

SOME THREATS TO HUMAN RIGHTS

- A POINT OF VIEW*

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On an occasion such as this it is appropriate to remind ourselves that there lies in claiming rights, dues, and justice a basis built very much upon Christian religion. The labours of the prelates of the Christian Church have contributed immensely towards the enrichment of justice founded upon a system of fair and reasonable laws, because Christianity gave to law a new spirit. The practice of slavery became pernicious when for instance St. Paul writing to the master of a runaway slave wanted the slave on being returned to the master to be treated as “a well-loved brother”. Again, when Peter and John responding to an admonition not to speak or teach in the Name of Jesus, exclaimed “Whether it be right in the sight of God to hearken unto you more than unto God”, a new foundation for jurisprudence was laid thus.

That justice is derived from something more superior and absolute than from even the laws made by kings becomes evident from the Christian precept pronounced by Henry of Bracton that the king is under God and the Law. There are higher rules of justice and of right that the King must recognize—the law of God, the law of nature, the law of the land. In short, the achievement of Christianity and of the Christian lawyers was to establish free men and women in the fellowship of a free community. It is exactly this that respect for and recognition of human rights in full would ensure too. The emphasis of Christian teaching on the rights of human beings has influenced the concern of the present day peoples with human rights, their observance by the state and in society without any derogation or variation. As St. Thomas Aquinas (1225-74) emphasised, a ruler or government makes a pact with his people to promote a happy and virtuous life and if there be no guaranteed rights to such people how can life be either happy or virtuous. Milton says it best that “The power of kings and magistrates is nothing else but what is only derivative, transferred and committed to them in trust from the people, to the common good of all, in whom the power yet remains fundamentally, and cannot be taken from them, without a violation of their natural birth right.” Here it is asserted that rights exist inalienably.¹

Important in the issue of protection of human rights in a country is that of

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