HUMAN RIGHTS: Philosophy and History

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Video 1
Video 2
Cyrus The Great
Cyrus’ Empire
Timothy Potts, Director of J Paul Getty Museum

Even before its discovery, Cyrus had been renowned as a benevolent and noble ruler. The Greek historian Xenophon (about 430–354 B.C.) presented him as an ideal leader in his Cyropaedia,

while Old Testament texts praise Cyrus for bringing an end to the Jewish exile in Babylon.
Timothy Potts, Director of J Paul Getty Museum

Rather than imposing Persian practices on its peoples, however, he sought to uphold their traditions.

This is evident from the Cyrus Cylinder itself.

For one, the inscription was written in the local language, Babylonian.
What Cyrus the Great did

He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality
First Declaration of Human Rights by Cyrus the Great
Inscribed in cuneiform on a clay cylinder discovered in 1879,
now on display in the British Museum.

Cyrus the Great (585-529 BC), the Iranian emperor, defined the First Declaration of Human Rights on this cylinder. Cyrus is admired more as a liberator than a conqueror of his vast empire because of his respect for human rights and the humane treatment of those he ruled. He is "anointed" in the Bible (Is. 45:4) as a liberator of God's people (Is. 45:15) and the chosen one (Is. 45:14-15). Professor Richard Frye of Harvard University said, "Surely the concept of One World, the fusion of Peoples and Cultures into oneness was one of his important legacies.

The following from this ancient cylinder are a rendition of the spirit of his message in modern English:

1. I declare that I will respect the tradition, customs and religion of the nations of my empire and never let any of my governors to look down or insult the inhabitants of my nations.

2. I hereby abolish slavery: my governors are ordered to prohibit exchanging men and women as slaves within their ruling domains. Such a tradition should be exterminated the world over.

3. If anyone oppresses others, should it happen, I will take his/her right back and penalize the oppressors.

4. Today I declare Freedom of Religion. All are free to choose any religion, live in all regions and take up any job provided that they never violate other's rights.

These proclamations ring true today in our times as they did in 538 BC.

House Of Iran
What is written on the Cylinder

I announce that I will respect the traditions, customs and religions of the nations of my empire and never let any of my governors and subordinates look down on or insult them until I am alive.

From now on, till God grants me the kingdom favor, I will impose my monarchy on no nation. Each is free to accept it, and if any one of them rejects it, I never resolve on war to reign.

Until I am the king of Persia, Babylon, and the nations of the four directions, I never let anyone oppress any others, and if it occurs, I will take his or her right back and penalize the oppressor.”
What is written on the Cylinder

Until I am alive, I prevent unpaid, forced labor. To day, I announce that everyone is free to choose a religion. People are free to live in all regions and take up a job provided that they never violate other’s rights.”

“No one could be penalized for his or her relatives’ faults

I prevent slavery and my governors and subordinates are obliged to prohibit exchanging men and women as slaves within their own ruling domains. Such a traditions should be exterminated the world over.”
First Declaration of Human Rights by Cyrus the Great
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House Of Iran
Magna Carta

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.
X. They do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same or for refusal thereof; and that no freeman, in any such manner as is before mentioned, be imprisoned or detained;
Bill of Rights 1689

granted freedom from taxation by royal prerogative, freedom to petition the monarch, freedom to elect members of parliament without interference, freedom of speech and of parliamentary privilege, freedom from cruel and unusual punishments and freedom from "fine and forfeiture" without trial.
When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation
US Declaration of Independence July 4 1776

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --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 new Government,
US Declaration of Independence July 4
1776

• He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions........A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people
The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man.
Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.

The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
Amendment I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
Amendment II - A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.
‘Rights necessarily imply duties; for whatever is due to one man, or set of men is necessarily due from another.

‘natural or those which a man has a as a natural or just claim to, as his life, liberty the produce of his labour; and adventitious or those derived from human appointments as the right of a king over his subjects, of a general over his soldiers etc. Everyone when he becomes a member of a civil community alienates a part of his natural rights’
Lloyds Encyclopedic Dictionary of 1895 defines ‘Natural Rights’ as ‘those relating to life and liberty’.

Rights as

‘that which is right or in accordance with the laws of God’
DICTIONARIES

Shorter Oxford English Dictionary 2007

Human Rights: ‘held to be justifiably claimed by any person’
From Preamble to UN CHARTER

“We the peoples of the United Nations are determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”
DECLARATION OF HUMAN RIGHTS

“Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...All human beings are born free and equal in dignity and rights.”
Hernan Santa Cruz speaking after adoption of the declaration

“I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing—which gave rise to the inalienable right to live free from want and oppression and to fully develop one’s personality. In the Great Hall...there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes, the like of which I have not seen again in any international setting.”
UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1.
All human beings are born free and equal in dignity and rights....

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
Equality and Human rights Commission

• What are human rights?
  Human rights are the basic rights and freedoms that belong to every person in the world.
  Ideas about human rights have evolved over many centuries. But they achieved strong international support following the Holocaust and World War II. To protect future generations from a repeat of these horrors, the United Nations adopted the Universal Declaration of Human Rights in 1948. For the first time, the Universal Declaration set out the fundamental rights and freedoms shared by all human beings.

• Find out more in film
  'Everybody - we are all born free' is a short video produced by Amnesty, which brings the Declaration to life.

• Accessible Player
  These rights and freedoms – based on core principles like dignity, equality and respect – inspired a range of international and regional human rights treaties. For example, they formed the basis for the European Convention on Human Rights in 1950. The European Convention protects the human rights of people in countries that belong to the Council of Europe. This includes the United Kingdom.

• Until recently, people in the United Kingdom had to complain to the European Court of Human Rights in Strasbourg if they felt their rights under the European Convention had been breached.

• However, the Human Rights Act 1998 made these human rights part of our domestic law, and now courts here in the United Kingdom can hear human rights cases. Find out more about how human rights work.

• How do human rights help you?
  Human rights are based on core principles like dignity, fairness, equality, respect and autonomy. They are relevant to your day-to-day life and protect your freedom to control your own life, effectively take part in decisions made by public authorities which impact upon your rights and get fair and equal services from public authorities.
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,.....

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.
Sir John Laws
Hamlyn Lecture

Because our law is constantly renewed by the force of fresh examples, because it reflects and moderates the temper of the people as age succeeds age, because it builds on the experience of ordinary struggles, its principles will always be buffeted by events. In their different ways the confrontation of extremism, and the absorption of law from Europe .... press upon the constitutional balance. But if we keep faith with it, we shall enjoy a noble inheritance, and may anticipate a tranquil future.
Hence egalitarians, who dislike hierarchies of every kind, have begun to insert more positive rights into the list of negative freedoms. The liberty rights specified by the various international Conventions have therefore been supplemented by certain claim rights — rights which do not merely demand non-encroachment from others, but which impose a positive duty on others. This is particularly apparent in the UN Declaration of Human Rights, which begins with a list of freedom rights and then suddenly, at article 22, begins making radical claims against the State — claims which can be satisfied only by positive action from government. Here is article 22:
ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
There is a weight of political and social philosophy behind that article. Contained within this right is an unspecified list of other rights called 'economic, social and cultural', which are held to be indispensable not for freedom but for 'dignity' and the 'free development of personality'. Whatever this means in practice, it is quite clear that it is likely to involve a considerable extension of the field of human rights, beyond those basic liberties acknowledged in the American Declaration. Those basic liberties are arguably necessary for any kind of government by consent; the same is not true of the claims declared in section 22 of the UN Declaration.
"Short term geopolitical considerations and national interests, narrowly defined, have repeatedly taken precedence over intolerable human suffering and grave breaches of and long term threats to international peace and security," she said.

"I firmly believe that greater responsiveness by this council would have saved hundreds of thousands of lives."

It was her final briefing after six years in her role as UN High Commissioner for Human Rights, and she said that crises in Syria, Afghanistan, Central African Republic (CAR), Democratic Republic of Congo, Iraq, Libya, Mali, Gaza, Somalia, South Sudan, Sudan and Ukraine "hammer home" the international community's failure to prevent conflict.