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HUMAN RIGHTS STANDARDS – UNIVERSAL OR RELATIVE?

The main purpose of the article is to reconstruct the formal and substantive concept of “human rights standards”. The analysis takes into account a wide background, including the long-lasting dispute between universalism and relativism of human rights. The Author presents a brief history of the dispute and concludes in a summary that the dilemma of universalism-relativism has only recently undergone a process of rationalization. In the following part of the article the Author focuses on the problem of relativization of human rights by presenting two selected examples. The first one concerns the phenomenon known in the contemporary theory and philosophy of law as “cultural defense”, while the second one refers to the problem of the admissibility of legalization in the context of the war against terrorism. According to the Author we are dealing with two different types of relativization of human rights. In the case of “cultural defense” the phenomenon is quite safe from the point of view of the protection of an individual. On the other hand, the legalization of torture is definitely a dangerous idea because it violates the basics of human dignity.