of Health and Social Sciences, Bergen University College, I am interested in how different values and attitudes guide our daily life and decisions, especially in relation to conflicts of interest and to people in vulnerable situations. This course revealed that the history of human rights and the challenges to be addressed in this field vary within each nation, between nations and according to perspective. The perspective and ethical issues outlined in this paper are limited to the knowledge and experiences of a Norwegian citizen, brought up in a western culture.

2.0 THEORETICAL FRAME

2.1 Human Rights

According to Manfred Nowak, International Human Rights must be considered one of the major achievements of modern-day philosophy that is reflected in politics. The moral fascination and revolutionary power these rights represent have had a lasting effect on the course of history over the past years in many ways. Today, it can be claimed that they reflect the only universally recognized system of values which, unlike ideologies or religions, is not closed in on itself (Nowak, 2003, p.1).

The values reflected in human rights are not specifically European but are found in all major cultures and religions worldwide; for example, the Golden Rule is found in all religions:

Do naught to others which, if done to thee, would cause thee pain: this is the sum of duty (Hinduism). What is hateful to you, do not to your fellow man. That is the entire law; all the rest is commentary (Judaism). Do unto others as you would have them do unto you (Christianity). No one of you is a believer until he desires for his brother that which he desires for himself (Islam). Hurt not others in ways that you yourself would find hurtful (Buddhism). (Nowak, 2003, p.9)

However, the age of Enlightenment in Europe and the rationalistic doctrine of natural law, which recognized individual human beings as subjects and placed them at the centre of the legal and social system, brought about a paradigm shift in the overall understanding of the state and its functions (Nowak, 2003, p.9). John Locke and Jean-Jacques Rousseau are two Enlightenment thinkers who in particular are related to this paradigm shift.

John Locke (1632–1704) was a prominent Western philosopher widely regarded as one of the most influential Enlightenment thinkers and contributors to liberal theory. He was also a social contract thinker, who conceptualized rights as natural and inalienable. His main focus was freedom rather than equality, and he considered that property ownership was the product of the application of labor over which government could not dispose. Judgments of Locke's ideas have often been linked to appraisals of liberalism in general, and of American liberalism in particular. Locke was a key investor in the English slave trade through the Royal Africa Company, and he participated in the drafting of the *Fundamental Constitution of the Carolinas*, which established an American feudal aristocracy and gave masters and land owners absolute power over their slaves. Lockes dual role as philosopher where he in his

most important writings is in opposition to the aristocracy and slavery, and at the same time being an investor in English slave trade, has later contributed to a discussion on whether or not human right is based on cultural imperialism. Locke has been accused of hypocrisy, or of caring only for the liberty of English capitalists (http://en.wikipedia.org/wiki/John_Locke).

Jean-Jacques Rousseau (June 28, 1712 – July 2, 1778) was also an Enlightenment philosopher whose political ideas have influenced both liberal and socialist theory. Rousseau questioned the assumption that the will of the majority is always correct. He argued that the primary goal of government should be to ensure equality, freedom and justice for all within the state, regardless of the will of the majority. Rousseau claimed that the state was, by nature, a primitive condition without law or morality, which human beings retained for the benefits and necessity of cooperation. He added that, as society developed, the division of labor and private property required that the human race adopt to the institutions of law. Having divided social development into phases, he suggested that in the degenerative phase, individuals are likely to be in frequent competition with one another, while at the same time becoming increasingly dependent on each other. This double pressure threatens both his survival and his freedom. By entering into social contracts and abandoning their claims of natural right, individuals can both preserve themselves and remain free.

Much of the subsequent controversy about Rousseau's work has hinged on disagreements regarding the notion that citizens should obey the general will and thereby be free. One of the primary principles of Rousseau's political philosophy is that politics and morality should not be separated. The second important principle is the state is created to preserve freedom (http://en.wikipedia.org/wiki/Jean-Jacques_Rousseau).

2.2 Concept clarification

All concepts are human constructions; freedom, justice and equality, are examples of abstract concepts which can be interpreted in many different ways, often reflecting a specific perspective. The interpretation of the concept, get prominent in the attitude and in how individuals relate and communicate with each other.

2.2.1 Freedom has 11 different meanings in Webster's Dictionary, many of which are linked to something else; for example, freedom from slavery, from political restraint, from control, from want and from obligations, or freedom of choice, of action, of self-determination, and to enjoy the privileges of membership or citizenship. The distinctions

between "freedom *from*" (negative freedom) and "freedom *to*" (positive freedom) come together in each individual as an internal and external value in a dynamic compromise and power struggle (<http://en.wikipedia.org/wiki/Freedom>). *Liberty* is one the meanings of freedom, but is generally considered to be a concept in political philosophy which identifies the condition in which an individual is able to act according to his or her own will. Referring to John Locke, individualist and liberal conceptions of liberty stress the positive freedom of the individual from outside compulsion. In contrast, a socialist perspective focuses on negative freedom and Jean-Jacques Rousseau, arguing that liberty without equality amounts domination by the majority. Neo-liberalism refers to a political movement that espouses economic liberalism as a means of promoting economic development and securing political liberty. It promotes free trade, privatization and the transfer of public-owned enterprises, goods, and services to the private sector, and limited intervention. (<http://en.wikipedia.org/wiki/Liberalism>)

The dichotomy between positive and negative freedom or liberty is considered critical by political philosophers in many traditions, including social democracy, libertarian socialism, and Marxism. Some traditions argue that positive and negative liberty are indistinguishable in practice, while others claim that one kind of liberty cannot exist independently of the other. A common argument is that the preservation of negative liberty requires positive action on the part of a government or society to prevent some individuals from taking away the liberty of others (<http://en.wikipedia.org/wiki/Liberalism>) (<http://en.wikipedia.org/wiki/Freedom>).

2.2.2 Equality is a term derived from the French word *égal*, meaning *equal* or *level*, and is the root of egalitarianism, a political doctrine of considerable diversity that holds that all people should be treated as equals from birth. Egalitarianism is the philosophy that each human being is equally worthy of human rights, whatever their nationality, ethnic group, or gender. This understanding of the term forms the basis of much of the work of eighteenth century philosophers. For example, Immanuel Kant states that all human beings are equally due the right to be treated morally and ethically. The distinction between positive and negative freedom plays a prominent role in the effort to create equality. Global regimes and humanitarian aid organizations all operate on the assumption that individuals, no matter what country or nation they are a part of, deserve basic human rights and the protection of those human rights. All global regimes are greatly affected by the philosophy of egalitarian individualism. Key among the broadly egalitarian philosophies are socialism, communism,

anarchism, and human rights; these philosophies stress economic, political, and legal egalitarianism (<http://en.wikipedia.org/wiki/Egalitarianism>).

2.2.3 Justice concerns the proper ordering of things and persons within a society. As a concept, justice has been the subject of philosophical, legal, and theological reflection and debate throughout history. Discussions of justice can be divided into two broad fields: *distributive justice* is concerned with the proper distribution of benefits - wealth, power, rewards and respect; and *retributive justice* is concerned with the proper response to wrongdoing. A number of important questions regarding the concept of justice have been debated throughout the course of western history: What is justice? What does it demand of individuals and societies? What is the proper distribution of wealth and resources in society? There are a myriad of possible answers to these questions deriving from the divergent perspectives in the political and philosophical spectrum. For example, the source of justice has variously been attributed to harmony, divine command, natural law, or human creation. Some theorists, such as the classical Greeks, conceive of justice as a virtue—a property of people, and only derivatively of their actions and the institutions they create. In contrast, according to utilitarian thinkers such as John Stuart Mill, it is derived from a basic standard of rightness; what is right is what has the most favorable consequences. In this model, justice is important only because it is derived from that fundamental standard, and it derives from two natural human tendencies: our desire to retaliate against those who hurt us, and our ability to put ourselves imaginatively in another's place; when we see someone harmed, therefore, we can project ourselves into her situation and feel a desire to retaliate on her behalf.

Justice as a concept is virtually meaningless to those who do not have clean water, education, housing, etc and who will never know the justice which comes from having some form of secure income. Hence, the appeal of a cry for justice, which has lain behind movements such as socialism, has essentially been a cry for economic justice (<http://en.wikipedia.org/wiki/Justice>).

2.3 Different ethical directions

One of the central questions of ethics raised by *David Hume* (1711-1776) was how exactly can you derive an “ought” from an “is”? Hume noted that many writers talk about *what ought to be* on the basis of statements about *what is* (is-ought problem), without giving an

explanation as to how the ought-statements are supposed to follow from the is-statements (http://en.wikipedia.org/wiki/David_Hume).

2.3.1 The Virtue Ethic: Aristotle, who was born in 384 BC in northern Greece, believed that politics should be a noble pursuit to which ethics is an introduction. His ethic is often described as teleological or goal-directed. According to Aristotle, everything has a purpose or an end. Each action is not considered an isolated act, as is often the case in other ethical systems, but is viewed in relation to a virtuous ideal. This attitude toward ethics is called “virtue ethics” or “character-centered ethics,” because each person's actions should make that person better and build better character. Virtue is a set disposition of the mind that determines the choice of actions and emotions, and consists essentially of the observance of the mean relative to ourselves. (Book II, p.42) Each of these virtues can be acquired through practice over time. A person becomes more courageous by continually choosing courageous acts over cowardly ones. Aristotle enumerates five intellectual virtues - knowledge, art, prudence, intuition, and wisdom; and various moral virtues - courage, temperance, liberality (moderation in giving and taking money), magnificence (correctly dealing with great wealth or power), pride (claiming what is due to you), gentleness (moderation with respect to anger), agreeableness, truthfulness, and wit. Virtue is like the mean because it is the mid-point between two vices. The intellectual virtues are important because they allow us to recognize the golden mean in a particular situation and then to behave according to it. If one’s character is too near either vice, then the person will incur blame; but if one’s character is near the mid-point, the person deserves praise. Proper exercise of these virtues is necessary if a person is to lead a virtuous and a happy life.

| Vice | Virtue | Vice |
|-----------------|----------------------|---------------|
| Cowardice | Courage | Foolhardiness |
| Avariciousness | Liberty | Wastefulness |
| Insensitiveness | Magnificence? | Gluttony |
| Carelessness | Gentleness | Toadyism |
| Subservience | Pride | Haughtiness |

The Golden Mean: Prudence means generally behaving according to the golden mean, and is used to find the moral virtues, each of which is a golden mean between two imprudent behaviors or vices.

Aristotle’s ethics are not a one-size-fits-all system.

This is because every situation and individual is different, so different degrees of virtue are needed for different situations. Aristotle's emphasis on the character centers on the individual, but not to the exclusion of the person's relationships with others or participation in society; a large section of the Nicomachean Ethics discusses friendship, justice and politics.

According to Aristotle, justice is the cornerstone of social living and demonstrates the highest comprehension of the virtues. Applying the doctrine of the mean, he concludes that Justice is the mean between two vices. Any excess implies doing injustice because the actor is taking more of a thing than is right. A person who allocates too much of a good thing or too little of a bad thing to another person is doing that person an injustice; that person is suffering an injustice. What is just must lie between what is too much and what is too little, and by implication, what is just requires the distribution to be made between people of equal stature. Aristotle was concerned that, "if the people involved are not equal, they will not receive equal shares, and that is the source of quarrels and accusations. In addition, what is just in distribution must also take into account some sort of worth. The worth of the parties involved is a key difference between distributive justice and rectificatory justice because distribution can only take place among equals. The goal of the judge is to restore equality and make both parties as whole as they were before the unjust act occurred (Aristotle, 1953/2004).

The goal in Aristotle's ethics is to apply and mingle knowledge, experience, reason and feelings in a wise way and dare to act.

2.3.2 Duty-directed ethics: According to *Immanuel Kant (1724-1804)*, moral actions must derive more from duty than from inclination. Since human beings have subjective impulses and desires, practical reason is better suited to guide morally right actions than individual virtue.

In the Categorical Imperative, Kant stated that the claim of reason should be an obligation, a command or an imperative: "*Act only on that maxim whereby thou canst at the same time will that it should become a universal law??*" (Kant, 1988 (1785) p.49). Thus, the ultimate principle of morality must be a moral law conceived so abstractly and universally that it is capable of guiding us to right action in every possible situation and set of circumstances. Although there is only one categorical imperative of morality, Kant found it helpful to express it in several ways: "*So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only*"(p. 58). In applying this to specific cases, the violation of a perfect duty would mean treating another person (or oneself) as a means and not as an end. The Kantian imperative is in accordance with the meaning of "The Golden Rule", in that both demand that we derive a generalized concern for all human beings from our own self-interest. In this, concern regarding human dignity is combined with

the principle of universality to produce a conception of the moral law as being self-legislated by each for all.

2.3.3 Ethics of consequences: The English philosopher *Jeremy Bentham* (1748–1832) developed the utilitarian principle to serve as the basis for an ethical theoretical system. Bentham's ethics began with the proposition that nature has placed human beings under two masters: *pleasure* and *pain*. Whatever increases the net surplus of pleasure over pain is right and whatever decreases it is wrong. One must take into account the pleasure and pain of everyone affected by the action, and this is to be done on an equal basis: *each has to count for one, and none for more than one*. At a time when Britain was active in the slave trade, this was a radical suggestion.

For the English philosopher *John Stuart Mill* (1806-1873), it is not the quantity of pleasure, but the quality of happiness that was the issue. He thought that Bentham's calculus was unreasonable because he considered that matters related to quality could not be quantified.

Mill believed that the pursuit of happiness required a political and cultural environment wherein freedom of expression and choice of lifestyle were unimpeded, as long as there was no immediate harm to others involved. (<http://www.britannica.com/eb/article-252544/ethics>
<http://caae.phil.cmu.edu/Cavalier/80130/part1/sect4/BenandMill.html>)

2.3.4 A Theory of Justice: John Rawls (1921-2002) is widely regarded as one of the most important political philosophers of the second half of the twentieth century. He is primarily known for his book, "*Theory of Justice*" (1971), in which he declares justice to be fairness (p.11), and provides many ethical reflections on issues ranging from intuitionism and utilitarianism, to the ethics of Kant and Aristotle. The theory of justice revolves around two fundamental principles of justice:

- *Each person is to have an equal right to the most extensive basic liberty compatible with a similar system of liberty for others.*
- *Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all. (Rawls, 1971, p. 60)*

A person is free, equal and reasonable and in possession of a sense of justice and a conception of good. A sense of justice refers to the capacity to understand, apply and act according to the

public conception of justice, while a conception of good includes an understanding of what is valuable in human life. According to Rawls, citizens are reasonable when they view one another as free and equal in a system of cooperation extending over generations; and when they are willing to offer one another fair terms for social cooperation in a specific situation, even at the expense of their own interests, provided that others also accept those terms. The second aspect of reasonability is being willing to bear the consequences of the burdens of judgment. To show how such principles could be universally adopted, Rawls encouraged his readers to imagine a “*veil of ignorance*” (Rawls, 1971, p. 11-12), where each man should represent individuals not knowing specifics about the persons they represent, but even so committed to optimizing the interests of those persons by making a “*reasonably prudential choice*” concerning the kind of social institution they would enter into contract with.

2.3.5 Discourse Ethics: According to the German philosopher *Jürgen Habermas* (1929), the validity of a moral norm cannot be justified in the mind of an isolated individual reflecting on the world, but only intersubjectively in processes of argumentation between individuals; i.e. in dialectic. Habermas's discourse ethics is an attempt to bridge the gap between the "is" and the "ought," and to reformulate the fundamental insights of Kantian deontological ethics in terms of communicative structures. It extracts moral principles from individuals to discursive justification of validity claims.

According to moral cognitivists such as Kant and Rawls, it is only from a moral point of view that insight into the actual impersonal obligations of a general will can be gained; this perspective relieves from the personal interests. Habermas's constructions are different because they are intersubjective. The moral perspective explicated is not the property of an individual subject, but the result of a complex dialogical process of role taking and perspective exchanging (Habermas, 1990, p. 60 – 106), (http://en.wikipedia.org/wiki/Discourse_ethics).

3.0 DISCUSSION

Values and concept are the creations of mankind, rather than the products of nature waiting to be discovered. We use and mingle different values from different perspectives daily. We act based upon obligations deriving from duties, and upon the consequences this will entail. When values and perspectives clash, it does not mean that one is more important than the other. Moral conflicts are an intrinsic, irremovable aspect of human life.

Human rights have much in common with Aristotle's virtue ethics. As Nowak (2002, p.1-31) points out, human rights have placed the individual in the centre, and are concerned about the dignity of human beings. This is not a static system that offers ready-made answers for any of life's countless questions. Aristotle's ethics are not a one-size-fits-all system because every situation and individual is different. The emphasis on character is centered on the individual, but not to the exclusion of a person's relationships with others. Aristotle wanted people to apply the golden mean on the basis of a virtuous ideal in every situations, which should not only build a person's character but also create a better society.

3.1 Freedom

The great word *freedom* is used in the Declaration of Human Rights as a broad notion that embraces other concepts and values such as equality, justice and liberty, each of which can be viewed from different perspectives.

There is a contradiction between "freedom to" and "freedom from," and between freedom as internal and external values. As external value, according Rousseau, people should join together through social contracts and, if necessary, abandon the institutions of law to gain freedom. History has taught us that this type of struggle can be costly for the individual and society.

There is also a contradiction between freedom as libertarianism and socialism. While libertarianism stresses the importance of human rationality and the need to secure individual freedom by limiting government interference, socialism maintains that the distribution of wealth and freedom should be subject to control by the community.

3.2 Equality

One of the main purposes of human rights is to create an environment in which human beings are treated as free and equal with regard to dignity and rights. There is a contradiction in this since, on the one hand, it is claimed that we are born free and equal, and on the other hand, it draws attention to the inequality of human beings by declaring that this is independent of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Human beings are not equal: that is why life is exciting, but also why there are so many problems. We promote and appreciate the inequality, while it simultaneously provokes and challenges us. Equality is a main point in ethical philosophy. Aristotle was concerned that, "if the people involved are not equal, they will not receive equal

shares, and that is the source of quarrels and accusations”, Kant emphasizes that we should treat our fellow man as an end, and never as only a means. Bentham takes into account the pleasures and pains of everyone affected by, claiming that each person has to count as one, and none as more than one.

According to Rawls, each person must have an equal right to the most extensive total system of basic liberties. Thus, equality is not about being similar but about having equal opportunities, rights and shares, despite our inequalities.

3.3 Justice

According to Aristotle, justice is the cornerstone of social living and the highest of the virtues; it is the mean between two vices. The goal of the judge, therefore, is to restore equality and make both parties whole, like they were before the unjust act occurred.

According to utilitarian thinkers such as John Stuart Mill, justice is derived from the more basic standard of rightness; what is right is what has the most favorable consequences. The proper principles of justice are therefore those which tend to have the most favorable consequences.

Rawls look at justice as fairness, claiming that social and economic inequalities should be arranged so that they are both: to the greatest benefit of the least advantaged and open to all under conditions of equality of opportunity.

The main reason for the failure to introduce basic human rights everywhere in the world is the contradiction between the fact that human rights exist in the form of laws for everybody, and the fact that it is the responsibility to each state to put the laws into effect. Each country, state or nation has its sovereignty, a concept which, in constitutional and international law, grants a government full control over its own affairs within its territory. The key element of sovereignty in the legalistic sense is this exclusivity of jurisdiction. Determining whether a specific entity is sovereign or not, is often a matter of diplomatic dispute. Some supporters of democratic globalization consider that nation states should yield some of their power to a global government controlled by world citizens, instead of being organized on an intergovernmental basis, as it is currently (<http://en.wikipedia.org/wiki/Sovereignty>).

3.4 Challenges

It seems clear that the various ethical perspectives presented here have good qualities, but also weaknesses. The weaknesses of Virtue Ethics are its individualistic tendency, lack of guidelines regarding what to do in a specific situation, and the fact that the consequence of an

action may be cruel although the action are good. The weaknesses of Duty Ethics are the fact that the human factor may be overlooked, that the unique in every situation and in every human being may be unessential and that cries for help may be classified according standard formulations and dealt with according to rigid parameters. The weaknesses of the Ethics of Consequence model is that it opens up for cold calculations, that it does not respect intuition and insight into values and virtues, and that it views values and norms as instruments to achieve an end. This is clearly paradoxical; for example, we punish those who kill with death, but not the executioner. The weaknesses of the Ethics of Discourse model are that, although the procedures are fine, they are hard to implement in reality; that motives may be hidden; and that there is likely to be some pressure exerted by the group.

One of the arguments against the concept of human rights, which emerged in discussions and workshops at the training course, was that it suffers from cultural imperialism. The concept of human rights is fundamentally rooted in a politically liberal outlook which, although generally accepted in Western societies, is not necessarily widely accepted elsewhere. In support of this argument, it is often pointed out that influential human rights thinkers, such as John Locke and John Stuart Mill, have all been Westerners, and indeed that some were actually involved in the running of Empires. The cultural imperialism argument achieves even greater power when it is made on the basis of religion. Some histories of human rights emphasize the influence of Christianity on the agenda, and then question whether this is in keeping with the tenets of other world religions.

Another argument against the concept of human rights is the fact that it favours Neoliberalism as tool to achieve its goal. According to Perez-Bustillo, this is dangerous because neoliberal ideology amounts to a drastic foreshortening of the concept with no legal or moral mandate:

“Human rights are narrowed to the point where only civil and political rights are affirmed. In the more general normative language of the day, “individual freedom” and “democracy” are asserted as beneficial, and indeed necessary, to the attainment of economic success via the market” (Perez-Bustillo, 2003, p. 57).

This Neoliberalism logic is now dominating not only western society, but is also gaining power in countries struggling to cope with widespread poverty. Neoliberalism can also be linked to New Public Management, a movement that began in the 1980s, the aim of which is to modernize the public sector so it will function like the private sector; this implies becoming

more outcome and efficiency oriented by applying principles of market competition (http://en.wikipedia.org/wiki/New_Public_Management).

4.0 CONCLUSION

It is still very difficult to know “*what ought to be*” on the basis of “*what is*”. Morality and values conflicts are an intrinsic, irremovable part of human life, as indicated by the contradictions and the diversity in the interpretations of the concepts of freedom, equality and justice in the Declaration of Human Rights.

In an ideal world, we could wish that all the member states of United Nations were participating in a global democracy controlled by world citizens playing the “*veil of ignorance*”; not knowing the individual person or country they represent, but committed to optimizing the interests of the individual or country. In the real world, we know there is an ongoing struggle for freedom, equality and justice. There is a contradiction between the fact that The Declaration of Human Rights exists as legal norms for everybody, but that it is the responsibility to each state to put it into action. To surmount this contradiction, further pressure and influence for human rights throughout the world is necessary and essential, but success depends upon the involvement, engagement and courage of individuals.

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