Key contributions on the concept of human rights

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Abstract: There are fundamental differences between human rights today and natural rights of the past. For example, it was seen as perfectly natural to keep slaves, and such a practice goes counter to the ideas of freedom and equality that we associate with human rights today. In the middle ages and later the *renaissance*, the decline in power of the church led society to place more of an emphasis on the individual, which in turn caused the shift away from feudal and monarchist societies, letting individual expression flourish. Human Rights were seen as fundamental to the well-being of society, under the influence of philosophers such as Grotius, Hobbes and Locke. Then, these rights were called 'natural' rights, or 'the rights of man'. These natural or moral rights became part of the political agenda.
Key words: fundamental differences, Human Rights, 'Glorious Revolution'

Introduction

The concept of human rights is, historically, the flower of a European plant. It has now received the support of world nations. The term has come into common currency during the 20th century though the idea of 'human rights' is essentially the product of 17th and 18th century European thought. Respect for human rights is becoming a universal principle of good government. Human rights are rights possessed by people as human beings. They include all fundamental freedoms and are based on mankind's demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. Human Rights were seen as fundamental to the well-being of society, under the influence of philosophers such as Grotius, Hobbes and Locke. Then, these rights were called 'natural' rights, or 'the rights of man'. These natural or moral rights became part of the political agenda. Philosophers such as Thomas Paine in his essay, *The Rights of Man*, John Stuart Mill in his *Essay on Liberty*, and Henry David Thoreau in his *Civil Disobedience* expanded the concept. Thoreau is the first philosopher to use the term, "human rights". This work has been extremely influential on individuals as different as Leo Tolstoy, Mahatma Gandhi, and Martin Luther King. Gandhi and King, in particular, developed their ideas on non-violent resistance to unethical government actions from this work

The great religions of the world - Judaism, Hinduism, Christianity, Buddhism, Taoism, Islam, and others contribute profound ideas on the dignity of the human being, and are concerned with the duties and obligations of man to his fellow human beings. Ancient Indian thinkers like Manu, Parasar and Kautilya had tried meticulously to protect the rights and dignity of individuals from the rapacity of the rulers. These Indian thinkers prescribed many duties to the rulers to protect the dignity of the citizens.

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liberalism, Marxism, socialism and anti-colonial freedom struggles shaped the human rights perspective. Some important events, which have contributed for the growth of human rights movement, are the Renaissance, the 'Glorious Revolution' of 1688 that led to the English Bill of Rights, in 1689, the American and French Revolutions, the Bolshevik Revolution, the Industrial Revolution (1930) and the World War II.. It is in this background, the present paper highlights the key contributions on the concept of 'Human Rights'.

Hammmurabi and the Prevention of Arbitrary prosecution: Human Rights have been intricately tied to the laws, customs and religions throughout the ages. The prime contribution to Human Rights could be seen from the efforts of Hammurabi, the Sumerian king. One of the first examples of a codification of laws that contain references to individual rights is the tablet of Hammurabi. The Sumerian king Hammurabi created the tablet about 4000 years ago. Hammurabi's laws created a precedent for a legal system. This kind of precedent and legally binding document protects the people from arbitrary persecution and punishment. The problems with Hammurabi's code were mostly due to its cause and effect nature, it held no protection on more abstract ideas such as race, religion, beliefs, and individual freedoms.

Greek and Roman Contribution: In ancient Greece, the concept of human rights began to take a greater meaning than the prevention of arbitrary persecution. Human rights became synonymous with natural rights, rights that spring from natural law. According to the Greek tradition of Socrates and Plato, natural law is a law that reflects the natural order of the universe, essentially the will of the gods who control nature. Plato first made a systematic attempt to protect the citizens and non-citizens of ancient Greece in his grand scheme of justice. Aristotle discussed virtue, justice and rights for individuals in the contemporary Greek society. However, Cicero "provided the philosophical foundations for later theories of natural law…" Later, religious Universalists like Thomas Aquinas based their religious arguments on the fundamental value of human dignity and universality of natural law. This idea of natural rights continued in ancient Rome, where the Roman jurist Ulpian believed that natural rights belonged to every person, whether they were a Roman citizen or not. These writings, however, had oblique reference to human rights thinking rather than the one we find in the subsequent contributions.Despite this principle, there are fun damental differences between human rights today and natural rights of the past. For example, it was seen as perfectly natural to keep slaves, and such a practice goes counter to the ideas of freedom and equality that we associate with human rights today. In the middle ages and later the *renaissance*, the decline in power of the church led society to place more of an emphasis on the individual, which in turn caused the shift away from feudal and monarchist societies, letting individual expression flourish.

Social Contract and Positive Law: The next fundamental contribution to the philosophy of human rights arose from the idea of positive law. Thomas Hobbes saw natural law as being very vague and hollow and too open to vast

differences of interpretation. Hobbes wanted to make the Leviathan all-powerful to protect individuals from, the anarchical state of nature through contract. For, he believed that human beings were basically greedy and violent creatures who lived on anarchy in their natural state. He was, however, conscious of the need to ensure the right to security to the individuals to thwart the exploitation by the rulers; and state came into being because of the recognition of this basic need. The individuals in the civil society acquired certain rights that are inalienable and inviolable that the ruler has to protect those rights. In case the ruler does not perform the task of protecting those rights he has to go. This is the essence of Hobbes contribution in empowering individuals against the Leviathan who might be all powerful.

Locke's ideas laid the foundation for human rights. He believed that in the state of nature humans were basically good, peaceful and mercantile. He felt that the need for the protection of right to life and property necessitates the creation of a state. He insisted on having a ruler who might act as an arbiter to settle dispute that might arise over trade and property. Rousseau "saw the first virtue of the social contract as its capacity to organize in collective defence of liberty and order. The social contract establishes a community with a potential for doing justice, thereby giving the citizens the morality which had been wanting in the state of nature".

Contributions of Kant and Paine: Kant made human rights distinct from other rights like civil rights, international rights, and cosmopolitan rights. He believed in the oneness of human race. To quote him: "… the right to resort, for all men are entitled to present themselves in the society of others by virtue of their tight to communal possession of the earth's surface. Since the earth is a globe, they cannot disperse over an infinite area, but must necessarily tolerate one another's." Thomas Paine believed in the sovereignty of individual and argued for the minimal interference of the state. Like Locke he was deeply committed to the inalienable rights of man -- *rights of mind and rights of happiness and freedom.*

Marxian contribution: Karl Marx was highly critical of the natural rights of individuals. He argued that these rights were idealistic and ahistorical. To him, in the society where the capitalist monopolizes the means of production and distribution, ideas like *individual rights are illusory*. These rights are meant to cater to the interest of the ruling bourgeois class only. The proletariats would have nothing but their chains. This Marxist paradigm is considered to be one of the most formidable theoretical tools to analyse the human rights abuses.

Rawls' contribution: The most important contribution to the contemporary thinking on human rights is that of John Rawls' A Theory of Justice. Rawls's idea of justice consists of two principles: The First Principle is that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all". This implies equality of political rights to all citizens in a democratic country. These rights are necessary for the development of individual liberty. Rawls may not have enumerated the basic liberties in detail though, by and large, they include

political liberty, freedom of speech and assembly and liberty of conscience and thought, freedom of the person and freedom from arbitrary arrest and seizure. The second principle of Rawls' justice deals with *distributive justice*. According to this Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with a just saving principle and (b) attached to positions and offices open to all under condition of fair equality of which include rights, liberties.

Legal Documents: Abstract ideas regarding human rights and their relation to the will of nature have been transformed into concrete laws by various legal documents--- British Magna Carta, the English Bill of Rights, French Declaration of the Rights of Man, American Bill of Rights, the Geneva Convention, and the Universal Declaration of Human Rights etc. that specifically described these rights in details. The English Bill of Rights made the King subject to the rule of law, like any citizen, instead of claiming to be the law's (divine) source. It protected some *basic rights to justice* and guaranteed juries, impartial courts and independent judges. The American Declaration of Independence in 1776 asserted that governments were established by the consent of the people to protect rights. And it expressed these rights in the terms that: 'all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness.' Governments that did not carry out their protective role could be overthrown. The Declaration did not, in fact, extend human rights to all human beings. The first US

Constitution expressly preserved the institution of slavery and did not recognize the equal rights of women. Many 'rights' were added to the US Constitution over the years.

In 1788, as a result of the French Revolution, the Declaration of the Rights of man and of Citizens asserted *the primacy of natural rights* in similarly inspirational terms to the US Declaration of Independence. Yet in the Terror that soon followed the Revolution, with all its hopes, thousands unjustly lost their lives or suffered greatly in the name of 'Liberty. In 1945, leaders of the world's nations met in San Francisco to form the United Nations. Inspired by the great South African pre-apartheid leader Field-Marshall Smuts, they included in the preamble to the Charter of the UN, an important reference to human rights. The relevant part of the preamble said: "We the peoples of the United Nations [are] determined… to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". This reference to human rights was followed up by six references throughout the UN Charter's operative provisions to human rights and fundamental freedoms.

In addition, largely as a result of pressure brought to bear on the political leaders by some 42 United States non-government organizations, Article 68 was included. It required the Economic and Social Council to set up commissions in the human rights and economic and social fields. The outcome was the establishment of a Commission on Human Rights. Thus the Commission is one of the very few

bodies to draw its authority directly from the Charter of the United Nations. The Commission then turned to formulating the declaration.

Conclusion: The history of human rights may be traced to early slave revolts. Later on liberalism, Marxism, socialism and anti-colonial freedom struggles shaped the human rights perspective. Some important events, which have contributed for the growth of human rights movement, are the Renaissance, the 'Glorious Revolution' of 1688 that led to the English Bill of Rights, in 1689, the American and French Revolutions, the Bolshevik Revolution, the Industrial Revolution (1930) and the World War II.. It is in this background, the present paper highlights the key contributions on the concept of 'Human Rights'. In the middle ages and later the *renaissance*, the decline in power of the church led society to place more of an emphasis on the individual, which in turn caused the shift away from feudal and monarchist societies, letting individual expression flourish.

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