

HUMAN RIGHTS : QUEST FOR ADEQUATE GROUND

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Introduction

The language of rights is the principal language in which, since the second half of the last century, claims about what should not be done to any human being and claims about what should be done to every human being have come to be articulated and clearly emphasised. Despite the adoption of the United Nations Universal Declaration of Human Rights in 1948 and the passing of a couple of International Covenants¹ nearly two decades later, concretization and the progress of the doctrine of human rights in member countries was slow and painful often with a wide breach between theory and practice. It was only after the two most devastating civil wars of recent memory, one in the West (in the former Yugoslavia) and the other in the East (Sri Lanka) which sent millions of innocent people into diaspora and reduced them to a status without any human face, that talk of human rights began to move to the centre stage. The concern for human rights is not out and out a western phenomenon. Other countries, cultures, religions and societies have had similar interests to defend and to protect the welfare, dignity and sacredness of their members

¹ The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, and The Optional Protocol to the International Covenant on Civil and Political Rights were adopted in 1966.

though there was no mention of the universalistic and legalistic language of human rights. Skipping the historical background against which the idea of human rights evolved and developed I confine my inquiry to the inner most basis of human beings' aspiration for liberty, dignity and equality.

I Rights and Human Rights

A. What is Right?

The word right lends itself to several connotations. Objectively speaking, right means the correct thing, the object of moral virtue of justice. Subjectively speaking, it refers to the power to exact or to do something. What interests us here is the subjective sense of the term. As such rights are justified claims that individuals and groups can make upon others or upon society. Claims are therefore a rule-grounded activity. To have a right is to be in a position to freely determine what others should do and need not do for him/her.²

Rights can take different forms corresponding to the sources from which they stem. These sources may be ultimately reduced to two laws, positive and natural moral.³ In either case right denotes an assertion of title or claim to something. The first is strictly legal. Legal rights are claims that are justified by legal principles and rules. According to the traffic rules pedestrians have right of way on the zebra crossing. A senior citizen has a claim to railway concession. The second is properly speaking moral, and moral rights are claims that are justified on grounds of moral principles. A right, then, is a claim justified and pronounced valid by moral principles and rules.⁴

B. Human Rights

The Idea of human rights is complex. While analysing the complexity of the concept of human rights the fundamenta

² Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 4th ed. (New York: Oxford University Press, 1994), 71.

³ Richard M. Gula, "Natural Law Today," *Moral Theology Today* No. 7, *Natural Law and Theology*, ed., Charles E. Curren and Richard A. McCormick (New York: Paulist Press, 1991), 379.

⁴ T. L. Beauchamp et al., *Principles of Biomedical Ethics*, 72.

question that arises in our mind is: Can there be an intelligible secular explanation or should we go beyond the secular?

1. What is Human Right?

Human rights are those rights which humans have just because they are human beings. They are rights which are inherent in the human nature and without these rights humans cannot attain their authentic growth as human beings. These rights are not deduced from any law or society, civil or ecclesiastical, but simply derive from the human nature, i.e., rational nature. Hence human rights are also called natural rights.⁵ These rights presuppose that all human beings share among themselves a common nature by virtue of which some things are good and valuable to every human being and so must be done to every one and some things are bad and disvalued and therefore should not be done to anyone.⁶

2. Why Human Rights?

Are human rights necessary? Why can't we conceive our moral and political society to be based on duties and obligations? What, if we appeal to the virtues rather than relying on rights talk? No doubt, virtues like sympathy, concern, beneficence, compassion, tolerance are good things and so are values. But they also happen to be symptomatic of a deeply paternalistic society.⁷ There may be good-natured people who may be conscious of their duty to care for their fellow humans. But such a situation will only promote more dependency than self-determination. And dependency will never further a person's authentic progress as a human being. Such a condition will erode the status of the recipient.⁸ If X hopes to satisfy his/her needs through the mercy of

⁵ Neera Chandhoke, *Beyond Secularism: The Rights of Religious Minorities* (New Delhi: Oxford University Press, 1999), 194-195; John Chathanath, "Human Rights – A Historical Overview," *Vidyajyoti* 65 (2001), 113; Leonard Swidler, "Human Rights: A Historical Overview," *Concilium* 2 (1990), 12.

⁶ Michael J. Perry, *The Idea of Human Rights: Four Inquires* (Oxford: Oxford University Press, 1998), 68.

⁷ T.L. Beauchamp et al., *Principles of Medical Ethics*, 62-63, 274.

⁸ N. Chandhoke, *Beyond Secularism*, 189.

his/her neighbour, X is in a sad predicament, unable to lay any claim to satisfy his/her needs. Unless X is in a position to assert it as his/her right others can easily take him/her for granted and treat him/her with disrespect. X's legitimate demand may go with the wind and his/her status as a moral being will be nowhere recognised. His/her dignity will be at stake. He/she will become insignificant before others.

Moreover people of fine character who act virtuously more often than not can do morally wrong acts. They may have wrong information about likely consequences, make incorrect judgements and fail to understand what they should do and should not do. Not only that, the moral nature of the action, good or bad, will consist not in the act but only in the fact whether the person who performs the act is just or unjust. Defenders of virtue theory cannot plausibly maintain that all that a just person does will be always morally right and all that an unjust person does will be always wrong. So virtue is not enough. In many circumstances, principles and rules are essential to guide conduct – what a person ought to do and what he/she ought not to do.

3. What Are These Rights, Rights to?

Before considering the ground for human rights, some rights of paramount importance should be mentioned and clarified. The Protection of Human Rights Act, 1993, Chapter 1, no. 2 (d) says: “(H)uman rights’ means rights relating to life, liberty, equality and dignity⁹ of the individual by the Constitution and embodied in the International Covenants and enforceable by courts in India”.¹⁰ These fundamental rights are also called core rights. The climate or conditions created by way of eliminating the constraints for the concretization of these core rights are called conditional rights.¹¹

⁹ Some authors would use ‘right to assert right’ in the place of ‘right to dignity’. N. Chandhoke, for example, uses the two terms interchangeably. N. Chandhoke, *Beyond Secularism*, 196, 288.

¹⁰The Protection of Human Rights Act 1993, in Chiranjivi J. Nirmal, ed., *Human Rights in India: Historical, Social and Political Perspectives* (New Delhi: Oxford University Press, 2000), 290.

¹¹ N. Chandhoke, *Beyond Secularism*, 196, 203-204.

The most important good to which a person has a right is the *right to life*, i.e., the right not be harmed physically. 'First do no harm' (*primum non nocere*) was the first principle of the medical science of the ancient Greeks. Admittedly right to life is a necessary condition for all other rights. Right to life has two aspects - positive and negative. A positive right of a person to his /her life is a right to be provided with a particular good or service while a negative right of a person is a right to be free from some action (e.g. being harmed) by others.

A person's positive right to medical care for instance necessarily imposes a positive obligation on the other to do something for that person. His/her negative right against interference, on other hand, imposes on the other a negative obligation to abstain from any action that can violate the person's right to life. In other words it is an obligation not to do any harm to that person.¹² Negative rights are rights of non-interference. Let me explain it with an example. Suppose, A places a death trap to B. C is in the know of it. If it is because of C's failure to act that B is killed, C's reluctance to act is tantamount to A's action in killing B. The action of both A and C deprive B of the right to life. That means B's retention of the right to life is dependent not only on the negative obligation of A not to kill him/her but also on the positive obligation of C to help B protect his/her life in the event of danger.

The second important right is the right to *equality*. Correspondingly it is incumbent on others to treat a person in the same way as they would treat A, or B, or C. This means a person will not be discriminated against anybody in anyway either on the basis of race, colour, sex, language, on basis of religion or nationality as enshrined in the United Nations Declaration on Human Rights.¹³ Therefore those who are in a position to affect, in any way a person's right to equality should create proper environment where a person will be considered as equal as any other human.

¹² T.M. Beauchamp et al., *Principle of Medical Ethics*, 72-73; See also Joel Feinberg, *Social Philosophy* (Englewood Cliffs, New Jersey: Prentice-Hall, 1973), 59.

¹³ Universal Declaration of Human Rights of the United Nations 1948, Article 2, in George V. Lobo, *Human Rights in Indian Situation* (New Delhi: S. Nelson, 1991), 81.

Freedom is the third good to which people have a claim by virtue of being human. Freedom has two dimensions – negative and positive. Negative freedom is synonymous with absence of constraints. It protects individuals against either external or internal coercion and influence either from individuals or established structures. Therefore it is freedom *from*.¹⁴ Freedom *from* something is invariably for freedom *to* something. This is the positive dimension. It requires the availability of means which will enable individuals to realize their end in life. It is a capacity to direct our lives by freely determining the means we have to take in realization of our authentic self in the fullest manner and to the fullest degree possible.¹⁵ A passage from Richard Norman is worth quoting:

(F)reedom is not a mere matter of being able to make just any choice at all. It depends crucially on the range of choice. There are degrees of freedom, and, other things being equal, greater the range of choices open to me, the freer I am.¹⁶

Another basic good to which humans have a right is the *right to assert rights* (i.e., *right to dignity*). Speaking about the right to assert rights we have to make a distinction between the provision of goods or the fulfilment of one's needs and the right to those goods or to the fulfilment of the needs. This right affirms the latter as fundamental over against the former. To assert the right to the goods is more important than the provision of goods. For it is this assertion which enhances the status of the humans. Or else we can imagine a situation in which a crafty dictator can provide the people with the necessary goods without granting them the right to those goods. As we have seen earlier this situation will efface the human status or dignity by making a person only a dependent being.

¹⁴ Thomas F. Schindler, *Ethics: The Social Dimension* (Wilmington: Michael Glazier, 1989), 35-48, 266.

¹⁵ T.F. Schindler, *Ethics*, 267-268.

¹⁶ Richard Norman, *Free and Equal*, 37, cited by N. Chandhoke, *Beyond Secularism*, 137.

II A Quest for An Adequate Ground

A. Natural Right Theory

The most prevalent theory in defence of human rights is the natural right theory. Having started from Aristotle in the fourth century B.C., it gained ready acceptance among all intellectuals including the great theologian Thomas Aquinas of the early second millennium up into the present third millennium. Though the idea of human right emerged as the international law in the post Second World War era, it got invigorated by a new spirit breathed into it by the philosophy of the Enlightenment Age especially by that of Immanuel Kant. He it was who gave a new direction to the natural right theory and ennobled human nature by expounding its power and 'sacredness' through the principle of autonomy on which he based his moral theory. The scope and vision of human nature has since then become wider and nobler.

1. Humans Are Ends

Kant holds, and rightly so, that an individual by virtue of belonging to the category of beings with rational nature, i.e., *homo sapiens*, is an end. For the autonomous will which is the property of rational nature is the objective ground of its self-determination. Since this autonomy is given by reason, i.e., rational nature alone it must hold alike for all rational beings. For unlike other forms of creatures like plants and animals, humans enjoy characteristic capacities of understanding, memory, foresight, far sight, critical reflection, reciprocity and the like. They possess, at least potentially, the capacity for self-restraint and justification of their acts by principles and norms.¹⁷ They have the ability to reflect on their immediate desires, impulses and options and from this to visualise and set their own goals and take the necessary means to realise their ends. Hence every rational being exists as an end in itself.¹⁸ The implications of this principle of 'humans as ends in themselves' are great and many. Rational beings because of their nature are designated as *persons* having an 'unconditional and

¹⁷ Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans., Lewis White Beck (New York: The Bobbs-Merrill Company, 1959), 29, (no. 412).

¹⁸ I. Kant, *Foundations of the Metaphysics of Morals*, 46, (no. 428).

incomparable worth'. Admittedly beings which are not rational have only a conditional or relative worth as *means* are therefore rightly called *things*.¹⁹ Hence Kant's practical imperative: "Act so that you treat humanity, whether in your own person or in that of another, *always as an end* and never as a means only."²⁰

2. Human Dignity

On the basis of the practical principle that human beings are ends in themselves Kant argues further for the necessity of respect for persons who have an intrinsic worth which is dignity. In this dignity of humanity or rational nature, is rooted the requirement of respect. Dignity is a value beyond all price and so shall not be violated. Radically speaking dignity admits of no equivalents and therefore there can be no trade-off with dignity. Let me quote Kant.

In the realm of ends everything has either a **price** or a **dignity**. Whatever has price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity.....
 But that which constitutes the condition under which alone something can be an end in itself does not have mere relative worth, i.e., a price, but an intrinsic worth, i.e., **dignity**.²¹

This idea of dignity is inseparably bound up with the idea of right. Dignity is prior to right. We claim right because of our dignity.²² This dignity has rational nature/humanity as its source and the rights are as it were the properties of the rational nature. Therefore in contrast to merit, basic dignity need not be earned. By virtue of their autonomous rational nature all humans qualify for a

¹⁹ I. Kant, *Foundations of the Metaphysics of Morals*, 46, 54 (nos. 428, 436).

²⁰ I. Kant, *Foundations of the Metaphysics of Morals*, 47 (no. 429). (Emphasis added.)

²¹ I. Kant, *Foundations of the Metaphysics of Morals*, 53 (no. 435).

²² Thomas E. Hill, Jr., *Respect, Pluralism and Justice: Kantian Perspectives* (New York: Oxford University Press, 2000), 27-30.

status or dignity which should be recognised and respected by everyone.²³

Kant's reasoning leads us further. If dignity has as its source humanity or rational nature the inevitable conclusion is the principle of equality that humans as humans are equal and possess some rights which are fundamental. An empirical situation will clarify the truth. A landlord frequently ill-treats his servant, beating him severely and spitting him on his face. When this humiliation becomes unbearable, at a particular point looking into the eyes of his landlord the servant utters: 'I also belong to the category of *homo sapiens/ homo rationalis* and so possess human nature just as you do. Therefore, if you possess some basic rights by virtue of being human, so do I. To say that I do not possess this fundamental right and you do, is to state that I do not have a human nature which is foolish and ridiculous.' It is more than ridiculous since such a conversation would not take place unless the worker is a human being. There is no room for any special privilege in this conception. Therefore to possess basic human right one need not do anything other than being human. One need not be born with a silver spoon in his mouth.

We speak of human rights in the plural and human dignity in the singular. Human dignity is one and indivisible. It does not exist to a greater or lesser degree. If it exists it exists fully and in its wholeness or it does not exist at all. In whichever manner religions and philosophies define human dignity it invariably means the quality of being human. Therefore in all cases human dignity renders it illegitimate to subject human beings to acts which fundamentally call into question their quality which lies in being, as Kant calls, the determining subjects or autonomous persons. Because human dignity is one and indivisible basic human rights also remain as a single whole admitting no addition or deduction according to a person's whims and fancies.²⁴

This is the claim, expectation and dream of millions and millions of people living in abject poverty. In large parts of Africa

²³ T.E. Hill, Jr., *Respect, Pluralism and Justice*, 70.

²⁴ Juergen Moltmann, *Human Rights, the Rights of Humanity and the Rights of Nature*, *Concilium* 2 (1990), 122.

and in many regions even in India, for example, people are not able to meet their basic necessities of life and hence cannot even live as human beings with dignity and honour. They lament: 'Do we not have the right to live a decent life that befits our dignity as humans? Do we not have the right to be treated with the minimum respect due to a human being?' And this was also the claim of Jesus when he was humiliated by the soldier who struck him on the face in full view of the people. It was a slap in the face. Stirred by the slap and perhaps foreseeing the insults still in store for him he spoke out: "If I have spoken wrongly testify to the wrong. But if I have spoken rightly, why do you strike me?" (Jn 18:24). Jesus was God-became man. The people acclaimed him leader, king and messiah. But the temple authorities subjected him to indignity. On the other hand Jesus too did not expect from the priestly-hierarchy any special respect for himself as the Son of God or for that matter as a leader of the people shorn of their basic rights. He (perhaps) expected from the priestly class the bare minimum respect - the negative respect, not to be humiliated - due to a person as a human being. When that too was badly lacking he spoke to their face pointing out their despicable act and at the same time asserting his justifiable claim to respect for his dignity as a human being.

3. Critical View – Short of Adequacy

Kants sets out humanity or rational nature as the ground for the basic rights of all human beings which should be respectfully recognised by others. This however only lays down the conditions or elements as to what qualifies moral agents as objects of basic respect and does not spell out why. The reference to humanity does not by itself provide an adequate argument that addresses the concerns of those who do not subscribe to Kantian moral framework.

Secondly, when Kant says that humanity or rational nature is an end in itself he expects us first to recognize humanity in ourselves and admire it as awesome. Then we are called to observe the same phenomenon in other rational creatures demanding the same attitude of awesomeness suited to humanity. This attitude warrants respect for everyone's right imbedded in his/her humanity.

Now this argument too does not give us a deep grounding. For in the empirical level it raises difficulties among many about conceding that they find humanity as awesome in itself as Kant

does. He does not admit any appeal to a higher form/ level of knowledge either. An appeal even to intuition or contingent sentiments is ruled out.²⁵ It needs therefore to be more fully explained why just because of rational nature one should necessarily see one's own humanity as an end in itself and likewise in others too.

Kant's position explains the ground for human right well but not adequately. He fails in his effort to advance a purely secular foundation for human right to respect and dignity. Humanity or rational nature as projected by Kant is not to stand as a foundational concept by itself. Human nature has its limitations. Can rational nature with its undisputed limitations explain everything? Can such a limited rational nature serve by itself as the ultimate authority demanding respect and honour? How can the bounded rational nature alone be the adequate ground for an infinite value (dignity) and consequently for a boundless claim to rights? In the final analysis appeal to reason is not sufficient in the case of human rights. So we have to shift the ground from metaphysics to another domain in order to meet the challenges facing the concept of human rights.

B. Religious Ground

1. Divine Filiation

Deviating from the rationalist point of view Perry gives a religious outlook to the concept of human right. Felix Wilfred calls this deeper quest for a broad foundation for human rights a spiritual quest and insists on the need for such a search.²⁶ Perry holds that there is no adequate secular explanation for the conviction that every human being is sacred and that the only intelligible versions are religious. Basing his arguments on the new commandment of Jesus at his last supper to "love one another as I have loved you" (Jn 13: 34), which gives a new shape to human life, he interprets this 'one another' in the light of the passages "Love for enemies" (Mt 5: 43-48) and "Judgement of the nations" (Mt 25:

²⁵ I. Kant, *Foundations of Metaphysics of Morals*, 45-47 (no. 427-429).

²⁶ Felix Wilfred, *Asian Dreams and Christian Hope: At the Dawn of the Millennium*, (Delhi : ISPCCK, 2000), 88-84.

31-36) radically as inclusive of all humans. All human beings belong to the one family of which God is the Father. Therefore the "other" who can be a stranger, a victim of war or of an incurable disease, or an alien, too no less than any member of one's family, nation or religion is a child of God. The whole human race constitutes one family and men and women are brothers and sisters which implies equality and fraternity among the humans. The love of the other is equal to the love of God and both are really one. There is a radical identity in the two loves.²⁷ From this conception of the human's place in the universe emerges the sense of the supreme sanctity of all human life. Therefore every human being, simply as human being, is sacred and inviolable and because every human is sacred certain choices have to be made and certain other choices rejected. Certain things ought not to be done to any human being, for example inflicting violence, and certain other things ought to be done to every human being.²⁸ Put differently, we must not harm anyone but save every one because an individual by reason of his/her rational nature possesses an intrinsic worth which is dignity. From this inherent dignity derive rights. The fundamental constituent of the idea of human right is unthinkable without reference to God. Hence human right talks are ineliminably religious.²⁹

The religious perspective Perry gives to the concept of human right is admirable. But his conviction that human beings are sacred and therefore the idea of human right is religious seems to be more of a gratuitous assertion - begging the question - than one based on sound reasoning. Though he explains to some extent from the gospels why humans are sacred he does not go far enough. His position lacks a strong foundation. As long as he fails to explain convincingly why humans have an inherent worth, which is dignity, his position will be wanting in adequate justification to the claim that the concept of human right is ineliminably religious. This urges us to seek the adequacy elsewhere within the religious realm.

²⁷ Karl Rahner, *Theological Investigation*, vol. 6, trans., H. Karl and Boniface Kruger (Baltimore: Helicon Press, 1969), 238-239, 247.

²⁸ M.J. Perry, *The Idea of Human Rights*, 87.

²⁹ M.J. Perry, *The Idea of Human Rights*, 13-17.

2. Biblical Ground

The awareness of the problem of human rights has increased in different religions since World War II and more so after the fall of the Eastern Block (the Russian Empire) in the late eighties and early nineties of the last century.

Unless a man believes in spiritual things - in God - altruism is absurd. What is the sense of it? Why should a man recognize any obligation to his neighbors unless he believes that he has been put in the world for a special purpose and has a special work to perform in it? A man's relations to his neighbors become meaningless unless there is some higher power above them both.³⁰

So writes R. H. Toney, the British economic historian in his diary. Since God has written his own history into the history of humankind and is shaping its destiny we need to have recourse to him or religion, as Toney observes, for a correct understanding of the humans and their rights. Obviously this takes us to the origin of humanity.

The Judeo-Christian religion asserts that an inalienable dignity inheres in every human being created in God's image and likeness (Gen 1:26). The exegesis of the term, image of God – *imago Dei* – apart, there is something about every human being which is identified with the absolute source of value, God, in the universe. We have to note that the significance of humankind consists neither in sexuality – being male and female - nor in the blessing of “be fruitful and multiply, and fill the earth” (Gen 1:28a) because fish, birds and animals of the land have also been created male and female and blessed to “be fruitful and multiply and fill the waters... multiply on the earth” (Gen 1:22). Therefore the specificity of humankind is said to be its primacy over all creatures - to fill the earth and subdue it and to have dominion over the entire creation.³¹ This points to the significance of human existence

³⁰ M.J. Perry, *The Idea of Human Rights*, 107.

³¹ Willem A. M. Beuken, “The Human Person in the Vision of Genesis 1 – 3: A Synthesis of Contemporary Insights,” *Louvain Studies* 24 (1999), 9-10; Donald E. Gowan, *From Eden to Babel* (Grand Rapids: Eerdmans Publishing Company, 1988), 29-30.

as male and female whose identity as the humankind consists in being the image of God. When humankind exists it exists not as a self-explanatory being but as the image of God in whom its existence finds its meaning and definition. Humankind comes into existence as the image and likeness of God. It is something given to the human beings by the very fact of their existence.³² Therefore ontologically human beings are the image of God.

Another interpretation is offered nowadays. Scripture scholars after studying the metaphor – “in our image, according to our likeness” – in the light of the Ancient Near Eastern (Egypt and Mesopotamia) parallel materials, have arrived at a functional meaning of the metaphor. The king was acclaimed as god’s living image and expression performing the task entrusted to him for the good of the people.³³ The result of the study of syntactical connection too substantiates the functional meaning. “And let them have dominion over...” is really an immediate concretization of (God’s plan/intention) “Let us make humankind in our image, according to our likeness”.³⁴

To be the image of God means to have the function – to subdue the earth and have dominion over the creatures – entrusted to the human being by God. God assigns to the human being a status as the lord of the world. He sets the human person as the sign of his own sovereign authority in the world, so that the human being should preserve and maintain God’s claim as lord of the world and all that lives in it. Earthly monarchs were also wont to set their images in their kingdom as symbols of their supreme power. This means that the human person is God’s representative on earth.³⁵ As Beuken describes, the expression “Let us make mankind in our image”(Gen 1:26) need not be interpreted philosophically or theologically but simply as indicating that the

³² Ralph L. Smith, *Old Testament Theology: Its History, Method and Message* (Nashville, Tennessee: Broadman and Holman Publishers, 1993), 243.

³³ W.A.M. Beuken, “The Human Person in the Vision of Genesis 1 - 3,” p. 5.

³⁴ W.A.M. Beuken, “The Human Person in the Vision of Genesis 1 - 3,” p. 8 (Parenthesis mine.)

³⁵ W.A.M. Beuken, “The Human Person in the Vision of Genesis 1 - 3,” p. 8; Gerardi von Rad, *Old Testament Theology*, vol. 1 (London: SCM Press, 1977), 147; R.L. Smith, *Old Testament Theology*, 243.

human person is as it were a vizier in God's creation, and the expression "let them have dominion..." as referring to the exercise of the kingly power. A quotation from Cline is in place here.

... That man is God's image means that he is the visible corporeal representative of the invisible, bodiless God; he is representative rather than representation, since the idea of portrayal is secondary in the significance of the image. However the term "likeness" is an assurance that man is an adequate and faithful representative of God on earth. The whole man is the image of God on earth. The whole man is the image of God, without distinction of spirit and body. All mankind, without distinction, are the image of God.³⁶

This functional meaning of the 'image of God' comes in handy to drive home to us the concept of dignity of the human person. We speak of dignitaries, governmental and ecclesiastical and we honour and respect them not merely for what they are in themselves (humans) but chiefly for what they come as - a dignitary of the government or a representative of some higher-ups. For instance when the chief secretary of the Chief Minister visits a city or participates in a government function he/she is officially received, honoured and attentively heard. He/she receives his/her official dignity from the CM who has dignified him/her with some of his/her functions and powers. Thus the dignified person becomes a partner with the dignifier (CM) in exercising the power and functions. In this example the concept dignity is not used in the ontological sense. Nonetheless it serves the purpose of clarifying the concept. God also has dignified the humans by creating them in his image which brings them into active partnership with God in managing the affairs of his creation.³⁷

The intrinsic worth Kant speaks of as inherent in the rational nature has as its ultimate source the image of God. The foundation

³⁶ D.J.A. Cline, "The Image of God in Man," *Tyndale Bulletin* 19 (1968), 101, cited by R.L. Smith, *Old Testament Theology*, 243.

³⁷ Eugene B Borowitz, " The Torah, Written and Oral, and Human Rights: Foundations and Deficiencies," *Concilium* 2 (1990) 26.

of human dignity claiming human rights is the image of God³⁸ which alone can adequately and fully explain the human rights. That is why a human being should never be used, as Kant affirms, as a thing or means but always as a person and consequently as an end. To be the image of God is to function in the place of God, to represent him in the world. At this juncture our attention should be drawn to the obvious fact that the humankind's dominion over the entire creation excludes dominion over the other human beings. This fact stands in contradistinction to Pharaoh's oppression of his subjects as described in the Egyptian literature.

The second episode of creation also carries much the same message. God gently blows the breath of life into the mould he had made of dust and empowers man to give names to his creatures, signifying again the participatory function of humankind in having dominion over his creation.

A note should be added here. This sovereign right, nevertheless, clearly excludes in the beginning of humankind, destruction of nature, killing and slaughtering of animals. For according to God's original plan human beings and animals had to 'live on the produce of the earth (Gen 1:29) which is indicative of the state of original peace in his creation.³⁹

III Implications

Human right is very much within the domain of religion and so of the Church. It is a religious matter. Instead of dancing to the tunes of the secular organizations it should set the tune for them. Therefore religion should be in the forefront showing the way to society and government the ways and means of respectfully recognising the rights of the people and the obligation to do so. A religion cannot remain apolitical in the sense of total indifference to political situations where vital human right issues are involved. Without playing politics, the Church must perform its prophetic, critical and educative role in society. This was the role played by Jesus in the society of his time.

³⁸ Franz Boeckle, "Nature as the Basis of Morality," *Personalist Morals*, ed., Joseph A. Selling (Leuven: University Press, 1988), 48.

³⁹ W.A.M. Beuken, "The Human in the Vision of Genesis 1 - 3," p. 10; G. von Rad, *Old Testament Theology*, 147.

In the ancient Palestine there was a glaring separation of the society, the Jews and the Gentiles. There was also a clear-cut horizontal segregation in the Jewish community of the New Testament era, the high class and the low or poor class. The former category consisted of the Scribes, Pharisees, Sadducees and the High Priests. The latter comprised the Samaritans, tax collectors, sinners, disabled, widows and the like. The former boasted of being people of noble birth (Jn 8:33), sons and daughters of Abraham (Jn 8:39) and free citizens (Jn "33). The latter were alienated from the Jews and considered as persons without any human face and dignity due to a human being. The Pharisees looked down upon the poor and treated them as untouchables – some by birth (the Samaritans, Jn 4:9), some by profession (the tax collectors, Mt 9:9-13, Lk 19:1-10), some by their physical deformity (leprosy, Mt 8: 1-4; Lk 17:11-19; withered hand, Mk 3:1-6; hemorrhage, Lk 13:43-48; blindness, Jn 9:2-3), some by sin (Mk 2:1-12; Lk 7:39; Jn 8:1-11) and still some by their helpless status as widows. Jesus announced to these poor the good news of salvation, liberation, forgiveness and equality as daughters and sons of Abraham (Lk 13:16; 19:9); re-established the equality of women by enlisting them among his disciples (8:1-3); restored their dignity as human beings and thus respectfully recognised their right to dignity as human beings. On the other hand he came heavily on the Scribes and the Pharisees for their self-righteousness (Mt 23:13-36; Jn 9:39-41) and denounced their atrocities to the widows and the helpless (Mk 12:40; Jn 2:14-20) and condemned their contempt and disrespect for the poor and the disabled (Mk 3:5; Lk 13:14-16). In a surprising reversal of cultural norms he compared tax collectors and prostitutes favourably with the Jewish leaders since the tax collectors and the prostitutes because of their belief in Jesus "are going into the kingdom of God" ahead of the leaders (Mt 21:31; 8:11-12).

Jesus visualised a society in which human beings would be brothers and sisters (Mt 12:46-50; Lk 8:19-21) and the least would be given the utmost care. Many of Jesus' "paradoxical parables" or "reversal parables" (Mt 20:1-15; 22:1-13; Lk 14:15-24; 16:19-31; 18:10-13) can be seen favouring this idea. When the Jews define themselves as a separate, bounded community the gospels portray Jesus as one who pulls down the boundaries to give due

importance to the other society - the gentiles - whom the Jews excluded. They were fuming against Jesus at his mention of the widow at Zarephath at Sidon and Naaman and Syrian who belonged to other ethnic groups (Lk 4:25-30). The approach of Jesus to the Canaanite woman (Mt 15:21-28) and to the Samaritans (Jn 4:1-42) do point to his longing to establish a new world order. When it came to pointing out the injustice perpetrated by the religious as well as political structures Jesus did not spare the High Priest (Jn 18:23) and the Roman authority (Jn 18:37; 19:11) either. He did not fail to educate his disciples to recognise and respect the dignity of their fellow humans (Mt 7:12; Mk 10:42-44; Lk 6:27-31; 8:44-46; Jn 13:14-15).

Following the example of Jesus, her Lord, the Church should continue to announce the message of restoring the rights of the oppressed, poor and women. Discrimination on the basis of caste and gender has to be eliminated. It is a pity that the Church too has slipped into this structure in which the system takes precedence over her people defeating the core principle of the Gospel that "(t)he sabbath was made for humankind and not humankind for the sabbath" (Mk 2:27). Restoring to them their rightful human status, respectfully recognising their dignity and maintaining equality among her members and between men and women deserve special attention. She has also the obligation to carry out her prophetic function of denouncing gross violations of human rights and injustice to the helpless wherever they prevail, without waiting until such violations affect her own members as it happened not long ago in the case of her sisters, priests and missionaries in the northern states. Moreover with her deep religious faith she can provide motivation and incentive necessary for a profound social transformation. She should set the pace for a new social order in which justice, peace, equality and respect for human rights and dignity will be valued by all. Revamping the academic curriculum so as to focus the attention of the youth on respect for human rights and dignity can never be overemphasised.

Other religions too, Hinduism and Islam for example, need to play a vital role. In the Rig Veda, the basic and oldest scripture of Hinduism, evidence for the present prevalent anti-social elements such as discrimination on the basis of caste and gender, child

marriage, bar to widow marriage is lacking. All discriminations were interpolated only during the Brahmanic period.⁴⁰ To preach the message of freedom, equality, justice and human rights Hinduism ought to slough off its caste system by lifting the religious sanction given to it. Any good system should be at the service of the human persons and not vice versa. The Sangh Parivars have the hidden agenda to perpetuate the caste system under cover of nationalism in order to maintain the superiority of the Brahminic culture. In fact Gandhiji once recommended the revision of the Hindu scripture. Qu'ran also strongly advocates freedom of religion and equality among all human beings irrespective of religion and gender. Insistence on and practice of these principles will go a long way in rooting out every form of discrimination which is the thief of human rights. If the present political and cultural condition determined by the Sangh Parivars is any indication, we can foresee a gross violation of human rights since their aim is to establish a theocratic State. God forbid! A theocratic or confessional State is the first enemy of human rights.

Conclusion

People of the technological era believe that religion remains relevant only to the extent it responds to the human concerns. The basic concern of human beings is dignity and respect that is due to them as human beings. Human rights and fundamental freedom are the cornerstone of civil rights and the beginning and end of humanity's search for a better existence. Proper exercise of human rights is essential for a person's authentic development as a human being. The human is not divine. Yet there is the god-likeness in every person. In other words there is something of divinity in humanity. It is this 'divinity' which is the ultimate and indisputable source and authority of human dignity and hence human rights. This divine element in the human should influence the life of humankind so that we all could together build a new society wherein human rights will be valued and respected thus making this planet a better place to live in.

⁴⁰ J.T.Wheeler, *India of the Vedic Age, with Reference to Mahabharata* (Delhi: Cosmo Publications, 1973), 5-7; Zenaide A. Ragozin, *Vedic India, As Embodied Principally in the Rig-Veda* (Delhi: Oriental Book Sellers and Publishers, 1961), 279-280; M.K. Gandhi, *Hindu Dharma* (Ahmedabad: Navajivan Publishing Company, 1950), 398-399.