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## REVIEW ARTICLE

**“WHAT SOCIETY NEEDS MORE HUMAN  
RIGHTS, DUTIES OR HUMANITY ALONE”**

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# “What Society Needs More Human Rights, Duties or Humanity Alone”

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For mercy has a human heart,

Pitty a human face,

And Love, the human or divine,

And secrecy, the human dress.

- William Blake, The Divine  
Image in songs of innocence.

‘Human’ means a member of the primate genus Homo, especially a member of the species Homo Sapiens, distinguished from other apes by a large brain and the capacity for speech and ‘Human being’ can be defined as a man, woman, or child of the species Homo Sapiens, distinguished from other animals by superior mental, development, power of articulate speech, and up right stance and Being human is simply understanding that others are human too. They have equal rights with you and you should treat them as you wish they treat you this is a golden rule whereas the silver rule states that you should not treat them in ways that you do not like to treat. Those who do not obey these moral rules are wolves or violent animal in human skins.

Few people are of the opinion that Human nature is the same all over the World but it's not so because at every point of time even one man cannot predict the action or thought of other man in identical situations. There are so many instances which proves the uncertainty in human nature.

‘Human’ is a concrete concept which refers to ourselves and ‘Right’ means recognized and protected interest by law. So, it can be said that our interest which is recognized and protected by law is human right.<sup>1</sup> Every Human being needs certain necessities like food, water, cloth, shelter, health, which are basic for sustaining life, without which one cannot live. Likewise, every human being is entitled to certain basic rights and fundamental freedoms and in the

absence of which one cannot live as human beings. Thus, “Human Rights” to live as human beings.

All societies and cultures have developed and still developing certain conceptions of rights and principle that should be protected and respected as rights evolved on some basic principles, which have been universally accepted, and contributed to the development of human rights. There is endless list of rights of man like natural rights, civil rights, political rights, economic rights, social rights & cultural rights which evolved with different degrees of emphasis but reflects one common feature i.e. ‘human dignity’ individual's wholesome personality.

All the human beings in the universe are alike and their fundamental freedoms are also universal alike. All individuals throughout the world or we can say in the universe are entitled to enjoy and exercise human rights by virtue of being a member of society or state and the reason is simply because they are human beings. Once **Mahatma Gandhi** said that **“Every human has rights”**. He even said that “It has always been a mystery to me how men can feel themselves honored by the humiliation of their fellow beings”.

As a human being we didn't have right to claim & protest for rights only all the time but being a good human being we have certain duties too. The first duty of a human being is to assume the right functional relationship to society. As a human being our duties include to help the people who are in need and to serve animals too. Our prime duty is to do things without thinking about the benefit to ourselves and to perform without ill intention for the well-being of all. There is opinion or faith of many that

**“Do unto the other living being only such things which you would like other do unto you.”**

Or

**“Do not do unto other such things which would not like others do unto you.”**

<sup>1</sup> Dr. N.C. patriak: Misuse of Police Powers: A strain on Human Rights Indian Bar Review. Vol. xxviii 2002 at page 85.

The above valuable word undoubtedly has shown the simple way to make the world paradise. To promote others to follow certain simple steps to give equal respect to all the God creations and have the humble feeling for others.

The ideas of rights and liberty have existed in some form for much of human history, there is agreement that the earlier conceptions do not closely resemble the modern conceptions of Human rights. According to **Jack Donnelly**, in the ancient world, “Traditional societies typically have had elaborate systems of duties conceptions of justice, political legitimacy, and human flourishing, or well-being entirely independent of human rights. These institutions and practices are alternative to, rather than different formulations of, human rights”.<sup>2</sup> The history of human rights can be traced to past documents, particularly Constitution of Medina (622) Al- Risalah al- Huquq (659-713), Magna Carta (1215), the English Bill of rights (1689), the French Declaration of the Rights of Man and of the Citizen (1789), and the Bill of Rights in the United States Constitution (1791).<sup>3</sup>

The earliest conceptualization of human rights is credited to ideas about natural rights emanating from natural law. In 17<sup>th</sup> century English Philosopher **John Locke** discussed natural rights in his work identifying them as being “Life, Liberty, and estate (property)”, and argued that such fundamental rights could not be surrendered in the social contract. The philosophy of human rights attempts to examine the underlying basis of the concept of human rights and critically looks at its content and justification. Several theoretical approaches have been advanced to explain how and why human rights have become a part of social expectations. One of the oldest Western philosophies of human rights is that they are a product of a natural law, stemming from different philosophical or religious grounds other theories hold than human rights codify moral behavior which is a human social product developed by a process of biological and social evolution (associated with Hume). In the Sociological theory of law and the work of **Weber** Human rights are also described as a Sociological pattern of rule setting. These approaches include the notion that individual in a society accept rules from legitimate authority in exchange for security and economic advantage (as in **Rawls**), a social contract. The two theories which dominate contemporary human rights discussion are the interest theory and the will theory **Interest theory** argues that the principal function of human rights is to protect and promote certain essential human interests, while **Will** theory attempts to establish the validity of human rights based on the unique human capacity for freedom.<sup>4</sup>

<sup>2</sup> Donnelly 2003, p.71

<sup>3</sup> James Nickel, with assistance from Thomas Pogge, M.B.E. Smith, and Leif Wenar December 13, 2013 Stanford Encyclopedia of philosophy, Human Rights (<http://plato.stanford.edu/entries/rights.human/>), Retrieved August 14, 2014]

<sup>4</sup> Fagan 2005

The intense exploration of Human rights causes of emergence of the Concept, from where it was originated first time and who promoted the concept, all such type of endless queries and their answers will be futile if they fail to control the violation of the existing laws. This is the time to take proactive action and instead of making people aware of their rights. We must collectively take few steps to make every human a man who will perform his duties with humanity in all odd situations. The past records unveil certain facts and according to those facts the claims made by human rights to universality have led to criticism. Philosophers who have criticized the concept of human rights include **Jeremy Bentham**, Edmund Buske, Friedrich Nietzsche and **Karl Mark**. Political Philosophy Professor **Charles Blattberg** argues that discussion of human rights, being abstract, demotivates people from upholding the values that rights are meant to affirm.<sup>5</sup>

The Internet Encyclopedia of philosophy gives particular attention to two types of criticisms: the one questioning universality of human rights and the one denying them objective ground.<sup>6</sup>

**Alain Pettet** an international law scholar criticizes “human rightism” approach as denying the principle of Sovereignty and claiming a special place for human rights among the branches of international law.<sup>7</sup>

**Alain de Benoist** questions human premises of human equality.<sup>8</sup> Continuously Human rights will be promoted around the World through Governmental organizations and Museums including the Canadian Museum for Human Rights in Winnipeg, Manitoba.

Human rights organizations have been said to “Translate complex International issues into activities to be undertaken by concerned citizens in their own Community.”<sup>9</sup> “we the people: The position of NGO’s in gathering evidence and giving witness in International Criminal Trials”

In Thakur, R, Mal content, P. From Sovereign Impunity to International Accountability New York: United Nations University Press. It came to notice from the activities of such organizations that these Human rights organizations were frequently engage in lobbying and advocacy in an effort to convince the United Nations, supranational bodies and National governments to adopt their policies on human rights.

<sup>5</sup> Blattberg, C(2010) “The Ironic Tragedy of Human Rights”. Patriotic Elaborations: Essays in practical philosophy. McGill - Queen’s university press. Pp. 43-59 ISBN 0-7735-35 38-1.

<sup>6</sup> Andrew Fagan Philosophical criticisms of human rights (<http://www.droits-fundamentaux.org/s.pip.php?article=27>) 2000 (French)

<sup>7</sup> Alain Pellet “Droits –de-l’homme” et droit international (<http://www.droits-fundamentaux.org/spip.php?article=27>) 2000 (French).

<sup>8</sup> Alain de Benoist Au- dela des droits de l’ homme (home (<http://www.alaindebenoist.com/Pdg/au-dela-des-droits-l-homme.pdf>) Crisis 2004 (French); Religion of Human Rights, 1988 (German)

<sup>9</sup> Durham, H. (2004)”.

Many human rights organizations have observer status at the various UN bodies tasked with protecting human rights. It is also observed in few incidents that these organizations too have fractions among themselves on certain issues. They are still looking for a perfect and appropriate definition of the act of violation of Human rights for the universal applicability of it. These organizations have faced the criticism for moving away from their stated goal just to attain the status and they have shown the active participation but **Gerald M. Steinberg**, an Israel-based academic, maintains that NGOs take advantage of a "Halo effect" and are "given the status of impartial moral watchdogs" by governments and the media.<sup>10</sup>

"Academic hits out at politicized Charities". The Jewish such critics claim that this may be seen at various governmental levels, including when human rights groups testify before investigation committees:<sup>11</sup>

Analyzing and evaluating standards of implementation of human rights through effective machineries has proven futile to certain extent even the efforts of human rights defenders who, individually or with others, acts to promote or protect human rights has not shown much positive results. The group of these men and women who act peacefully for the promotion and protection of human rights acts within a nation as opposed to internationally known notions about human rights. Now a day Multinational companies played a large role worldwide & has been responsible for numerous human rights abuses.<sup>12</sup> Human rights abuses are monitored by United Nations Committees, National Institutions and governments and by many independent non-governmental organizations, such as Amnesty International, International Federation of Human Rights, Human Rights watch, world organization Against torture, Freedom House, International Freedom of expression Exchange and Anti- Slavery International.

These organizations Collect evidence and documentation of alleged human rights abuses and apply pressure to enforce human rights laws. Wars of aggression, war crimes and crimes against humanity, including genocide, are breaches of International humanitarian law and represent the most Serious of human rights violations. In efforts to eliminate violations of human rights, building awareness and protesting inhumane treatment often led to calls for action and sometimes improved conditions. The UN Security Council has interceded with peace Keeping forces, and other states and treaties (**NATO**) have intervened in situations to protect human rights.

The universal nature of human rights and freedoms is beyond question as the UDHR enshrines universal rights that apply to all human equally, whichever geographical location, State, race or culture they belong to. However, there is always a dispute between Scholars that advocate moral relativism and Scholars that advocate moral universalism. Though Relativists do not argue against human rights, but concede that human rights are social constructed and are shaped by cultural and environmental Contexts. Universalists argue that human rights have always existed, and apply to all people regardless of culture, race, sex or religion.

If one would start the journey to introspect the opinions of people in respect of their Culture, Ethics, Morality and with the view of considering their nationalism like Europeans, Asians etc than it would be really difficult to Conclude the universal concept of human rights. The only way out to resolve these controversies is to teach and preach humanity as a basic tool to eliminate the unending hue and cries over the call of violation of human rights and to maintain peace. We should inculcate the emotion to give respect and regard equally to all without discrimination with no reasons or which is on baseless grounds. At last the only principle to control violation of human rights is that **"It's good to be human to and dutiful rather than being only human"** "According to **Pope John XXIII**" *Men cannot by nature be superior to others, since all do not differ from one another in the dignity which they derive from nature*".

<sup>10</sup> Jeffay, Nathan (June 24, 2010).

<sup>11</sup> Edelstein, Jason (October 12, 2010) "The Search for the Truth". The Jerusalem Post.

<sup>12</sup> "Corporation and Human rights". Human Rights watch. Archived from the original on December 15, 2007. Retrieved January 3, 2008.