

# Reflections:

## Human Rights and Human Obligations in Asian Traditions

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# Content Overview

- Juxtaposition of “Asian Traditions” and “Human Rights”: Significance of Discussion
- Universalism and Relativity
  - Notions of Culture
  - “Asian” Conceptions
- Analytical Methodology
- Contributions of Asian Conceptions to the Human Rights Dialogue

# Context: Significance of Discussion

1. The Universal Declaration of Human Rights
2. The Credibility Crisis
3. Globalisation
4. Religious Extremism: “God’s Warriors”
5. Explaining the Persistence of Culturalists Arguments
6. Efficacy in the Promotion of the Universality of Human Rights
7. Drawing Attention to Repressive Regimes

# Universalism and Relativity

- Religious and Secular Notions of Universalism
  - Universal brotherly love: Hebrew Bible (Micah), New Testament (Paul), the Buddha
  - Detached universal love: Stoics, Plato, Aristotle, Cicero
- Many traditional Asian invocations of duties correspond to secular conceptions of rights:
  - Right to life and the security of one's person, right to property, standardised legislation, progressive punishments, fair ruling, freedom of conscience, religious tolerance

# Of “Culture” and “Asia”

- Identifying “Culture”
- The Politics of Culture and Cultural Relativism
- What and where is Asia?
- The Myth of a Continental Culture

# Analytical Methodology

- Structural and Conceptual Analysis
- “Traditional” societies: East and West
- Values, Rights and Practices

Thesis: “Human rights are inherent, inalienable and universal.”

Sources of human rights however, may not have originated as such.

# Conceptual Comparison

- Hinduism
  - Buddhism
  - Confucianism
  - Islam
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- For comparison:
    - Greek tradition
    - Roman tradition
    - Judaism
    - Christianity

# Buddhism

- Anatma: Selflessness
  - An individual's innate suffering involves feelings of universal compassion (duhkha)
  - The middle path between self-indulgence and self-renunciation to Nirvana (c.f. Aristotle's Golden Mean)
- Expression of Non-Attachment:  
Individual freedom of thought and conscience through the questioning of apparent reality, imposed dogma and totalitarian ideas
- Similarity of Buddhist moral tenets and the Eightfold Noble Path to the Decalogue and the UDHR



# Code Common to Hinduism and Buddhism

- Five tenets of social assurances:
  1. Ahimsa: Freedom from violence
  2. Asteya: Freedom from want
  3. Aparigraha: Freedom from exploitation
  4. Armritatva: Freedom from early death
  5. Arogya: Freedom from disease
- Five tenets of social virtues:
  1. Akrodha: Absence of intolerance
  2. Bhutadaya: Compassion
  3. Vidya: Knowledge
  4. Pravrtti: Freedom of Conscience
  5. Dhrti: Freedom from fear, frustration and despair

# The Concept of Ren: Humanity

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# *Article 1 of the Universal Declaration of Human Rights*

繁體中文字 (Traditional Chinese characters)

人人生而自由，在尊嚴和權利上一律平等。他們賦有理性和良心，並應以兄弟關係的精神互相對待。

简体中文字 (Simplified Chinese characters)

人人生而自由，在尊嚴和權利上一律平等。他們賦有理性和良心，並應以兄弟關係的精神互相對待。

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

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# Confucianism

- Confucius (551 – 479 BCE): *The Analects*
- Necessity of social participation:
  - Expression of individual commitment to a social unit leads to entitlements
- The Way:
  - Individuals' efforts towards self-actualisation and the pursuit of an altruistic and dutiful path
  - C.f. Conception of Aristotle's "right": "right in benefit to the whole state and the common interest of the citizen."
- Advocacy of education, personal self-actualisation, group rights

# Islam

- Basic source of Islamic teaching: The Q'uran
- Consists of 114 surahs revealed to Mohammed prior to his death in 632 CE.
- Tenets include:
  - Common point of origin for all creatures (surah 49:13)
  - Recognition of the universality and objective nature of moral goodness
  - No compulsion in religion
  - Sanctity of human life (surah 6:151)
  - Impartial justice (surah 5:8)
  - Disputes between different religious groups as to the “truth” will be resolved by Allah (surah 5:48)

# Greek and Roman Traditions

- Stoicism: Origins from Socrates (469 – 399 BCE) and Plato (428 – 347 BCE)
- Tenets:
  - General comprehension of “goodness”
  - General pursuit to seek internal and external harmony through an altruistic path
  - Goodness is therefore universal and not relative to social customs
  - Balancing of three elements of the soul: Intellect, emotion and desire



# Judeo-Christian Tradition

- Christianity is based on the birth and teachings of Jesus Christ (ca.6 BCE – 30 CE)
- Notion of equal moral status for all human beings: “...you are all one person in Jesus Christ.” (Galatians 3: 29)
- Basic notions of equality and human dignity:
  - “Love your neighbour as yourself.” (Matthew 22:39)
  - “judge righteously between every man and his brother, and the stranger that is with him” (Leviticus 19:18)
  - “He that oppresses the poor blasphemes his maker” (Proverbs 14:31 – 35)
  - “Thou shalt not curse the deaf, nor put a stumbling block before the blind” (Leviticus 19: 14 – 15)

# Thematic Comparisons

- Economic and Social Freedoms
- War and the Search for Peace
- Women's Rights

# Economic and Social Freedoms

- Plato: Economic redistribution
- Aristotle: Defense of liberality and property ownership
- Hinduism: Just governance must enforce the right to property (Arthashastra / Mahabharata)
- Buddhism: Economic redistribution, communitarian distribution of property (Pali Canon)
- Confucianism: “where there is even distribution there is no such thing as poverty”
- Islam: Protection against poverty (surah 22:7), rights to shelter (surah 2:85), to dignity (surah 17:70), to sustenance (surah 17:70), to asylum from oppression (surah 4:97)

# War and the Search for Peace

- “Nation shall not lift sword against nation...” (Micah 3:14 – 16)
- “If thy enemy be hungry, give him bread to eat...” (Proverbs 52:21)
- Ahimsa: Hindu tenet on the absence of desire to harm – led to Gandhi’s satyagraha (passive resistance)
- “Victory breeds more hatred, the defeated lives in pain; the peaceful person lives happily...” (Buddha)
- Social order as the basis of political stability and universal peace. (Confucius)
- War must be in retaliation against an evil, and proportionate to that evil (Q’uran surah 42:40), and soldiers are to “exceed not the limit...Fight till there is no persecution, and the judgment be God’s. But if they desist, let there be no hostilities save against the unjust.”

# Women's Rights

- Subordination to men:
  - Aristotle: Males are by nature superior to women
  - Inequality and idea of ownership over women in the Bible: Hosea 2; Ruth 4:10
  - Husband's right to punish wife (Laws of Manu)
  - To be born as a woman is a punishment (Buddhism)
  - Husband's ascendancy over his wife (Confucianism)
  - EXCEPTIONS:
    - Plato: Both genders were equal and had equal abilities
    - Q'uran: Male and female "of equal nature" (surahs 4:1)
- Safeguarding women
  - Protection of pregnant women (Arthashastra)
  - Protection of women's rights (Q'uran)

# Contributions of Asian Conceptions to the Human Rights Dialogue

1. Link between the Enlightenment and Decolonialisation
2. The Individual and Society
3. Empirical assessment of human rights
4. Development of a credible, compatible human rights dialogue
5. Enforcement and mechanism of human rights
6. Fluid nature of culture and human rights

# Reflections

- Dialogue about Real Differences
- Promotion of universal human rights
- Addressing arguments prevalent in policy discussions
- Understanding of the Source and Difficulties of the Human Rights Dialogue

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