

HUMAN RIGHTS: AN ETERNAL CALL FOR HARMONIOUS CO-EXISTENCE

Dr. Rages John

Assistant professor, Government Brennen College of Teacher Education (GBCTE)
Thalassery, Kannur District, Kerala- 670101. mail: ragesjohn@gmail.com

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Abstracts:

Human beings by nature possess a mind for research after hidden principles and truths, which made him master on the earth. The concept of human right is one of his great discoveries. It has been evolved gradually through centuries through Charters, Bills and Declarations. Universal Declaration of Human Rights reflects the culture of the civilized man. Human right is the common moral language of modern man. Human rights implied human duties. Doctrines on duties are as old as the history of man. Human rights are implicit in religious as well as rational precepts. As a rational animal and as a social animal man embraces human rights for maintaining peace, prosperity and wellness. Virtue or vice, is not instinctive, but culturally inherited by man. Man has choice in his life. It is his responsibility to choose what he learns and what becomes. There are two types of men: those who violate human rights and those who promote human rights. Empathy is the core from which justice and fairness springs. The heart of human relationship is mutual gratification which is a harmonious co existence. The message of human rights have been imparted to man throughout the ages. It is an incessant process.

Keywords: *Human, duties, Responsibilities, harmony, peace*

In the long trail of evolution man surpassed all the fellow beings by the merit of his brain which made him superior race and master on the earth. Man exercised the power and enjoyed the rights of a master conveniently ignoring the fact that mastery always goes with responsibility. Devoid of accountability authority is ineffective and even dangerous; for, then, master is just a monster! Monstrous exercise of power warrants devastation and loss. The signs of devastation are being visible: man-induced climatic change, pollution, violence,

disorder, disease, miseries and death spread across the 21st century and beyond. Human interference has disrupted peaceful life and even put the survival of living being at risk on this planet.

Unlike other species, human beings possessed a mind for research after hidden principles and truths. With his spirit of inquiry man discovered the secrets of creation, and even secured the 'key' to unleashing the energy inherent in nature. However, he is slow to discover himself- his own nature. Though man enjoys dominance over earth subjugating all forms of life, he failed to conquer himself; consequently, he is



dangerously driven by instincts. In course, man became alarmingly aware that unless he manages his personal power, he will not be able to manage, beneficially and fruitfully, the energy in the nature. The so called progress, developments and conquest are nothing but a process of slow suicide. This awareness made him pause to ponder on himself. New ideas and concepts emerged, initiated from different corners, successively through different ages. The greatest discovery warranting wellbeing and survival of man is the concept of human rights, which evolved over many centuries. Along with his battles for world conquest, man is gradually being weaned to this concept as a means for self conquest, not with swords, but words, in the form of invocations, proclamation and declarations; most of which are epoch making.

1. Evolution of Human Rights

The story of Human rights is also the story of human culture, evolved over several eras. First recognition and declaration of human rights can be traced from the archeological evidences of Cyrus the Great (600 or 576 – 530 BC) who freed slaves, declared that all people had the right to choose their own religion, and established racial equality (Barbara, S. 2013). His declaration goes: “I announce that I will respect the traditions, customs and religions of the nations of my empire and never let any of my governors and subordinates look down on or insult them until I am alive”. A document inscribed in Akkadian cuneiform on a clay cylinder, the declaration has come to embody the hopes and aspirations of many (Nagel, A., 2013; MacGregor, 2013). However, this was never the intention of the document, because the modern concept of human rights hardly existed in the ancient world.

Later in 1215, plea for the rights of man was documented when the Archbishop of Canterbury, in order to make peace between the unpopular King and a group of rebel barons, drafted what came to be known as Magna Carta or "the Great Charter of the Liberties" (Carpenter, D. A., 2004). The Great Charter promised the protection of church rights, protection for the barons from illegal imprisonment, access to swift justice, and limitations on feudal payments to the Crown. Neither side, the king nor the barons, stood behind their commitments by the Charter (Black, C.,1999). But Magna Carta became a frame of reference for voicing rights in the years to come.

The Petition of Right, 1628, written by Parliament was an English document that helped promote the civil rights of the subjects of King Charles I. This document, though served only to intensify hostility between the both parties- the king and parliament, it reflected the common man's cravings and entreaty for justice and rights (Kemp, R. L., 2010).

Bill of Rights in 1689 was an Act of the Parliament of England to lay down limits on the powers of the monarch and to set out the rights of Parliament. (Horwitz, H.,1977). The Bill granted freedom from taxation by royal prerogative, freedom to petition the monarch, freedom to elect members of parliament without interference, freedom of speech and of parliamentary privilege, freedom from cruel and unusual punishments and freedom from "fine and forfeiture" without trial. The Bill of Rights was a milestone in the recognition and affirmation of human rights (Amar, A. R., 1998).

US Declaration of Independence on July 4, 1776, announced that the thirteen American colonies, were no longer a part of the British Empire but a new nation—the United States



of America (Armitage, D. 2007). The statement of the Declaration runs: "...that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government".

References to the text of the Declaration had invigorating effect on many later events. It has become a celebrated statement on human rights, particularly its second sentence: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness'. This has been called "one of the best-known sentences in the English language", containing "the most potent and consequential words in American history" (Wills, G. 1992; Boyd, J. P.,1945/1999).

French Declaration of the Rights of Man and of the Citizen passed by France's National Constituent Assembly in August 1789, is a fundamental document in the history of human and civil rights. (Gregory, F. B.,2007). The Declaration, emphasizing the "the natural, unalienable, and sacred rights of man", was a core statement of the values of the French revolution and had a major impact on the development of liberty and democracy in Europe and worldwide (Kopstein K., 2000). The declaration stated that: "Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression". The French declaration, together with the American Declaration of Independence, inspired many later uprising for freedom and rights.

The Declaration of the Independence of India or Purna Swaraj in India on 26 January 1930 was the recognition and affirmation of human rights for freedom. The decree, "Freedom is my Birth Right" by Balaangadhara Tilak inflamed the hearts of millions of Indians. The Purna Swaraj declaration aimed to have for Indians complete self-rule independent of the British Empire. The declaration stated: "The British government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually.... Therefore...India must sever the British connection and attain Purna Swaraj or complete independence (PareL,A.,2006). Gandhiji's vision of Poorna Swaraj was broader than political freedom: he wanted to eradicate social, religious, cultural and all superstitious practices that have been traditionally violating human rights in India.

Similarly, the South African freedom struggle which began in 1652 and continued until 1994 is a compelling story of the sacrifices made by the natives in overcoming the oppression of colonialism and apartheid for establishing their rights. Meanwhile, the invocation by Karl Marx for equality of right stirred especially the working class in different parts of the world.

Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot, Paris. The declaration proclaimed that "All human beings are born free and equal in dignity and rights"(Morsink, J., 1999). This Declaration represents the first global expression of rights to which all human beings are inherently entitled. The concept of right became clear and convincing to everybody. The idea of human rights has become the



common moral language of modern man across different cultures.

The Universal Declaration of Human Rights reflects culture of the civilized man. The Declaration evoked several individual and organizational initiatives on the issues of human rights in the contexts of civil wars, religious and racial clashes, natural calamities etc..Its message spread across boundaries and incited many political movements- for example Palestine, Vietnam etc... In many states monarchy and theocracy were dethroned establishing power of the people. For modern man, the philosophy of democracy came to be synonymous with human rights.

2. Duty Left is Right Left

The concept of the rights of man at first appeared under the name of natural rights. As such, it depended upon the doctrine of natural law, which itself represented a confluence of stoicism, of Roman law, and of the Judaic-Christian tradition. The idea of natural law, as of any law, involves both duties and rights. The traditional theorists of natural law gave more emphasis to the duties. The shift of emphasis in natural law from duties to rights took centre of the stage for certain theorists of the seventeenth century, notably Hobbes and Locke.

The idealistic conception of right by modern man is commendable; however, the implementation of these rights in full, demands a society which is yet to emerge. Therefore, in many instances, they did not grow beyond being mere idealistic statements and concepts serving the purpose of high level discussions. That is why, though the Declaration has had wide acceptance among a large number of nations, a single nation is scarcely found where this article is adhered to, without reservation and

condition, outside the strictly legal context. Various States recognized only the rights of a citizen rather than rights of a man. They gave importance to his political, economic and social rights as a member of a particular civil society than as a member of human race. Positive obligation to assist an individual regardless of his caste, nationality, religion or region is missing. Thus, the proclamation of human rights turned to be but a negative obligation of others to acknowledge the rights of a man and to leave him alone to do the best he can for himself. A shift of emphasis from passive awareness to active response to human right alone will bring productive results.

French Declaration of the Rights states: "... the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments,...." Those instances of denial of rights are but negligence of one's duty. Each deprivation endured by underprivileged rightly points to the duties of the privileged. All the declarations and assertions of human rights witnessed in history are but exhortation for duties. It is categorically stated in the Preamble of the Declaration of Human Duties and Responsibilities (DHDR) that the effective enjoyment and implementation of human rights and fundamental freedoms is inextricably linked to the assumption of the duties and responsibilities implicit in those rights. A man's rights normally correspond to the duties of others towards him. 'Rights necessarily imply duties; for whatever is due to one man, or set of men is necessarily due from another' (Beeton, I. M., 1861).

Much prior to the emergence of human rights, precepts on the duties and responsibilities of man had been prevalent. Doctrines on human duties are as old as the history of man. Every age produced



visionaries and leaders who would remind man of his duties. For no other cause, in the history, blood, sweat and wealth have been spilt profusely, than to educate man of his duties.

3. Divine Precepts

Concepts of human rights are implicit in most of the religions of the world. Human rights are embedded in religious principles. God commands devotees to obey divine law, and their obedience guarantees the protection of human rights for everyone. The essence of the doctrines of all religions is the same; the moral responsibility of man. Long before the age of reason, religion was the only means to convince man of his obligations. The question asked by Dostoyevsky's Ivan Karamazov, "If God did not exist, would all be permitted?" indicates how the fear of god keeps man in self control.

Stories of creation are but clever attempts to convince man that he is not the superior being, but a subject, and that he has obligations. God created man, out of clay or out of His own physique- as per the versions of scripture. God permitted man to subdue and conquer the world, but that the conqueror has responsibility over the conquered. As man was so immature he required Divine support for decision making, and he got it too. God forbade him not to eat fruit from the tree of Knowledge, implying that man cannot become the Master who decides right or wrong. But man disobeyed and consequently assumed the role that he was not fit for. For his disobedience man was sent out of Paradise, to live on his own. Now, man has to act out of choice, and every wrong choice fetched trouble, putting him in a grave condition. All the religious precepts are to support man in this predicament.

Holy Quran reminds: "Surely Allah commands justice and the doing of good (to others), and giving to the kindred, and He forbids indecency and evil and rebellion. The Quran stresses that all humans are equal in the eyes of God, regardless of gender, class and race: "O mankind, indeed, We have created you from male and female and made you peoples and tribes that you may know one another".

Love your neighbor as yourself is a simple but profound precepts by Christ on protection of human rights. The golden rule in New Testament is "Do unto others that you want them to do unto you". "It is more blessed to give than to receive" (Acts 20:35) emphasizes man's obligation and duty than his right.

In Buddhism human duties include the fundamental principles such as the Four Noble Truths and the Noble Eightfold Path. In Jainism duties refer to the teachings of Jinas. For Sikhs, the word duty refers to the path of righteousness. Sikh Scriptures highlight human rights and human dignity: Dharma or duty is born of compassion; through contentment, it creates harmony.

The heart and very definition of the Hindu society is varnashrama-dharma model. Every member of each caste is written in the Rig Veda (X.90.1-3) to be derivative from God: "The Brahmin was his mouth, Of both his arms was the Kshatriya made. His thighs became the Vaishya, From his feet the Sudhra was produced". The story of creation implies that man is not master of himself, nor he is an independent entity.

While lower species are bound by instinct, man has to take moral decisions in his life. His free choice makes him accountable and human life is a life of responsibility. The incarnate Lord Krishna states that although he has absolute authority over the universe,



human beings must perform Dharma themselves and reap the benefits.

Dharma signifies behaviors that include duties, rights, laws, conduct, virtues and “right way of living. Dharma promoted individual security and happiness as well as the stability of the social order. The fear of anarchy led to the elevation of Dharma to divine status and this in turn gave it even higher status than the king and the government. The contexts which gave rise to the Declarations, Petitions, Bill, and Charters in history are implicit instances of the attempts to reinstate Dharma when anarchy prevailed.

4. Rational Ability and Social Affinity

The concept of Human right and duties affirms that there is an instinctive human ability to distinguish right from wrong. Apart from falling in line with Divine law man can also act using his ability for reasoning. Dharma or one’s own duty can be an empirical and experiential inquiry for every man and woman. Man has, as Albert Camus holds, an impulse to seek the purpose and meaning of life, and, without adequate answer to it he is in absurdity (Solomon, R. C., 2001). Hence, by nature, man looks for a ‘right, sensible cause’ for doing things and he avoids what does not appeal to his reason and conscience. Man is a rational animal: he shares his appetitive desires with animals, but controls them with reason. Man constitutes a distinct species, with species-specific obligations which springs from his social affinity: He is a social animal. “Human beings”, claims Article 1 of Universal Declaration, “are endowed with reason and conscience” and they should “act towards one another in a spirit of brotherhood”. It indicates that brotherhood is related to reason and conscience.

Immanuel Kant, the modern philosopher, observes that human beings are “free” and “dignified” in the sense that they are “endowed with conscience capable of setting a world of freedom, justice and peace” (Uleman, J., 2010). The classical Greek philosopher Socrates, had attributed the same when he stated reason and conscience as inherent in man (Donald, K. 1987). Socrates observed that it is not in human nature for someone to go after what he thinks is bad in place of the good. But human only out of ignorance goes after what is harmful to him. It implies that what ultimately motivates any action is some cognitive state: if you know what is good you will do it. All errors committed in human choices are due to ignorance.

The Charters, Declarations and Protocols are the vivid signs that man is gradually coming out of the veil of ignorance. Modern man started to reason out that whether created by God or by a series of chemical reactions, everybody has the same origin and everybody has the same end. All are equal with all life forms. Hence, have equal rights and duties.

The ancient philosophers, referred to rights but not in the way it is understood today. However, behind the apparent differences, they share same soul. Almost two millennia prior to the emergence of rights Greek philosophers argued that human excellence include the moral virtues practiced. Human right was inherent in virtues. Plato used the analogy of a person for an ideal city. The order and harmony of the soul is attained by providing what is good for each of the parts and the whole, and so makes the parts function well, for the benefit of each and of the whole person. The order and harmony in the soul are paired with order and harmony in the city (Debra, N., 2002).



Greek term eudaimonia means living well and doing well, i.e., virtue, together with its active exercise, is identical with happiness. Practice of virtues is essential for a just society. Living well includes looking after the welfare of others, which implies the recognition of human rights. The negligence of Eudaimonia is aptly represented by the Universal Declaration in the phrase, “whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”

Marcus Tullius Cicero, a Roman philosopher and politician identified human nature with being both self-aware and socially conscious (Cowell, F R: (1948). To Cicero it is the nature of man to engage in activities useful for others. Being a social animal, respecting other’s rights is quite natural for man. Cicero also views that human reason uses duties and moral obligations as guidelines for practical purpose. Respecting the rights of others is, therefore, a practical way to establish peace and justice in the society, which ultimately ensures happiness and human excellence. All the declaration and charters are indeed practical wisdom for the progress of man.

Aristotle believed the reason we do things is to pursue an end, a *telos*, which for man is the good. In Nicomachean Ethics Aristotle posits supreme good as the aim of human actions. The supreme good, as Epicurus means, is pleasure which he defined as body's health and the soul's freedom from disturbance. The universal declaration is just an invocation for man to pursue what is good for man.

5. The Passion for Power

In Plato’s Dialogue Callicles thinks that moral convention is designed by the numerous weak people to intimidate the few strong ones, only to safeguard their rights. Against this Thrasymachus (in Republic) argues that moral precepts is set up by the powerful, i.e., rulers to contain the subjects against their self-interest (Debra N., 2002). Both arguments are in accord that the end of morality is personal interest. In ‘Will to Power’(1968) Frederik Nietzsche means the same: ‘there are no truly altruistic actions, all human beings are ultimately and exclusively egoistic by nature’. Everybody has the will to power. When power is the prime aim human right is neglected.

Nietzsche’s opinion is interestingly similar to one of the political views which Noam Chomsky has professed, that “states are fundamentally violent institutions and a state's internally espoused values have no bearing whatsoever on its external behavior” (Posner, R. A.,2003). Social institutions and social structure have been set up for maintaining order, and guarding the rights of every member in the society. But, when the interest of the State comes against the interest of the individual, statutory violence results. John Stuart Mill who feared society as one that cared nothing for individual liberty, puts forward the “harm principle” that “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others” (Rosen, F., 2013). The men in power violate human rights. Francis Bacon has succinctly explained the reason why power produces violence: “Men in great place are thrice servants: servants of the sovereign or state; servants of fame; and servants of business”. When they are servants to position, pomp and profit, they cannot serve human. Holocaust and World Wars are examples of statutory violence organized by these great ‘servants’ who are



egoistic and self-centered. They fail to see human beings in the world of business. To all ambitious men Albert Einstein pleads: "Try not to become a man of success, but rather try to become a man of value."

6. Unlearning the Undesirable Learning

While leading the freedom struggle Gandhiji sensed violence residing in man. So he equated freedom with self-rule, and the notion of self-rule, to Mahatma Gandhi, implies the voluntary internalization of our obligation to others. Gandhi had to shed his blood to teach man such principles and values, because basically people had already been formed for violence. The basic nature of man is a subject of interest over centuries. Ancient Stoic school emphasized that the mind starts blank, but acquires knowledge as the outside world is impressed upon. This concept, known as 'Tabula Rasa' or blank slate is popularized by many in the later centuries, most notably John Locke who holds that individuals are born without built-in mental content and that all knowledge comes from experience or perception (1689/1996).

The studies in neuro psychology refute the theory of 'blank slate' suggesting that the entire cerebral cortex of human being is already programmed and organized to process information and some other functions. Hence mind is not blank by birth. This innate programmed mechanism in the brain subsequently acts to learn and refine the ability of the organism (Busan, T., 2005). Eagleman (2011), a neuroscientist, noted that babies inherit a great deal of problem-solving equipment and arrive at many problems with solutions at hand. Babies, have neural programs specialized for reasoning about objects, physical causality, numbers, the biological world, the beliefs

and motivations of other individuals and social interactions.

Neuro psychology, though disputes 'tabula rasa' does not confirm innate violent nature of man. Nor there is any contest on the factors of information processing such as intelligence, attitude, experience and perception as strongly correlated with culture. The nature of man whether peaceful or violent, is socially inherited. Jean-Jacques Rousseau argued that humans must learn warfare because warfare is an advent of society, rather than something that occurs from the human state of nature. Peace or violence, is learned. A major challenge in the promotion of human right is to unlearn the undesirable learning rather than to induce desirable learning. It calls for pain, sweat and sufferings to teach man; Socrates, Jesus, Gandhi, Abraham Lincoln etc... were such teachers who taught human right at the expense of their lives.

The Preamble to the Constitution of UNESCO declares that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed". Virtue, as stated in Plato's *Republic*, resided more in the person—in one's soul—than in the political structure of the state. For the ancient philosophers, virtue is to be cultivated by each person as well as the community. The cultivation of virtues, is the responsibility of man. Where this responsibility is neglected, there human right is violated.

7. The Ultimate Choice

In the *Republic*, the term eudemonia refers to a state of the soul as well as the active life it leads; which means both one's activity and its result on oneself is the same (Debra N., 2002). This is echoed in the Existential conceptualization of human right as an act of



duty and its benefit. Human right exists when it is practiced, meaning that source and result of the practice is the same and it has no external factors. Jean Paul Sartre views that “Humans are the source as well as the end of categorical imperatives”. The end of all what he does is himself, with no external factors. Man creates his own human nature through free choices. Human beings are radically free to act and mould themselves independently of outside influences. (Aronson, R.,1980; David, B., 2006). It is up to a man if he should practice human right or not, and ultimately, he is what he practices.

To be or not a champion of human right is ultimately one’s own decision. “It is the choice one makes: Man is born only as a potential. He can become a thorn for himself and for others, he can also become a flower for himself and for others”, opines Osho. All the declarations, protocols and precepts by the philosophers, prophets and leaders down through ages are the recurring efforts, in one form or other, to counsel man for right choice. Accordingly, there are two types of men: those who violate human rights and those who promote human rights. If human history is coloured by blood, tears and murder, it is also gleamed by models of moral conduct, altruism and love. In the words of Tagore: “Civilization must be judged and prized, not by the amount of power it has developed, but by how much it has evolved and given expression to, by its laws and institutions, the love of humanity”(Marie, S., Aruna, J., 2010).

8. Rights, an Experience of Love

In violence one is blind to one’s fellowmen, but human right opens the eyes to have a concern for the fellowmen. Empathy is the core from which this concern springs, and it qualifies the relationships with justice and sense of fairness. Relationship is the

awareness of interconnection between people in physical, psychological and spiritual environment, without which there is no existence. “To be is to be related”, says J. Krishnamurthy, and the heart of this relationship, according to him, is “mutual gratification”. This is the experience of love, a harmonious co-existence, the culmination of all values proclaimed by theists or atheists alike.

The very structure and nature of human being makes it impossible for him to remain isolated. Only when he consciously keeps himself in harmony with his surroundings, he will be experiencing in fullness, what it means to be a human being. This experience is not obtained from obedience to laws, nor from observance of rituals but it is a life style adopted with deep seated conviction.

The call for harmonious co-existence is eternal, every age producing it profusely in different voices. The Bills, Charters or Declarations coming in succession promise nothing new or different. Summits, Conferences and Conventions will ensue endlessly until man internalizes the wisdom being imparted to him in various forms and means since the days of ‘creation’.

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