

Is the concept of
human rights
philosophically
defensible?



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On your view is the concept of human rights philosophically defensible, or is it for example a purely political notion? Explain.

According to Biron, human rights are the distinctive basic entitlement possessed by every individual against the state or other public authority by virtue of being a member of the human family irrespective of every other consideration” (259-260).

Eastwood posits that human rights cannot be separated from the concrete exercise of political power (91). Human rights exist relative to the state, they are rights that cannot be exercised in a vacuum but are most likely to flourish within the societal framework of democracy, and economic parity: a distinctive characteristic rationalized in the declaration that “ the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”(UNDHR Preamble).

The notion of human rights as a political concept is traceable to the early practice of societal adherence to natural or customary rights during the phase when natural laws were the determinants of rights (Jowitt 187-194) and only a particular class of society had certain rights by virtue of position for instance, the rights of a king differed from the rights of a follower, the lower class did not have the same rights as the upper class in the society (still a cultural practice in some parts of the world). The evolution of human rights spanned several decades leading to autocracy in most nations with the state bearing the burden to protect human rights and ensure the protection of rights. The existence of national sovereignty eminent at this

period provided nations the right to exist without interference from other nations and by extension provided an avenue for oppression and individual rights violation for instance, the forced deportation and massacre of Armenians, Greeks and Assyrians by the government of Turkey, the United States sedition and espionage acts restricting the right to free speech and other rights of citizens, the rape and massacre by Japanese soldiers of about 200, 000-300, 000 civilians and unarmed soldiers during their invasion of China (Human Rights for all Ages).

Although human rights existed as summarised above, long before the United Nations charter asserting the international standard of human rights, the United Nations Declaration on Human Rights was adopted as an aftermath of the magnitude of appalling human rights violations recorded during World War 2. The document called for equality and self determination as stated therein “ All human beings are born free and equal in dignity and rights.” (UNDHR Article 1). The declaration outlined the fundamental rights, rights which coincidentally are also the foundation of any democratic society were adopted by diplomatic representatives of countries, most of which were strong allies, Britain and France were at the time colonising other nations with prevailing cases of human rights violations and oppression.

The declaration marked the end of sovereignty allowing nations interfere in the politics of other nations under the guise of withholding or promoting human rights.

With sovereignty lifted and with it the limitation of inter-nation interference, wars are being justified under the guise of human rights violation leading to

further right violation through the bombing of cities, prisoners of war, sieges, shooting and maiming in order to enforce human rights in conflict regions. Some of these acts promote hegemony, others are for political and economic gains. For instance, the Israeli-Palestinian conflict that began in the mid-20th century and referred to as the world's "most intractable conflict", with the ongoing Israeli occupation of the West Bank and the Gaza Strip (Wikipedia). Eastwood, in his review of Nicola Perugini and Neve Gordon's "The Human Right to Dominate", presents the authors stance on Israel's manipulative positioning of itself as a human rights victim, while Palestinian human rights advocacy against occupation has paradoxically helped to normalize domination. He further portrays the extent to which international humanitarian law has been contorted to provide justifications for the killing of Palestinian civilians and the proposed plan to legitimize the further colonization of Palestinian land by framing their activities as in defense of the human rights of Israeli settlers. (Eastwood 92).

Another example is the 1994 Rwandan genocide; the United Nations involvement or lack thereof remains questionable, France had a national interest at stake and rather than make concerted humanitarian efforts to end the genocide, contributed actively to the genocide. According to Rory Carroll, the United States of America's failure to intervene can be attributed to the lack of economic gains available because Rwanda had no minerals or strategic value. (The Guardian).

Another instance involves the Sudanese government's sponsorship of the genocide in Darfur aided by China and Russia.

“ Both China and Russia have worked to block many United Nations resolutions in attempts to appease the Sudanese government. From its seat on the United Nations Security Council, China has been Sudan’s chief diplomatic ally. China invests heavily in Sudanese oil. The country is China’s largest overseas oil provider. Sudan’s military is supplied by Chinese-made helicopters, tanks, fighter planes, bombers, rocket launch propelled grenades, and machine guns. For decades, Russia and China have maintained a strong economic and politically strategic partnership. The countries opposed UN peace keeping troops in the Sudan. Russia strongly supports Sudan’s territorial integrity and opposes the creation of an independent Darfuri state. Also, Russia is Sudan’s strongest investment partner and political ally in Europe. Russia considers Sudan as an important global ally in the African continent”. (Darfur Genocide)

Thirdly, the United States funded and supported the Afghan terror group during the war with Soviet Union, however, after the September 11 occurrence, Afghanistan became the recipient of attacks by the United States, the ‘ war on terror’ was justified by condemning the human rights record of the Taliban government in Afghanistan. The war which is presently deadlocked is probably the longest conflict in American history, thousands of U. S. soldiers remain within the borders.

United States is seemingly fighting for the rights of humans in other nations but has numerous ongoing and unresolved human rights violation cases; Guantanamo detention centre, capital punishment still practiced in some states, regulatory actions by Trump’s administration negatively affecting

refugees & immigrants, the right to health and the right of persons with disabilities.

Privacy rights are also violated by the widespread media circulation of pictures and videos of victims of poverty and war without their consent under the guise of alerting the world, even the United Nations world report contains such.

Practically, the various charters and declarations on human rights are essentially declarations of policy acts imposed on the people for whom the acts should favour; the supposed beneficiaries are not involved in the process but governments and public organisations through the enforcement of rights promote political power and, in this case, political power transcending borders (Gready 745).

Most of the human rights are borne out of the need to protect a populace affected by poor political choices, domination and diplomatic compromise which ultimately affect equitable distribution of resources and by extension human dignity. How then can we justify the reality of human rights; how is it determined that we have a right to these rights when the government/state has not made the primary amenities available.

The populace cannot exercise their rights without the necessary social structures in place, the population who live below poverty level have the same rights as the 'bourgeoisie' but are unable to enjoy their rights fully because the state has failed in the provision of the objects of the rights, for instance quoting (Article 25(1) " everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, <https://assignbuster.com/is-the-concept-of-human-rights-philosophically-defensible/>

including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”(UNDHR).

If the state does not provide for instance, medical facilities (which is the reality in many third world countries) then an individual cannot exercise his right and by extension, his right to life and to work is also affected as infirmity would become an impediment ultimately leading to death.

According to Jowitt, there are instances of the use of human rights to conceal politically motivated intentions aimed at favoring a group of people over others (186) for instance, between 1990-96, political maneuvering in Fiji resulted in the approval of an unfavourable constitution review, a move the Fijian political parties opposed culminating in a coup in May 2000. The coup was justified as a necessity for the protection of the rights of the indigenous people (BBC News, Jowitt 186). The sponsor claims to have “ set foundations for change once and for all in the affairs of the country of Fiji as desired by the indigenous people.... Now, they will be able to achieve self-determination and control the future destiny in all matters pertaining to their livelihood.”(BBC News). The BBC news reports that the instigator had links with nationalist groups which had been protesting against the Indian-dominated government. The salient point here is that the indigenous peoples’ rights were a mere front for the underlying political power plays.

Virtually every nation is experiencing human rights violation in one form or the other. There is no working framework in place to adequately address human rights violations

What is evident from the above scenarios is that human rights are merely a political notion used by nations.

I share Gready's view that human rights are a major utility to international politics and exist as guiding principles because political systems are a major cause of the violation of human rights. (745)

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