HUMAN RIGHTS AND IMPLICATIONS IN COMPLEMENTARY REFLECTION

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Posted on the internet on May 27, 2005

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1.0 Introduction

Every system has a method. Every attempt at explaining and understanding reality, truly, authentically ever remain rudderless if it is not anchored on a systematic methodology (Asouzu, 2004: 271). The philosophy of antiquity gave philosophy a method: rationalizing on nature, man and the foundation of reality. Commenting on this, Nnoruka (1997) remarked that the importance of philosophy of antiquity is that it gave philosophy a method, a modus, and that this is attested to by the fact that for many centuries to follow doing philosophy became an interpretation or reinterpretation of the works of the great thinkers of antiquity.

Complementary reflection, while being anchored on true African experience, seeks to reach out to the ultimate foundation of reality as a universal philosophical task. Bearing this fact in mind, Asouzu establishes that African philosophy in a complementary perspective is the systematic ambient methodological reflection about reality with the aim of explaining and understanding reality authentically in a way that portray the totality of the factors and actors that influence the thinking of the thinker. This means that complementary reflection transcends the immediacy of traditional African ambience to include all the factors and actors that are constitutive towards the emergence of the true and authentic nature of reality. In this way, complementarism has a universal appeal and relies on a method of universal applicability for its reflection. This systematic methodological approach is like providing a key with which to enter a building. Whoever has this key has access to the contents of the room (Asouzu, 2004:271). Inspired by the ideas of traditional African philosophers of the complementary orientation and relying on all useful inspirations emanating from the complementary nature of reality in globo, Asouzu presents the principle and imperative of complementarity.

1.1 The principle and imperative of complementarity

Completementarism contains two principles, the principle of integration and the principle of progressive transformation (cf. Asouzu, 2003:58). Principle of integration serves a complementary ontology, while the principle of progressive transformation is a theory of rational praxis. Whereas the principle of integration specifies the general metaphysical implications of the theory, the principle of progressive transformation specifies the relevance of the theory to human action.

The principle of integration as the metaphysical variant of the principle of complementarity states, that anything that exists serves a missing link of reality (Progress in metaphysics: The phenomenon of "missing Link" and interdisciplinary communication (Asouzu, 1990:82 – 91). The practical variant states that all human actions are geared towards the joy of being. The principle of integration and the principle of progressive transformation engender the imperative of complementarity which states: allow the limitation of being to be the cause of joy. The imperative of complementarity is the condition for the realization of the principle of complementarity in the relative and fragmented moments of existence. Otherwise stated, allow all world immanent realities, in their fragmentation, to be the cause of your joy.

When we say, "anything that exists serves a missing link of reality" and "allow the limitation of being to be the cause of your joy" what do we mean?

I begin with the latter. In the first place, one must note that Asouzu employs the category 'being' here in its traditional philosophical understanding as the unifying foundation of all existent realities (271). By the expression 'limitations of being', Asouzu affirms the fact that fragmentation is a constitutive characteristic of being in history (273).

The experience of fragmentation as an integral part of historical existence forms the methodological point of demarcation between all kinds of extensive reasoning and complementary reasoning. Complementary consciousness harmonises fragmented world immanent historical experiences in a manner that conveys authenticity to them (277). Missing links in Asouzu are the diverse units that make up an entity within the framework of the whole and as they are complementarily related. They are the imaginable units, fragments, components and combinations that enter into our understanding of any aspect of reality. They are also all the units and combinations necessary in the conceptualization of an entity or of the whole. They are thoughts and thoughts of thoughts, categories and categories of categories, units and units of units, entities and entities of entities, things and the things of things, ideas and the ideas of ideas (278).

Operating from his ambient, Asouzu is of the opinion that the idea that anything that exists serves a missing link of reality reflects the central paradigm of the anonymous traditional African philosophers of the complementary orientation. All existent realities, Asouzu maintains, relate to each other in the manner of mutual service (278). When we say that anything that exist serves a missing link of reality, how does a thing serve a missing link of reality?

When a unit is abstracted from the whole and viewed as completely isolated, discrete and discontinuous, it is seen as an independent non-relational entity. At this moment it could be said that they are missing in relation to one another. They are missing in the sense that, as discrete units, each can be viewed in isolation to each and in total disregard to one another. When this happens, a unit can be unaware of the other and in this moment, the one that it is unaware of is missing (Asouzu, 2003:59). This idea of complete isolation is, in Asouzu's view, counter-intuitive. In this counter-intuitive mindset, they stay in relation to one another, and for this reason, they serve a missing link (Asouzu, 2004:278).

Asouzu frankly maintains that to conceptualise discrete units in an authentic systematic way involves conceptualizing them as completely complementary to one another. This means that one must understand or conceptualize units implicitly and necessarily in complementary anticipation of the whole that gives them their legitimacy (278-9). Such consciousness that is complementarily oriented is a transcendent consciousness that is capable of 'sublating' (aufgehoben) the contingent immediacy of the moment and views units as existing now yet in a proleptic future referentiality. Authentic complementary reflection and actions are motivated by an experience of transcendent complementary unity of consciousness.

The aim of this paper is to assess human rights in the light of the method and principles of complementary reflection.

2.0 ON HUMAN RIGHTS

Everything in existence is man-related. Nothing has meaning except man gives meaning to it. Man gives meaning to reality. Man interprets being. This is because he defines what there is. Take away man and all things sink into absurdity. In the introduction to his final report on the work of the UN, Secretary-General U – Thant stated:

I feel more strongly than ever that the worth of the individual human being is the most-unique and precious of all our assets and must be the beginning and end of all our efforts. Governments, systems ideologies and institutions come and go, but humanity remains. The nature and value of this most precious asset is increasingly appreciated as we see how empty organised life becomes when we remove or suppress the infinite variety and vitality of the individual (cf. Moses Moskowitz, 173),

It is an event of noble significance as the UN includes provisions on human rights in its Charter. The origins of human rights could be traced back to early philosophical and legal theories of the natural law. Two major philosophies encompass ideas on human rights. These are the humanistic philosophy of the enlightenment of the eighteenth century and Marxism as developed by Lenin. Some humanistic philosophies of the Enlightenment include the philosophy of Locke, Hobbes and Rousseau.

The concept of right traces its descent to the natural law theory. The development of the natural law theory through ages is the unfolding of the origins of rights in history. For a complementary understanding of the natural law theory, a consideration of analysis of rights poses an expediency.

2.1 Analysis of Rights

If I attempt to investigate "Human Rights Protection in the United Nations" without a clear idea of rights, a clear theory of rights in general, and of human rights in particular, I will not be right about human rights. 'Rectus' is the direct Latin derivative of right which means correct, straight, right. But 'jus' is the technical Latin name for right. While 'Recht' is the German equivalent of right, it is named 'droit' in the French language. A right, in its most general sense, is either the liberty (protected by the law) of acting or abstaining from acting in a certain manner, or the power (enforced by the law) of compelling a specific person to do or abstain from doing a particular thing (Oputa, 1989:39).

If right is not a right until the state has begotten it by legislative process or decree or confirmed it by the decision of a competent court, what then is right when we speak of fundamental human rights or inalienable rights of man? From where comes the inviolability, inalienability, humanity and fundamentality of right? These questions lead to an investigation into an ontology of right.

Every human being is a person and every human person who is capable of reasoning knows that he is a person. The consciousness of this personhood affords him or her the natural capacity to repel any constraint upon his or her humanity, personhood and freedom. This selfsame consciousness engenders a further consciousness, that is, the consciousness that he or she is a complete whole, and not a portion of any other human being. This affords a consciousness that he is an autonomous subject. It is owing to these features: inalienability of his humanity, personhood, freedom and moral autonomy that inalienability and fundamentality are characteristic of rights. Fundamental human rights are in man by the very nature of humanity. Human rights have an ontological foundation in the humanity of man.

Following this train of thought, N.S.S Iwe affirms that human personality is the direct source of human rights. Naturality, fundamentality, humanity, universality, inalienability and inviolability, imprescriptibility, and correlativity, according to Iwe, are the essential features of human rights (Iwe: 2000). Human rights flow directly from the natural endowments of the human person. This is the basis for the naturality of human rights. What is meant by fundamentality of human rights is the fact that human rights are the foundation upon which other rights created by positive laws can appropriately be based. Human rights, as the natural foundation of all human values, are, according to Iwe, prerogatives and privileges of every member of the human race. In other words, promotion of human rights is a promotion of human dignity and wellbeing. This explains the humanity of human rights. It also entails that human beings are subjects of human rights. The fundamental principles of human rights, such as respect for human dignity, human equality, human liberty and human solidarity are applicable to every human being everywhere. This is the universality of human rights. By the inalienability of human rights is meant that no one may legitimately take away or deprive a human being his or her fundamental human rights. These rights are

rooted in the very personal nature of man. These rights are essentially not subject to the passage of time. This is why human rights are said to be characterised by imprescriptibility. Correlativity of human rights explains how fundamental human rights are matched by fundamental human duty. Human rights are correlative to duty.

Lord Salmond explains right as an interest recognized and protected by the law, respect for which is a duty, and disregard of which is a wrong. (Osborn, 1964:283). Rights are demands or just claims which individuals make on the society. They are claims, demands and entitlements of individuals which are protected and recognised by the law. In this context, a right is a legal claim or demand, a legal entitlement which an individual or a group of individuals make on the society. Fundamentally speaking, rights are possessed by human beings who are endowed with reason, freewill and freedom.

Human rights are cherished entitlements endowed upon every person in virtue only by being human (Igwe, 6). They are those rights which the international community recognizes as belonging to all individuals by the very fact of their humanity (Umozurike, 1999:144). All human beings everywhere, at all times, have these rights by the very fact of their being moral and rational agents.

When closely examined we discover that there are certain elements in the concept of right which connotes complementarity. It is the idea of relativity of right.

There is the owner or holder of right. There is also the act to which the right relates. There is an object of right, and the person or persons or legal personality bound by duty. There is thus a basic relativity in right. The holder of right is knit together by the agent who may respect this right. This agent, conversely, has rights which are expected to be respected by the other. The holder of right is at the same time duty-bound to respect another's right. There is an exception to this rule where an infant has a right to be cared for and protected, but is not bound by duty. This exception may extend to the insane. Every right involves a relationship between two or more persons. Right and duty are correlatives. Right-duty covers several relations. For example, if X owes Y N1000000, then Y has a right that X should pay the money. If Y owns a plot of land, then Y has a right to exclude X and others from his land. X and the rest are duty-bound to refrain from trespassing. If X and the rest infringe on the right of Y over the land, Y can seek legal remedy, for Ubi jus ibi remedium. In this and every situation right and duty are correlatives. Before tracing the history of human rights, it is interesting to end this aspect of analysis of right with some statements of authority. Legal rights are founded upon fundamental human rights. Fundamental human rights derive from the human autonomous nature. An investigation into the foundation of human rights would serve for an ontology of rights.

2.2 Human Rights and the Natural Law Theory

Most observes may regard the promulgation of the Universal Declaration of Human Rights as the beginning of modern struggle to protect human rights, yet the origins of human rights is traceable to early philosophical and legal theories of natural law. Natural law theories agree that individuals were entitled to certain immutable rights as human beings. Natural law is the assumption that law is based on the rational nature of man. The rational element, season, is the foundation of law. Little or wonder why Thomas Aquinas described law as an ordinance of reason, for the common good, promulgated by him who has care of the community (Aquinas: 1- 11, q. 90, a.1).

The natural law theory submits that there are fundamental principles which constitute the basis for proper human action and that the rightness of human actions is assessed according to fundamental principles of human nature discernible through the application of reason. Njoku presents the presuppositions of natural law theory. First, natural law is based on value judgements which emanate from some absolute source and which are in accordance with the rational feature of the human being. Secondly, these value judgements express objectively ascertainible principles which characterize the essential nature of the human being. Next, it is given in this theory that the principles of natural law are unchanging and can be cognized by the proper employment of human reason. Moreover, these principle are said to be universal and superior to all positive law. Again, the natural law theory establishes that law is a basic requirement of human life in society (2001:38).

2.2.1 Ancient Time

The age of Homer and Hesiod was characterized by myths and gross superstition. Then it was superstitiously held that there was a world of spirits which controlled the physical world. This mind-set led to the idea that some higher forces controlled human existence and therefore, some higher sort of rules, principles or laws, discoverable by reason.

The Stoics are at the root of the history of the natural law theory. Stoicism conceives the world as an ordered whole where entities perdure following the principles of order. God, according to the Stoics, is the pervading rational substance which orders the whole course of events. God is in everything. God is reason as is in everything. Reason controls everything. Just as the world is a material order permeated by the fiery substance called reason or God so also man is a material being who is permeated by this very same fiery substance. When the Stoics said that man contains a spark of the divine within him, they meant that man contains part of the substance of God, which is reason (Stumpf: 113). Man, a fortiori, possesses the rational substance. The Stoics believed that human rationality, besides engendering the act of ratiocination, fosters man's participation in the rational order of nature. They emphasized a willing submission to nature as living naturally according to reason. The Stoic idea of law of nature was bequeathed to the Romans.

Led by Circero, the Romans embraced the Stoic legal legacy and transformed it to jus gentium. Cicero defined natural law as right reason in agreement with nature (Lloyd, 108). For Cicero, the test of law is whether it accords to the dictates of nature. Nature, for Cicero, has endowed mankind with the law it must obey, discernible by reason. Thus, the Romans saw in the Greek idea of natural law a vantage point from where they sought justification for the jus gentium, which was deemed to enshrine rational principles common to all civilised nations (Malcolm Shaw, 15). Suarez stood in opposition to the Roman jus gentium and sought to flaw it. This was because of elements of positive law in jus gentium.

2.2.2 Medieval Age and the Renaissance

Aquinas gave a succinct articulation of natural law. Law, in the Aquinian sense, is ordinance of reason for the common good, promulgated by him who has care of the community Law (lex) is derived from 'ligare' (to bind) since it binds one to act. That law is an ordinance of reason is another way of saying that it is an order or command emanating from reason. It is not a suggestion or an advice (Dougherty, 115). It is not a command emanating from mere instinct, but reason. It is reasonable, observable, enforceable and useful. It is reasonable, but it is meant for the good of the community. Law is meant for the ordering of the society. Social control or societal order is the aim of law. Going further in this analysis of the description of law as given by Aquinas, one notices an element of jurisdiction. This is found in the assertion that the law should be promulgated by one who has care of the community. The right to impose or administer law explains the concept of legal jurisdiction

Aquinas gives a quadriad division of law. These are:
Eternal law ; Divine law ;
Natural law ;and Human .
Eternal law is God's rational rule of all created reality. It is presented by Aquinas that the whole world is governed by divine reason, and since the conception of things by divine reason overcomes temporality, this kind of law is called eternal.

Aquinas was of the opinion that man is ordained to an end of perpetual bliss, and that there must be a law that can direct man to this supernatural end. This law is given by God to man through revelation in the scripture. This law is tagged 'divine law' by Aquinas.

Classically rendered, natural law, according to Aquinas is the participation of the eternal law in the rational creature. (Summa Theologica. p. 1- 11, q. 91, a. 2). This participation, he argues, is by natural inclination in man and through the first principles of practical reason. In short, man discovers the natural law by the natural light of reason in drawing conclusions about his nature. According to Aquinas, law, being a rule and measure can be in a person in two ways: in one way, as in him that rules and measures; in another way, as in that which is ruled and measured. And given that all things subject to divine providence are ruled and measured by the eternal law it is certain that all things participate in some way in the eternal law, since from its being imprinted on them, they derive their inclinations to their proper acts and ends.

The rational creature is subject to divine providence in a more excellent way than other creatures. The reason is because it partakes of a share of providence. It has a share of the eternal reason whereby it has a natural inclination to its proper act and end. This participation of the eternal law in the rational creature is called the natural law.

Human law, refers to the derivations or determinations from the general precepts of the natural law. The basic precepts of the natural law is that good must be done and evil avoided (Bonum faciendum et malum vitandum). Thus human law is the ordination of human reason through the mode of a determination deduced from the natural law.

Machiavellian secularism and subjectivity, based on naked expediency, eclipsed Thomist legalism. But 'bravo' to the Spanish duo of Suarez and Vittoria, who saw to the renaissance of Thomism. Suarez and Vittoria jointly reacted against Luther's theology. Nice to hear Suarez where he said that the error which needed to be extirpated was "the blasphemous suggestion of Luther that, even for a just man, to follow the law of God is impossible" (Lloyd, 111).

2.2.3 Modern Period

Vittoria was at peace with the Thomistic distinction between jus gentium and positive law. Suarez, nevertheless, jettisoned the jus gentium, since it differed in an absolute sense from natural law, for, according to him, the jus gentium was a human positive law.

Grotius Hugo took hold of the Suarezian conception of the jus gentium and, charged by the Luther's theology of law, sought its formulation into a code of law to govern international relations. Eventually, Grotius Hugo concluded that natural law would be even if God did not exist (etiamsi daremus non esse Deum). Hugo thus relieved natural law of religiousity (Hugo, De Jure Belli ac Pacis, Prolegomena, para. 11). Bellarmine had preempted Grotius, where he affirmed that, even if per impossibility man were not God's creation he would still be a rational creature capable of interpreting the natural law (Lloyd, 112).

With Hobbes, Locke and Rousseau, natural law theory was discussed as a natural rights doctrine. The social contract theory was a daring attempt to construct a natural right doctrine.

The state of nature, according to Hobbes, is the condition of men living without government. In the Hobbesian state of nature, homo hominis lupus, man is a wolf to man. In this state of nature there is natural equality of human capacities, and perpetual conflicts remain the order of the day. Each man constitutes a threat to a fellow man. Hobbes describes the state of nature as uncivil. In the state of nature. there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth, no navigation, nor use of commodities that may be imported by sea; no commodities for building ; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; no account of time; no Arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short (cf. McClleland, 194). In this state of being the law is that of self-preservation, since none could predict what he would do for the preservation of his life. The preservation of life becomes the right of nature. The right of nature, in Hobbes' view, is a precept, or general rule found out by reason, by which a man is forbidden to do, that, which is destructive of his life, or takes away the means of preserving the same; and to omit, that, by which he thinks it may be best preserved (cf. McClelland, 216). To allay the fear, insecurity, solitude, poverty, nastiness, brutality and brevity that surround the right of nature in the state of nature, men enter into a social contract. Men must surrender their individual right of self-preservation to a sovereign, whose sovereignty is unlimited. By surrendering their right of nature to a sovereign who is not party to the social contract, men legitimize whatever the sovereign does. In Hobbes, the law of nature, therefore, lies in the fact that everyone has to surrender his right to everyone else and begin to respect the right of others. However, the Hobbesian sovereign is a dictator.

Natural right, according to Locke, is an entitlement under natural law, which is God's law. Locke argues that God did not create the world in vain. (One should note here that Locke appeals to God to justify his argument). Locke argues that God intended Adam and Eve to live as contented vegetarians. But since they rebelled against God, Locke continues, that they were punished, first, by expulsion from the garden, and for man, labour for his bread. Locke deduces from this story in the Biblical account of creation that

man was granted the right to life, the natural right to labour and a natural right to the land he tilled and the fruits of his labour. The right to life, liberty and property as given in the twenty second article of the Universal Declaration of Human rights were argued for by John Locke, and so, discourse on human rights without a basis in the philosophy of John Locke is incomplete.

In furtherance of his arguments, Locke observed that each man knows by the natural light of reason that other men possess same rights as he does. And, again, that his rights must be respected by other men. Each man, for his rights to be respected, had to respect another's rights. Each man, then, becomes duty-bound to respect the rights of others. This reciprocity makes the state of nature social. Due to his imperfections, nonetheless, men would sometimes invade the natural rights of others. The right of judgement and punishment follow from here when men think that their natural rights have been violated by others. This is the right to seek redress for infringement on one's right(s). Rights would be useless save there is a right to judge when rights have been violated. Hence ubi jus ibi remedium. Men entrust the government their right to judgement on the condition that the government uses the right to judge when there is violation of natural rights. By so doing, men form the common wealth, respublica. In the words of the man, Locke,

Men, being as has been said, by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby any one devests himself of his natural liberty, and puts on the bonds of civil society is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceful living one amongst another, in a secure enjoyment of their property, and a greater security any that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest (Locke, Two Treatise of Government, 1690).

The power of government lies in the consent of the governed. The sovereign is part of the common wealth since he gives up his rights to the commonwealth. Sovereignty is entrusted to the sovereign, but if the sovereign betrays this trust, Locke argues, exercise of judgement reverts to the governed, and the governed are, then, at liberty to constitute a new contract.

Locke's theory of natural rights leaves a whole lot of political principles for government. Such principles, inter alia, are the consent principle, majority principle, right to civil disobedience and civil and political rights. Hobbes'sovereign is a 'Leviathan' who is not part of the commonwealth. Locke's sovereign is part of the commonwealth.

"Man is born free, but everywhere he is chains" is a significant expression of Rousseau's social contract theory. Rousseau sought to find a form of association which would protect the person and property of every associate with the whole force of the country and by means of which, coalescing with all, may obey only himself yet remain as free as before. In order to realize this association, Rousseau argues that each person must surrender all his rights to the general will (Volente generale) which is the commonwealth, respublica. Hence

each of us puts in common his person and his whole power under the supreme direction of the general will; and in return we receive every member as an indivisible part of the whole (Jean- Jacques Rousseau, "Social contract", in: Ideal Empires and Republics, W. H.Wise & co. publishers New York, 1901, p. 13).

This act of association produces a collective body, composed of many members, and which receives from this same act its unity, its common self (moi), its life, and its will. According to Rousseau, this collective body, which was initially named city, now takes the names "republic or body politic", when it is passive, "sovereign" when it is active, and "power" when it is compared to similar bodies. The associates are collectively named "people", and are individually called "citizens" as they participate in the sovereign power and are called "subjects" as they are subject to the laws of the state (supra, 14). As a free agent the individual gives up his liberty to the general will and remains subject to it, for "man is born free, but everywhere he is in chains". How and in what sense can the autonomous wills of individuals be understood as constituents of the general will? Rousseau appears not to have addressed this question so as not to unmake the general will amorphous and nebulous.

Kant assumed or sought to resolve the vagueness of the 'general will' in the categorical imperative. For Kant, Rousseau had shown that man's true being was his ethical autonomy, freedom. Freedom is the only one and original right which belongs to each man by reason of his humanity (Kant, "metaphysics of morals" in: Ernst Cassierer, 1992:38f). In Kantian practical reason, freedom is not a merely negative freedom consisting in the absence of constraint by empirical causes; it is rather a positive freedom which consists in the capacity to make acts of will in accordance with the moral law. In this positive sense freedom is the autonomy of the will and when the will is determined by external forces, it is called heteronomy. In other words, heteronomy occurs whenever the will obeys laws, rules or injunctions from any other source. The will is autonomous in obeying the moral law for the sake of the law alone, because it is obeying a law which it imposes on itself (John Kemp, 1968: 59 – 60). The categorical imperative is thus the general law of freedom. Kant maintains that it is from our autonomy or freedom that the moral law is founded, and consequently all rights as well as duties (Kant,: Great Books of The Western World, 1993: 383).

Kant classifies rights into natural right and positive right, on the one hand, and innate right and acquired right, on the other hand. Natural right rests upon pure rational principles a priori. Positive or statutory right is what proceeds from the will of the legislator. This division of rights is derived from the system of rights, viewed as a scientific system of doctrines. The system of rights may also be regarded in reference to the implied powers of dealing morally with others as bound by obligations. Viewed in this sense, Kant, again, divides right into innate right and acquired rights. Innate right is the right which belongs to everyone by nature, independent of all juridical acts of experience. It is also called the "internal mine and thine". (meum vel tuum internum); since external right must always be acquired (Kant, in: The Great Books, 1993:401). Acquired rights are rights derived from juridical acts of experience, and thus acquired externally. Freedom is the only one innate right. It is independence of the compulsory will of another; and in so far as it can co-exist with the freedom of all according to a universal law. It is the one sole original, inborn right belonging to everyman in virtue of his humanity. An innate equality belongs to everyman which consists in his right to be independent of being bound by others to anything more than to which he may also reciprocally bind them. This reciprocity calls into order of discourse the right-duty correlativity which was rendered above under "analysis of right". But suffice it to say that a succinct rendition of the Kantian perspective is necessary here. In no much words, just as we have the division of right which is either internal or external, we also have duties which correlate with each of these rights. Kant affirms that a duty is what we ought to do: an obligation. He is of the notion that all duties are either duties of right, that is, juridical duties (offica juris), or duties of virtue, that is, ethical duties (officia virtutis ethica). Juridical duties are such as may be promulgated by external legislation while ethical duties are those for which such legislation is not possible (Kant, in: The Great Books, 1993:383). No external legislation can cause anyone to adopt a particular intention, or to propose to himself a certain purpose. This depends upon an internal condition or act of the mind itself.

Right, in Hegel's philosophy, is primarily that immediate existence (dasein) which freedom gives itself in an immediate way. Freedom, in Hegel's philosophy of right, does not consist in possibilities of acting, but a kind of action in which one is determined entirely through oneself, and not all by any external factor (Hegel, Philosophy of Right (hereinafter referred to as "PR"), paragraph 23). Yet, in the case of free action, Hegel thinks that most people identify it with dong whatever we please or with venting our particularity and idiosyncrasy. This is, according to Hegel, shallow and immature. Hegel stresses that we are free only when we overcome particularity and act universally.

Free action is action in which we deal with nothing that is external to our own objective nature. That does not mean that freedom consists in withdrawing from what is other than ourselves. Hegel emphasizes that absence of dependence on an other is won not outside the other but in it. It attains actuality not by fleeing the other but by overcoming it. Thus Hegel describes freedom as actively relating to something other than oneself in a manner that the other becomes integrated into one's project, completing and fulfilling them so that it counts as belonging to one's own action rather than standing over against it. What this means is that freedom is possible only to the extent that we act rationally, and in circumstances where the objects of our actions are in harmony with our reason. The most spiritual of such objects is the state in which we live. Freedom is actual only in a rational society whose institutions can be felt and known

as rational by individual who are 'with themselves' in those institutions (Philosophy of Right, editor's introduction). Freedom is freedom of the social order, the state, and the right emanating from this absolute freedom is abstract right.

In our long journey through Kant's and Hegel's conception of right, a basic idealism is evident. Such idealism and transcendentalism almost project conceptions and reality of freedom and right to either arbitrariness or absolutism. It is worthy to note that Hegel's statism had a whole lot of influence on the Nazi fascism of Hitler who sought to absolutize himself in the world. This sort of mindset, the will to power, has led to abuse of the human person. This absolutist consciousness drove Alexander the Great to a megalomania, Alexander the Great, whom Hegel regarded as a manifestation of the Geist in world history. This selfsame consciousness drove Napoleon Bonaparte in repeating, though minutely, the megalomania of Alexander the Great. With this self-same authoritarian consciousness, Benito Mussolini declared fascism the state ideology, and Hitler sought to a dominion over Europe. Even before the emergence the these modern dictators, England and France had despotic regimes, the reactions against of which were the natural right theory.

Under the "divine right" of Kings, English Monarchs lorded over England. This was the age of the Tudors. This was the historical situation into which Locke was born and in which he lived. Against this historical setting, Locke wrote the two Treatises on Government, and thus set the pace for a civil unrest. Locke reacted against the despotism of the Tudors and ideologically, yet actively, set the 1688 Glorious Revolution in motion.

The natural right theory of John Locke influenced the American fathers in no small way. The American nation was founded on the principles of life, liberty and happiness. The federalist fathers, reacted against the dictatorship of King George III. And so, led by Thomas Jefferson, James Madison Thomaspaine, etc, they declared independence from England on July 4, 1776. The political philosophy of John Locke and the doctrine of separation of powers of Monesquieu were the ideologies upon which the American state and constitution were founded.

The Declaration of the Right of man and Citizen was influenced by the views of the Greek and Roman natural law philosophers and social contract theorists, especially the natural rights theories of John Locke and Jean-Jacques Rousseau. From these thinkers were derived the political ideals of liberty, Equality and Fraternity (Liberte, Egalite, Fraternite), which served as the motto of the French Revolution of 1789. Rousseau's political philosophy which influenced the French Revolution of 1789, and the revolution, itself, were reactions against the ancient regime of the Bourbon dynasty which culminated in the regime of the Sun King Louis XIV.

Violations of the rights of man and reactions to such violations have led to developments of the human doctrine in the modern time: Locke's natural rights theory against the divine rights of kings; the American Declaration of Independence against the authoritarianism of King George III; Rousseau's social contract theory and the French Revolution of 1789 against the tyranny in the ancien regime.

Lauterpacht remarks that the 1789 Declaration of the Rights of man and citizen, the constitution of Virginia of 1886 and the 1776 American Declaration of Independence were the first constitutional instruments of modern times to proclaim the natural rights of man and also to assert that such must form a part of the law of the state (1964:75). De Gaulle and Pompidou enshrined these inviolable rights in the French constitution and thus set the French Republic upon its modern cause.

The origins of human rights in legal history, as given above, is traced back to early philosophical and legal theories of the natural law. These theories were of the idea that individuals are entitled to certain immutable rights as human beings. However, in the 19th century, states were the only proper subjects of international law. Though Hegel never bought the idea of international relations nor the existence of the international system and international community (He emphasized that the state was total, sovereign, autonomous, needing no external influence or power), his statism fostered the idea that the individual had no international legal status in international law. Nonetheless, efforts were made to abolish slavery and slave trade. There were diplomatic efforts to protect the rights of aliens abroad. Beyond this time there were humanitarian interventions for the protection of minorities. The founding of the Red Cross society came at the Great War (World War I) era. The League of Nations was founded at the end of World War I

in 1919. The League of Nations was an effect of the recognition of the rights of peoples to self-determination.

2.2.3 Contemporary Concerns:

The Scientific barbarity of Nazi regime of Hitler instigated the emergence of the United Nations. Hence, nations assembled to form an organisation for the purpose of international order, consequent upon the scourge of the Second World War, which shocked the conscience of mankind. This organisation came to force on October 24, 1945, in the city of San Francisco, under the name of United Nations Organisation. The UN set to maintain international peace and security. And to achieve this set goal, the UN recognized that "respect for human rights is the foundation of peace in the world (Universal Declaration of Human Rights, 1948, preamble).

Necessitated by human rights violations of the Second World War, the UN sought for the codification of international minimum standards for the protection of human rights. Among others, the UN human rights instruments are the UN Charter and the International Bill of Rights. The International Bill of Rights comprises the Universal Declaration of Human Rights (hereinafter designated UDHR) and the International Covenants. UN, therefore, serves as a complementary forum where diversities are expected to resolve in unity. One can say that the UN has an ontological status since it seeks to resolve the metaphysical problem of one and many. Significantly, 'United" derives from the Latin "unum" which means "one". The UN is a symbol of oneness and unity which seeks to resolve world diversities. Peaceful co-existence is in principle, a call to unity in diversity. It is a call to co-existentiality. It is a complementary challenged and understanding. Complementary reflection entails that no unit or unit-system is absolute. This insight is the main thesis of authenticity criterion as the regulative mechanism of all complementary units (Asouzu:310ff). There is finitude in every unit or unit-system. When each unit and unit-system acknowledges this finitude it would seek complementation. In quantum mechanics, Niels Bohr sought complementation for the wave-corpuscular nature of light. Thus, to reproduce the wholeness of a phenomenon at a certain intermediate period of its cognition, use must be made of mutually exclusive complementary and mutually limiting classes of concepts, which can be used separately, depending on specific conditions, but only taken to cover all definable information (Frolov (ed.), 1984:77). Bohr complemented the particle nature of light with the wave nature of light, such that light could be described in terms of wavicle. That was just in the atomic level of phenomena. Over and above the principle of complementarity in quantum physics, complementarity has the status of an ontology in philosophy. The method and principles of complementary reflection of Asouzu is this ontology. Through the application of the basic assumptions of complementary ontology one would be in a position to address some ambivalent interests in opposing systems and ideologies as these relate to the theory and practice of human rights.

A history of rights in natural law theory would be incomplete without legal positivism. Legal positivism is involved in addressing the question of whether moral or legal imperatives (ought-statements) could be derived from what is as facts (is-statements). Both Hume and Kant deride any purported legitimacy in deriving an ought-statement from an is-statement. But this is the position of legal positivists, namely, that legal imperatives are not derived from social facts. For them, there is no necessary connection between law and morals. Law, for them, is identified by social facts by the process of creations rather than by its content. There is, thus, much connection between empiricism and law.

Contemporary concerns with natural law would not be complete without the ideas of Lon Fuller, H. L.A. Hart, John Finnis, Dworkin and Holfelf. Lon Fuller rejected Christian doctrines of natural law and the natural rights theory of the seventeenth and eighteenth centuries. He did not subscribe to a system of absolute values. Yet he found in the various natural law theories the search for principles of social order. Hence "I discern, and share, one central aim common to all the schools of natural law, that of discovering these principles of social order which, will enable men to attain a satisfactory life in common" (cf Lloyd: 129). In all these theories of natural law it was assumed that the process of moral discovery is a social one, and that there is something akin to a collaborative articulation of shared purposes by which men come to understand better their own ends and to discern more clearly the means for achieving them. Fuller emphasizes, in Anatomy of Law (1968), the role of reasoning in legal ordering.

From a sociological ambient H. L.A Hart, attempted to restate a natural law position. Hart presents certain facts of the human condition which must lead to the existence of a 'minimum content' of natural law. Human vulnerability, approximate equality, limited altruism, limited resources, limited understanding, and strength of will are these facts of the human condition, according to Hart. For him, a "natural necessity" follows from these features of the human condition, for certain minimum forms of protection of persons, property and promises (cf. Lloyd:134).

John Finnis attempted to restate natural law by seeking to eliminate pure naturalism in the natural law tradition. His argument is that natural law does not necessitate a belief in morality as comprising observance of rationally demonstrable principles of behaviour. He decries the claim that natural law requires laws which infringe such principles to be impugned as invalid.

In defending Aristotle and Aquinas on the view that natural law essentially refers to what conforms to reason, Finnis states that natural law is the set of principles of practical reasonableness in ordering human life and human community (Finnis, 1980:35). He mentions certain basic human values which every reasonable person must assent to as objects of human striking. Life is the first of basic value. This first value corresponds with the drive for self-preservation. Next is knowledge, which is a preference for truth over falsehood. This corresponds with the drive for curiosity, for man, by nature, desires to know (Aristotle). Finnis is of the opinion that knowledge is sought for its own sake. However, knowledge must be seen as serving an end. The third value, according to Finnis is play, a performance for the sake of it. Next is the aesthetic experience, which is the appreciation of beauty. The fifth value is sociability of friendship. Here, Finnis argues that human beings act for the sake of one's friends' purpose or well-being. The ability to bring one's own intelligence to bear effectively on the problems of choosing one's actions and life-style and shaping one's character explains what Finnis calls practical reasonableness, which is the sixth of these basic values. The seventh one is religion. This is the ability to reflect on the origins of the cosmic order and of human freedom and reason (Finnis, 1998:86 – 98). Finnis warns that law must not be studied in isolation from natural law.

In his Taking Rights Seriously, Ronald Dworkin affirms that anyone who professes to take rights seriously must accept the ideas of human dignity and political equality. Thus anyone who claims that citizens have rights must accept ideas very close to these (Dworkin, 1977:199). Dworkin's description of rights is found in his will or choice theory and in his interest or benefit theory of rights.

The will theory of rights is upheld by those who view the purpose of the law as being to grant the widest possible means of self-expression to the individual, the maximum degree of individual self-assertion (Lloyd:441). The will theory identifies the right-bearer by virtue of the power that he has over the duty in question. He can waive the right, or extinguish it, enforce it or leave it unenforced. What he does is his choice, emanating from his will.

According to the Benefit Theory of Right, which bears similarity to the thoughts of Raz, Bentham, Campbell, Thering, MacCormick and Lyons, the purpose of rights is not to protect individual assertion but certain interests. Accordingly, rights are benefits secured for persons by rules regulating relationships. Whereas will theory of rights covers liberties the interest theory covers all categories of rights: socio-economic and civil and political rights.

Hohfeld argues that every right, strictu, sensu implies the existence of a correlative duty, but that not every duty implies a correlative right (Hohfeld:1923). He felt an ambiguity in the concept of rights and so sought for its analysis among other concepts such as duties, privilege, power, immunity, liabilities, no-rights, disabilities. These eight concepts enter jural relations. Rights and duties, privileges and no-rights, powers and liabilities, immunities and disabilities are correlatives. A duty or a legal obligation is that which one ought or ought not to do. Privilege is the opposite of a duty, and the correlative of a no-right. Legal power is the opposite of legal disability and the correlative of legal liability. Immunity is the correlative of disability (no-power) and the opposite, or negation, of liability. According to Hohfeld, a power is contrasted to immunity just as a right does to a privilege. A right is one's affirmative claim against another. A privilege is one's freedom from the right or claim of another. A power is one's affirmative control over a given legal relation as against another. Immunity is one's freedom from the legal power or

control of another as regards some legal relation (cf. Lloyd, 546). These eight concepts, according to Hohfeld, are the lowest common Denominators of the Law.

2.3 Monuments of Human Rights

Besides our survey of evolution of human rights in the natural law history, there are classical documents which contain provisions of human rights or elements of human rights. These range from the English Magna Carta to the Russian Proclamation of the Rights of the Proletariate. For a complete list we have them as follows: The English Magna Carta, The English Bill of Rights, The American Declaration of Independence and the American Bill of Rights, The French Declaration of The Rights of Man and Citizen, the German Weimer Constitution, and The Russian Proclamation of the Rights of The Proletariate.

2.3.1 The English Magna Carta

King John Lackland failed in his war against Philip Augustus of France and lost the Battle of Bouvines in 1213. Owing to these political humiliations, King John submitted to the terms of the Magna Carta on 15 June, 1215 at a meeting of the feudal chiefs at Runnymede on the Thames. By this act of his, the king lost his tyrannical maneuvers over feudal customs and practice. He also lost his financial extortions that had been devastating to his feudal subjects. Economic exactions and financial extortions by the King were abolished; royal dues were drastically reduced, all by the force of the Great Charter.

The Magna Carta is a document of sixty-three articles. The Carta provided provisions against abuse of power by the government. Succinctly put, the Carta enshrined two basic constitutional principles: that there are some fundamental laws in every political organization which the government must not violate; that if the government refuses to obey these laws, that nation has the right to force it to do so, even to the point of overthrowing the government and replacing it with another (Iwe, 1986:90).

2.3.2 The English Bill of Rights

The Magna Carta gave birth to the 1628 Petition of Rights, which was the direct constitutional antecedent to The English Bill of Rights. The Petition of Rights came into force on 7 June, 1628. The English men and women restated the English constitution as against tyranny in the Petition of Rights. They reacted against taxation without parliamentary grant, and against imprisonment without due process of law.

During the reign of James 1, there were unpopular financial and military measures as a consequence of abortive and devastating military expeditions abroad. Due to this oppressive situation, the Houses of the English Parliament petitioned the Crown for redress. This petition was aimed to remedy the quartering of soldiers on civilians, the levying of unparliamentary taxation, the subjugation of civilians under martial laws and wanton imprisonment (Igwe, 2002:19). These conditions made King Charles to accept the petition. Elements of human rights are found in many of its articles, such as articles III and IV, stated respectively below:

And whereas also by the statues called 'The Great Charter of the liberties of English', it is declared and enacted that no freeman may be taken or imprisoned or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled, or any manner destroyed but by lawful judgment of his peers, or by the law of the land. (Article III of Petition of Rights, 7 June, 1628).

Article IV states that:

No man, of what state or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of law.

The Petition of Rights, as earlier mentioned, was a direct constitutional antecedent to The Bill of Rights.

The Bill of Rights was promulgated on 13 February, 1689 and confirmed at the Second session of the Convocation Parliament on 25 October, 1689. It is worthy to note that this way a year after the Glorious Revolution.

The Bill of Rights sought to redress grievances aroused in the reign of the Stuarts. It sought to affirm that the laws and liberties of the English as standing against despotism. It decried royal despotism since "the King has no right to violate the fundamental laws of the kingdom". In point of fact, the Bill of Rights aimed to settle the Crown of England on Prince William of Orange and his consert, Princess Mary,

and to protect the interest of the Church of England (Igwe, 2002:20). It must be estimated that these English documents, Magna Carta and The Bill of Rights are a legal legacy of England for human rights concerns in the international community. It is also worthy to note that England is an authoritative member of the European Commission of Human Rights.

2.3.4 The American Declaration of Independence and the American Bill of Rights.

The autocratic colonialism of England, represented by the despotism of King George III provoked the conscience of the Americans to declare their independence. Thus in the city of Philadelphia, July 4, 1776, the most loved relic of the Americans, the Liberty Bell was rung and the American Independence was declared. In the preamble to the Declaration, the founding fathers of America declared:

We hold these truths to be self-evident, that men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new governments, lay its foundation on such principles and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness.

The American Declaration of Independence made manifest the American spirit of liberty. The same sense of liberty in the Declaration is found in the American Consitution. In the American Declaration of Independence of 1776, is also found the idea of the natural law. Moreover, John Locke and Rousseau are the ideological fathers of the American nation.

2.3.5 The French Declaration of the Rights of Man and the Citizen

Voltaire, Montesquieu and Rousseau were the ideological antecedents to the French Revolution and the Declaration of the Rights of Man and the Citizen. The American Declaration of Independence was another catalyst behind the French quest for freedom.

Besides, the historical factor that led to the French quest for freedom was the despotism of the ancien regime of the Bourbon dynasty, especially: the tyranny of the Sun King Louis XIV. The preamble proclaims that:

The representatives of the French people, organised in National Assembly, considering that ignorance, forgetfulness or contempt of the rights of man are the sole causes of the public miseries and the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that this declaration, being ever present to all the members of the social body, may unceasingly remind them of their duties; in order that the acts of the legislative power and those of executive power may be each moment compared with the aim of every political institution and thereby may be more respected; and in order that the demands of the citizens, grounded henceforth upon simple and incontestable principles, may always take the direction of maintaining the constitution and the welfare of all.

In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and the citizen".

There are seventeen articles that follow this preamble. When summarized the Declaration proclaims the following:

(i) Freedom and equality of all men
(ii) The aim of every political association is the preservation of the natural and imprescriptible rights of man. The rights mentioned in article II are liberty, property, security, and resistance to oppression
(iii) The nation is the basis of sovereignty
(iv) Liberty entails being allowed to do what does not injure other people.
(v) Law is the expression of the will of the society
(vi) Arbitrary arrest, detention or molestation are prohibited
(vii) No retrospective legislation
(viii) Every man is presumed innocent until proven guilty
(ix) Freedom of thought, opinion and religion

(x) Freedom of speech and expression
(xi) Prohibition of abuse of official power
(xii) Equality of taxation
(xiii) Right of citizens to assess the necessity for taxation
(xiv) Accountability of public agents
(xv) Society must have a constitution based in separation of powers and in which rights are guaranteed
(xvi) Compulsory acquisition of property without compensation not permitted

There are basically two broad categories of principles of the Declaration. The first is about the nature and rights of man in society; the second, about the nature and position that governments should occupy in society (Quashigah:1999).

2.3.6 The German Weimer Constitution

Although the Weimer Constitution of 11 August, 1919 was shrouded in the rationalization of the state and its power (Igwe, 2002:31), it nevertheless contained some provisions of human rights. There are provisions for the fundamental rights to equality, liberty, personal privacy, movement, and the freedom of speech and expression in articles 109, 114 and 118. Articles that protected the basic rights of man in the family, in education, in the press, in the field of labour and labour relations are 119 – 135. The Weimer republic was a statist regime.

2.3.7 The Russian Proclamation of the Rights of the Proletariate.

Russia makes the proletariate the inviolable subject of fundamental rights. The spirit behind the Declaration of the Rights of the People of Russia on 15 November, 1917 and the Russian Constitution of 1936 did not favour the individual directly, but the proletariate. The protection of human rights, for Russia, consists in the totalitarian state-machinery. Why? The state comes first before the individual in any polity where the doctrine of statism is in vogue. This teaching is drawn from the grand doctrine of socialism. This idea leads us to discuss ideological approaches to human rights in international law.

2.4 Ideological Approaches to Human Rights

2.4.1 Soviet Approach

The erstwhile Soviet Union, Russia, emphasised the role of the state over and above the place of the individual in their political economy. The source of human rights principles was seen as the state. Individuals were not subjects of international law and human rights were not directly regulated by international law. In that system conventions on human rights do not grant rights directly to individuals (Tunkin, 1974:81). The Soviet Union was willing to enter into many international agreements on human rights, on the criterion that only a state obligation was incurred, with no direct link to the individual. Such an obligation was one that the country might interpret in the context of its own socio-economic system. The state was total and held supremacy. This statist ideology, influenced by the absolutism of Hegelian idealism minimized the importance of civil liberties of individuals.

Nonetheless, the Soviet Principle of Peaceful Co-existence led to the fundamental rights of states in international law. Such laws were: independence, equality of states, and peaceful co-existence. The principle of Peaceful Co-existence was projected by Lenin as a significant expression of his Marxism. This principle calls for co-existence of different social systems in the international relations. It implies non-interference in the internal affairs of a state; the development of economic and cultural relations between nations, and respect for the sovereignty of all states.

2.4.2 Western Approach to Human Rights

The Western World emphasizes civil liberties of individuals. Such liberties, among others, are due process, freedom of expression, assembly and religion, and political participation in the process of government. For the West, the consent of the governed is the basis of government, thanks to Locke's liberalist philosophy. Civil liberties limit the power of the government over the government. This approach checks or tends to check abuse of power on the part of the government.

2.4.3 Afro-Asian Approach to Human Rights

Most of those countries called 'third world' countries are mostly found in the Afro-Asian regions of the globe. Most of these countries tend to combine elements of both the socialist and liberalist approaches to human rights. These countries are preoccupied with concern with the equality and sovereignty of states, together with a recognition of the importance of social and economic rights (Shaw, 1997:200).

Article 3 (2) of the Charter of the Organisation of African Unity emphasizes non-interference in the internal affairs of States: "The member states, in pursuit of the purposes stated in Article 2, solemnly affirm and declare their adherence to the internal affairs of states. This mind-set spells multiple consequences in so far as human rights are concerned. Among these, is the attitude of indifference to gross violations of human rights. The following gross violations of human rights have met with indifference on the African mechanism for protecting human rights:

i. The massacres of thousands of Hutu in Burundi in 1972 and 1973;
ii. The despotic and oppressive regimes of Idi Amin and Milton Obote;
iii. The massacre of innocent individuals in Chitungwiza in Zimbabwe in 1985 due mainly to the fact that they did not vote for the government party, the ZANU-PF;
iv. Gross violation of human rights by the 'ex-liberian war Lord, Charles Taylor.

The Nigerian government had to provide an asylum for this war criminal, and prevented his extradition. In Nigeria the case of violations of human rights and attendant indifference is not different.

(i) The exploitation and victimization of the Ogonis of the Niger Delta of Southern Nigeria. Ken Saro-Wiwa, who rose up to fight for the rights of his people was barbarously executed by the Abacha government in 1995. The Commonwealth had to react to such gross violations of human rights by suspending Nigeria from Commonwealth membership.
(ii) The ethnic cleasing by the Obasanjo government over the people of Odi, in the Niger Delta region of Niger (Igwe, 2002:159);
(iii) The mass execution of TIVS in Benue State by the Obasanjo government (Igwe, 2002:159);
(iv) The miscarriage of justice over the assassination of a Nigerian Attorney General and Minister of justice, Late Chief Bola Ige.

We could have a litany of such demonic cases. This is reflective of a political system which does not respect the holy liberties of man.

Human rights in history dates back to philosophy, the natural law philosophy. But the monumental documents of human rights discussed above, that is, the Magna Carta, American Declaration of Independence, The English Bill of Rights, etc, have made manifest the groanings of mankind for justice. In point of fact, the ontological status of human rights lies in the nature of man.

2.5 African Traditional Conception of Human Rights

There are no documents instruments of human rights in traditional Africa, but the African is aware that his society is sustained by laws transmitted by the elders and, say, the ancestors. With this in mind, the African is self-conscious of the rewards or punishments accruing from his disposition towards the law. This law is the community norms which regulate the lives of members of such community. For instance, in all African traditional society, respect for elders is a supreme virtue.

In the Annang society, each person is prohibited from being malicious against some groups of people, namely: one's grandchildren, one's grandparents and one's inlaws. One is also bound to be hosptitable to the stranger. Although there are no clear formulations and recognition of rights in traditional African societies, we are left to link the African traditional conception of human rights with contemporary formulation of human rights. The Africans have a deep sense of human rights. These are rights such as rights of inheritance and succession, right to work, right to found a domestic society (right to marriage), right to respect and reputation, freedom of thought, speech and beliefs, freedom of association, right to education, right to property, right to life, et cetera. Let us look at each of these rights in the context of the Annang Society. First, the Annang people and society.

The Annang Society is found within the North-West region of Akwa Ibom State of Nigeria. The Annangland is bounded in the north and west by the Igbos and the Ibibios make up their southern and eastern neighbours. The Khana people of River State are also their south-eastern neighbours. Abak, Ikot Ekpene, Ukanafun, Etim Ekpo, Essien Udim, Oruk Anam, Obot Akara, and Ika local government areas make up the Annang society.

In the Annang Society is immersed an economic system based principally on agricultural subsistence and exchange economy. The farm activities are a prestigious pursuit for both men and women. After the farm plots have been cleared by men for women, planting and care of crops devolve exclusively upon the shoulders of women. The only exception here is yam-care, which is a privileged responsibility of men. While the Abak zone is notable for its oil palm products, raffia goods are a profitable source of income for a good number of people in the Ikot Ekpene zone, the Raffia city. Much of these goods are mostly exhibited at the Obo market, the most central market for the whole of Annang.

Their highest political unit is the Afe Annang. It is a political unit where various clans representatives conglomerate as a forum to parley out issues concerning the welfare of the Annang nation. The Afe Annang (Annang forum) is presided by the "Itai" Annang (Annang Pillar). The Afe Annang is headquartered at Afaha Obong in Abak local government area of Akwa Ibom State.

The Annang person (owo) strongly believes that there is a Supreme Being, designated "Abasi Ibom". "Ibom" calls his unlimitedness into the focus of distinction. "Ibom" means the whole limitless universe. Here accordingly, he is the lord of the whole boundless universe and everything within it. Due to his boundlessness, there is no temple nor shrine for him, since that cannot accommodate him (Enang, 1979:5). However, Abasi Ibom is a withdrawn God, the so-called 'deus-otiosus'. This is so believed because the Annangs believe they have close encounter with the spirits and ancestors than with the Supreme Being. The Annangs believe in a multitude of spirits who are believed to take charge of specific aspects of life. These deities are, thus, named after the areas of which they are believed to be in charge. The souls of the patrilineage ancestors have a strong place in the beliefs of the Annangs. They fall according to their social belongingness in clan, village, street and family. Sacrifices are offered frequently to them either to appease them or to request for their favours. Their classification and influence are indicative of their fundamental role in the society. Apart from being the historical origins of their different social units, they have the social and political functions of promoting the welfare of the people. The ancestors (Mme Ette-Ette) share both in the good and bad in the life of the social units (Ennang, 1979:26). Invisibly operating, too, is a force called "odudu", which the Annangs believe to pervade nature. It is not identifiable, has no permanent abode and can, therefore, be conveyed in everything and sent to any place to do either good or harm. It is impersonal, non-physical, and is diffused as the melannesian force, called "mana" (Codrington, 1891:118ff). Workers of evil magic are believed to possess the ability to use "odudu" in bringing about the destruction or death of man, while good magic workers are believed to invoke "odudu" for the benefit of those who approach them. As soon as "odudu" finds itself invoked into application, it assumes the dimension of a personal force.

Within this Annang *weltanschaaung*, the Annang people and society believe in the spirituality or sacredness of life and consider it as a primary value. However, some activities which were in vogue in uncivilized Annang society could contradict that life is primary in Annang society. Such activities were the killing of twins, which Mary Slessor fought to stop. Like in most African traditional societies lives were sacrificed at the burial of village or clans dignatories. There was also present the practice of cannibalism before the advent of Christianity. Most of the victims were captives at inter-tribal vendettas. Such vendettas were mostly between those living at the boundaries. Vendettas between the Ngwa people of Abia State of Nigeria and the boundary villages of the Annang society, such as Ikot Umoessien, Usaka Annang, Ika etc. With these in mind, would one be justified to say that life was held sacred in African traditional society and the Annang society in particular? Let us go on with their conception of human rights.

The Right to Life

Apart from the cannibalistic, fetish and barbarous Annang of pre-Christian Africa, the authentic Annang society believes in the primacy of life. This is attested to in the adage:"Uwem edi imo" (life is wealth); "itong ama odu uwem okongo nkwa" (when the neck lives it shall wear beads), and so on. The Annangs go extra mile to preserve the sanctity of life. They believe that we live our lives in trust. Thus a suicide is not given any befitting burial in Annang land since he or she is believed to infringe the sacredness of life. Such is thrown into the forest. Even when they lose any member (except a suicide) the Annangs exert much time and energy to give befitting burial, since they believe in reincarnation and the spirit-world. Their belief in reincarnation and also in the land of the spirit, the spirit-world, manifest a tri-partite structure of human personality in Annang world view. The human person is composed of body, soul and spirit. At the death of the body, the soul enters into the process of reincarnation while spirit goes to the land of the spirits, designated "obio-ekpo". The spirit lives in the spirit-world depending on whether the person was virtuous. If he or she was not virtuous, his or her spirit is believed to roam the world. Thus, that is why they are believed to appear as ghosts. This tri-partite conception of human nature in Annang society vitiates psychosomaticism (a belief that the human person is composed of body and soul) and establishes a psychosomapneumaticism (the idea that soul, body and spirit make up the human person.. The Annang child is taught that it is wrong to kill.

Right of Inheritance and Succession

The right of inheritance of property at the death of a man devolves on his sons. Among others, the eldest son benefits more than other sons. He inherits, by traditional belief, the father's buildings or houses, and he is heir apparent to the throne if his father were a village head. In terms of his portions of land, these are usually divided among the male children, beginning from the eldest to the youngest. Women or female children do not enjoy this right in the Annang society.

Right to Work

The Annang society believes that success depends upon hardwork. Everyone within this society has right to work and to the fruits of his or her work. This right is correlative of the duty to work. There is a duty to communal work, such as the duty of keeping the village square and path ways clean.

Right to found a domestic Society

Without being told the Annang man or woman considers the right to found a domestic community a natural right. Thus he or she presumes his freedom to marry and establish a home. There is no place for celibacy in the Annang society. The successful Annangman or woman is measured in his or her ability to found a stable home.

Freedom of Association

In traditional African societies there is a right to associate freely with one's own kin within an extended family, a right to associate with people outside the extended family, a right also to inter-tribal association as in marriages. This right is limited in certain communities in Igboland. There is the practice of a caste system, the "Osu"caste system. The Osu are believed to attend to certain idols and thus were seen and treated as holy sect, and due to their closeness and consequent "sacredness", they are not related with normally (Igwe, 2002:41). These group of people are treated as inferior to other human beings, and as such there is no deliberate intermarriage with them. In traditional Annang society, only male initiates have the right to belong to the "Ekpo" masquerade cult. Those who have not been initiated, some males and all women are not altogether free to move about in the society during the "Ekpo" masquerade festival. At the climax of this festival women are not free at all to be seen outside their homes. This is usually the last week of the tenth month of the year, October. This restricts their freedom of movement.

Right to Respect, Reputation and Freedom of Speech

In view of the right to respect, the Annangs give a special place to the elders and elderly. The elders, because of their experience in life, are believed to be wise. Through their mouths oral history, folklore and myths are transmitted to others. In the gathering of the people, the elder makes recourse to the wisdom of the ancients. In his awakening speech he begins with "our fathers used to say," and when rendering a folkfore, his point of departure is "once upon a time". The wise one while rendering oral history, folklore and myths makes the "once upon a time", "in those days" or "our fathers used to say" become "now". Recourse to wise sayings serve didactic purposes. Such ideal elders are cultically venerated

after their death because they are believed to belong to the spiritual community of ancestors. Besides these elders, every elderly person has a right to be respected by the younger one. There is duty to respect one's parents and elders.

The Annang man or woman believes he or she has a right to a good name. This is attested to by the fact that, if he or she is blackmailed, he or she seeks redress by reporting such a case to the council of elders, be it at the family level or village level.

Freedom of speech and expression is conditioned by the principle of respect. One is bound to respect one's parents and elders in the Annang society, despite your interior conviction that you are free to speak and express your views.

There are, in summary, derogations from human rights. Much emphasis is placed on collective rights than on individual rights, and duty seem to overwhelm rights in most African societies.

3.0 IMPLICATIONS OF COMPLEMENTARY REFLECTION IN HUMAN RIGHTS AND OBLIGATIONS

3.1 Extended natural rights

The idea of transcendent complementary unity of consciousness implies that all human beings are beneficiaries of all forms of goodness we find in the world irrespective of their origin since they constitute an integral part of our being. Every human being benefits of the immense grandeur that sustains our being. We reciprocally share all missing links of reality. In as much as we are integral parts of the totality of being, complementary consciousness considers it a natural right to benefit from one another since all autonomies gain legitimacy from co-determination (Asouzu, 2004:479). All forms of personal ownership and entitlements, all forms of claims and rights, have moments of co-ownership and mutual rights, within the realm of transcendent complementary unity of consciousness. Asouzu argues that, there is a form of extended natural rights in our ownership of goods and services (Asouzu, 2004:479).

Co-determination and extended natural rights connote extended natural responsibilities. Our extended natural rights and obligations make us mutually co-responsible in our human endeavours, successes and failures. Since complementarism as modus vivendi entails relative human relationship, existence as a mutually lived affair, all components of a system are bound to one another in the manner of a transcendent unity of consciousness (Asouzu, 2004:481). In such a mutually lived affair, rights and duty, privileges, and obligations, and responsibility are closely related.

Extended natural responsibilities enable us to understand while oil producing countries are taxed because of environmental pollution. Here one can allude to the polluter pays principle under which an agent responsible for environmental pollution is charged to pay for such pollution (Ugbe, 2003).

Asouzu submits that our mutual dependence is a necessary consequence of our historicity. And so, we owe our relative existence the greatest gratitude since it is as missing links of reality and in the combination of all possible missing links that are our relative existence is at all thinkable and liveable (Asouzu, 481).

A transcendent complementary unity of consciousness was implicit in Whitehead who saw reality as a process. He conceived reality in terms of connection and thus was able to appropriate being in terms of interconnectedness of entities in the reality of becoming. Even before him, the great thinker of Konnigsberg sought for complementary thinking both in the theory of knowledge and in practical philosophy. In the sphere of epistemology, Kant mediated or rather sought a complementation of rationalism and empiricism in the synthetic a priori. Driven by this selfsame transcendent complementary unity of consciousness, he considered right as the comprehension of conditions under which the voluntary actions of any one person can be harmonized in reality with the voluntary actions of every other person, according to a universal law of freedom (Kant, Metaphysics of morals). For Kant, there is only innate right: the birth right of freedom.

The recognition of and protection of human rights and fundamental freedoms of individuals and groups is a positive canon of harmonious co-existence of peoples. And cases of unlawful infringement of an encroachment into rights and freedoms of others are deviant from truth and authenticity criterion. Truth

and authenticity criterion entails that no unit is an absolute. It decries all forms of exclusiveness. Any acts that negate the fundamental rights and freedoms of individuals and people, stem from same forces that have always held our being back in our attempt to excel and regain true authenticity. In all spheres of the globe these rights and freedoms are still being negated, but the mass media, fed by ideological propaganda of those who are deciding the destiny of the world and become world "pontiffs" in democratic cloak, only announce human rights violations in the East and the South.

Beyond, over and above pessimistic manouvres, complementary reflection can be seen as a philosophy of peace. When the voluntary actions of any one person can be harmonized in reality with the voluntary actions of every other person, when the voluntary actions of one nation can be harmonized in reality with the voluntary actions of every other nation, the consequence will be the realization of the joy of being. When this complementation occurs we shall find peace, given here as the state of harmony between units. This peace is needed for perpetuation of being. Peace is necessary for being and continuity. And the peace of the unit of a system is the peace of that system. The unity in the unit of a system is the unity of that system.

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