



RESEARCH ARTICLE

UNDERSTANDING ETHICAL PERSPECTIVES OF HUMAN RIGHTS.

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Abstract

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Introduction:-

The only rational creature in this world is human beings and by the virtue of being human they inhere certain rights which are basic and inalienable rights, generally known as human rights. Each and every individual is equal irrespective of caste, creed, religion, nationality. Human rights provide equality, basic freedom and standard to all the people of the world and help them in living a happy and dignified life. Human Rights are universal as they do not discriminate humans on any ground and maintains their stability across the globe. Human rights can be defined as “a set of individual and collective rights that have been formally promoted and protected through international and domestic law since the 1948 Universal Declaration of Human Rights. The core content of human rights is spread across categories of civil, political, economic, social, and solidarity rights”¹. In most of the cases human rights represent the very core of the philosophy of humanism.

Human Rights work as a roof which safeguards each and every individual from all violence and injustice caused by the State or others. Historically, human rights have its basis in Europe. It is the product of 17th and 18th century but came into force in 20th century. Today it is supported and enacted by all the nations of the world. In 1948, the United Nation new Human Rights commission started a new journey after people have witnessed the loss of humanity in the horror of World War II. They wanted to establish a global bill which would be obliged by the entire state in order to recognize equal rights, liberty, dignity, freedom possessed by each individual. Eleanor Roosevelt as the chairman, F.D. Roosevelt as the president, under the leadership of United Nations, set out a draft to document which became Universal Declaration of Human Rights (UDHR). It was adopted by the United Nations on December 10, 1948. Roosevelt referred the Declaration as the International Magna Carta for all the mankind. In Article 1 and in its preamble, the declaration proclaims the inherent right of all the human being: “...All human beings are born free and equal in dignity and rights.” According to Universal Declaration of Human Right, human rights are universal moral rights.

The philosophy of human rights has a very rich philosophical and traditional dimension. Different philosophers over the ages have discussed and worked on it which deserves a special attention. Originally the term used for human right was ‘natural right’ or ‘the rights of man’ or ‘civil right’. Although its history has been discussed but if we tend to observe closely we shall find its basis in Greek and Medieval philosophy. Later in 17th and 18th century with incorporation of modern perspectives in European thought, natural rights came to be known as human rights. The term human rights is a matter of philosophical debate. Many philosophers such as Aristotle, Socrates, Thomas Aquinas, Hugo Grotius, Thomas Hobbes, John Locke, Immanuel Kant and many more have contributed a lot for the development of the human race. According to the contemporary philosopher, Felix Wilfred, “Human right is a question of regulating rights relationships in the society among individual or groups relationships which are

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humanizing, and therefore fair and just”². Thus, human right is all about the need for justice, mutual respect, tolerance, human dignity and understanding each other’s value in all the activities of life. It speaks about the notion that all the people are equally important for the whole.

At the same time what is undeniable is the crisis of human rights. It has been a continuous process since time immemorial. Being human, human beings themselves have been exploiting their own fellow beings. The case of violation of human rights has its history in World Wars. It shocked the entire world where millions of people were killed. “The human rights violations are evident in the form of patriarchy, fascism, colonialism/ imperialism and discriminations based on race, class, caste or gender”⁸. Nelson Mandela was imprisoned for more than twenty seven years, because he fought for the black South African people. The World War II saw the tragic death of six million people caused by Hitler in Germany. In Hiroshima and Nagasaki, destruction was done by the Americans using nuclear weapon. Syria encountered a brutal civil war, where hundred and forty million people were killed, eleven million became homeless, lost their families. Women violation is also not less. Women have been abused, imprisoned, girls have been kidnapped and been sold. Another brutal case, in Delhi, where a medical student was gang raped and killed. All these represent the darkest phase with which the humans are involved and which is still continuing and is causing destruction to the human race. The world today is at its worst condition where people are giving justification for their own inhuman action and explained it as if they do it for the welfare of the humanity. The violations can be stopped only if people understand the reality that each one of us has equal dignity and respect. People have to treat others the way they want themselves to be treated. Such a situation will arise if people can understand the worth of ethicality of human rights.

Ethics, deals with morality, the notions of good, right, justice, duty, obligation, cardinal virtues, freedom, responsibility, crime, punishment. Ethics, as an important discipline of philosophy was started in 3rd century BC by Aristotle. For the very first time, it was Aristotle who systematically defined ethics as an object of human action. From Aristotelian perspective, Ethics can be described as the way that human beings have to take in order to reach the Supreme Good and Final End. This is the route which an individual conquers by fulfilling minor goods and intermediate ends. The continuous achievement towards perfection can lead our lives towards happiness. One can follow this path by practicing intellectual virtues. Aristotle’s approach to ethics aims at the final end which resembles to the achievement of happiness. The patron saint and moral philosopher Socrates gave some arguments which is an appeal to the general law- 1) that we ought never to harm anyone. 2) that we ought to keep our promises. 3) that we ought to obey and respect our parents and teachers. One needs to keep in mind that if one wants to be human then these are some arguments among many which makes a human being the best version of all creations and human rights can be protected if one tends to understand the in depth meaning of it. M.K. Gandhi, followed it throughout his life and made Ahimsa as one of the corner stone of his life. Ahimsa not only means non-killing but it also refers to supreme kindness. Non-Violence is a positive virtue of doing well even without harming and hurting someone through words. In Gandhi’s words, Ahimsa is our Supreme duty⁵. It implies that a human being in order to become human must have this soul force, the force that has love in it. This sort of morality and ethics will help to upgrade human rights in proper manner. Ethics as the branch of philosophy deals with some basic notions and their importance like duties, rights, egoism, utilitarianism etc. It is a belief that human race have some duties for other human beings. The theory of duty was developed by the German Philosopher Immanuel Kant (1724-1804), which he named as Categorical Imperative, some decisions and actions are found in our personal desire. One should always treat people as an end, never as a means, which means that a person should be treated with dignity; it is also the central idea of categorical imperative. The concept of duty can also be linked to the concept of right. If one has the right, it means the other has the duty to preserve that right. It is a claim that every living being can fight for if any injustice has been done to them. The concept of Utilitarianism has been advocated by 19th century British philosophers Jeremy Bentham and John Stuart Mill. The central idea of utilitarianism is welfare of the whole and it advocates greatest amount of good for the greatest number of people, i.e; the ‘greatest happiness principle’. Immanuel Kant as a moral philosopher talked about the human dignity and said that human beings occupy a special place in creation and he was not only one who thought about it. It is a primitive idea that human beings have always regarded themselves as different and better from all other living creatures. In Kant’s view, human beings have “an intrinsic worth”, i.e., ‘dignity’, which makes them valuable “above all price”⁶. Because human beings are rational, they can take their own decisions and can justify their own conduct by reason. Even the notion of moral good exist because of the rational creatures, in order to understand what ought to be done and what not. The moral dimensions of the world would just disappear if there were no rational being. Ethical questions like what is the right thing to do? What ought to be done? What is just and good? These terms like ‘good’, ‘right’, ‘ought’ are bit difficult to define and measure. Kant, Plato, G.E. Moore, they were from the tradition known as intuitionism. According to

intuitionism, only by intuition we can justify these terms right, good, ought. But these terms cannot be justified empirically. It opposes naturalism which says that terms like pleasure, pain, survival etc can be justified by experience only. Epicurus, John Stuart Mill, Bentham, John Dewey were the supporters of naturalistic philosophy. As a Universalist, for Kant always doing the 'right thing' is the absolute natural law. For Kant intention play a very important role in motive because doing right thing solely depends upon a person's motive. Kant argued that the only moral motive is that something is done because it is one's duty to do it, because it is the right thing to do⁷. Thus the effort to do what is right and just is very important in Kantian tradition. For Kantian world, one can build a good society if one recognizes one's duty to make the right thing because the attempt really matters. Ethics and morality can make human the best creation on earth. A human being is the sum total of all these ethics.

Violation of human rights can be stopped if an individual is aware of the above perspectives. A lot of work has been done for the protection of human rights but there is still something that is lacking which need improvement. The philosophers and their philosophy has been ignored in some way or the other. Through the ethical perspectives of the ethicists each and every individual shall understand the fact that their deeds should lead to the supreme good and they should always think about the consequences that their deeds will lead them towards. As from Utilitarian perspective we all are included in that greatest number, our existence is always related to others with whom we reside. It means ultimately if we harm others, it will come back to us. We are one of the best creations of this universe, because we possess rationality, dignity and we have to understand that this dignity possessed by each and every individual need to be respected. Ethics reforms an individual's character by helping him in inheriting the virtues. Such virtue can craft one individual to realize humanity. Under such circumstances, this realisation will make the people understand that human rights have to be protected and promoted in order to safeguard the humanity and make the world a better place.

End Notes

1. Thomas, Pius. V., Human Rights: an Introduction (a primer and study material), p. 3
2. Stephens R. M, Human Rights Concepts and Perspectives, p. 10
3. Sinha, Jadunath, A Manual of Ethics, p 1
4. Ibid, pp. 1-2
5. Ibid, p. 190
6. Rachels James, The Elements Of Moral Philosophy, p. 130
7. Drren J.O' Byrne, Human Rights- an Introduction, p. 38
8. Stephen, R.M, Human Rights Concepts and Perspective, p. 30

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