

# HUMANS VS RIGHTS AND ARE HUMANS RIGHT?

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As history with scientific evidence says we humans are six million years old and the modern form of humans only evolved about 200,000 years ago. If you as a one human being on this planet earth, took a long deep dive into the history of millions and millions of years of earth there's no way of denying we humans are not that old. As we know civilization is only about 6,000 years old, and industrialization started in earnest only in the 1800's. Days after days mankind walked into many eras of development. Started exploring the world and new territories. Invaded new lands, Build Empires, came as a new species and started to rule the planet earth by their own measurements, their own design, with their own definitions.

We as humans created our own worlds; we saw our surroundings as resources and materials. We named them, separated them into groups, saw those as things as rare and valuable and the rest as reusable and not so hard to find. Through civilization and growing populations, science and technology came into the main role play that gave an enormous driving force and speed to the development of the mankind. However, through every road and path to success and development we as a mankind came to a one rough confounded road which we still keep carrying our modern world lives. After industrialization employments grew fast and people ha

d to work. Every country, every empire wanted to compete with each other's to make their own brands to gain victory for

their own glories. Simply one man to another became a tool for a road to success. Suddenly the word "Labour" came top of the world. You as a human I know you kept reading to this point of this article and started thinking "Yeah I know this stuff, this is history as we know". Now that we started to look into the history, we know what comes next. Rough roads, conflicts, hunger for power then. We end up in wars. The big red word "war" is an all-time big topic of the world since humans started populating the earth. However as mentioned in the topic "Rights for Humans" had to born somewhere. At some point world had to stop and think about protecting and respecting one another despite all the conflicts world had.

How human rights were born? That is the history of human rights. The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

Throughout much of history, people acquired rights and responsibilities through their membership in a group – a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of

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Confucius are five of the oldest written sources which address questions of people's duties, rights, and responsibilities. In addition, the Inca and Aztec codes of conduct and justice and an Iroquois Constitution were Native American sources that existed well before the 18th century.

In fact, all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members.

Modern Human Rights which were created after world war -ii is what the world knows today. But it's important to take a look in the history of human rights in different parts of the world before the modern days.

## **Humans Rights in Ancient and Pre- Modern Eras**

Some notions of righteousness present in ancient law and religion are sometimes retrospectively included under the term "human rights". While Enlightenment philosophers suggest a secular social contract between the rulers and the ruled, ancient traditions derived similar conclusions from notions of divine law, and, in Hellenistic philosophy, natural law. Samuel Moyn suggests that the concept of human rights is intertwined with the modern sense of citizenship, which did not emerge until the past few hundred years. Nonetheless, relevant examples exist in the Ancient and pre-modern eras, although Ancient peoples did not have the same modern-day conception of universal human rights.

### **Ancient West Asia**

The reforms of Urukagina of Lagash, the earliest known legal code ( 2350 BC), is

often thought to be an early example of reform. Professor Norman Yoffee wrote that after Igor M. Diakonoff "most interpreters consider that Urukagina, himself not of the ruling dynasty at Lagash, was no reformer at all. Indeed, by attempting to curb the encroachment of a secular authority at the expense of temple prerogatives, he was, if a modern term must be applied, a reactionary." Author Marilyn French wrote that the discovery of penalties for adultery for women but not for men represents "the first written evidence of the degradation of women". The oldest legal codex extant today is the Neo-Sumerian Code of Ur-Nammu (2050 BC). Several other sets of laws were also issued in Mesopotamia, including the Code of Hammurabi (ca. 1780 BC), one of the most famous examples of this type of document. It shows rules, and punishments if those rules are broken, on a variety of matters, including women's rights, men's rights, children's rights and slave rights.

### **Africa**

The Northeast African civilization of Ancient Egypt supported basic human rights. For example, Pharaoh Bocchoris (725-720 BC) promoted individual rights, suppressed imprisonment for debt, and reformed laws relating to the transferral of property.

### **Antiquity**

Some historians suggest that the Achaemenid Persian Empire of ancient Iran established unprecedented principles of human rights in the 6th century BC under Cyrus the Great. After his conquest of the Neo-Babylonian Empire in 539 BC, the king issued the Cyrus cylinder, discovered in 1879 and seen by some today as the first human rights document. The cylinder has

been linked by some commentators to the decrees of Cyrus recorded in the Books of Chronicles, Nehemiah, and Ezra, which state that Cyrus allowed (at least some of) the Jews to return to their homeland from their Babylonian Captivity. Additionally, it stated the freedom to practice one's faith without persecution and forced conversions.

In opposition to the above viewpoint, the interpretation of the Cylinder as a "charter of human rights" has been dismissed by other historians and characterized by some others as political propaganda devised by the Pahlavi regime. The German historian Josef Wiesehöfer argues that the image of "Cyrus as a champion of the UN human rights policy is just as much a phantom as the humane and enlightened Shah of Persia", while historian Elton L. Daniel has described such an interpretation as "rather anachronistic" and tendentious. The cylinder now lies in the British Museum, and a replica is kept at the United Nations Headquarters.

Many thinkers point to the concept of citizenship beginning in the early poleis of ancient Greece, where all free citizens had the right to speak and vote in the political assembly.

The Twelve Tables Law established the principle "Privilegia ne irroganto", which literally means "privileges shall not be imposed".

The Mauryan Emperor Ashoka, who ruled from 268 to 232 BCE, established the largest empire in South Asia. Following the reportedly destructive Kalinga War, Ashoka adopted Buddhism and abandoned an expansionist policy in favor of humanitarian reforms. The Edicts of Ashoka were erected throughout his

empire, containing the 'Law of Piety'. These laws prohibited religious discrimination, and cruelty against both humans and animals. The Edicts emphasize the importance of tolerance in public policy by the government. The slaughter or capture of prisoners of war was also condemned by Ashoka. Some sources claim that slavery was also non-existent in ancient India. Others state, however, that slavery existed in ancient India, where it is recorded in the Sanskrit Laws of Manu of the 1st century BC.

In ancient Rome a *ius* or *jus* was a right which a citizen was due simply by dint of his citizenship. The concept of a Roman *ius* is a precursor to a right as conceived in the Western European tradition. The word "justice" is derived from *ius*.

The coining of the word 'Human rights' can be attributed to Tertullian in his letter To Scapula where he wrote about the religious freedom in Roman Empire. He equated 'fundamental human rights' as a 'privilege of nature' in this letter.

## **Middle Ages**

Magna Carta was written in 1215.

Magna Carta is an English charter originally issued in 1215 which influenced the development of the common law and many later constitutional documents, such as the 1689 English Bill of Rights, the 1789 United States Constitution, and the 1791 United States Bill of Rights.

Magna Carta was originally written because of disagreements between Pope Innocent III, King John and the English barons about the rights of the King. Magna Carta required the King to renounce certain rights, respect certain legal procedures and

accept that his will could be bound by the law. It explicitly protected certain rights of the King's subjects, whether free or fettered—most notably the writ of habeas corpus, allowing appeal against unlawful imprisonment.

For modern times, the most enduring legacy of Magna Carta is considered the right of habeas corpus. This right arises from what are now known as clauses 36, 38, 39, and 40 of the 1215 Magna Carta. Magna Carta also included the right to due process:

No Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man; we will not deny or defer to any man either Justice or Right.

As history goes on either way backward or forward it's hard not to notice human rights as we see today is not a very modern. As a matter of fact it was always with us deep down with our moral compasses helping with directions for a better society and for a safer world. Human Rights became an immense subject after the Second World War and after the birth of the United Nations.

In the modern everyone talks about Human Rights, Most of the countries are respecting the theories to help to protect the right of a single human being and they are even getting into pacts and making new conventions, new campaigns, documentaries, putting on new laws in every section in government and non-governmental bodies. So, looking into modern human rights topic is like asking someone have you seen the moon!?

Because everyone has seen it. Everyone has heard about it. It's obvious we humans as an advanced creature with advanced technology getting to know about something is not a big deal anymore thanks to the information technology we have. But the elephant in the room that we don't see is it's the same thing like mentioned before we all have seen the moon and of course we've heard about it but do we care about it anymore!?! Human Rights are just all over the very air we breathe just as some element we know it's a thing but the modern world as we know we are just sitting in the middle of nowhere and we just keep looking and only hearing about those RIGHTS. Even the most powerful countries in the world they only show they care but from inside there are many missions and programs only about chasing the power and collecting resources for themselves. There are many wars and silent torturing everywhere all over the world in the very moment as we speak now too.

Going forward in this topic it's essential to see what kind of system runs the modern human rights and how those things function.

## **Inventing New Human Rights**

As advanced technologies transform our daily lives, increasingly severe limitations impose themselves upon all humankind. This inevitable and extremely dynamic process results in the diversification of the mechanisms of legislation and law enforcement. The evolution of law during the past century reveals a change in the legal force of many different forms of legal documents. For instance, all legal systems generally confirm that both written and unwritten law has always existed in parallel. Even sixty years ago, legislation

itself was not so intensive. Daily life was mostly regulated by unwritten rules, observation of customs, social standards and traditions. For example, signed forms of contracts were not as common as nowadays, when individuals underwrite the vast majority of their legal actions. The same situation can also be found in the field of lawmaking.

There is now an expressed need to regulate as many spheres of human life as possible. Including communication, internet access, education, marriage, and travel. Discussion is now widespread about reinventing human rights. If we agree on the assumption that all human rights derive equally from the status of autonomy in compliance with dynamic social prerogatives, new regulation does not mean new human rights. Nevertheless, the reinterpretation of human rights by each new generation is always positive and necessary.

The (re)invention of human rights is grounded in new assumptions about individual autonomy. Before they can possess human rights, first people first have to be perceived as separate individuals capable of exercising independent moral judgment. To be autonomous, a person must be recognized as legitimately separate and secure in his/her separation, but have human rights. Personhood must be appreciated in some more expressive model. Human rights depend on both self-possession and on the recognition that all others are equally self-possessing. An ambiguous notion of the status of others illustrates the incomplete and uncertain matrix of relations, often open to a discriminative display of mutual respect and equality. On the other hand, there are

situations when it is essential to intervene in the person's private life to avoid harm and protect the rights of other people. In 2005, The European Court of Human Rights investigated the case of K.A. and A.D. v. Belgium<sup>25</sup>, which raised the issue of the extent to which acts of sadomasochism ought to be protected by the right to respect for private life. The issue that had to be determined was whether interference with the applicants' right to respect for their private life was 'necessary in a democratic society'. The right to engage in sexual relations is derived from the right of autonomy over one's own body, an integral part of the notion of personal autonomy, which could be construed in the sense of the right to make choices about one's own body. It followed that the criminal law could not in principle be applied in the case of consensual sexual practices, which were a matter of individual free will. Accordingly, there had to be 'particularly serious reasons' for interference by public authorities in matters of sexuality to be justified for the purposes of Article 8 (right to respect for private life) of the Convention. However, in the case mentioned sexual practices were not carried out with the person's free will. For this reason, the European Court of Human Rights decided that the government institutions of Belgium that took action to stop these activities and punish the person responsible for harming other people did not violate the right to private life because these institutions were acting in accordance with the public interest.

Who is entitled to fill the gap between the control spheres of two equally autonomous individuals? An extensive catalog of rights and freedoms is not the solution. A plethora of newly bestowed rights would burden

people with volume and complexity of information without necessarily precluding new ad hoc situations. The individual is challenged to evolve additional capacities, skills, experience, enhance knowledge and specialization. Enactment of new rights is not effective. The trends of modern life cannot be predicted for 60 years onwards. Invention of new human rights per se is not a solution.

On the other hand, overall social development is inseparable from human rights. The latter are complement to self-tendencies. Because of intense global integration, development and human rights are becoming different, logically distinct, but operationally and conceptually linked issues. Prior to this, human rights had possessed autonomy and 'power' in certain fields (marginal groups of people, self determination, etc.). The processes of the social change are simultaneously rights-based and economically grounded, and should be conceived in such terms, including human rights as a constituent part. According to the Nobel Prize winner Amartya Sen, social development is the expansion of capabilities or substantive human freedoms, 'the capacity to lead the kind of life [a person] has reason to value. Despite unprecedented increases in overall opulence, the contemporary world denies elementary freedoms to vast numbers perhaps even the majority of people.

Creating an environment for human rights advancement provides potential to change the way people perceive themselves in vis-à-vis the government and other entities (me-me, me-you relationships). From the point of view of the individual and human rights, some non conformity, such as malnutrition should not be tolerated and are called violations. If it is agreed that human rights are natural and inalienable, violations

originate from clearly deliberate decisions and volition to commit them. An understanding of the spirit, and not only the letter, of universal rights enables policy public, commercial or individual to enrich the implementation and effective control of purposes and functions of human rights. Strongly autonomous people can invoke universal human rights assistance as the primary weakness of a state. If a person is not able to embrace his/her life activity and pursue satisfying results because of vagueness and lack of legal instruments, such an individual is free to act in compliance with minimum public expectations and extensive personal preferences. Promoting and protecting the right to autonomy (or autonomy as freedom per se) entails change and modernization in democracy, strengthening of the state and society with self-sustaining purposeful members. Human rights, as conceived in the Universal Declaration of Human Rights on the idealistic point of view, belong exclusively to the individual. In considering personal autonomy, it is very important aspect to understand how the individual is modeled in the Universal Declaration of Human Rights, what is the idealistic vision of an autonomous person. "The individual is modeled on a Kantian autonomous subject, theoretically free of gender or class. The focus of the Declaration upon this subject reflects 'the hopes and idealism of a world released from the grip of World War II', promoting the rights of the individual in the wake of a horrifying genocide and the spread of ideology. Of course, we should not look at the official law as the primary source of human rights. Human rights and justice derive from the conscience of every individual, from their perception of the limits of freedom. It is this understanding that is subsequently enacted

by authorities and recognized as official law. Society gives the authorities only the function of caretaker and protector of these rights and freedoms.

The same can be said of the Universal Declaration of Human Rights. Everyone would agree that this document is a powerful tool for the protection of individual rights. But in the course of protecting these rights, one should not forget the concept and the importance of personal autonomy. The Declaration cannot interfere in personal autonomy but draws a definitive normative line between what constitutes the fundamental conditions for right and wrong in the primarily public sphere. 'In other words, the Universal Declaration of Human Rights regulates human rights in the sphere where the rights of individuals collide. This sphere can be called public life. However, in his/her private life, in the autonomous sphere, a person is absolutely free to act in any way he/she wishes.

Basically, human rights protect the ability of individuals to meet their basic needs and live autonomous lives. To live a minimally good life one must be able to hope and dream, to pursue one's goals and carry out projects, to live life on one's own terms. It is important to understand that the Universal Declaration of Human Rights cannot regulate everything and guarantee all the rights that all individuals need. In addition to fundamental human rights, such as the right to life, the right to freedom, and the right to private life, individuals need a variety of different rights never to be enacted in any legal document and guaranteed globally. Humans are too different and it is impossible to foresee what rights will be needed after a further 60

years. That is why human rights need the concept of personal autonomy a sphere of life where a person would be able to plan his/her actions and realize those particular rights. 'Some people do not need the things that would let them occupy social roles and others need things that they do not need to occupy these roles (especially if they hope to occupy other roles).' N. Hassoun provides us with an example of a monk who may not need to have children or be a worker, but meanwhile would need religious freedom. On the other hand, if this monk were to leave his monastery, he should have the opportunity to have a job and children. Modern human rights based claims to individual autonomy arise primarily not out of opposition to community but from the desires of modern persons to use intellectual and technological innovations to supplement their continued traditional ties with genetically and geographically based communities.

In conclusion Human Rights as we always talk but something we never dive deep into, this needs to be looked at in new ways and it has to be re invented again due to the fast changing world mechanisms adapting to new situations and for new approaches as well. Before everything no matter how modern or advanced we get as humans the most important thing is keeping humanity and being kind to one another with caring and love no matter the race, social status or someone's background. Those pure golden beams of qualities come from the depths of our human hearts. Like the beginning of this article, before we establish the rights for humans, humans should be right to gain access to those kinds of rights. It will be the ultimate and purposeful path to gain human rights in the correct way to the billions of

humans in our world. A virtuous path to be exact. Being one of the elder generation you can teach the younger generation, for the little minds with growing and glowing hearts, To always keep the good qualities and moral grounds in their hearts, you can teach them earth is a precious place hidden amidst thousands of other empty barren worlds, same like, there could be billions of empty and worthless things and in them there can be a one little beautiful lively thing to convince there's still humanity can prevail and it has hope. Finally all those things come to a one conclusion, that humans should be right to avail the rights for humans!!!

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