

## **HUMAN RIGHTS – SUSTAINABILITY – CORPORATE SOCIAL RESPONSIBILITY, PART I: SOME REMARKS ON HUMAN RIGHTS**

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**Abstract:** This paper is part of a series of articles devoted to the relations among three important concepts co-shaping the contemporary global world: human rights, sustainability and corporate social responsibility. It discusses some processes that led to the rise of the idea of human rights and points out some theoretical problems this concept generates.

**Keywords:** human rights, globalisation, humanitarianism, law, morality.

### **1. Introduction**

We happen to live in very complex and complicated times (to be more specific – the last three decades or so and an unspecified time interval in the coming future): many positive changes are undisputable, on the other hand – humanity faces a great number of serious challenges and threats. This general characteristics can also be applied to intellectual development. Knowledge production (as measured by the sheer number of universities, researchers or scientific journals) has greatly increased in the last decades and is easily visible. Cognitive progress (as measured by important discoveries, interesting theoretical proposals, etc.) also seems to be beyond doubt. Nevertheless, some aspects of these processes may give rise to concern. It is impossible, however, to discuss this problem here in a systematic way (a separate and extensive article would be necessary). In this paper, I am going to point out only one of these aspects – the permanently ongoing process of “balkanizing” science seems to be at odds with the process of globalisation (which can also be interpreted as the growth of interconnectedness of all elements of global civilisation/society). It may also contribute to the deterioration of relations between science/scientists and its/their “general audience,” politicians, etc. Therefore, a part of scientists’ efforts should not be devoted to obtaining new special results, but to systematisation of those already obtained – to make out of them more and more coherent images of increasingly greater parts of the global system.

The comments I have just made above should be regarded as a brief presentation of my motivations and goals I had while starting to write this paper. Many texts (from short essays to large books) have been written regarding each of the concepts/subjects indicated in this article's title. Each of these three phrases designates a large field of studies (with own experts, journals, etc.). Paradoxically, relatively little has been said and written about the connections among these fields, and since these connections are of great – both theoretical and practical – importance, I have decided to try to describe and analyse them.

It turned out that, even if presented succinctly, the subject is large. Therefore, I decided to prepare a series of articles: each of them is devoted to one of the concepts included in the title. The last paper will contain remarks on the relations between them. Each article can be read independently from the two others. Nevertheless, I would like to emphasise that they are designed to make up a whole.

Ending these introductory notes (regarded as introduction for the whole series of these articles), I would like to underlie the main points of my considerations.

I start from human rights that can be regarded as moral guidelines for all human actions, in particular for those oriented at (re)constructing social order on all its levels: from local to global.

The next concept, i.e. sustainability, will be interpreted as concretisation, application and development of human rights. The idea of human rights might be succinctly formulated as follows: all humans – those who both live “now” and will live in more or less distant future – have the right to good life. The development of which main goal is to implement such specified human rights – and its actual effects are increasingly closer to such a state of the world – can be defined as sustainable development.

As history has taught us, attempts to (re)construct social order very often bring about certain negative side effects, sometimes – very serious and dramatic, especially when such attempts were implemented under coercion or even violence. It is rather obvious that although sustainable development is in the interest of all humans, the short-term interests of different social groups generate various attitudes towards sustainability, which – as a consequence – generates conflicts. It is in the interest of all of us that these conflicts are solved by negotiations, not by force. The concept of corporate social responsibility will be presented as a useful (even necessary) instrument for approaching sustainable development by means of negotiations, not by coercion and violence.

The article structure, in addition to this introduction and final remarks, contains three main chapters: the first one presents a view on human rights from a historical perspective; the second chapter addresses some theoretical (philosophical, sociological, etc.) issues; the third one contains a concise summary of the “Universal Declaration Of Human Rights” (UDHR).

## 2. Human rights in historical perspective

Historians of culture and civilisation tend – and they are usually right – to seek “embryonic forms” of almost all contemporary ideas and inventions in the Ancient Greece, or even earlier. It is the same with human rights. However, the real (continuous) history of the idea of human rights seems to begin no earlier than in Renaissance and Humanism. Then, the concept of “human dignity” was developed by Pico della Mirandola (1463-1494) in his famous “Oration on the Dignity of Man” (1484 – written, 1496 – published). This concept was further used by Bartolome de las Casas (ca. 1486-1566), a Dominican friar and bishop, who participated in the so-called “Valladolid debate” (1550-1551) regarded as “the first moral debate in European history to discuss the rights and treatment of colonized people by colonizers” (wiki/Valladolid\_debate). In this debate, he defended the rights and dignity of Indians – by using the idea of the universal dignity of men. As the next phase of the history of the human rights ideas we can regard the rise and development of the theory of natural law of which Hugo Grotius (1583-1645), Thomas Hobbes (1588-1679) and John Locke (1632-1704) were considered the most important creators. Grotius is of particular interest in the context of the present paper: being regarded as one of three persons who were creators of the (modern) international law, he symbolically links two similar, but not identical, intellectual currents contributing to our present-day understanding of human rights.

Obviously, the adoption (by the French National Constituent Assembly) of the “Declaration of the Rights of Man and of the Citizen” in 1789 was one of the most important moments in the history of the human rights. This event could be a subject for an extensive article or even book. However, two remarks should be mentioned: 1) other texts, such as British “Bill of Rights” and American “Declaration of Independence,” should be remembered (however, the direct connection to French Revolution gave this “Declaration of Independence” its historical momentum), 2) from our contemporary point of view, two “omissions” should be clearly noted: “Declaration of Independence” neither abolished the slavery nor gave rights to women.

Other 18<sup>th</sup>-19<sup>th</sup>-century social processes played a role in the further development of the idea of human rights. Among them, the following seem to be particularly important.

Firstly, I think about processes which led to abolishing slavery. The history of this process is very instructive. Let me remind some its key elements: Vienna Congress (1815) forbade slave trade but possessing slaves remained legal; in British colonies, slavery was completely abolished in 1833, in France – in 1848 (fifty four years after the first decision, revoked in 1802 by Napoleon), in Russia – 1861 (not slavery in a strict sense, but Russian serfdom was not very different from it), in the USA – in 1865, in Brazil – in 1888. During world congresses (1885 – Berlin, 1890 – Brussel), slavery was declared illegal. However, the process was completed only after the World War II, when Saudi Arabia (in 1962) and Mauritania (in 1981, or – according to other data – only in 2007) outlawed slavery. It means that the abolition of slavery is a story

lasting almost one hundred fifty years. We should not forget that it is only about the law; the real slavery, even if formally illegal, still exists (some studies estimate that there are 27 million slaves). While speaking about the process of slavery abolition, we should at least mention that the Anti-Slavery International was established in 1839 – the first (and still acting) anti-slavery international organisation (and, in general, one of the first international non-governmental organisations). Obviously, this history is much longer. However, I should mention about the second process which contributed considerably to the development of the concept of human rights.

That is a process of development of a set (rather poorly delineated but its unity is “visible”) of ideas that can be labelled with the word “humanitarianism.” Firstly, I should mention about a prominent representative of Italian Enlightenment – Cesare Beccaria (1738-1794), the “father of criminal law.” In his still famous book “On Crimes and Punishments” (1764), he condemned capital punishment and torture. With regard to abolishing death penalty, the history of the process of its abolishing belongs mainly to the 20<sup>th</sup> century, its second half in particular<sup>1</sup>. It should be noted that the number of capital punishments has dramatically decreased for the last two centuries in many countries (e.g. in England, two men were hung for sodomy for the last time in 1835). As regards to abolishing torture, the history is more optimistic: England, as the first country abolishing torture, did it already in 1640. The process was intensified around mid-18<sup>th</sup> century: for instance, Poland abolished torture in 1776. Portugal (1826) and Swiss cantons (1851) were last political entities in Europe that made torture illegal.

To this brief story about the development of humanitarianism, in order to point out the multifaceted nature of this process and a role played by civilisational progress in it, I would like to add something about a process that may be described as rising sensitivity to human suffering. For the last two centuries, medicine has made greater progress than in all previous decades. In particular, the rise of anaesthesiology should be mentioned. Crawford Long (1815-1878), an American surgeon and pharmacist, who for the first time (in 1842) used ether during surgery, is considered as one of its founders. Leaving the enormous importance of anaesthesia for the progress in medicine (surgery) aside, its development reduced (often eliminated) suffering caused by disease or medical interventions. I am not going to answer the difficult question whether the reduction of suffering lowered the individual pain tolerance or not. Nevertheless, I am sure that for the last century, pain has been less and less regarded as something “normal,” something which is a part of human condition, and it has increasingly become treated as something what not only can, but should be eliminated.

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<sup>1</sup> However, there are some exceptions. From this point of view, particularly interesting is the history of capital punishment in the USA. Currently, 21 states abolished death penalty. The first state was Michigan (1847) followed by Wisconsin (1853) and Maine (1887); 9 states abolished it in the 20<sup>th</sup> century and 9 – in our century.

Human suffering has always been caused not only by natural (independent from human will) factors, but also by human activities: violence, particularly wars. However, even in this field something started to be changing. I want to mention two emblematic figures for this process. Firstly, a “founder of modern nursing” – F. Nightingale (1820-1910). She was inspired by her dramatic experiences during the Crimean War (1853-1856). It can be said that she herself enormously contributed to upgrading the standards of caring humans who are suffering<sup>2</sup>. In almost the same time, a Swiss businessman – Henri Dunant (1828-1910), appalled by the torments experienced by victims of the Battle of Solferino (1859), undertook various actions which resulted in establishment of the International Committee of the Red Cross (1863)<sup>3</sup>.

Among many other achievements of the Red Cross movement, an inspiring role in the development of international humanitarian law should be mentioned – it instigated the Geneva Conventions (1864, 1907, 1929, 1949).

If we take a closer look at the processes that took place in the 19<sup>th</sup> century, we can understand that at the beginning of the 20<sup>th</sup> century there were (or seemed to be) reasons for optimism. Nevertheless, the two world wars (some historians regard it as one war with a 21-year armistice) destroyed that optimism.

The establishment of a new international organisation – United Nations Organization (15 August 1945) was a reaction to tragic experiences of the previous three decades. Its history might be a subject of controversial and hot debates. Nevertheless, some points seem to be uncontroversial: 1) UN has existed for almost 75 years and nothing heralds a fundamental crisis; 2) all internationally recognised countries (excluding the Vatican City State) are its members; 3) its role in formulating and disseminating fundamental ideas concerning peace and human rights has been important.

An institutional dimension of UN activity in the domain of human rights should also be mentioned. As early as 1946, the UN Economic and Social Council appointed the UN Commission on Human Rights, transformed in 2006 into the UN Human Rights Committee (a body composed of experts). In 1993, the Office of the UN High Commissioner for Human Rights was established, and in 2006 – the Human Rights Council (contrary to the UN HR Committee, composed not of persons, but of states).

Human rights have become also the area of the activity of various non-government organisations (NGOs). Historically, the first NGO is (already mentioned) the Anti-Slavery International (1835), the second one – the International Federation for Human Rights (1922). During the last five decades, two hundred international organisations have been established.

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<sup>2</sup> She is also mentioned in history of statistics: she used statistical data to convince authorities about necessary changes in military medical services. She was at the same time very sensitive to human pain and very active.

<sup>3</sup> It should be also mentioned that he was a leading figure in the international peace movement and one of the two first persons (the other one was F. Passy [1822-1912]) who received the Nobel Peace Prize [1901].

I want to end these historical remarks on the development of the idea of human rights with a mention of religion. Regardless of our philosophical views on the status of human rights, we cannot contradict their moral dimension, and morality has always been closely associated with religions. Morality and religion are connected in double way: on the one hand, religions have their moral codes, teach people and support them in various ways, but on the other hand, the very existence of religions generates moral (and legal) problems, closely related to human rights. Should one have right to change his/her religion? To reject all religions? To criticise a religion or all of them? Et cetera. Viewing from historical point of view, virtually all religions have manifested (although to various degrees) tendency towards monopolisation of spiritual domination. Since the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, this situation has been changing (but not “smoothly” – stops and steps-back occur). Ecumenical movement came then into existence; it was institutionalised in 1946, when the World Council of Churches (comprising most of Protestant churches, and several Orthodox ones, excluding the Roman Catholic Church) was established. As regards the Catholic Church, it was the Second Vatican Council which initiated the Church’s opening towards other religions – Christian and non-Christian. Particularly spectacular in this respect was the meeting convoked by John Paul II in Assisi (27 October 1986): it gathered not only representatives of all major global monotheistic faiths, but even those of African and North American polytheistic denominations; they came to the Basilica of Saint Francis of Assisi to pray for peace.<sup>4</sup> This meeting manifested at least two important beliefs: 1) some fundamental values (e.g. peace) are common for all people and all religions; 2) religions should support peace-oriented activities. Not only tolerance, but also mutual respect (and understanding) was also manifested by the participants of this meeting.

### 3. Human rights – some theoretical remarks

As is apparent from a recently published (2018) book “Human Rights: Moral or Political?”, in philosophical (theoretical) perspective, the concept of human rights is no less interesting than in the historical one. To most obvious issues that can be discussed in this field belong those concerning relations between human rights and 1) morality, 2) law. I will start with viewing on human rights from the perspective of law.

At the beginning, I will adopt a model of the history of the European law, presented by Polish scholar – K. Sójka-Zielińska. According to this model, we can distinguish two revolutions in the European law. The first took place in the 12<sup>th</sup> and 13<sup>th</sup> centuries and will not be discussed here. The second, although it was a “product” of the Enlightenment, took place in the 19<sup>th</sup> century. This model is concentrated almost exclusively on civil and criminal law

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<sup>4</sup> To appreciate this event even better, compare its basic message with some theses formulated in “Syllabus errorum,” issued by the Holy See in 1864.

(the French civil code enacted in the Napoleonic era, and German one, adopted at the end of the 19<sup>th</sup> century). If we would supplement it with some theses concerning constitutional law, we could note that the tendency towards codifying particular branches of law is an important part of the tendency towards general systematisation of law.<sup>5</sup> The systematisation means i.a. hierarchic ordering of laws which requires determining the “most fundamental” (“principal”) laws. One can imagine that the role of “fundamental laws” can play (and sometimes played) various types of law. However, there has been a tendency (partly taken into account in the previous chapter) which led to adopting this role by human rights.

A few brief words on international law. Its beginnings could also be found in Ancient Greece or Rome, but if we take a closer look at the contemporary international law and the Ancient or Medieval one, we see huge difference. Today, we see a great number of various sub-disciplines of international law (air and space law, etc.), whereas ages ago the international law regulated almost exclusively military or military-related issues (armistices, peace treaties, etc.). The creation of contemporary international law was an effect of technological progress (the regulation of telecommunications, railways, etc.), partly of humanitarian progress (laws concerning war victims), and partly – both of them (1997, the Ottawa Treaty – Ban On Landmines; unfortunately it has not been accepted yet by the USA and some other military powers).

It is interesting that nowadays the border between international and national law is getting blurred. Let us take into consideration such an important example: the UN General Assembly has recently (2007, 2008, 2010, 2012, 2014) adopted a resolution calling for a global moratorium on death penalty (with perspective on its future abolition). Obviously, such resolutions are not law-biding. Nevertheless, they exert some moral pressure on countries.

At this moment, an important (in my opinion) question should be posed: Should we tend towards unification of laws being in force in individual countries? Having left SF literature aside, we should agree that such a perspective is simply unrealistic, thus possible discussion on its legitimacy would be purely academic. Rejecting this vision of (almost) total unification, we can seriously consider this question if it has been assumed that we think only about rather limited, partial unification. In such a case, my answer would be positive. I also think that limited unification is not only acceptable, but even desirable. The issue of capital punishment gives us a good example. Validation of this opinion is based on two beliefs. Firstly, law plays a quite important role in stabilisation of morality. Secondly, the differentiation of moral views (on sex, on parents-children relations, etc.) does exist and will exist in any foreseeable future, therefore, it is difficult to find arguments in favour of its elimination or even considerable diminishing. Nonetheless, minimal moral consensus is strongly desirable in the global world. In particular, it is desirable (but unfortunately rather unrealistic) that we – all humans – would share

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<sup>5</sup> We could analyse these tendencies in the 19th century law in a broader context: technology – a tendency towards standardisation; mathematics – a revival of the Euclidean axiomatic approach; a general tendency towards systematisation of a discipline.

a common opinion on the absolute value of human life. Hence, it is (will be) good if international legal (even if in fact *quasi*-legal) documents promote such attitudes.

#### 4. Human rights – an overview

The “Universal Declaration of Human Rights” is relatively succinct text. Nevertheless, it will be convenient to present it in a more concise form. I will start with presentation of main ideas the Preamble to the Declaration contains. Following elements can be distinguished:

- Human community (“family”) exists, comprising all humans who are members of this community.
- All humans (persons) possess inherent dignity and worth, as well as rights which are equal (particularly with respect to men and women) and inalienable.
- Respecting human rights is the foundation of freedom, justice and peace in the world, and it is also necessary if human “is not to be compelled to rebellion against tyranny and oppression”.
- Generally, respecting human rights is regarded as a precondition for “social progress and better standards of life.”
- The “Universal Declaration of Human Rights” defines itself as a common standard of achievement for all peoples and nations.
- Declaration is addressed “to the every individual and every organ of society”.

Now, I will concentrate on the presentation of rights being defined in the Declaration:

- Art. 2 specifies the idea of equality regardless of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status (in particular a status of territory to which a person belongs)
- Art. 3 defines the right to life, liberty (however, slavery and servitude are prohibited in Art. 4 and security of person (however, torture and cruel treatment are forbidden in Art. 5).
- Next articles (6-11) precise basic principles defining a legal system based on human rights (equality before the law, the right to a fair hearing, the right to be presumed innocent until proved guilty, etc.).
- Art. 12 protects privacy, honour and reputation.
- Art. 13 and Art. 14 define the right to freedom of movement and residence within the borders of each country; the right to leave any country, including one’s own, and to return to one’s own country; the right to seek and enjoy asylum in other countries if a person is persecuted. – Point 3 of Art. 16 contains a very important thesis: The family is a natural and fundamental group unit of society and is entitled to protection by society and country. The equal rights of men and women to marriage, during marriage and at its dissolution are also defined.
- Art. 17 contains the right to own property (alone and in association with others).

- Art. 18-20 describe the right to freedom of thought, conscience and religion; the latter includes freedom to change one's religion or beliefs, and freedom to manifest (either alone or in community with others; in public or in private) one's religion or beliefs in teaching, practice, worship and observance. These articles also concern the right to freedom of opinion and expression, i.e. the right to freedom to hold opinions without interference and to seek and receive information and ideas through any media and regardless of frontiers. The right to freedom of peaceful assembly and association is defined in the Art. 20.
- Five subsequent articles (22-27) define social, economic and cultural rights<sup>6</sup>. I want to pay special attention to them. It does not mean, however, that I would like to be involved here into debates on a possible hierarchy of human rights – it is an important, but separate and rather philosophical issue; there is no place here for such a debate. The reason is more simple: out of all human rights defined in the Declaration, social, economic and cultural ones are most directly related to the problems of sustainability and corporate social responsibility – they will be discussed in my next papers.

Three important terms introduced in these articles should be noted: free and full development of personality (Art. 22, Art. 26), well-being (Art. 25) and standard of living (Art. 25). We should also note that the notion of “human dignity” is used a few times to stress that all rights and freedoms are necessary for each human to have “an existence worthy of human dignity” (Art. 26). Furthermore, human dignity cannot exist without social security, protection against the ills of unemployment, etc. The problem of health and illness is mentioned several times: in the context of the right to social security, to an adequate standard of living, and – implicitly – when there is reference to rest, leisure, limitation of working hours, medicine care. In turn, the meaning of the “standard of living” is suggested when there is reference to food, clothing and housing (Art. 25) as the preconditions for an adequate standard of living.

An important role of work is mentioned in the Declaration. It refers to the “right to work” and to “equal pay for equal work.” Education and culture are mentioned as well. In particular, the right to free (and compulsory) elementary education. It is worth to note (particularly in the context of some contemporary tendencies) that education is to serve the development of personality and to strengthen the respect for human rights and freedoms (Art. 26). The quote from Art. 26 is also worth of noting: “All children should enjoy the same protection.”

I want to cite now Art. 28 in its original form: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this “Declaration” can be fully realized”. The idea that all individual people have the right to a social (international) order is by no means banal. On the contrary, it is both interesting and controversial, and it deserves a separate analysis<sup>7</sup>.

I would also like to cite full text of the Point 2 of the Art. 29: “In the exercise of his [or her] rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms

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<sup>6</sup> Let me remind that E. Roosevelt (1884-1962) played an important part in preparing the Declaration and it was her husband, President F.D. Roosevelt (1882-1945), who promoted the idea of regarding social rights as fundamental human rights

<sup>7</sup> Some elements of such analysis will be presented in my third paper devoted to the problems of corporate social responsibility.

of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” Its first part seems today rather obvious: “absolute liberty” of an individual could violate liberty of others. Even any form of libertarianism (including its the most radical form) contains the equality principle: everybody should enjoy maximal liberty but no greater than that enjoyed by any other person. For non-libertarians, the existence of some limitations to rights and freedoms is still more obvious. The second part of this above-mentioned text, however, opens a way for moral (ideological, political, etc.) controversies as to (non)acceptability of limitations to exercising rights and freedoms, resulting from the “requirements of morality, public order and general welfare in a democratic society.” This issue will be discussed more broadly in the next paper: the notion of sustainability (sustainable development) – if viewed in a larger philosophical perspective – will turn out to be closely related to the issue.

## 5. Final remarks

The discussion presented in this paper might be summarised as follows: the development of human rights is part and parcel of a number of social, cultural and civilisational processes ongoing for the last two or three hundred years. Among them, the most important seems to be the process of globalisation, particularly the processes of making global culture (global morality) and developing a network of global institutions (UN, international tribunals, NGOs, international academic institutions, etc.) The relationship between globalisation and development of human rights can be described as “circular dependence” (“feedback”).

The interdependence between the long-lasting (continuing at least from the mid-18th century) process of development of human rights and the development of humanitarian attitudes seems to be of similar character.

However, the relationship between the development of human rights and a process [identified and described by R. Inglehart (1934-)] of growing importance of the so-called “post-materialist” values, seems to be different. As regards this process, two complementary remarks may be made: on the one hand, this process is relatively new (lasts ca. fifty years) and – as for now – limited to some sectors of the richest societies; on the other hand, the growing role of orientation on “higher” values should increase the chances of interest in supporting human rights, especially those of one's neighbours who live far away.

As regards future development of human rights, a few trends might be expected.

Firstly, it is possible (desirable?) that some new human rights (e.g. the right to the world with “no borders”) will be suggested, discussed and perhaps – one day – accepted.

Secondly, analytical (“/techno/logical”) progress as to the theory of human rights is both possible and desirable: a variety of instruments is needed if we want (and we should) to evaluate much more precisely than today various territories and domains of life as to the level of respecting human rights.

Thirdly, important organisational and communicational developments can also be expected in the area of activities (especially undertaken in schools and universities) undertaken in favour of human rights and their promotion.

A lot has been achieved, but a lot remains to be done.

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