

The presentation of **Iraklis Millas** in the meeting of "1st Annual Human Rights Education Programme for Southeastern Europe", Olympia, 17-27 September 2000 .

Human Rights, Democracy and Three Famous Trials

The concept of human rights usually comes to the agenda in conjunction with democracy. However, democracy is a very old practice - at least as old as the period of classical Greece - whereas the term "human rights" is a modern concept. Democracy is a novelty which brought to an end the domination of the "few" on the "majority", i.e., terminated the arbitrary rule of the kings, of the dictators and of other similar oligarchies.

The rule and the domination of the majority however, do not guarantee the termination of injustice, of violence against the minorities and against the individuals. There are cases where the will of the majority, "democratically" exercised, may violate the rights of the "few" and harm them. It can be argued that human rights and democratic rights supplement each other but at the same time under certain circumstances they contradict each other and they are in conflict.

I will present my main arguments referring to three old and famous trials. Three martyrs, Socrates in ancient Athens (399 B.C.), Jesus Christ in Palestine and Giordano Bruno in Venice (1600) suffered as they faced the court and the "laws" of their communities. They are martyrs because they could have saved the death penalty had they renounced their beliefs. But having spoken and acted against the beliefs of the majority, the "lawfully" operating courts and the wish of public opinion proved ruthless. In all three cases martyrdom was the result of the absence of "human rights".

Socrates in the fourth century B.C. in his defense, according to the writings of Plato, in the "Apology" but also in "Crito", seems completely distant from the concept of "human rights". Socrates voices his full submission to the will of the "laws", which are the result of the will of the majority and the traditional communal wisdom. He does not claim any "right" which is contrary and beyond the "democratic" legitimacy of his prosecutors. His defense is based on arguments

which are unrelated to the concept of individual rights. He claimed that he acted for the benefit of the general good, that he did not mean to harm but only to educate, that he has the right to teach because he was wise – as accepted by authorities such as the oracles – and that he did not speak against the beliefs of the people, e.g., he believed in God. At that time the notion of free speech, irrespective of its compliance with the communal beliefs had not yet developed. The “few” could not stop the majority from expressing their wishes but at the same time the “few” were not allowed to behave against the majority.

Four centuries after this trial, according to the New Testament, Jesus Christ was tried by the Roman Governor Pilatus. What the governor actually did was to "respect" the will of the Jewish community and let them practice their laws and their customs. The governor authorized the local community to resolve an internal conflict. The majority of the Jewish community found Christ guilty for this “blasphemous” behavior and liable to death penalty. According to Luke (22/66) *“the elders of the nation, chief priests, and doctors of the law assembled”* and discussed the behavior of Jesus Christ. They decided that he was

“subverting (the) nation”

(23/2). According to John the Jews had said:

“We have a law, and by that law he ought to die”

(18/35). ,

‘Meanwhile the chief priests and elders had persuaded the crowd to ask for the release of Bar-Abbas and have Jesus put to death... with one voice they answered Crucify him

’ (Matthew, 27/23). “

Their judgment was unanimous: that he was guilty and should be put to death”

(Mark, 14/64).

[\[1\]](#)

In practice Jesus Christ did not defend himself. There was *“no reply”*. And this is understandable. At that historical time he could not have said that he was exercising his liberty expressing his totally personal opinion about divinity or that he was enjoying his right for self-identification. He accepted the verdict with submission to the authority and to “fate”. In this trial we do not find any trace of the concept of "human rights" either. The communal right is dominant over the individual.

Both Socrates and Christ spoke of the "truth" and defended their cases as being the forerunners and the spokesmen of a general, objectively existing, even divine truth. A second rather hinted argument was their defense of the "general benefit of the community" and/or of the

"well-being of humanity" and/or the "saving of man" or of "his soul". The defense followed a kind of "utilitarian" reasoning. We do not encounter any hint of the joy of expressing ideas and opinions just for the sake of enjoying this liberty of communication, of the right of the individual to express his ideas irrespective of communal considerations of good/bad or of useful/harmful ideas. During those centuries the concept of the freedom of the individual to express his ideas freely was unthinkable.

One of the earliest voices in favor of the "human rights" was heard during the trial of a free thinker, of Giordano Bruno (1548-1600). He was tried, condemned and burnt alive in Rome by the Inquisition. However, during his lifetime and also during his trial, contrary to Socrates and Jesus Christ, spoke with disregard for the opinion of the majority and of his judges. He defended his right to exercise the freedom of expression as a truth in itself, even though he did not use the modern expressions of today in order to voice these ideas. His martyrdom did not arise out of respect for a communal code of behavior but because of his conviction to remain free to express himself.

His time belonged to a new era. Movements like "Humanism" and later "Renaissance" marked the importance of the "individual". The concept of free expression hesitantly developed opposing the traditional "authority", whether this was the Church, a tyrant or an aristocratic ruling elite. Giordano Bruno was a philosopher and a scientist who challenged the beliefs of his time. His works disturbed the political authorities as well as the universities, i.e., authorities of the science and philosophy. [2] His perception of God was different, it was rather pantheistic, he did not believe that our Earth was at the center of the universe, etc. Eventually he was arrested in 1592, tried and condemned. Ironically he was burned in a square with a beautiful name: Campo dei Fiori. The last moment the man in charge inserted a wooden wedge in his throat to ensure that he is not heard at all as he died. There is a statue of Giordano Bruno in the Square of the Flowers in our days.

What he wrote and what he said during his trial were different from the arguments of the other two martyrs mentioned above. He challenged the decisions of the majority. He stated that the majorities make him uneasy, and that he hated the "common spirit". He said that unanimous decisions were not what he esteemed. For him, apparently, "truth" was not the privilege of the rulers nor of the representatives of a divinity. He acknowledged to himself the right to express himself in spite of the communal belief. He did not deny that he carried ideas contrary to that of the "many". He did not mention the words "human rights" but that was what he actually meant.

Four hundred years after that horrible day in the Square of Flowers, in many societies the right of free expression of the individual and the “human rights” are still limited. When the limitation is accompanied with lack of democratic institutions and obvious violations of democratic rights it becomes easy to distinguish the problem: we recognize an “undemocratic” society. And such societies are condemned world-wide in our times. However, when the majority violates the rights of a few individuals, or of some minority groups, than the problem may be hidden because this practice is carried out in the name of “democracy”, of the “majority” or in the name of the “nation”. This kind of violations is more difficult to notice.

An example of this difficulty in noticing the authoritarian behavior of the “many”, is the present-day controversy in Greece between the Greek government and the Church of Greece over the issue of “identities”. The government decided to issue new identity cards for all Greek citizens where some information which appeared until today will not appear in the new ID cards. Religion is one of them. The Church of Greece decided to prove with an unofficial census that the majority of Greeks do want the entry of “religion” to remain on the ID. The method that the Church has chosen to defend its position demonstrates that the concept of “human rights” has not been understood by the leaders of the Church. Democratic majority does not prove the correctness of an idea, it will do not automatically legitimizes decisions, nor can it safeguard the weaker against the dominant “many”.

The interrelation between “majority” and “correctness” can not be noticed by the Church of Greece in spite of the two historical examples that are directly connected to its legacy. Both Jesus Christ, the symbol of the Church, as well as Socrates, one of the most famous personalities of ancient Greece are martyrs because the wish of the majority eventually prevailed. The issue apparently is not solely one of a philosophical exercise but one of material interests and of adopted world views.

[1] For the references see: *The New English Bible, New Testament*. Oxford / Cambridge University Press, 1961.

[2] Especially the “dialogs” of G. Bruno published in England in 1584 and 1585, “Spaccio de la bestia trionfante” and “De gli eroici furori” were received with suspicion by the “authorities” of his time.