

Philosophical Justification for Fundamental Human Rights

Paul Sunday Omoyefa,
National University of Lesotho
Roma – Lesotho

Abstract

We are brought face to face with one of those singularly lamentable lacunae in nearly the whole of philosophy: there just does not seem to be any reasoned accounting for why and on what grounds we human beings can properly be said to have rights or duties¹

People the world over often lay claims to fundamental human rights without giving thought to the justification for them. They forget that the assertion of one's right without justification would not be enough. Thus, it is not enough for man to assert his rights; he must justify them in some way. For example a liquor dealer must be able to exhibit a license obtained from the state in order to vindicate his right to practise his trade. Whenever the legitimacy of his practice is questioned he immediately refers to the law that establishes and supports it. Also, it is common to see people laying claim to one form of right or the other. They are quick to tell you all the rights they have as human beings. In most cases, they would let you know how the constitution of the land has justified these rights. They are oblivious of the fact that the justification for fundamental human rights goes beyond the mere expression of it in the constitution of any nation. For if we are to accept the constitution of any country as the justification for fundamental human right it means that the moment the constitution ceases to exist, the rights of man automatically cease to exist. In essence, there is a need for justification for fundamental human rights. So our intention in this paper is to fill that lacuna by providing a philosophical justification for fundamental human rights. The philosophical justification would be a radical departure from the erroneous notion that the constitution of a country guarantees the fundamental human rights of its citizenries.

Introduction

While our concern in this is fundamental human rights and how this could be philosophically justified without any recourse to the constitution, there is a need for us to have a grasp of right itself as a concept and its various forms. To this end, an appropriate definition of right itself would not be out of place.

Rights are justified claims or entitlements to the carrying out of correlative duties, positive or negative. A duty here is a requirement that some action be performed or not be performed. It is on this ground that Joel Feinberg defines right as a "claim to something and against someone ..."²

Following the same trend, D.D. Raphael distinguishes between two senses of viewing the word right. In explaining the correlative duties attached to any claim to a right, Raphael distinguishes between right of action and right of recipience. He explains in details thus:

There are, I think, two senses of the word "right" used as a noun. First, "I have a right to do an action" [or a series of actions, as when I say that I have a right to use my property as I wish], means "I have no duty to refrain from so acting" There is, however, a second use of "I have a right", in which I describe the same fact as I describe by saying that someone else has a duty to me. "I have a right to the money that Jones owes me" describes the same fact as "Jones has a duty to pay me the money he owes". The first kind of a right is a right to act; to say that one has a right is to say that a proposed action is not wrong; there is no duty to refrain from doing the action. The second kind of a right against someone else, a right to receive something; to say that one has such a right is to say that one has such a right to say that someone else has a duty to the person described as having the right. We might call the first kind "a right of action" and the second kind "a right of recipience"³.

D.D. Raphael's distinction between "rights of action" and "rights of recipience" is suggestive of a more general and more useful distinction that between rights that can be exercised and rights that cannot be. For example, the right to defend oneself against an aggressor, the right to free speech, and the right to practise the religion of one's choice are exercisable whereas the right not to be killed or injured and the right to receive a fair wage are not exercisable.

Also, in an article "Human Rights, Old and New" published in 1977, D.D. Raphael re-emphasized the fact that rights and duties are correlative terms because one implies the other. For both of them are derivatives of law, which imposes duties, and at the same time grants rights. He says that "a system of duties which all men have is at the same time a system of rights which all men have against others"⁴ Joseph Omoregbe was in support of the above when he defined right as follows:

Rights whether it is in the legal or moral sense of the word is a justifiable claim to have or to obtain anything to which one is entitled or a justifiable claim to act in a particular manner if one is entitled to do so⁵.

One striking point that Omoregbe draws our attention to here is that right has the common denominator of conferring certain privileges or entitlements on someone, although the authority that confers such right and its enforcement may be different when it comes to legal and natural rights. That is why he simply defined right as "a justifiable claim to anything any privilege or immunity to which one is entitled"⁶

In essence, one important thing for us to note here is that a claim to any right presupposes carrying out a duty as well. So a right implies a duty. Also, no claim can be laid to a right without reference to the law that grants such right. Consequently, "every right can be traced to a law that grants it"⁷ Drawing from

this, then a law that grants a right to an individual would simultaneously impose an obligation on such an individual. Also, the idea of right on a general note, whether legal or moral presupposes the search for justice, a relief and redress from wrong or an attempt to right an error.

There are some terms associated with the concept of right that must be explained. For when right is said to be fulfilled or infringed or overridden or absolute, what does it really mean?

A right is fulfilled when the correlative duty is carried out i.e. when the required action is performed or the prohibited action is not performed. A right is infringed when the correlative duty is not carried out i.e. when the required action is not performed or the prohibited action is performed. Thus someone's right to life is infringed when the prohibited action of killing him is performed. Someone's right to medical care is infringed when the required action of providing him with medical care is infringed, when the required action unjustifiably not performed or the prohibited action is unjustifiably performed. Also, a right is overridden when it is justifiably infringed, so that there is sufficient justification for not carrying out the correlative duty, and the required action is justifiably not performed or the prohibited action is justifiably performed. A right is absolute when it cannot be overridden in any circumstances, so that it can never be justifiably infringed and it must be fulfilled without any exceptions. We have different types of rights but all of them are broadly grouped into two namely: Civil right and Fundamental human right that is also called natural right.

Civil Rights

These are also called legal rights. They are those rights that have been conferred upon man by virtue of his maintaining citizenship in a particular nation or state. This type of rights is not universal or natural since such right exists as the consequence of political or contractual agreements that can be amended or abandoned. That is why they are being referred to as political or constitutional rights. They are usually expressed in constitutions and law books as enactments. Since they are expressed in law books, civil rights are then at the whims and caprices of the government officials who can cancel or enact any law at will. Legal rights are derived from positive laws and are authorized by judicial officials. In courts of law, lawyers argue about rights by making references to laws that confer such rights. In other words, legal rights are usually positive laws, which can be cited in law books. However, government officials can annul legal rights deliberately. This means that which a positive law does not express, as a right, in the legal sense, cannot be a just claim. This implies that legality is one method by which the issue of right can be settled in a society.

Within this civil right come the public and private rights. This had to do with how one's right is being exercised. In this sense, the public exercise of rights is expressed in the right of the people to associate freely and organize public spaces and governments, and therefore, they agree to alter or temper their exercise of their rights and to make rules so as to allow, the fullest possible exercise of public rights through mutual consent regulation. People agree both to restrain themselves in the

exercise of certain rights and also not to restrain other's exercise, except as a defensive action to prevent a trespass, but to respect other's freedom to exercise their rights in a responsible way without prior restraint. On the other hand, private rights mean the right as an individual that one chooses in private as an individual or together with others who have consented in any way that one chooses as long as it is not imposed on others or interferes with other's ability to freely exercise their rights. The point must be stressed here that public rights are the extension and exercise of private rights in forming consensual public spaces, and in that way they are both the same thing in nature, though they create somewhat different conditions.

According to Ndubuisi and Nathaniel, "there are also rights that are conferred on people on the basis of customs or conventions, which can be justified by history as values, embedded in the cultural practices of such a people"⁸. Here, this type of right is predicated on the belief of the people in doing things in certain way that could only be justified by folklore "handed over from one generation to another or through the process of socialization"⁹

Fundamental Human Rights

Fundamental human rights, the primary concern of this paper, have come to be understood as the rights, which are universally attributable to man regardless of his social and political antecedents and also, his biological and psychological limitations. Different scholars variously referred to these rights as universal rights, basic rights, moral rights et cetera. The fundamental issue regarding rights, as most recent scholars understand it, is the location of a philosophically valid conception of human right that can serve as a moral, rather than, as a merely political principle. We shall now consider in details the meaning, contents and features of fundamental human rights.

When we talk of fundamental human rights, we mean that the right conferred on man by nature. These are the rights of individuals to live according to their natural condition. According to Nickel, human rights are "basic moral guarantees that people in all countries and cultures allegedly have simply because they are people"¹⁰. So, fundamental human rights are those rights, which are inherent in our nature and without which we cannot live as human beings. These are the rights that are indispensably necessary for man to fulfill his potential on this earth. They are called natural rights because they derive from the nature of man and the nature of existence itself.

Fundamental human rights allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. These are the rights that every human being, irrespective of race, creed, sex, political leaning or religion ought to enjoy simply because he is human, rational and moral.

The fundamental human rights, an individual has, is always retained. They are based on the right to own one, to think for oneself and to act on one's choices. A free society consists in the respect for these rights and an absence of prior restraint that allows people the total freedom to act and only after acting in a manner that infringes upon other people's rights, does a free and just society respond with force to protect the victim as much as can be accomplished. No one loses an element of one's rights or surrenders them because of coercion but the person still retains one's natural rights. They can never be taken away and may be reclaimed and exercised at any time.

In essence, fundamental human rights are self-evident. They are based on self-ownership and the free will. There can be no true rights other than those, which are in nature. For while a person may try to deny these fundamental human rights, their natural rights remain undiminished. These rights can't be granted, taken away or transferred. They may be surrendered as people often do in the face of strong coercion or the threat of death, but their rights are still retained by them. They have only chosen not to exercise some of their rights for the sake of survival. Fundamental human rights are intrinsic part of the human being. They are as much a part of one as one's brain or taken away. That is impossible. Rights belong to an individual by nature and all of one's natural rights still reside with that person.

The person imprisoned still has the right to express oneself. The guards may punish the convict for speaking which may persuade the convict to restrain one's speech but they can't take that right away. The convict still has the right to believe in and express one's religious beliefs. The right to property, privacy and association may be greatly restricted by removing the opportunity to own property or have privacy but the fundamental property right is ownership of one's body, which is always retained.

So, all of the intrusions on individual rights by states are a result of choices made by individuals to refrain from exercising certain rights and allowing the politicians to control the expression of certain rights. For there can only be effective political coercion when enough people co-operate in their own subjugation. While the statist has an interest in telling people that their rights come from a political document or are granted by their provident rulers, even most statist have to acknowledge the existence of natural rights that exist prior to and separate from the state and which supersede state rule, a person who is actually hostile to one's own natural rights and would deny their existence is insane.

Fundamental human rights have become part and parcel of the society that every man is conscious of it. In fact, man's consciousness of it is ingrained in human nature. That is why it is difficult for even government to subdue man's human right consciousness. Fundamental human rights are delineated into two: those which are free from legislative manipulations except in special situations e.g. in periods of emergency. These rights include the right to life, personal liberty, freedom from inhuman treatment, slavery and forced labor, freedom from discrimination, right to adequate compensation for property acquired compulsorily

etc. Secondly, we have rights that can be denied citizens by the state in peacetime subject to some conditions. These include the rights to private and family life, freedoms of expression, assembly, association and movement etc.

On the whole, the point must be made at this juncture that the main objective of fundamental human right is to secure for individuals the necessary conditions for leading a minimally good life. It aims at identifying the fundamental prerequisites for each human being leading a minimally good life. Human rights aim to identify both the necessary negative and positive prerequisites for leading a minimally good life, such as rights against torture and rights to health care. This aspiration has been enshrined in various declarations and legal conventions issued during the past fifty years, initiated by the Universal Declaration of Human Rights (1948) and perpetuated by, most importantly, the International Covenant on Civil and Economic Rights (1966). So, the doctrine of human rights aspires to provide the contemporary geo-political order with a common framework for determining the basic economic, political, and social conditions required for all individuals to lead a minimally good life. Human rights are rights that attach to human beings and function as moral guarantees in support of our claims towards the enjoyment of a minimally good life.

Fundamental human rights are basic to human existence and necessary for man's self-fulfillment and happiness. These rights among others include the following:

- i. The right to live i.e. the right to exist.
- ii. The right to corporal integrity.
- iii. The fundamental social rights.

The United Nations in their 1948 Universal Declaration of Human Rights held these rights sacred and regarded them as the foundation upon which the edifice of world peace could be built. So the violation of these rights is a threat to world peace because these rights are based on human nature. These rights constitute the foundation of peaceful co-existence and happiness of mankind. In short, wars, conflicts and social unrests are always traceable to the violation of these rights. Even Governments have no right to violate these rights by legislation. No wonder, G.W. Paton submitted that Fundamental Human Rights "are beyond the powers of the state"¹¹. So, these rights "are more intrinsic and more fundamental than legal rights that are superficial, which, may exist today and disappear tomorrow"¹². Even, of all the human rights, the right to life and dignity are the most fundamental ones. Hence the submission of Justice Arthur Chaskalson, President, South African Constitutional Court that "the right to life and dignity are the most important of all human rights and this must be demonstrated by the state in everything that it does, including the way it punishes criminals".¹³

It is based on the above that some scholars refer to human rights as the right of nature. By this, they mean the freedom each person has to exercise one's inherent rights as one and to control the property that one owns and to use any means for the preservation of one's own life and liberty. A right belongs completely to the individual and is not obliged to anyone else. The right of nature exists in nature

before society, before government. It is the inherent right of a living creature to use all of one's abilities to preserve one's life an gain as much comfort and prosperity as one is able to accomplish.

In essence, fundamental human rights are not derived from the constitution nor are they conferred on citizens by the government. They are rights vested in man by nature. If these rights are taken away, the individual becomes less than himself or sub-human. Since financial freedoms are not derived from the constitution, during an emergency when the constitution is suspended, citizens still enjoy their fundamental rights. It is argued that if the constitution were the source of the fundamental rights of citizens, the suspension or abrogation of the constitution would mean the loss of individual liberty. . Fundamental human rights, as we know them today assumed formidable dimensions after the Second World War. The trauma of the two World Wars kindled people and nations to redefine, reassert and restore the intrinsic worth and dignity of man. The result was the adoption on December 10, 1948 of the Universal Declaration of Human Rights by the United Nations. Unfortunately however, although these laudable provisions are entrenched in the constitutions of most countries [for instance Nigeria], their assertion does not necessarily imply that the inhabitants of those countries do in fact, enjoy those rights. For these rights may either be taken away by legislation, by negative provisions of exceptions in the constitution, or through timid or partisan judicial interpretation. In the final analysis, the prejudiced individual is left very much to his fate and to the mercy of an omnipotent state and its agents. For there is no other law or state higher than his own to which he can appeal.

Right to life

The right to life is the most fundamental of all human rights. This is the right that springs directly and immediately from the very nature of man. It is a right, which a man or human being enjoys in virtue of the fact that he is a human person. It is the first of the fundamental rights of man deriving strictly from and based immediately on the dispositions of the natural law. This right belongs to man as a human person independently of his position in or outside an organization with his fellows. In fact, it is the foundation of all other human rights because all other rights are founded on existence. The right to life relates to the natural right of man to own his life because life is something personal to each human being. It is the business of man to live an authentic life and not an inauthentic life. Any obstacle including law which man will not allow man to develop the full implication of life's self actualization is an act against the natural order and therefore unjust. Man's existential being demands that he should be free to pursue a chosen life of essence and happiness.

The right to corporal integrity

The right of every human person to the integrity of his body is an aspect of his general and natural right to live. Man is a composite of spirit and matter, of soul and body. The preservation and cultivation of both constitute the object of his right to live. The right to corporal integrity requires that every innocent man should suffer no direct destruction, intervention or paralysation of his bodily

faculties. Just as no human person or authority has absolute dominion over the life of man, so also no human person or authority may claim direct dominion over the bodily faculties of man. Only the creator of man has absolute and proprietary right over the life and bodily integrity of every innocent man. The right to bodily integrity does not empower one to proceed at will and arbitrarily to destroy directly any of his bodily organs and faculties or to suspend their functions.

The fundamental social rights

These are the rights, which are rooted, in the innate sociability of man's nature. These include the right of association and the right of Freedom of Movement. These rights have their natural basis on the natural sociability of man. They all belong to man as man, as a personal social being, by nature not meant to live in isolation but to develop, live and perfect himself among his fellow beings. These rights spring naturally from the natural faculty of man to associate with his fellows.

The right of association is the natural right of man to unite and co-operate with his fellows for the attainment of certain legitimate objectives or interests and for the perfection of himself. It is a natural right. It derives from the natural propensity of man to live and act in common and co-operation with his fellows. The faculties of speech, of sight, of hearing and understanding point to the fact that man is destined by his nature to operate and perfect himself in communion with his fellows. This explains the natural tendency of man to dwell in groups and societies with his fellow members. This tendency to group life is the fundamental principle and source of the existence of all human societies and associations. From this innate sociability, which characterizes man's nature, derives the right to have meeting and form association. As a consequence of its natural basis, this right is clearly natural and therefore inviolable and inalienable.

Besides man's natural inclination and instinct to associate, another source of his right to form association arises from his limited individual capacity to protect his rights and interests. This natural factor impels man to seek the company of his fellows and their collaboration for the purpose of protecting his rights and interests in common with them. Thus, the natural weakness and limitations of man, and the natural need to protect and develop himself are the practically natural and more visible sources of man's right to form association.

The point must be stressed at this juncture that the right to life is the basis of all other rights. It is the foundation upon which other rights are built. In other words, it cannot be compared with other rights. So, when lawyers refer to political, economic and social rights as fundamental human rights, the assertion is quite faulty. It is only the right to life that is fundamental of all the human rights while the right to corporal integrity and the fundamental social rights are offshoot of the rights to life. But any other rights, which are not inalienable, belong to the legal rights. It is on this premise that D.D. Rapheal submits that "Right of life are universal moral rights in the strong sense, but that social, economic and political rights are universal rights in the weaker sense"¹⁴ In this case, the right to life is inalienable and therefore become inviolable whereas the political rights cannot be always enjoyed in an absolute manner as in the right to life. For example, social,

economic and political rights could be contested and may depend on circumstances. So, it is not every social, economic and political rights that are fundamental. For in most cases such are derived from positive laws and have the chances of being annulled by those in authority. That is why Chris Brown argues that only right that is inalienable and absolute is the right to life.¹⁵

Do Fundamental Human Rights Require Philosophical Justification?

The answer to the above question is obviously yes. This is so because many people tend to take the validity of human rights for granted. Certainly, for many, human rights may also too obviously appear to rest upon self-evidently true and universally valid moral principles. In this respect, human rights may be perceived as empirical facts about the contemporary world. Human rights do exist and many people do act in accordance with the correlative duties and obligations respecting human right entails. No supporter of human rights could possibly complain about such perceptions. If nothing else, the prevalence of such views is pragmatically valuable for the cause of human rights. However, moral philosophers do not enjoy such licence for epistemology complacency. Moral philosophers remain concerned by the question of the philosophical foundations of human rights.

There is a good reason why we should all be concerned with the justification for human rights. What might be termed the philosophically naïve view of human rights effectively construes human rights as legal rights. The validity of human rights is closely tied to, and dependent upon, the legal codification of human rights. This is the view of Micheal Nnam¹⁶ who affirms that no one has any rights in a society without a written constitution. However, such an approach is not sufficient to justify human rights. It is a fact that must be stressed here that the validity of fundamental human rights does not in any form depend on their being constitutionalized. By its very nature and source, fundamental human right will remain valid and legitimate even without being accorded a constitutional status. The important question at this juncture is that even if fundamental human rights require beyond the written constitution, why philosophical justification? The answer to this is not far fetched. To justify fundamental human rights is the work of philosophy because the principles of fundamental human rights are derived from a source that is more intrinsic than the rights that are derived from positive laws. That is why Strauss submits that “ the idea of natural right(fundamental human right) must be unknown as long as the idea of nature is unknown. The discovery of nature is the work of philosophy. Where there is no philosophy, there will be no knowledge of natural right as such.¹⁷ So, it is only philosophy that discovers and can also prove that fundamental human rights are derived from human nature. From human nature, natural law is deduced, and from natural law we arrive at natural rights, which are called fundamental human rights.

Deduction of Fundamental Human Rights from the Ontological Nature of Man

Fundamental human rights are inherent in human nature. They are deduced directly from man’s nature. Take for example, one of the important qualities of man’s nature is his capacity to talk and from this capacity to talk, we can deduce

the fundamental right of man to hold opinions. In essence, man could be said to have been alienated from one of the basic qualities that make him a genuine human being if he is deprived of his right to speak. Also, the life of a man is something within his nature. To this end, he has the freedom to live his life and to also exhibit a kind of genuineness in achieving the purpose of this life. This is where the fundamental right of man emanates.

Fundamental human rights are derived from human nature. Behind the appearance of man, lies his true nature, which leads to the understanding of man's essence. Fundamental human rights are rights ingrained in human nature, which can be understood from ontological viewpoint. Philosophy is the love of wisdom and it seeks this in diverse ways. It apprehends what is there in the world to understand their essence or foundation. Men being one of the objects in the world are probed by philosophy with a view to understanding his nature. The truth about man is not simply a positive entity but a being whose true nature or essence can be realized by going beyond his physical appearance into his interiority to discover the qualities that really determine the beingness of man. By applying the metaphysical method of inquiry, philosophy is able to deduce certain apriori essence of man considered as constituting his essential nature.

There are criteria to justify the claim that man has certain inalienable fundamental human rights that are imprescriptible. These reasons are explained by the metaphysical study of man. Once man is viewed from the ontological lenses, those qualities, which define him as a human being, are made manifest. The person that sees man only from his appearances cannot understand the reality behind the nature of man. It is by transcending the appearances of man or by going beyond man's physical body that the truth about his nature of being can be unveiled. This is how ontology reveals to us the true nature of man.

So, the essence of fundamental human rights is to show that law is all about human nature and must not destroy this human nature. In essence, to deprive any man his fundamental human rights is like cutting off the legs and arms of a human being. In the same vein, it can be argued that a man deprived of human rights is certainly an incomplete person. For sense of inadequacy has been injected into his beingness by this. It poses a grave danger to the dignity of a man if he is alienated from his fundamental human rights. For the moment you are a member of the human race, you are entitled to human rights claim. According to D.D. Raphael, "rights of man are supposed to be those which one has as a member of the human race while the rights of the citizen; political, economic and social rights appertain to individuals as members of a particular society"¹⁸

Conclusion

In conclusion, we have shown clearly in this paper, that fundamental human rights are values deduced from certain unchaining nature of man and it is for this reason that they are considered indubitable, absolute and inalienable. Man has the capacity to transcend law in order to improve its quality, but he cannot transcend human rights because that would mean transcending his nature in a way that would even affect his being human. In fact, that is why we talk about the inalienability of

human rights. We have also shed light on the fact that no constitutional or legal authority is required to prove the existence of human rights. That is why man could still enjoy human rights without their being officially recognized or promulgated by the constituted authority. Nonetheless, human rights are better and easily enforced when positively prescribed in a social compact. By its nature, human right is beyond the power of legal or political authority to make void because it is impossible to annul or remove from existence something that is an inherent aspect of human essence.

In the final analysis, it should be made clear and explicit here that fundamental human right does not have its foundation or justification predicated on a mere constitutional document. Whether fundamental human rights are expressed in a constitution or not, the people of every society are entitled to enjoy them. It is good for fundamental human right to be conscientiously stated in positive terms, at least to let the state realize that it has an obligation to enforce them. However, the most important fact is that fundamental human rights are founded on human nature and their authenticity do not depend on whether they are translated into positive terms or not. Fundamental human rights are the property of men and their existence does not depend upon promulgation by authority,¹⁹ Fundamental human rights are principles deduced from human nature. They are rights that are heritage of man as can be reasonably determined by examining his nature and his potential for optimum existence in this world. They are his birthright regardless of whether mankind actually has enjoyed these rights at any previous stage of development and it is that inherent entitlement that makes them natural.

References

- 1 Veatch, H.B. (1990), "Natural Law: Dead or Alive" in *Swimming Against the Current in Contemporary Philosophy*. Washington D.C.: Catholic University of America Press. P.322.
- 2 Feinberg, J. (1970), "The Nature and Value of Rights". *The Journal of Value Inquiry*, Vol.4, P.249.
- 3 Rapheal, D.D. (1977), "Human Rights, Old and New" in R.M. Dworkin (Ed.) *Philosophy of Law*. Oxford: Oxford University Press.
4. Ibid. P.57
- 5 Omoregbe, J. (1994), *An Introduction to Philosophical Jurisprudence*. Lagos: Joja Educational Research and Publishers Limited. P.20
6. Ibid. P.95
7. Ibid

8. Ndubuisi, F.N. and Nathaniel, O.C. (2002), *Issues in Jurisprudence and Principles of Human Rights*. Lagos: Dmodu's Publishers. P.170.
9. Ibid.
10. Nickel, J. (1987), *Making Sense of Human Rights*. Berkely: University of California Press. P.581
11. Paton, G.W. (1951), *A Textbook of Jurisprudence*. Oxford: Clarendon Press. P.221.
12. Ndubuisi and Nathaniel, Op. Cit., P.170.
13. Newswatch Weekly Nigerian Magazine, June 2004.
14. Raphael, D.D. Op. Cit. P.65.
15. Brown, C. (1997), "Universal Human Rights: A Critique", *International Journal of Human Rights*. Vol.1 P.41-65.
16. Nnam, M. (1989), *Anglo American and Nigerian Jurisprudence*. Enugu: Fourth Dimension Publishing Company Limited.
17. Strauss, L. (1953), *Natural Rights and History*. Chicago: University of Chicago Press.
18. Rapheal, D.D. Op. Cit., P.66.
19. Ndubuisi and Nathaniel, Op. Cit., P.188.