***Is there still a role for human rights in the 21st century?***

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The concept of Human Rights stems from the understanding that Humanity has intrinsic value, and that from that value that all members of Humanity have the ability to demand from others, and be demanded of themselves, a set of rights that are true to them, just on the basis of their membership in our species. In this essay, I believe that the issue of rights in the 21st century is best typified as the tension between whether or not, due to the unique situation presented by the 21st century if those rights should be suspended, or if they should still be a higher law that affects us all. By Human Rights, I am referring to those ratified within the UNCHR, but should that document be stripped of all of its importance in the modern world?

In my opinion the major issue that presents itself in favour of keeping Human Rights is the transient nature of the global population in the 21st century. In a world where our species travels across borders with a regularity never seen in all of our history it is vital that we maintain Human Rights as so that a higher law that we can all understand and hold one another to can exist in a far more interconnected world. Most important within this is the maintenance of Articles 6 and 9 of the UNCHR. [1]

The role of these specific Human Rights in the interconnected world would be that people (regardless of the politics that may pit nations against one another) if innocent, are not harmed. Now, in the 21st century it is ever more likely as people move around more that civilians of various nationalities could get caught up in conflicts. Without these rights that recognise *habeas corpus*, and personhood in the law, the guarantees on the protection of civilians in wars that are no longer fought on the state level, between signatories of the Geneva Convention, simply mean nothing. We need the UNCHR to act as a deterrent to non-state persons attacking civilians that may not be protected by the law of the nation they find themselves in. When civilians move around, and wars are no longer fought by names on maps, we need overarching law, which binds all 7 Billion Humans to ensure atrocities do not happen.

On the other hand, as resources dwindle, and our planet becomes overcrowded, saying we are all worth the same, absolutely is perhaps naïve. A right to a certain quality of life, when the very existence of life is threatened may not be in the best interests of human survival. Rather perhaps, the time has come now to use a more utilitarian system of governance, one that simply cannot exist alongside human rights. Whilst Human rights may have been a good thing in the 2oth century, in securing the survival of our species, perhaps they “tend to produce unhappiness or pain” now, which according to the principle of utility would see them rendered as wrong.

Instead, we should scrap human rights, perhaps, and move towards using a system of Macro Utilitarianism, in which the state makes decisions based on actions that for the greatest number of people “promote happiness or pleasure” which may mean that rights of the individual may need to be quashed. Obviously, we would be happier to live in a society where we have these rights, but perhaps the time has come for society to shift to them being more like ‘guidelines’ as the lack of flexibility they offer may be our undoing in the future, especially if, for the good of a whole society, the right to food and shelter may one day have to be suspended to such groups that that society cannot afford to feed and house in light of global disasters. In this time of uncertainty due to war, famine and disease, surely the continuation of our species is paramount over the rights of any person at any time?

In favour of rights, currently the United States of America is engaged against spying against all users of the Internet (potentially). In a world where over 35% of the population has access to the Internet, clearly the protection of our privacy online, if innocent, is paramount as the integration of technology into our lives continues.

Without the continuation of Article 12 of the UNCHR [2] there is no way that we, the people can hold states to account when all states act in this way. We need law that is above nations to challenge nations, just as the state needs law that is above its population to challenge them. Without the continuation of this Higher Law, all a state must do is repeal its civil liberties statute laws, and then it can act as so to spy upon its own population regardless of their innocence. Without the protection of Human Rights a darker future is likely. Whilst the stripping away of Human rights may save humanity, to what future is it being saved if the individual has no rights of his or her own?

However, on a philosophical level, there are also further issues with human rights. According to G.E Moore, a noted ethicist and thinker, the very concept of rights implies a “naturalistic fallacy”[3]. By following his logic we can see that whilst Human rights may be pleasant, that does not automatically make them good. Goodness, across cultures is very much a subjective concept. Whilst it is certainly pleasant for the UNCHR to offer women the right to go to school, in many cultures this would not be considered good. Does it not remove the sovereignty of nations to prescribe what they think is good for their people, to assume our western view of what is both Good and Pleasant is, and should be shared by all peoples the world over? In a world where culture so divides us, it could be theorised that we do not need another example enshrined in law of the West dictating its own cultural bias to the rest of the planet, and that perhaps greater peace could be achieved if we did not do this, as it is clear that acting on we think to be right, in the West, does lead to suffering for both our own people (through terrorism) and others (through war).

Perhaps, even if they are flawed, Human rights do have a place in the 21st century as aspirational targets of what we should aim for on this planet. If we view these rights as something we must work towards achieving for all people, how far wrong could humanity go? Giving food to the starving, shelter to the homeless, security and freedom of speech to the oppressed. Surely this is worth striving to achieve, even if because of uniquely modern problems they are never fully recognised. Society would be made better if only one person achieved these rights for themselves, let alone if whole groups start to feel their intrinsic benefits.

Moreover, there is a tangible harm associated with the removal of these rights. If they are discarded, then a message is sent that the west does not hold itself to these rights anymore, and as a message to the developing world, what could be more damaging? Emerging nations would see our long cherished liberties discarded for the sake of survival and convenience, and would do the same. This, we cannot afford, due to the negative affect that it would have on so many peoples. Even if, to promote the survival of nations, political leaders were to not always apply these rules, there total abandonment would certainly cause more harm than good because what it says about those who abandon them, and what kind of example they wish to set.

On the other hand, as one can concede times in which the suspension of human rights makes sense (in the case of weather phenomenon that are cataclysmic, or in times of absolute war) surely their total removal makes sense. If we were to remove human rights, it would be likely to replace them with some form of Rule Utilitarianism (Act Utilitarianism being too costly in terms of time to calculate the correct form of action). As then rules could be set that were almost the same as rights, perhaps the most logical thing to do is to maintain the concept of human rights, as to remove them, and give situations in which rules could be broken that could result in abuse of humanity legality would be much worse than any possible benefit to the running of the world that could be gained by the suspension of these rights. We would all certainly want an intrinsic right to life in any situation surely?

Indeed, to conclude, the state of the world is both dark and grim. Human rights abuses do happen, but as I have outlined, perhaps we would all rather live in a world in which these rights are explicit and not based on a consequential system that could simply disregard them. Regardless of whether one believes in some intrinsic moral status to all human life, having one enshrined in law is useful: it provides a standard that life can be measured against, and be protected up to. Whilst there is scope for abuse of humanity when rights do exist: it happens everyday, there is more chance of humans being treated poorly if these rights aren’t intrinsic to all of us. Therefore, I believe there is a role for human rights in the 21st century, as it may be the hardest century humanity has ever faced: and if we lose that respect for life that makes us human, what is surviving it worth unless we strive to protect human rights and liberties as Doctor Martin Luther King Jnr said “until justice rolls down like water and righteousness like a mighty stream”.

In Text References:

[1] 6: No one shall be subjected to arbitrary arrest, detention or exile.

9: Everyone has the right to recognition everywhere as a person before the law.

[2] 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

[3] “…The assumption that because some quality or combination of qualities invariably and necessarily accompanies the quality of goodness, or is invariably and necessarily accompanied by it, or both, this quality or combination of qualities is identical with goodness. If, for example, it is believed that whatever is pleasant is and must be good, or that whatever is good is and must be pleasant, or both, it is committing the naturalistic fallacy to infer from this that goodness and pleasantness are one and the same quality. The naturalistic fallacy is the assumption that because the words 'good' and, say, 'pleasant' necessarily describe the same objects, they must attribute the same quality to them.”

Moore, G.E -Principia Ethica.