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Background: The Rise Of Rights As A Remedy To Societal Mistreatment

The vocabulary of rights is all around us these days, as rights become more and more heralded as the antidote to all manner of injustices and oppressions of people. So, it should not surprise us that these are looked to by all manner of groups seeking emancipation, be they women, minorities, immigrants, people with disabilities, abused children, the overweight, unemployed and so on. In some instances, these rights have even been transferred to animals. The basic theme is that the possession, assertion, clarification, education about or enforcement of rights will empower and liberate sufficiently to overcome whatever societal devaluation and mistreatment of persons or groups has taken place.

Though many may not appreciate it, most formal charters of rights have only appeared and been promulgated in the second half of the twentieth century, beginning in the West, though some do go back into the time of the European Enlightenment period and even earlier, and were deeply influential in the French, American and Russian revolutions. Rights in Judeo Christian cultures were originally thought to be bestowed upon humankind by the Creator, in that humans were thought to be a reflection of the glory of God, and thus had an inviolable innate sacred value and worth, no matter what their standing in society. In this regard, the possession of a soul gave to each person a transcendent, indissoluble and eternal spiritual identity and responsibilities, the foremost of which was freedom and will, including the ultimate liberty of being able to turn against the Creator.

With the fall of God as the source of life and authority in the increasingly more secularized affluent societies of the West in the twentieth century, there nonetheless remained an ongoing cultural legacy of Judeo Christian values and outlooks in regards to how human beings were thought of, what was believed to be moral and just in their treatment, and a recognition of the need to anchor this perspective in law. The absence of a transcendent source of authority for such law, such as God had provided in earlier times, was resolved by the creation of the idea of "natural justice". "Natural" justice was not specifically codified, as it remained obscure as to its origins and doctrines, yet its precepts were that human beings ought to be treated morally and largely consistently with earlier religiously sanctioned imperatives such as those contained in the Ten Commandments.

A kind of mystified Nature then served as an acceptable substitute for the fallen God's authority, and could become the morally legitimating basis for law, providing that the endowments of inherent and inalienable rights would underpin the worth and value of people. Anchored in national constitutions and various Bills of Rights, rights had both cultural and legal meanings, as is seen in

the subtle distinctions between human and legal rights. People of other centuries would have been puzzled by these supposedly eternal “rights”, though they could easily understand them as claims upon common decency and fairness.

So, we now have a world in which many are persuaded that they have rights, that these should be exercised and respected, that social institutions ought to be tasked with upholding and respecting these, that the laws should entrench these, that they be enforced and that their simple assertion will somehow automatically trigger the right response. These demands that rights ought to be respected is often more than just a claim that the law should be upheld, as it may well mean a demand for people to be treated respectfully and with presumed entitlements that often go much beyond what laws actually require. In essence, these are cultural rather than legal claims. This is often seen in claims that service users ought to be listened to and taken into account. Few laws actually demand very much in this regard, but such claims coming from advocates may have significant moral, cultural and political weight, as they have the potential to morally embarrass officials who are seen to unduly leave people out of important public processes.

The Capacity Of Communities To Meet The Demand For Rights

An interesting question that many may not always consider in their enthusiasm to be sure that they become the champion of oppressed people, is whether communities can or will actually respond to such challenges, as it should be relatively obvious that the assertion of rights is often quite successfully ignored or subverted by many social institutions and the community as a whole, even in instances where the law technically upholds such claims. In some instances, the response to rights may be expedient, token, minimalist, uninspired, very grudging and spectacularly unrepentant, even in the face of otherwise logical and rationally persuasive evidence that people’s claims to have been mistreated absolutely had merit. Even genocidal killers and regimes have often complained that it is they who have been mistreated rather than their victims.

So, what may be at issue is the assumption that there is an inexorable linkage between the assertion of rights claims and a community’s adherence to them. In other words, vigorous rights advocacy clearly is not always rewarded by an equally spirited compliance with rights. In fact, many skeptics undoubtedly believe that the same perversities simply continue, but under a new regime of making it appear that rights are being nominally respected, without addressing the actual essentials at issue. The capacity of communities and social institutions to self-correct and rehabilitate themselves in the way that advocates imagine should happen, may not fully take into account that what it would take to respond appropriately to rights demands, may not yet be present in sufficient force to guarantee the desired outcome.

In other words, that communities and social institutions have not adequately cultivated within themselves that which would be foundational to the respect of rights. So, any amount of external pounding on such entities will fail to yield what is sought, since it either does not exist, or exists in too weak a form, and cannot thus express itself in the manner that advocates would hope for, as the saying goes "One cannot get blood from a stone".

Another way to look at this is to try to imagine a community in which advocacy would not normally be needed because people are temperamentally inclined, in most instances, to do and be the right thing. In such a community, obviously something has been nurtured in people, within its history, that renders them to be predictably and reliably disposed to treat people well over and over again, even in very trying circumstances, such that challenging them to do so becomes unnecessary. In essence, such communities will have embedded in themselves a culture of authentic respect for people, so that their behavior is not one of possibly reluctant compliance to an external mandate to do the right thing, but rather a genuine building into people's character, of a possibly unconscious, but genuine predisposition of respect for others, that may even appear to be instinctual rather than learned.

Communities, as described here, would be a delight for advocates to work with, because virtually all advocacy demands would elicit reasonable and constructive responses, and pledges made to improve conduct and performance would be pursued earnestly and in good faith. People and institutions would no longer have to be cajoled, persuaded, pressured or even threatened to do the right thing, as there would exist a bias towards upholding rights if at all possible.

If one could suspend judgment momentarily regarding whether such an idealized community seemingly appears too utopian or virtuous to even merit consideration as a realistic prospect, it would be worthwhile to first consider whether virtue can be cultivated in oneself or others. Much as there can be communities that expunge virtue and encourage malfeasance, decadence and disregard for the respectful treatment of human beings, there must be at least some where the opposite qualities have been upheld in people. Clearly, in the case of hugely oppressive communities, we are very aware of locations and times when communities have nurtured and gave expression to the worst instincts in people, and have accordingly defamed and destroyed those who have attempted to uphold the right treatment of people. What may be less clear are the many communities in which the right thing occurs, but goes unnoticed and unappreciated because nothing dramatic or even miraculous is thought to have occurred. After all, why would anyone comment on the pleasing and commendable lack of sectarian killings, when such acts have been unheard of for generations.

This simply proves the point that virtues can be cultivated, internalized and institutionalized to such a degree that behaving in non-virtuous ways becomes rare and exceptional, much as we see vast differences in recorded levels of crime and anti-social conduct from one society to another. Logically, the underlying human nature of people, with its varying capacities for good or ill, will obviously remain a constant. Nonetheless, the precise expression of this nature will undoubtedly be shaped and fashioned by the values and outlook of that society, thereby strengthening some aspects of character and discouraging the growth of others. If this premise holds, then we would be in a position to identify what would be the traits and conduct that are consistent with respecting people's rights, and thus be able to self-consciously "grow" them, much as the Japanese and Germans nations have, for several generations at least, hugely and measurably curbed their prior tendency towards imperial militarism by very deliberate strategies of changed conduct and outlook.

What Is It That Should Be Cultivated To Enable Rights To Be Sincerely Respected?

It is essential to answer this question of what helps nurture and strengthen a disposition towards respecting and upholding the worth of people, particularly in regard to those people and groups who may face disproportionate risks towards being socially devalued. If this tendency to devalue goes very deep, and with great antiquity in a culture, then its amelioration will need to be equally profound and long lasting in order to counterbalance this tendency, substitute beneficial ones and nurture these into a critical and defining mass. What follows are some suggestions of what these "desiderata" might be, and why this is so.

- **The Cultivation Of Identification Between People**

People can identify with each other only when they can see something of themselves in others, particularly in others who may differ from themselves in significant and possibly very uncomfortable ways. To be able to be in the shoes of others, both imaginatively and practically, makes it far more likely that the "other" becomes one of "us". Each is inherently eligible to become one's brother or sister.

- **The Cultivation Of Compassion For (All) Others**

Compassion goes beyond seeing oneself in others, because it involves an obligation to act with kindness, concern and instrumental solidarity with others. Compassion is not simply a matter of feeling the pain of others, but rather it contains an imperative to act, where one can, on undoing the

suffering of others. One has compassion for others when one is part of healing the suffering of people much as in the commandment to love one another.

- **The Cultivation Of Authentic Supported Social Inclusion Of Potentially Rejected People**

If individuals and groups are so devalued by a community that they are not welcomed in all of the core social institutions of the society, then it is not hard to imagine that their rights will have little standing. On the other hand, if their place at the heart of community is assured beyond a doubt, then respect will flow as it should. Thus, social inclusion cannot be seen as a superfluous “frill”, as its presence is a necessary expression of what it means to truly belong.

- **The Cultivation Of Values That Emphasize A Shared, Universal And Equal Humanity**

Whenever communities begin a process of dividing people into “worthy” and “unworthy” humanity, they inevitably begin to assign to some a sub-human status, with all of the inevitable detrimental effects that come with people’s humanity being artificially lessened by cultural biases. At the same time, whenever people’s identities and worth are perceived as inherently valuable, simply by right of being human, then it becomes impossible to abort girl babies in preference for males, to reward one class at the expense of another, and to waste the life potential of people whose impairments may require that communities adapt to their presence and needs.

- **The Cultivation Of “Right Relationship” Social Ethics**

“Right relationship” is a term drawn from Buddhist social ethics that refers to the obligation to be in relationships with people that are both ethical and honorable in how people are treated. In formal institutional and structural terms it means the presence of ethicality in the conditions of these relationships. Even if the organizational relationships are impersonal and distant, it is possible for these to nonetheless be ethical. These social ethics are deeply consonant with respect and rights, such that it is difficult to imagine rights thriving without them.

- **The Cultivation Of Close Personal Relationships Between Potentially Socially Devalued People And Those Who Are At Less Risk**

If people are to be bound to each other, there must be very strong bonds formed between them. These cannot be achieved if people stay at a distance from each other, sequestered in isolated realities from each other. Personal relationships can offer a way to transcend huge differences between people, often in seemingly miraculous ways that permit a depth of knowing of the other

that can overcome huge barriers. When people can respectfully become significant parts of each others lives, it is hard to maintain an attitude of otherness, even when such relationships may be difficult.

- **The Cultivation Of A Commitment To The Common Good**

It is extremely common that when there is no restraint on people to take into consideration the wants and needs of others, then narrow, well positioned and selfish interests can well prevail over those who are vulnerable, easy to neglect or exploit, and who are comparatively without allies. An overarching commitment to the presence of an ethic of the common good helps constrain those who might act without regard for others. When this ethic is part of the operating obligations of community institutions, governments and others who operate in the public square, it constitutes a very useful safeguard for those whose status at the heart of society may be in question.

- **The Cultivation Of Moral Leadership**

The good functioning of human affairs will always involve significant needs for leadership to be present, engaged and effective, whether this leadership is individual or collective. It is also critically important for the fate of vulnerable and disadvantaged people that society's formal and informal leaders are anchored in a compelling commitment to fairness and respect for vulnerable people. With such persons present, it is much more likely that our social institutions will do the right thing, whereas with unprincipled leaders, it is easy to imagine the unleashing of impulses that will harm people who are vulnerable.

- **The Cultivation Of Substantive Supports That Would Enable People To Succeed**

It is one thing to create a level playing field where opportunities are largely equally present for people to achieve their potential in life. However, if people do not have the practical supports they may need to succeed, then such opportunities are nominal rather than functional in practice. A community that prefers actual progress for people, rather than symbolic gestures, would see great value in linking the crucial supports to opportunities that will make such opportunities bear fruit. A genuine respect for people means authentically engaging the practicalities of what ensures success, and doing what is required to sincerely overcome such difficulties, at least where there are efforts that are feasible.

- **The Cultivation Of An Ongoing Dialogue On What Now Constitutes A Just Society**

Without regularly revisiting questions of values, respect, fairness and equity, it would be difficult for a community or society to continually re-examine itself and make corrections in its future course that would uphold its highest ideals. Such occasions may become pervasive in a community, and reflect an awareness and concern for the state of the people in its midst who may be detrimentally harmed by mistaken choices and directions. Unlike communities or societies where the claim is that “there is no society”, it is possible to have one where obligations to consider the well-being of others is seen as a logical part of the brotherhood of human beings and the creation of a commonwealth in which respect for people is foundational.

Communities Need Not Be Perfect Nor Ideal

It may be assumed by many people that the foregoing virtues and ideals are utopian, as actual communities and the people in them are far from ideal. This would be a realistic reservation because it would be unwise to ignore how fragile human beings and communities are in living up to their principles. So, asserting that they must be perfect is simply untenable given human history. Consequently, such a strategy of cultivation of respect for rights cannot be predicated on unrealistic expectations of human nature and conduct. The same might be said for any number of other features of communities such as the presumed assumption that they are committed, clear, coherent, passionate, inspired, conscientious, dependable, flawless or whatever, as these wishful fantasies will only lead to disillusionment. Those who overstate or romanticize the virtues of communities must be careful, as they may well be looking at the world they prefer rather than the world as it really is. Such persons will ultimately mislead and disappoint.

The good news is that respect can be generated in individuals and communities even in the face of these and innumerable other limitations. This can be said because the strengthening of respect for others, if genuine and ongoing, will have effect even in the presence of these and other constraints. Put in another way, these barriers need not be fatal for the overall effort, as their effect may simply be to make the effort to invest in the good nature of people to be more difficult, rather than impractical in an absolute sense. The only way that such an investment would be fruitless would be if there was no good to build upon. It is inconceivable that no good whatsoever exists in both individuals and communities, so it is always a matter of building upon what is actually there to be built upon, irrespective of what will limit and constrain such good.

Providing that at least some people are genuine about core matters of respect for others, both individually and collectively, then their many errors, limitations, lapses and perversities can conceivably be absorbed and countered, such that vulnerable people are not placed in the kind of perpetual, unrelenting and damaging jeopardy that would quite properly provoke people into rights based and other social justice movements.

Conclusion

It would have merit to investigate investments that lead to the strengthening of the "right" things in people and communities that result in an ethic of respect for others, even if such communities start from a very degraded base. Even if these efforts are not substantial enough, even when linked with other independent efforts to achieve similar aims, is not a reason to cease and desist, as even small initiatives are capable of a wholesome impact, providing they stem from genuine concern and commitment. Failure to fully transform society cannot be the basis for selecting strategies of change, as this may be impossible in any case. Rather, the real test should be genuine and specific beneficial impact rather than hoping for some sort of global and comprehensive panacea. Surely, this would be making the perfect the enemy of the good.

The promise here is not some transcendental triumph, but rather that of taking actions in the real world that are intrinsically morally relevant, and which deeply confront our nature and institutions, and that challenge us to show the respect that we are capable of. It not an outrageous and unfair burden to place upon us, that we treat each other with respect, concern and fairness. So, those who dismiss investments in the improvement of our character, as being immaterial and ultimately futile, clearly do not recognize that humans have the capacity to be and do good, and should not be excused from this expectation.