Role of Ethics, Religion and Philosophy for Conceptual Growth of Human Rights

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1. INTRODUCTION

The concept of human rights is rooted in the philosophy of humanity which means kindness, sympathy and compassion to mankind. Humanity demands equal treatment to all people without any discrimination on any ground and to provide them equal opportunity for their development and survival. The concept of humanity is closely related to ethics, religion and philosophy. Ethics is the moral conduct of mankind, while religion teaches people good moral principles and conducts. Without morality man is mere an animal whose purpose of the life is to live, eat and breed generations. Philosophy is reasoning power that enables one to distinguish between right and wrong and motivates to move towards right direction. In the absence of correct reasoning capacity neither humanity may be protected nor can good society be constituted. Human history bears the testimony that whenever humanity suffered, society faced unrest, chaos, disorder and even war. It took enough time to visualize the significance of humanity and human rights in human society. Human history right from beginning of so-called civilization presents the fact that man has badly suffered a lot due to absence of right understanding about mankind. Today, with the advent of democratic as well as socialistic angle and attitude of the society and state, people have been guaranteed legal protection in the form of human rights all over the world. It was moral, religious and philosophical ideas propounded by various thinkers, social reformers, poets and philosophers from time to time, which provided stable base to human rights. Their philosophies what they contributed to help humanity and to liberate millions of people from the clutches of enslavement, exploitation, suppression, deprivation and discrimination culminated into rise and growth of human rights.
Human history acknowledges the fact that right from ancient time to modern age the man, especially belonging to the lower stratum of the society, has seen the victim of ill-treatment, suppression, negligence and exploitation. The ruling class and also the class of affluent hardly cared for the suppressed and deprived people. In ancient Greece and Roman Empire, the major chunk of the human population who were poor and ignorant were regarded as ‘slaves’ and treated like animals. Even the religious and political philosophy justified the system of slavery. Political philosopher like Aristotle justified the system of slavery on the ground that it was good for slaves and the masters both.

There was someone who thought of the poor and backwards. The philosophy of Christianity that puts emphasis on universal brotherhood strongly pleaded for equal treatment to all mankind. The modern concept of human rights that is based on the human philosophies presented by some noted liberal philosophers and thinkers recognized the humanity and dignity of mankind in totality. It was their liberal as well as philosophical approach to the mankind which ultimately paved the way for growth of human rights. This paper presents systematic accounts of the role of ethics, religion and philosophy in upgrading the human faculty creating sound base for rise and growth of human rights. It also analyses the role played by various thinkers and philosophers to provide stable base to human rights.

2. MEANING OF HUMAN RIGHTS

Various concepts have developed about nature, meaning and significance of human rights throughout the history of mankind. Bentham and T.H. Green recognized human rights, on the logic that no individual can avail his/her rights at the cost of others. The rights of any individual or group are restricted as much as it is necessary to secure the comparable rights of others and the aggregate common interest. It is the state that can put reasonable restrictions on the rights to protect
the rights of others. The question is who will monitor or audit whether the restrictions put on human rights are reasonable or unreasonable.

In finer sense, human rights are understood to represent those basic rights, which every individual must possess against the state or any individual authority by virtue of his/her being the member of human family. Everyone must be granted the atmosphere suitable to grow and prosper as per the born potentiality for development of his personality. If one is denied to such right or is deprived of the human conditions for better living is the violation of human rights. Today, human rights are established universal fact that certain basic rights are indispensable for the mankind to develop his personality. Even the state has no authority to deprive the man of his basic rights. Rather the state is custodian and protector of human rights. The philosophy behind such concept is that ‘man is born free’ having natural rights and the basic purpose of the man is to develop his personality without any outside interference. Since man has the reason to understand what is good for him and what not, freedom should be assigned to him to follow the course of life freely decided by him.

3. PHILOSOPHY OF HUMANISM AND INDIVIDUALISM

There have been thinkers and social reformers who considered the man as the measurement of everything and human rights as the base of perfection of human life. The basic concept of human rights is related to the philosophy of humanism, which itself is related to religion and ethics. Humanism is a concept that treats man as noble creature having the reason to realize the right and wrong. Humanism is universal in the sense that every individual is the product of the common soul and their feelings of pain and pleasure are the same. The host of poets, philosophers, religious preachers and social reformers developed the idea that since man is rational as well as moral being, he must be allowed to be free
from all sorts of dependence. According to Sabine, after Aristotle, philosophy “became agencies of ethical instruction and consideration” and in due course of time it “took on more the characteristic of religion.” Thereafter, the philosophy in the form of religion began to teach man the ways of salvation creating “feeling of self consciousness, a sense of personal privacy and internality.”¹ It was this teaching, which molded man towards individual thinking and self-improvement improving his sense of morality and expanding the scope of his religious activities for salvation. In the post-Aristotelian period political philosophy propounded two currents of political thought-- the idea of individualism, a distinct item of humanity with his purely personal and private life, and the idea of universality, a world-wide humanity in which all are endowed with a common human nature.² The former current of thought made man aware of his personality having inherent rights, the right to have his personality respected. Under the latter current, it was the philosophy of Christianity that strongly pleaded equality for all on humanitarian ground and on the ground that all are God’s children. Both the currents falling in the hands of modern liberal political thinkers expanded the way for growth of human rights. Christianity pleaded that in order of importance man needs physical survival for which certain rights must be granted to him.³ The protestants protesting orthodoxies of Catholics, even went to the extent to limit the blind religious absolutism; if it confronts individual growth and development. They strongly stood against orthodoxies of Catholics because it hindered the way of individual’s growth.

The doctrine of moral principle which pleads that men are equal because they are human being and God’s children, served the basis of all human rights as the years rolled down.⁴ According to Vincent (1995:13) human rights are rights that everyone has, and everyone is equal by virtue of his very humanity. They are grounded at appeal to our human nature. Grewirth (1982:5-6), too, supporting the
doctrine of moral rights maintained that it serves to emphasize that the ultimate purpose of the rights is to secure for each person a certain fundamental moral status.

The theory of Stoic ‘cosmopolitism’ generated the concept related to the universal system of unchangeable and universally applicable system of law. The Stoic notion of ‘living agreeably to nature’ also contributed the growth of individualistic ideas. To avert religious fundamentalism, which had encircled individualist growth of man, it was essential to develop the notion of natural law based on reason. Hence demand was made to surrender individual to reason (natural laws), not to any blind concept based on faith and tradition. Such comprehension opened a new way for individual to follow a course of his own in conformity with the ethical as well as reasonable standard of the community.

The movement of Renaissance and Reformation, which widened the path of modernism revolting against orthodoxical practice of traditionalism, and challenging the concept of Divine Origin Theory of state, paved the fertile ground for the growth of individualism. Individualistic theorists like Bodin, Thomas Hobbes, John Lock, Bentham, J. S. Mill, T.H Green and others emphasizing realistic approach of thought, opposed religious political concept and supplanted a new theory of human life and his relation with the state. Logic was advanced that prime duty of a ruler is to look after well-being of the people and protect their lives and properties. Since the individual possessed rights even before advent of the state, the state has no right at all to deprive the individual of his natural rights because these are the birth rights. In other words, it was claimed that human rights are fundamental, inalienable, absolute and prior to the state. The rulers must protect them. Thus, such ideas “based on the principle of reason, not religious dogma, falling in the hands of poets, philosophers and social thinkers etc. strengthened the
idea of natural rights. The idea of natural law determined the relationship between the ruler and the ruled pushing aside the concept of divine power of the king.”

Thomas Hobbes (1588-1697) founded the theory of individualism opposing divine right of the king. According to him rights are natural and man possessed them even before the state was created. The state is not divine creation, but it is a man made machine to help people for peaceful survival and meaningful growth. There is one fundamental right of the nature that is the liberty of every one to use his own power according to his willingness to preserve his own nature (personality). The right is right when it is justified by all and the law of the state recognizes its justification. Lock John (1632-1704), the father of liberalism and champion of human rights, further strengthened the principle that rights are natural and people enjoyed rights even before advent of the state. According to Lock natural rights constitutes and protects rights of life, liberty and property. The state has no authority to erode basic rights of the individual. Rather the state is custodian and protector of the human rights. J.J. Rousseau (1712-1798) expanded the way for the growth of the theory of liberal democracy and popular sovereignty. He believed that man who is good by nature, have the wisdom to live in peace and harmony. In his own words “Man is born free, but he is everywhere in chains. Following the doctrine of Rousseau’s real will Hegel propounded the absolute theory of ideal state, no doubt, but his philosophy recognized the freedom of the individual to follow his right course of life. His ideal state is absolute and a ‘divine march on the earth’, but its purpose is to assist the individual and lead them towards development and prosperity. Germy Bentham (1748-1832) the founder of schools of utilitarianism and radical egalitarianism strongly pleaded for the welfare state. To him the state is good, which works for the greatest good to greatest number. His philosophy paved the way for the growth of representative democracy, transparent government and annual parliament. He advocated for
sickness benefit, free education and minimum ways etc. in the interest of the common and poor people.

Thus, new theory of natural rights highlighted individuality awarding the individual a personal status of his own based on the support of inalienable rights of liberty, equality and property. Sabine (1977: 441) is of the view that it is the concept of human rights that gave push to the theory of individualism that strengthened the base of human rights. Both are reciprocal. In the word of Sabine the root of individualism is found “in the belief that political and social institutions are justified only because they protect and maintain individual right” and this idea “emerged under the pressure of the circumstances, which first became effective in England in the mid of seventeenth century.” 13

4. MARXIST PHILOSOPHY AND HUMAN RIGHTS

The political philosophy of Karl Marx, who championed the cause of the poor mass including workers in the nineteenth century A.D. advocated that there is no right without economic right. He expressed the view for complete eradication of the system of capitalism and establishment of social order having full control over the means of production and distribution. According to Marx, the only way to end the human exploitation is to finish up the capitalist society completely and set up a new socialist society on the principle ‘to each according to his needs and from each according to his capacity.’ Thus, the Marxist political and social philosophy emerged in the 19th century in defense of the human beings belonging to the poor, suppressed, exploited and deprived sections of the society. Marx found the system of private ownership the root cause of the growth of capitalism and deprivation of the working class of the fruits of their labour. So he predicted that class-war (between proletariat and bourgeoisie) is inevitable where the capitalist governments are bound to get defeat. Such prophesy of Karl Marx and his
call to the working class to get united and stood against the capitalist government and system attracted the attention of the rulers as well the thinkers of the world who came ahead a new political idea to help the workers and the poor to avoid the danger of class-war.

A new social as well political philosophy was developed in the Post-modern era by a host of contemporary thinkers belonging to different schools of learning including Neo-Marxists and Neo-Leftists. These thinkers developed the new idea for new social order where the interests of the rich and the poor are safe. Being averse to the ideologies of both the Marxist and liberal thinkers and their dogmatic principles, they began to propose a new ways and means to liberate the poor from the catch of poverty, disappointment, frustration. There has been a revolutionary philosopher like Derrida who wish to neutralize the binary hierarchies for the empowerment and betterment of the unprivileged class.

5. CODIFICATION OF HUMAN RIGHTS; DOCUMENTARY BASE

Today, human rights have been provided honourable and safe place in the Charter of the United Nations (UN), no doubt, but it took centuries to obtain such prestigious position crossing several milestones. It was the Magna Charta (1215) that declared, “No freeman shall be taken or imprisoned or disposed or outlawed or punished or any way destroyed, nor will go upon him, except by the lawful judgment of his peers or by the law of the land.” \cite{14} If the Magna Charta laid the foundation of the human liberties, the Petition of Rights (1628) was the second landmark for constitutionalism of the human rights. According to Adams (1971:138-39) “Strengthening the base of constitutionalism and forcing the king to honour constitutional documents, it reduced the king’s prerogative power and set new limitation to them.” Thereafter, the Glorious Revolution (1688) established the parliamentary supremacy in England; which was recognized as the soul of all
authorities to make laws and execute them in the interests of the people as a whole. No one can forget the contributions of the French Revolution (1789) that occurred for achievement of equality, liberty and fraternity and encouraged the mankind as a whole to fight for human rights.

In the words of Sabine “The political philosophy of the mid seventeenth century was ancient theory of natural laws, which appeared in the new form, the innate right of every man to minimum of political privileges, the doctrine of consent by participation in the choice of representatives, the justification of law and government as a protection of individual rights.”\textsuperscript{15} It was the theory of natural law that provided stable ground for human rights. On 4\textsuperscript{th} July 1776, the Congress of the USA declared, “We hold those truths to be self-evident that all men are created equal; that they are endowed by their creator with unalienable rights; that among these are life, liberty and pursuit of happiness.” It further declared 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 a new government, laying its foundation on such principles... to effect their safety and happiness”.\textsuperscript{16}

Thus, it is quite obvious that the concept of human rights supported by various philosophical schools not only provided it justification but also widened its scope all over the world. The Declaration of Human Rights by the Congress of the USA and also by the National Assembly of France on 26\textsuperscript{th} August 1789 provided it constitutional base. After the Second World War a new impetus to human rights was given by the United Nations that provided honourable place to it in its Charter in 1948. The Universal Declaration of Human Rights (UDHR) affirmed faith in “fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations small and large.” It contains an elaborate list of human rights having 30 articles dealing with political, economic, social,
cultural and developmental rights intended to be universally applicable. It declared the equality before law, protection against arbitrary arrest and detention, right to fair trial, freedom of thought and expression, freedom of peaceful assembly and association, freedom of conscience and religion, right to own property, prohibition of slavery, right to residence and movement, right to nationality, right to free education, right to rest and leisure etc. Such declaration of the human rights by the UN becomes the law and hopes not only of international law but also to all laws that are destined to govern mankind. “The declaration influenced even the anti-democratic and authoritarian states to accept the facts that human beings that are rational beings deserve some basic rights to develop their inner potentiality and personality.”17 Mrs. Eleanor, the chairperson of the Human Rights Commission that drafted the UDHR rightly said that “the declaration was more than the culmination of the ideologies; which centered around the creation of the inevitability of progress, a conception which had so griped the pre-world war socialist and liberal thinkers.”18

6. CONCLUSION

The hard fact to note is that in spite of codification and constitutional protection of human rights there are anti-human rights forces that are determined to destroy the values of human rights being selfish and self-centered to serve their own cause at the cost of great humanity. In the poor third world nations the major impediments to observance of human rights are largely due to the feudal and patriarchal social system, autocratic and despotic political regimes, archaic and exploitative social and cultural traditions and the wide spread prevalence of poverty, illiteracy, hunger and diseases. Moreover, the recent emergence of religious fundamentalism, the ethnic conflicts and the cult of terrorism has no hesitant to make onslaught on human rights to achieve their missions against
humanity. One can easily observe number of cases of human rights violation every day all over the world. There have been riots, massacres and inter-ethnic and intra-ethnic conflicts, which have taken innumerable lives in different countries. Recent shooting in a Gurudwara in Wisconsin State in the USA is an example. Hence there is an urgent need to be aware of such anti-human rights forces and have the courage, wisdom and willingness to fight them and protect human rights.

End-Notes

2. Ibid. pp. 142-43.
7. Ibid. p. 223.
10. Ibid.


REFERENCES


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