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Human Rights, Culture and Religion – A Philosophical Perspective

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Abstract:

The concept of human rights is very complex. It is also evolving with the society and covering new areas with the philosophies, culture and religion. Human duties are as important as the human rights. So human rights violations can be solved in both ways, positively by protecting the rights with the rigour of law and negatively by preventing the violations making the people duty conscious. Therefore the philosophy, culture and religion are very much important for developing a human rights culture in the society.

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It is difficult to define human rights precisely, but none can deny its necessity. It can be said that the history of mankind is the history of evolution of the concept 'Human Rights'. Of course, the expression 'human rights' is of recent one, the root of evolution of the concept is ancient. Albert Einstein said, "the existence and validity of human rights are not written in the stars ...those ideals and convictions which resulted from historical experience, from the craving for beauty and harmony have been readily accepted in theory by man and at all times, have been trampled upon by the same people under the pressures of their animal instincts. A large part of history is therefore replete with the struggle for those human rights, an eternal struggle in which a final victory can never be won. But to tire in that struggle would mean the ruin of society."¹

The early developments in the field of human rights were result of historic pronouncements and unceasing struggle for freedom and equality. So many people like Socrates, Lincoln and Gandhiji laid their lives for its cause. Many philosophers, writers, reformers and saints considered what rights peoples are entitled to, as Jesus said "Other people have rights to be treated as you yourself would wish to be treated."

The human rights movement is historic since the beginning of institutional, political and social order. It is evolving gradually with the philosophies, culture and religions of civilizations and is covering new area. However, the horror of World war –II forced the humanity to think for human rights seriously. The Preamble of Universal Declaration spells out that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, Justice and Peace in the world.

The concept of human rights in its expanding comprehension, has now travelled to encompasses 'third generation' rights which include right to self determination. The "first generation rights" are civil and political rights. The "second generation rights" include economic, social and cultural rights without which full enjoyment of civil and political rights is not possible. Therefore, all those rights are interrelated and interdependent. All those above mentioned rights and based on "Liberty" and "Equality", which are the key concepts of human rights.

Even since the birth of United Nations multi-pronged endeavors are being made with greater determination to promote and reinforce the human rights. In spite of that, human rights violations are rampant in the society. The major social menaces of the present time are Terrorism, Racism, Discrimination, Bigotry, Intolerance, Poverty, Illiteracy, Child labour, Refugee problem and custodial violence. Racism, Discrimination, Bigotry and Intolerance have been at the root of the greatest crimes and bloodiest wars of the present age. There are Jihad and religious conflicts in the name of Allah or God and freedom struggle. If, we observe carefully we find that discrimination is root of human rights violation. Now it is a big challenge before the intellectuals how to overcome the problem of discrimination.

In West, the idea of rights of men emerged out of the concept of "natural law". The instability of political institutions and frequent changes of government and arbitrariness and tyranny of law in small city states of Greece led the philosopher to think and speak of some immutable and universal principles. The existence of law superior to the law of the land was recognized.

The different philosophers from their own perspectives pleaded for the rights of individuals. It is clear that western political tradition has given importance to rights. Austin says "Every right, whether divine, legal or moral rest on a relative duty, that is to say a duty lying on a party or parties other than the party or parties in whom the rights resides." A society, in which people care less for their duties, eventually disintegrates. Most probably that is why the great thinker like Kant and Bradley have given much importance to duty rather than rights.

Astonishingly in Hindu system of law, there was no concept of rights. Law laid down only duties for all classes of men, is called "dharma". All including the ruler were bound by dharma. The duties of the king towards his subjects included a number of functions or acts which may be termed as rights of men. The "Gita", the Hindu scriptures says it is the right of individuals to perform action or duty, the consequence or the fruit of action will naturally follow. Duty was given utmost importance in Indian traditions. When Mahatma Gandhi was asked to express his view on human rights he replied "I learnt from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy to enough to define the duties of man and woman and correlate every right to some corresponding duty to be first performed. Every right can be shown to be usurpation hardly worth fighting for". The language of rights does not make sense in the absence of the language of duties. If rights are privileges, then duties are obligations.ⁱⁱ

We find that Racism, Discrimination, Bigotry and Intolerance are the major problems. Discrimination is at the root of all sorts of human rights violations. The problem of discrimination is because of ignorance which is thoroughly discussed in all most all religions and philosophical doctrines.

Here, protection (i.e. enactment and enforcement of law) is not enough unless there is a change in the thinking process of the society as a whole. The challenge before the society is how we can transcend this discrimination among individuals, groups, communities and nations etc. and to prove the unity and one-ness or non-difference of the creation or the existence with the individuals.

It is possible to prove the unity and one-ness of the existence as it is Vedanta or other monistic thought. Scientifically it is difficult to prove. But we should not consider anything unscientific if it is beyond experimentation. Many thousands before the Upanishads declare all as sons of immortality and the whole world as a family. Everyone is a spark of divinity. In Upanishads flora, fauna, space and interspace all are divinised. It says human beings are not only free and equal, and also they are infinite. Therefore Unity is natural. All religions, discuss about 'Liberty', 'Equality' and 'Fraternity' which are the three pillar of human rights. Also, when we consider the philosophical foundation of the concept of human rights, it is clear that the main stream has its origin in the liberal democratic tradition of Western Europe, a tradition which is itself the product of Greek philosophy, Roman law, the Judeo-Christian tradition, the Humanism of the reformation and the age of Reason. It is the parliamentary democracies of Western Europe which are the direct heirs of this tradition.ⁱⁱⁱ

At the International conference on Human Rights in Tehran, in 1968, the Shah of Iran noted in his opening address that the precursors of the celebrated documents recognising the rights of man was promulgated in his country by Cyrus the Great about 2,000 years earlier. Lebanese scholar Subhi Mahamassani argues in his work on Islam and human Rights that there can be no discrimination based on religion in an Islamic system. He draws examples from early Islamic history and lays emphasis on aspects of the original sources to highlight the tolerant and egalitarian strains that have from the very beginning constituted important components of Islamic tradition. In China, Confucius laid the foundation of ethics in certain social relation and of mutual obligations inherent in them. The Pre-Confucian treatise, Yijing speaks of "Sheng Sheng" (living the livelihood) "desheng" (great living) and "Quangsheng" (spacious living"). In India we find Buddhist stone inscriptions describing forms of good life and nature of good government.^{iv}

Thus, the idea of human rights is a product of process that can be traced back to different religions, cultures, philosophies and circumstances which have contributed towards the understanding and broadening of that concept. It is the crystallisation of values that are the common heritage of mankind. All the religious texts incorporate moral and humanistic principles, and contain a variety of enunciations, often phrased in terms of duties, which correspond to secular conceptions of rights for others.^v

Now-a-days religion, culture, community, race, language, origin, color, sex, etc. are used as divisive forces. These are used for hatred and violence rather than for brotherhood and co-operation. There is Jihad or religious crusades and so called freedom struggle in the name of religion. But, in this multicultural world if the people of different races and ethnic groups do not realize that diversity and tolerance make every nation, and people better, stronger richer in human spirit, the survival of this beautiful earth will be impossible.

It is difficult to harmonise different religions for a spiritual culture, which will respect the dignity of all individual and groups. Here, the concept of Universal religion of Swami Vivekananda can be taken into account. In Indian context, the word religion comes from the Sanskrit word "Dharma", its literal meaning is "righteousness". Religion is nothing but living in a righteous manner or righteous way of living. The universal religion is not a religion but the religion, which is already there. We are lost so much in the external conflicts of religion that we fail to notice its presence. Different religions are not actually contradictory, but supplementary to each other. Therefore watch-word of Universal religion is "Acceptance" not just "tolerance". The different religions are just like different aspects of the same truth. The so called religions are different ways of practices of the same spiritualism. Therefore, the concept of universal religion is justified which is one and evolving in the society from eternity.

Romain Rolland has said "Supreme Indian idea of the unity of all men in God and realisation of this idea inwardly and outwardly in social relations and in the structure of society are destined to govern all progress of human mind".^{vi}

The philosophical outlook and religious sentiments of the masses enrich the culture of the civilization.ⁱ So philosophy, religion and culture play vital role in the betterment of human rights situation.

The world needs such a spiritual culture, where there is free growth of mind and which accepts all, which is broad and all – embracing. Rabindra Nath Tagore expressed in a poetic mood.

“Where the mind is without fear and the head is held high where knowledge is free; where the world has not been broken up into fragments by narrow domestic walls.....”

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