This chapter attempts to develop a social characterisation of human rights through some further exploration of the dilemma in understanding rights identified earlier. The discussion is organised in a manner that is consistent with the contention that, in sociologically understanding human rights, a compromise can be found between emotional/moral and rational/self-interested theorisation. Moreover, given the current interdisciplinary diversity in approaching human rights, which contextualises the disparity that has been demonstrated in current sociological approaches, a statement of position is necessary. This will act as a support to the foundation of theory developed in the next chapter. It will also give some comparative point of reference for the empirical application of theory to the example of human rights violation in Turkey in the remainder of the book.

In the first section here, it will be asked, what are human rights? A broad overview will be given of the ancestry of modern documents such as the 1948 *Universal Declaration of Human Rights* and the values that they encompass. This section investigates the moral and emotional side of the dilemma, and examines the way in which the social philosophy of human rights has emerged from Enlightenment ideas of natural law. The second section poses the question: Why human rights? This section concerns with identifying what has enabled human rights to succeed in the face of contradictory ideologies such as feudalism, fascism and communism, and, consequently, why they continue to be upheld? It examines the self-interested side of the dilemma of rights and outlines how the expansion of capitalism has given strength to the institutionalisation of principles of human rights.
The third section poses the question: What are the classic criticisms of human rights? In other words, what are the problems that were perceived in the societal adoption of secular rights and why is the Western way of life with which they are associated not always accepted in other parts of the world today? This will help to build an understanding of why a belief in the universality of human rights may be seen as questionable, and to some extent provide further support to the argument that human rights need also to be viewed as a function of capitalist expansion and legitimation. Finally, some attempt is made to understand the globalisation processes that have facilitated the expansion of ideas related to human rights since the 18th century. This is especially relevant in understanding the prospects for further development of human rights, and the manner in which conflict, alongside ideological acceptance and economic advantage, can be seen as a facet of the globalisation processes related to human rights institutionalisation.

What are human rights?

‘Human rights’ is a term that emerged with the 1948 *Universal Declaration of Human Rights* and has been consolidated in the array of treaties, conventions, laws and their amendments, which expand on the basic right to individual dignity laid out in this document. The relatively recent emergence of human rights has led to the term often being used anachronistically, because to speak of ‘human rights’ before 1948 is to refer to the ancestry of thought and related history that underpins it. The 1948 *Universal Declaration of Human Rights* is primarily based on the 1789 *Declaration of the Rights of Man and the Citizen*, which emerged from the French Revolution (Ishay 2004: 3). Therefore, to understand it, it is necessary to look back not only to the re-establishment of the Rights of Man after the Second World War but to the Enlightenment thinking that inspired them. The essence of human rights is that their existence is claimed independently of rights that are conferred in the fulfilment of duties contained in citizenship (Turner 1993: 489; Barbalet 2001: 128). Consequently, that man has rights to freedom such as life, equality and the numerous rights that have flown from their foundation is considered by human rights advocates to the modern day, in the words of the 1776 *American Declaration of Independence*, as ‘self-evident’ (Kramer 2000: 63).