

HUMAN RIGHTS AND RESPECT FOR HUMAN DIGNITY

By

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Abstract

A human person is “an individual substance of rational nature”. This classical definition confers on him a dignity that is his right by nature. Human rights are the basic entitlements which belong to all humans, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. The greatness and the inestimable value of human life even in its temporal phase depict the human person as subject of rights, respect and dignity. The greatest achievement of the modern society is the discovery of the human rights. This is evident in various declarations of human rights and the many initiatives at the local and global levels. Many countries today make affirmations and declaration of the rights of individuals and peoples in international assemblies and societies as their primary objective and pride. However, besides the ancient scourges of poverty, hunger, endemic diseases, violence and war, new threats to human dignity and life are emerging on an alarmingly vast scale, such as: sub-human living conditions, arbitrary imprisonment, kidnapping, modern and ancient slavery, women/children trafficking, human organ trafficking, disgraceful working conditions, etc. These treat people as mere instruments of gain rather than as free and responsible persons. This paper therefore aims to stress the ethical implications of these threats to the human person as an individual and to the entire human society. It also calls for a practical implementation of human rights policies in order to enhance the integral respect, defense and promotion of the human person.

Key Words: Human, Person, Rights, Respect, Dignity, Ethics

Introduction

According to Boethius, a human person is “an individual substance of rational nature” (Boethius III). This classical definition confers on the human person an intrinsic dignity that is his right by nature. In other words, right is needed to guarantee this dignity which is naturally inherent in humans. Human rights are the basic entitlements and freedoms to which all humans are entitled (United Nations Organization 1948). They are essential to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. They are based on the principle of respect for the individual. Their

fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are universal as such because they are the exclusive entitlement of each individual. Examples of rights and freedoms which are often thought of as human include civil and political rights, such as the rights to quality life and liberty, freedom from slavery (or holding one hostage) and torture, freedom of opinion and expression, equality before the law, social, cultural and economic rights, including the right to participate in culture, the right to work, and the right to education. The greatness and the inestimable value of human life even in its temporal phase depict a human person as a subject of rights, respect and dignity. Thus, human rights have become very prominent in this our time that it is no longer a sole passion of politicians, religious associations or labour unions. It has become crucial even on ideological levels, especially with regard to the civil advancement of modern States. Hence, it has given rise to private and nongovernmental organizations, such as: the Amnesty international, the Human Rights Watch (Cassese, v), etc. These organizations operate to guarantee that governments would always conform to the international norms established to safeguard human rights.

The impasse on this issue is that there are threats to the dignity of human life taking place despite the very affirmation of the rights of individuals and peoples made in distinguished international assemblies. Indeed the situation becomes more scandalous, when these threats are occurring precisely in the face of the declaration and signing of the treaty on the protection of human rights as their primary objective and pride. All these raise questions such as: to what extent is the world Nations moving towards the international protection of human rights? Is there progress to safeguard human rights? Could it be that these are merely futile exercises of rhetoric and diplomatic hypocrisy while innocent individuals are gruesomely murdered; many others are suffering illegal detentions, exploitations, enslavement, discriminations and displacement on the local and foreign levels?

This paper therefore aims at stressing the ethical implications of these anti-life threats to the human person as an individual and to the entire human society and as a consequence a dishonour to God the Creator of man and the universe. It also calls for a practical implementation of human rights policies in order to enhance the integral development and respect, defence and promotion of the human person.

Human Rights: A Basic Definition

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (United Nations Organization, 1948).

Rights are values that are intrinsic to human persons by nature. Right is also defined as a moral power over what is one's own, or more expressly, moral power or inner freedom to do, omit, hold or exact something of value (Fagothey, 240). These values must be respected as they help individuals to exist and be worthy of the name humans. Right protects the values and goods attributed to every human person. When such values are tampered with, the moral function of the individual is tainted and it becomes an act of doing wrong on the part of the one who infringes, thus, going against his right. Right is the Law among Men who are Equal. Fagothey gives a clear understanding of right, thus:

A right puts a moral bond on the inner freedom of another so that, even if the other person can infringe my right physically, he or she cannot do so without committing an evil deed and incurring moral guilt, with its corresponding sanctions. Hence a right is said to be morally inviolable even when it is physically violable, because the right is needed to guarantee the intrinsic dignity of the person (Fagothey, 240).

Human rights safeguard human dignity, without which, human dignity is trampled upon. One respects the claims of others and expects others to respect his or her own. Where there are no rights, the human person would have no power to defend his/her intrinsic value and worth. Right or moral power works by appeal to another person's inner freedom through intelligence.

Rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal, social convention, or ethical theory. They are often considered fundamental to civilization, for they are regarded as established pillars of society and culture. The history of social conflicts can be found in the denial of people's right and development. According to (Nickel, 2019), "rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived".

Types of Rights

There is considerable disagreement about what is meant precisely by the term "**rights**". It has been used by different groups and thinkers for different purposes. There are two major schools of thought on the notion of rights: Natural rights theorists and Legal positivists. These two schools of thought necessitate two understandings of rights. Hence, there are natural rights and legal rights.

Natural rights are rights which are *natural* in the sense of "not being man-made" or conferred by humans. They are rights deriving from human nature or from the edicts of a god. They are universal; that is, they apply to all people, and do not derive from the laws of any specific society. They exist necessarily. They are inherent in every individual, and cannot be taken away. For example, humans have a *natural right* to life. Thomas

Aquinas contends that life is a natural right to man and that it is the highest conceivable natural human right. Natural rights are sometimes called inalienable rights or moral rights.

Legal rights, in contrast, are based on a society's customs, laws, statutes or actions by legislatures. An example of a legal right is the *right to vote* of citizens. Citizenship, itself, is often considered as the basis for having legal rights, and has been defined as the "right to have rights". Legal rights are sometimes called *civil rights* or *statutory rights* and are culturally and politically relative since they depend on a specific societal context to have meaning. Juridical positivists deny the existence of natural rights (Fagothey, 245). They recognize legal rights as the essence of rights.

The Meaning of the Dignity of the Human Person

The essence of the human rights is the concept of the dignity of the human person. Respecting these rights means protecting the dignity of every human being (Cassese, 53).

The word "Dignity" signifies "a state of being worthy of honour or respect." When 'dignity' is juxtaposed with the adjective "human", it denotes that human beings possess equal and inherent worth and therefore ought to be accorded the highest respect and care, regardless of age, sex, socioeconomic status, health condition, ethnic origin, political ideas, or religion. Innate human dignity should be distinguished from moral dignity, which is a synonym of "honour." While the former plays a central role in the legal instruments relating to Bioethics, the latter has less relevance in this field. The inherent dignity as it is inseparable from the human condition is the same for all. It cannot be gained or lost, and does not allow for any degree (Spiegelberg, 39-62). Among the many philosophers, religious leaders, politicians etc, who have defined the human dignity, Immanuel Kant is said to have given the most suitable definition:

In the realm of ends, all have a price or a dignity. What has a price can be substituted with some other thing of equivalent title; on the contrary, what is superior to that price and does not admit equivalents, is what has a dignity.... What permits that something be an end in itself has not only a relative value, that is price, but has an intrinsic value, and that is a dignity (Kant, 434).

Humanity (human being) is itself a dignity: man cannot be treated by man (another man or himself) as a simple means, but has to be treated always as an end. According to Gregor, Kant maintained that one should act as to treat humanity, whether in your own person or in that of any other, in every case as an end withal, and never as a means only" (38). This is what Kant called his "**Practical imperative**", which emphasizes that "No

human being should be thought of or used merely as a means to an end". In this point consists his dignity (personality) and it is in this mood that he is elevated above all other living beings that are not men and they can serve him as instrument (Kant, 25).

Kant also considered as dishonorable and immoral, punishing with inhuman penalties contrary to the human dignity criminals that are marked with grave crimes. Even the most horrible criminal cannot be denied of his or her inherent dignity and therefore cannot be subjected to degrading treatments or punishments (Spiegelberg, 39-62). Cassese in reference to Kant stressed that one cannot refuse even to the criminal the respect that is due to him/her as a human being. This cannot be taken away even with his/her unworthy actions. Thus defamatory penalties that dishonour the entire humanity: dismemberment, giving a criminal as food to dogs, cutting their nose or ears are condemned. For they are most painful for losing one's goods and life, they also stir up feeling of shame to the spectator for the fact of belonging to a specie that acts in such manner (Cassese, 53).

In other words, even a criminal has to be respected in his dignity as a human person, even though he has himself trampled upon it. It would be self-humiliating for whoever that punishes a criminal in an inhuman manner. Here lies the ethical foundation of the modern prohibition of inhuman and degrading treatments and penalties, and also death sentence (Cassese, 57).

Inherent human dignity must be distinguished from moral dignity which is not inherent to persons but acquired as it is related to their behaviour. Moral dignity is the result of a virtuous life – that is the fruit of habitual disposition in living a good life in the light of the moral principles. Thus, moral dignity is not possessed by all individuals on the same degree. It does not relate to the existence of persons nor is it common to everyone. It is rather merited. Hence, people may occasionally exhibit, lack, or lose it. Inherent (natural) dignity on the other hand is accorded to humans just for the simple fact of being humans. It is the characteristic of humans. It is possessed equally by all. It belongs permanently and inherently to every human as such (Gewirth, 27).

It is inherent human dignity that is emphasized by the Universal Declaration of Human Rights Charter. This is the bedrock of the international human rights in modern times. It plays also a key role in the international policy documents relating to bioethics that have been adopted since the end of the 1990s. Human dignity can be characterized as the "shaping principle" of international **bioethics** (Andorno, 223–240)

The Human Person and Principles of Personalistic Ethics

From the Boethius' definition of the human person as stated above, we draw some principles of personalistic ethics, which are the principles that guide the ethics of the human person. If the human person is of rational nature, he/she must then be understood, known, respected, defended and promoted as such. The dignity of the human person is

intrinsic and not extrinsic to him/her. That is, it is not based on external recognition. It is absolute and not conditional.

The implications of the above definition point at the ontological centrality of the human person. The human person as a composite of the body and soul forms a unitotality that abhors dualism. This implies that a human person is both an anthropological and a transcendent being. The uniqueness of the human person corroborates the fact that the human life is a fundamental value. That the human dignity is intrinsic and not extrinsic means that it is not based or dependent on external recognition. It is absolute value and not conditional. This requires that great tutelage and responsibility should be given man's ontological character.

It is from this personalistic ethics that emerges the ethical impermissiveness of all anti-life threats on the rights and dignity of the human person as an individual, on the entire human society. Such acts offend and dishonour also God the Creator of man and the universe. Personalistic ethics implies that the human person in any phase of his existence is entitled to the solidarity and subsidiarity of the State, Corporate entities and individuals for his/her good as person. The individual should not be sacrificed for the State nor eliminated as a spare part for another.

History of Human Rights and Dignity

The journey to the recognition of individuals and peoples on the international scene was long and complex even from the early Greek period. Although the modern concept of human rights and dignity was not yet clear in ancient Greek philosophy, as they justified slavery, classism and sharp social order. However, philosophers like Plato and Aristotle agreed that man is a subject of dignity and rights based on his rational and spirit components. The human person is not just only corporeal but a being with spiritual principle called the soul. Man's rational capacities and the free will make of him something absolutely unique among other living beings. Their thoughtful reflections on the spiritual dimension of human beings provided an invaluable basis for the modern understanding of human rights and dignity.

The first effort towards the Declarations of the Fundamental Human Rights was around the 6th C. However, it also took some time before they were admitted into the constitutions of some States. It was in the 8th C, that the International Law started taking into consideration the individual. In this period, there became stipulated the Conventions that prohibited slave trade and the laws on armed conflicts (the Conventions of Aja of 1889 and 1907).

In the modern era, the two World Wars were catastrophic and shook humanity to its foundation. They constituted the greatest obstacles and impediments towards the recognition of human rights. After the First World War there was a significant step forward toward the international tutelage of the individual. This event induced States to

the adoption of rules of conduct towards avoiding a repetition of similar catastrophe. There were two attempts to proclaim on the international level the principle of equality (one fundamental basis of human rights) between individual. But all these failed.

The next effort came with the institution of the International Labour Organization (I.L.O.) in which besides the States incorporated the representatives of Civil Servants and Syndicates (individuals). Under I.L.O., came the international agreement to guarantee a kind of uniformity of how to treat workers in most parts of the world. The hidden intention of the States was well precise here too: that of safeguarding foreign productions by labourers at the lowest cost.

It must be recalled the contributions of the United States Declaration of 1776-89 and the French Declaration of 1789. These revolutionary proclamations in their time inaugurated the principles of equality or the existence of natural rights, inalienable and inherent to every human being as such. These declarations stressed that:

Man worthy of that name is only on the condition that he is free, equal, can enjoy undisturbed, his right to property, not oppressed by a tyrannical leader and in this way he can freely realize himself (Cassese, 13).

They proclaimed in a well precise concept, the Society, composed by free individuals, equal, (with the only difference in virtues and talents) before the law. The citizens have the right to oppose tyrant authorities that oppress the individuals. It is the rule of law that has the duty to define the limits of one's rights in relation to others, to indicate actions unlawful in the society, to determine the cases in which one could be accused, arrested and detained, to specify the penalty to be imposed on offenders, to establish what is meant by public order, etc (Cassese, 14).

The Period after the Second World War

A true and proper international protection of individuals and peoples came into being after the Second World War. This was the *raison d'être* of the international norm on the tutelage of human rights. This time, it was no longer motivated or modeled on the basis of economic interests of the States. The revolution here was a change so radical that it represented the coronation of a journey which started centuries ago. In this way, the concept developed that the cause of the war consisted in the total disregard of the human rights and liberty proclaimed by Hitler (Cassese, 25).

At the same period, Pope Pius XII was insistent in his famous Christmas Radio Messages of 1942 and 1944 on realizing the Christian civility. Churchill in his famous discourse: "The image of the Curtain of Iron of Fulton (Missouri) on March 5, 1946, summarized the after-war stance as follows:

The scope of the after-war had become that of giving security to the innumerable cases of people, to protect them from the two giant marauders: war and tyranny.

Two things are clear here: the aftermath of the war inaugurated a strategy toward the elaboration of a series of general principles on human rights, which will serve as general parameters of behaviour, be it for the United Nations and for the member States. Secondly, there was the creation of International Penal Tribunal (that of Nuremburg and Tokyo), that responded to the immediate need of obtaining justice on the German and Japanese war criminals who committed inhuman acts. These two initiatives expressed the desire to punish those who were guilty of atrocity and, at the same time, to prevent the repetition of similar actions in future, establishing parameters of behaviour to be respected even in peaceful moments (Cassese, 27). All these paved way for the proclamation of the human rights and successively, the elaboration of the Universal Declaration.

UN Charter on Universal Human Rights

The declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly Resolution 217 A (111) as a common standard of achievements for all peoples and all nations. The declaration consists of a preamble and thirty articles. The preamble sets out the historical and social causes that led to the necessity of drafting the Declaration. Articles 1-2 established the basic concepts of dignity, liberty, equality and brotherhood. Articles 3-5 established other individual rights, such as the right to life and the prohibition of slavery and torture. Articles 6-11 refer to the fundamental legality of human rights with specific remedies cited for their defence when violated. Articles 12-17 established the rights of the individual towards the community (including such things as freedom of movement). Articles 18-21 sanctioned the so-called “constitutional liberties”, and with spiritual, public and political freedoms, such as freedom of thought, opinion, religion and conscience, word and peaceful association of the individual.

Furthermore, Articles 22-27 sanctioned an individual’s economic, social and cultural rights, including healthcare. Article 25 states: “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and etc. It also makes additional accommodations for security in case of physical debilitation or disability, and makes special mention of care given to those in motherhood or childhood. Articles 28-30 established the general ways of using these rights, the areas in which these rights of the individual cannot be applied, and that they cannot be overcome against the individual. These articles are concerned with the duty of the individual to society and the prohibition of use of rights in contravention of the purposes of the United Nations.

From the above, it can be seen that all human beings are entitled to rights. This entitlement is natural and follows from the obligation imposed by the natural law. Furthermore, since rights are natural to human beings, any attempt to deny them of such amounts to dehumanization. Hence, all forms of human rights abuses are degrading to the human person and must be obliterated.

The Dividend of 1948

One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law – a universal and international protected code to which all nations can subscribe and all people aspire. It was drafted by representatives with different legal and cultural backgrounds from all regions of the world. With adoption of the 1948 Universal Declaration of Human Rights, all nations of the world are equipped with an international code of how to: relate with and judge others. The universal human rights have been modified, raised (to full consciousness) and included some precepts that were neglected by States constitutions. For instance, today, what used to be massacre of an entire population by a State is now known as homicide. Human torture by a State is prohibited today by the international norm as well as all forms of inhuman treatment and degradation. What used to be seen as national negligence of her people's interest is now accused as travesty of international norms that guarantee right of alimentation, a decent house, healthy/safe environment, passable roads and etc. Today, we can say that we have at our disposal the parameter of action, for both the States and individuals. There are international regulations for which human rights direct government actions to certain point and at the same time permit individuals to raise high their voices if those rights are not respected (Cassese, 4).

One other dividend of the 1948 Declaration on the Human Rights is the induction of human dignity as a fundamental principle of the international human rights system. Human dignity is central in the global norms of bioethics which extends to international human rights law. The human dignity employed in this specific area shows a real concern about the need to promote respect for the intrinsic worth of human beings and the urgency to preserve the identity and integrity of the human species on the surface of the earth against potentially harmful anti-life threats. This explains why international norms addressing bioethical issues combined the appeal to human rights, as a fundamental principle to uphold human dignity. This application (bio/ethical) provides an effective and practical way forward for dealing with those anti-life issues engulfing humanity at this present age (Andorno, 223-240) .

Travesties on Human Rights and Respect for Human Dignity

Human/Organ Trafficking

Among the global aching issues challenging human rights today are human trafficking, illegal human abduction (kidnapping for ransom), illegal detention of innocent citizens,

illegal organ removal and trafficking for sales. The issues have become a form of an organized crime that embraces all these evils. Consequently, the UN Protocol: the primary international instrument on the issue of violation of human rights seems to include all these cases in a generic fashion when it defined trafficking in persons as:

...the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (U.N. Doc., 2001, A/45/49).

Trafficking people has become a complex and deeply troubling issue in the world today that it has turned into a huge obstacle and challenge on the nature of globalization and the evolution of human rights discourse and practice. It is increasing on geometrical progression both in frequency and intensity. This has become the concern of many governments and many other NGOs and the World Churches. The United States Government's Department of Health estimated in 2004, that trafficking was the 'fastest growing criminal industry in the world', second only to drug dealing in terms of its moneymaking potential (Lal Panjabi, 1, 6).

According to a report of DePaul University College of Law, "human trafficking is expanding so significantly, that it has come to represent one of the world's most pressing human rights violations" (Cherif Bassiouni, et al., 417-491). This rising concern throbs the human heart as it touches all facets of human values, and ethics and law. Trafficking has become the leeway to force people into prostitution, difficult and dangerous work/businesses, in slave-like conditions as sex workers, domestic servants, farm workers, entertainment shops, ugly and immoral advertisement, sex/porno shops or sweatshop workers and etc, (UNO Doc., Doc. 2001, A/45/49). Regrettably, these issues have reached to the devastated level of the victimization of women and children, vulnerable populations, migrants and refugees. These and similarly other cases include an array of means by which individuals are deprived of their human rights in areas of free choice and free will.

Terrorism

Etymologically, terrorism is derived from the Latin verb "*terrere*", which means "to frighten". Terrorism is not a new phenomenon in the world (Corlett, 228). It has been defined in various ways which include: the use of violence, intimidation or the threat of

violence against a person or a group in order to achieve political, ideological, social or religious goals by putting pressure on or intimidating another group of people or another individual to carry out actions they would otherwise be opposed to. Therefore, the people to be influenced are generally different from those who experience the violence, though they may be members of the same group. This means that terrorist violence could be directed against civilians to put pressure on a government or against a particular government arm to put pressure on other government arms. Some definitions include acts carried out by agents on behalf of other people and acts which may aim to provoke extreme counter measures to win public support for the terrorists.

One can also talk about governments or State sponsored terrorism in which governments support or recognized terrorism in another State. 'Organized crime' is generally excluded from definitions of terrorism, even when it involves violence and intimidation. However, there may be arguments for labeling acts of intimidation aimed at extorting 'protection', money and giving a 'crime lord' control of a particular area as terrorist. The term state terror is sometimes used to describe the actions of official organizations such as the Gestapo, or the Stasi against dissidents or ethnic minorities. It has been suggested that state terrorism is morally worse than terrorism by non-state actors. In particular, the scale of death, injury and general destruction is many times greater in state than non-state terrorism. State terrorism is frequently accompanied by deception of the public, a hypocritical condemnation of terrorism and the commission of acts prohibited by human rights declarations to which most governments are signatories (Primoratz, 69-82).

Besides the estimated economic costs of terrorism which runs in billion, the number of deaths from terrorism has increased geometrically to nearly ten-fold from 3,361 in 2000 to 32,685 in 2014. It has been estimated that the rate of increase of death through terrorism grew with a 61% increase from 2012 to 2013 and 80% increase from 2013 to 2014 (Global Terrorism Index 2014/2015). If one goes from these analyses, one can place the rate of death by terrorism today at more than 100% increase.

In a study carried out by Hersh, M.A. (2). (Professor of University of Glasgow, Scotland), 78% of the terrorist deaths in 2014 and over 80% of those in 2013 occurred in only five countries of Iraq, Nigeria, Afghanistan, Pakistan and Syria, mainly in the context of ongoing violent conflict. Terrorism is generally linked to other forms of violence. Besides the infliction of physical harm it includes therefore verbal violence and mental cruelty (Coady, 135-150). There are also harm to oneself or others caused directly by actions and harm resulting from omissions.

Ethical Implications of Human Rights Abuses

The issue of human trafficking in its generic sense and terrorism raise ethical questions of attention on if they can be ever ethically justified? The second question is on the ethical permissibility of counter-terrorism activities on the part of government since it also involves human rights and dignity. Is it justified to suspend human rights in the fight

against human trafficking, terrorism and other abuses on human rights? If this last is permitted, the next question is: in which circumstances and in which rights? Terrorism and human/organ trafficking most often lead to waste of lives and properties. The question is whether it is morally justified to kill, injure or torture one or a relatively smaller number of people in order to save a larger number of other people. In both cases, the existing situation is generally categorized by frequent serious violations of human rights, hostility and other forms of violence. The ethical caveat is “Wherever possible it is clearly preferable to use non-violent methods to ensure respect for human rights”. Thus many ethicists maintain that even where success is unlikely or its probability is not sufficiently high (however that is judged) violation of rights of any type to achieve change should not be considered from either an ethical or practical perspective, even if employed in the short term in order to end human rights violations on a long term basis (Hersh, 6). The end does not justify the means.

The various subhuman living conditions today: arbitrary imprisonment, kidnapping, disgraceful working conditions, etc., are glaring instances of the lack of the application of the declarations on the human rights. How can these repeated affirmations of principles be reconciled with the continual increase and widespread justification of attacks on human life? How can one reconcile these declarations with the refusal to accept those who are weak and needy, or elderly, or those who have just been conceived? The situations on ground present key flaws of the human right declaration from both legal and moral perspectives as adequate enforcement mechanisms. Adequate tools for prosecuting the complexly structured networks involved in human right abuses must be evoked.

Human Right: An Issue of Justice

The words justice and right derive from a common Latin word, *ius* which translates as both right and law. It is also from *ius* that the Latin word *iustitia* which means justice emerged. The natural right theory of justice holds that rights are the ultimate basis of justice. Thus, Cicero refers to the term justice as “giving or assigning to each his due” (own or right) (Rackam, 469-470). The classical definition of justice therefore is: “a constant and perpetual will to render each his due” (right) (Justinian, 129). Thomas Aquinas (II-II, q. 58, a. 1) upheld this definition as a renowned and accepted definition just for the fact that it recognizes to each his right.

According to Thomas Aquinas justice is dependent on right and right is prior and fundamental to justice. In both values however, there is a synergetic syntax between one’s due (right) and the act giving each his due and at the same time sustaining this act which is justice itself. In line with this, Thomas Aquinas pointed out that: It belongs to justice to establish equality in our relations with others ... and it pertains to the same cause to establish and to preserve that which it has established (Aquinas, II-II, 79, 1).

There is consonance between a good and the person to whom it is entitled and who consequently has the moral faculty of claiming the good as his own (Vendemiati, 119). Right above all implies a sort of relationship between a person (or a community of persons) that is the subject of right and a thing or service (that is object of right). Thus, right consists in the moral faculty or capacity to take a thing as one's own, possess it, dispose of it at will, and take a definite action on it or the capacity to take a service from others (Gunthor, 84). It is only human persons or social persons that can be accorded rights by virtue of possessing a moral faculty. According to Macintyre, the concept of justice appeals to inalienable rights. Thus, the understanding factor of the natural right theory is that man has rights not primarily because he has received them from the society but because his nature as a human being confers rights upon him (Macintyre, 1). Justice is the virtue that makes it possible to respect the rights of each person. This is because justice is the only virtue that tends to the good of others and orders human relationships. It disposes one to respect the rights of each and establish in human relationships harmony that promotes equity to persons and to the common good.

In justice, respect of one's rights implies that there must be respect of his person. It implies giving attention to him, without that justice is emptied of its force. If there is lack of respect of the other person as a person, even where there is just action (external conformity to right), the agent is not just. Just (exterior) action to the other person is the material cause of justice while respect of the other person is the formal cause of justice. Both the material cause and formal cause of justice go hand in hand and thus constitute equity in justice. It is in the light of Equity that we can interpret and consider respect and attention to the other person. A consideration of right without equity could be necessarily translated as injustice: *summum ius summa iniuria* (the Supreme law of the highest injury) (Vendemiati, 123).

Rights are vital elements necessary for the human development. The society exists in order to create, conserve and develop with the contribution of all the necessary conditions that make it possible so that whoever wishes can live well and accomplish his end, his perfection and his happiness – that is the Common Good.

Common Good as the Object of Justice and Human Rights

A working definition of common good was given by Pope St. John XXIII (1961, 64), which states that:

The common good embraces the sum total of those conditions of social living, whereby men are enabled more fully and more readily to achieve their own perfection.

Some other authors have defined the common good as the quintessential goal of the state, which requires an admission of the individual's basic rights in the society: the right of everyone to the opportunity of freely shaping his life by responsible action, in pursuit of

virtue and in accordance with the moral law. In this case, the object of State sovereignty is the free choice of the means of creating and making these conditions possible. Thus, in line with John Rawls *Ideals of Justice* (1971), noted that the common good actually is of two dimensions: the Good, that is, actively creating a better world and the Just, which creates a fair, liberal social infrastructure that allows pursuit of virtues. In this perspective, it concerns groups as well. It does not deal with only individual persons. Thus, the various intermediary bodies and social undertakings wherein an expanded social structure primarily finds expression, are to be ruled by their own laws, pursue their objective in a spirit of sincere concord among themselves in line with the common good and so present the form of substance of a true community ((John XXIII, 1961, 65). Common good is in opposition with the extremities of individualism and collectivism. It appraises community and solidarity very highly and at the same time upholds respect to freedom and dignity of every person or group. Succinctly put, the duty of protecting the common good entails the duty of protecting the human rights of all (Hollenbach, 96). Thus, Pope St. John II articulated that: "The common good is the good of all and of each individual, because we are all really responsible for all" (John Paul II, 38). On this thinking, there is a new development on the common good which emphasizes the communitarian character of human existence and the respect of the personal rights and duties that promote personal perfection as well (*Gaudium et Spes*, 32). In the light of the above, Pope St. John XXIII stressed that; "in our time the common good is chiefly guaranteed when personal rights and duties are maintained" (John XXIII, 60).

Conclusion

An examination of international realities shows clearly that the regulations for international conviviality are efficacious in the areas of international market and diplomatic relations. However, one could easily see that in the crucial areas like limiting armed violence and respect for the human dignity, laws and regulations are still very fragile. Such that even with the formal recognition of human rights and dignity as fundamental principles, there is still lack of unanimity between countries, and within countries. There are still ambiguity about the concrete implications of the notion, regarding some structural injustices in the world and especially human (children/women for prostitution) trafficking, organ trafficking and other inhuman practices that operate at the edges of life (McCrudden, 711). There must therefore, be some veritable tools to understanding and handling the issues of human rights as a strict justice issue.

Human persons are by nature social beings, whose dignity is realised in association with others. The respect for human life and dignity is a service which requires using resources, institutions, and structures prudently and in service to all. The victims of trafficking for various forms of exploitations, victims of kidnapping, terrorists' attacks, etc., are the oppressed of our time and they need emancipation. The human society must strive to promote "all the humanness in every man/woman given all the existential and social situations in which she/he lives. The States have the responsibility to truly

promote human dignity and the common good. They have to acknowledge and ensure particularly in their own laws and constitutions the realization of the fundamental human rights and dignity. This entails the: 1. Enforcement of the fundamental human rights declarations of the United Nations Organization. 2) Emphasis on its comprehensive coverage of all types of human rights issues so as to respect the dignity and rights every human person. 3. The Charter on human rights must be redirected to its original goal – service, defence and promotion of human life. Negligence of these facts would make the famous “Human Rights Declaration” nothing but an empty name.

Efforts should be made to strengthen areas that lack effective international sanctions. Furthermore, other instruments of enforcement of the laws must be co-opted. Such as “Public Opinions”, the Civil Society Organizations, Nongovernmental Organizations, Faith Based Organizations, individual citizens. These organs should not remain silent where people are denied their rights.

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