

Human Rights in the Era of Globalization: A Philosophical Reflection

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Abstract—The present millennium is different from all earlier such occasions. We have scientific knowledge which is the most delicate and advanced, technology which is the most capable and sophisticated with knowledge and information; but do we have wisdom to make use of all these so that there is human face impressed on these achievements? One of the features of human history has been that people, resources, ideas and consciousness move from one place to another and in the era of globalization, these are moving all too fast and getting transformed gradually; but what has been the role of values in such movements and transformations? Is our identity getting lost in the process of globalization? Since the proclamation of the “Universal Declaration of Human Rights” on the 10th December 1948 by UNO, there have been intense and endless debates and discussions so far as the legal, political, cultural, ethnic, social and philosophical aspects are concerned. Indeed the need for the declaration of Human Rights has been the sense of insecurity faced by the human beings themselves after the World War II. More so, it has the question of human dignity, self-respect, right to live and work in the world that became the driving forces and furtherance of Human rights.

As a matter of fact, globalization has intervened human life and activity since 1975 onwards and since 1990 it has become unavoidable and inevitable. With globalization, human life is affected not only in so far as market is concerned, but also globalization has started affecting us in our ethnic, cultural and linguistic identities. In the present paper, I'll first show the historical basis of Human Rights including its philosophical underpinnings especially with reference to Immanuel Kant. Secondly, I'll try to reassess the realm of Human Rights in the era of globalization. I'll not only catalogue the resemblances between Human Rights and the globalization but also pave the way for their mutual transformation so that a healthy philosophic growth can be achieved.

1. HUMAN RIGHTS-HISTORICAL PERSPECTIVE

As a matter of fact, human rights are as old as human society as such but, historically speaking, the first such instance can be found in the Magna Carta or the great Charter (1215). “Barons in opposition to John (ruled 1199-1216) forced him to put his great seal to this charter on 15th June 1215 at Runnymede, near Windsor. Many of its 63 clauses dealt with the barons’ grievances but some were of wider importance, e.g. no freeman was to be punished without a trial and the king could not demand taxes without the Great Council’s consent. So important was it that copies, of which four survive, were

sent into every shire. Though John repudiated it, the Charter was confirmed by later Kings.” It included such rights as church is free from government influences, free citizens including widows can own and inherit property, equality before law, prohibition of bribery, etc. In the course of time and historical developments those rights developed as human rights. After Magna Carta, there came many such accords to substantiate and elaborate the rights of the people; such as, the petition of Rights (1628) and the Bill of Rights (1689). During eighteenth century, the natural rights as legal rights started getting written into national constitution.ⁱⁱ

2. PHILOSOPHICAL FOUNDATION OF HUMAN RIGHTS

The basic question is - what is a Right? The answer to this question is given by Immanuel Kant (1724-1804) in the treatise *Rechtslehre*, “The only original Right, belonging to each man in virtue of his humanity is Freedom...”ⁱⁱⁱ “Every action is in accordance with Right which enables the freedom of each man’s will to assist side by side with the freedom of every other man, according to an universal law.”^{iv} We can then suppose that when Kant develops freedom as the only original Right of man and proposes to limit that freedom in the case of each individual solely by the demand for an equal freedom on the part of all other individuals, it is evidently clear that for Kant an action would be contrary to Right if it interferes with the formal freedom of one’s neighbour.

It may however be pointed out that Kant, in *Rechtslehre* has ruled out any distinction between Laws imperative, i.e. moral laws and laws permissive, i.e., political Rights. In that treatise the doctrine of the permissive nature of Right is silently dropped, the law of Right is definitely stated to be a special branch of moral law: its maxims, like the maxims of the moral law, are nothing if not imperative and universal, and it is of their essence to be enforced, when necessary by compulsion.^v

Behind this notion of right, there is a deeper philosophy and that is the philosophy of European Enlightenment. There is, however, a lack of sufficiently broad, accurate, comprehensible and useable definition of the early Enlightenment. Part of the reason of this lack is that during

Enlightenment there have been complex and quite often contradictory views on such issues as democracy, modernity, secularism, religion and scientific knowledge etc. It is very difficult to provide one definition as the definition of the enlightenment, which fits all the men usually assumed to belong to it. Generally among the enlightenment thinkers we have Voltaire, Rousseau, Hume, Condorcet and others. This is, however, not the occasion to go into the details of their specific philosophical systems, their mutual agreements and disagreements. I am basically concerned with the concept of freedom as the key concept of Enlightenment and as the ultimate source of Human Rights. Notwithstanding the mutual difference between one philosopher and another in the enlightenment, they have a fundamental preoccupation, i.e., freedom. It was Kant, one of its earliest prophets, who asked that question and answered it in his article in the *Berlinischer Monatsschrift*, December 1783 issue, entitled *Beantwortung der Frage: Was ist Aufklaerung? Or "Answer to the Question: What is the Enlightenment"*?

His answer is: "*Aufklaerung ist der Ausgang des Menschen aus seiner Selbst-verschuldeten Unmuendigkeit*". Let me give his full answer in English; I confess my inability to give a totality word-to-word translation: "Enlightenment is the coming out of man from his self-imposed immaturity. Immaturity is the incapacity to serve one's own understanding without direction (*Leitung*) from another. This immaturity is self-imposed; Reason itself languishes, not because it lacks understanding; what it lacks is resolution and courage; it is unwilling to serve itself (*Sapere Aude ! Hebe Mut*). Take courage to serve your own understanding! This is therefore the Motto (*Walspruch*) of the Enlightenment."^{vi} It is in this rather general framework of the Enlightenment rationality that the concept of humanity has evolved and it gets its elaborations in the categorical imperatives.

Kant is the first philosopher who has tried to give a definition of *how* a moral action *ought* to be in terms of individual's Rights in conformity with the Enlightenment rationality. These are the *Principles* of human actions such as 'universality', 'end in itself' and 'kingdom of ends.' These principles could be prescribed to any study of Human Rights anywhere. There have been certain attempts to define Human Rights in terms of the constitution of a Nation/State, ethnic, cultural and religious identities, etc. But if we wish to define Human Rights in the most general sense of the terms inclusive of all specificities, Kant's categorical imperative is the only principle that could be taken into account. The Maxims, of course, go as follows:

The first maxim: "Act only on that maxim through which you can at the same time will that it should become a Universal Law."^{vii}

The second Maxim: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."^{viii}

The third Maxim: "So act as if you were through your maxim a law making member of a kingdom of ends"^{ix}

These maxims cannot be strange to any culture though they could be naïve to every culture, they are universal. One can easily imagine that the absence of any of these maxims could be tantamount to the denial of human dignity. Therefore these maxims could be regarded as the necessary principles for any study of Human Right.

These maxims have created the broad vision of Human Rights that the UNO seeks to attain in its global mission of peaceful co-existence and mutual development. Even the very title of the draft has been greatly under Kantian influence, i.e. "Universal Declaration of Human Rights". It is a far-reaching document trying to protect Human Rights and to integrate the fabric of national and international life both ethically and juristically.

3. GLOBALIZATION AND ITS IMPACT ON HUMAN RIGHTS

It is in the light of these Human Rights that we can reassess the impact of globalization. One of the major achievements towards the end of the last century has been the emergence and development of globalization. Globalization started during mid 1970s in the developed countries and since 1990, the world has moved towards globalization in a big way. Globalization has evolved out of the golden period of capitalism; i.e.1940 to 1975. Origin of globalization involves economic factors with trade and finance liberalization, trade linked technology and political situation helping it. Globalization has challenged the Nation/State territorial sovereignty, the institutional autonomy, shrinking the concepts of space and time. With the collapse of Socialism in the Central and East European countries during 1990s of which People's Republic of China just managed to escape, the world has moved towards defining values of universalism set out in the "Universal Declaration of Human Rights" and in setting development goals in the United Nations conferences on environment, population, social development, women and human settlement.

Globalization is essentially a product of technological advancement. It is a broad mindset that believes those broad world structures are possible. One way of looking at globalization is to look at the history of social and economic revolutions and the emergence of state in relation to technological advancements and transformations. As we know, in feudal society, there is land-based economy. Infrastructure like roads, transport, means of communications, etc. are not much developed. There is local production and local consumption. Religion has a rigid control over every walk of feudal life. Religion has three basic functions to perform in a feudal society; (i) it was a way of explaining the reality around us, of the natural reality, of life as such, of the relationship with other lives, and so on, (ii) it has given rise to highest virtues and value systems in the world like universal

compassion, love, *ahimsa*, sacrifice, etc. (iii) it has given rise to aesthetic experiences like music, dance, drama, composition of epics and so on. Technologically horse or bullock cart is the basis of the feudal society. The centralized government marks capitalist society. Infrastructure has to be developed; with constant renewal of technology and availability of markets, etc. With secularization, the control of property and the ideas by the Church are given public openness. The dominant value of capitalist society is freedom with the developmentalist ideology. Steam engine is the basis of capitalism or industrial society. Electricity, nuclear energy and electronics lead to the advancement of capitalism towards post-industrial society. And subsequently, computer chips, micro technology of electronics and automations define the present phase, i.e., post-capitalist society. This is also called the 'Information society'. These three stages are generally characterized as industrial, technological and financing phases of capitalism. We know that today only Hong Kong Bank, Taipei Bank and Tokyo Bank alone possess world's 30 % of wealth.

Globalization is by no means uniform; it always means different things to different people. Globalization means media, rapid transmission of messages and symbols. It is a deregulation of domestic as well as external markets – goods and services. It appreciates the total capital market with the need to promote investment. This is done with Cyber Space and the Internet. It can describe the expansion of economic activities across national boundaries. This later on is converted into trade and commerce, banking, rural institutions and so on. All these are necessary beyond the State because globalization means global banking, trade and commerce, global migration of population, etc. All these require certain rules, institutions and the infrastructures, which can go beyond Nation/State. So we have organizations like W.T.O., GATT, new definitions of the UNO and other UNO funded organizations. With these institutional mechanisms, global reality is regulated and managed. Globalization also has structural pre-requisites and imperatives. One such imperative is that people will 'move' and you have a 'free market'. Market is a very important term of globalization and it is equivalent to 'Internet'.

4. POSITIVE AND NEGATIVE FACTORS OF GLOBALIZATION

Globalization means liberalization and free movement of goods, services, capital and finance across national boundaries. In the world currency market more than \$1.6 trillion is now exchanged each day and about 1/5 of the goods and services produced each year are traded; hence offering several opportunities for individual countries to achieve higher growth rates. In the last one decade, there have been several discussions on the implications with its positive and negative factors that globalization is going to have on development process particularly in developing and under developed countries. In these countries, development is defined as a 'composite reality'; it is not only economic development but also involving several Human Right aspects besides cultural

development, philosophical development, development of morals, ethos and values. In these developments local cultures and local identities are recognized as the valid elements of any design of human kind. So much so, the "Copenhagen Summit on Development" which was held in the early 90s dealt very clearly on this theme that somehow the kind of change that is taking place in the world today is leading to massive mobility of human kinds, human resources, ideas and consciousness. There is a global worry on the process of globalization and the consequences that globalization will affect local cultures, local identities, the philosophical heritage and the very diversities that constitute the cultural matrix of human kind. I feel that globalization of technology, trade and commerce and the optimization of these factors may not be of much help unless we re-vitalize local identities. In fact, globalization, by its very process, enhances people's sensitivity to their local identities. There is the view that globalization triggers on the one hand massive movement of people, resources and values from one part of the globe to another part. To this extent there is interaction and homogenization between globalization and local cultures. On the other hand, the technology of globalization encourages and helps the formation of local cultures. This is an obvious fact. If we are on Cyber Space or on the Inter net, we have teleconferencing. Even sitting in this hall, we can have dialogues with students and teachers in Europe and USA. But the question is — will this technology help preserve local identities? There is a feeling that local identities may not be 'real identities' but only 'virtual reality'. The Inter net and Cyber Space have a different language. By computerization and digital system of Cyber processes, one can create such realities, which do not happen in real life. This, which does not happen in real life but by simple amalgamation of parameters which are pre structured and defined, you can create a 'virtual reality'. Thus technology can help in fostering local identities. People who are in minority at one place can search for like-minded people throughout the globe. This way they can all come together through teleconferencing, without physical movement from one place to another. So globalization technologically does not prevent local identities.

The negative factors of globalization are at two different levels. It threatens the interests of the powerful and the weak nations. This is the dilemma of globalization. It is generally criticized in terms of Economic Darwinism implying survival of the fittest. Globalization is also the coming together of rich entrepreneurs of the whole world with the belief or rather make-belief that they do not need the poor. It threatens the power of those who are very strong specially those countries, which are totalitarian. We have examples of Soviet Union, Romania, Bulgaria, Poland, Czechoslovakia, Hungary and so on during late 80s and early 90s. I am not saying that media was totally responsible for the collapse of socialism. That will be too simplistic. There were many other factors involved. Like, Soviet Union was simply a Union of Republics but never a State. In the 70 years of socialist experience, socialism itself

became vacuous, mechanical and undynamic. It may happen in anywhere. Even in India, democracy is getting vacuous. There are such signs. We have to be vigilant. But facts of the matter remain. Media did play an important role in shaping public opinion of the post second world war Soviets. People in these countries got exposed to new views, new value systems and new styles of life. People see what is happening around the world and State cannot control. So the powerful and vested interests are threatened. When this threat comes about, there is counter resurgence of ideas. All it does is to narrow down the process of globalization. It gives rise to different forms of fundamentalism. There may be ideological fundamentalism or cultural fundamentalism; even there will be fundamentalism of benign kinds, consumer fundamentalism, environmental fundamentalism, industrial fundamentalism and so on. This way globalization creates turmoil at the top.

Globalization also hurts the weak and the poor nations. They are hurt because they have no 'say' or 'share' in the process of globalization. This is what the worry in the developing countries is. There are many developing countries where political system is not conducive for encountering globalization. So there are examples of barring Disk Antenna, Transponders, Satellites, etc. And this is a very hopeless task. Many countries have tried it. But they have failed. So this is a losing game. The poorer countries which are not at all prepared to face globalization; they face problems in different ways. In such countries market is always restrained. If large number of people is illiterate and below the poverty line and have no access to new jobs and new way of understanding global situation, then they are out of market. So globalization, which brings market, creates this problem for the weaker people.

India is world's largest democracy and has a long history of democratic functioning with pluralistic values and philosophic universal concepts (holistic values included). India cannot remain indifferent to the development in terms of Globalization and the New World Order, which has raised serious questions to the foundations of our traditionally established philosophic doctrines. The need is to expose us to our own Cultural Traditions in the wake of current development at the International scenario. It is urgent in view of the onslaught of Western Culture on our impressionistic minds, which creates a cultural dilemma and leads to Cultural Amnesia. The new millennium is different from all earlier occasions. It has new markets-foreign exchange, capital markets linked globally; new tools-Inter Net, Cyber Space; new institutions- W.T.O., GATT, etc.; new rules- multilateral agreements on trade, services, intellectual property rights, patenting rights, backed by strong enforcement mechanisms and binding on National Governments, reducing the scope of national policies. Global markets, global technology, global ideas and global solidarity can enrich the lives of the people everywhere expanding their choices.

In the conclusion we can say that we cannot stop the process of globalization. But globalization is not forever; history has not come to an end. Despite the lofty claims that State has withered away in the era of globalization let me say it in very clear terms that State still exists and is accountable to the people and their Human Rights. Where people are left out, they will not sit back quietly. There will be counter resurgence of struggles, which may take the shape of crimes like drug related crimes, ethnic struggles, terrorism and so on. Therefore State has to come forward to make strategic decisions. State can certainly and strongly find and frame rules and institutions for governance to provide enough space for local identities, communities and environmental resources to ensure globalization. Re-defining such values as in the adopting of Human Rights and setting development goals on Environment, Population, Social development, etc.; globalization should be with regard for pluralistic value systems without violation of human rights. Without marginalizing local identities, the reward of globalization should go towards creating equity between nations.

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