Baha'i-Inspired Perspectives on Human Rights

Foreword by:
Albert Lincoln

Edited by:
Tahirih Tahririha-Danesh

With contributions by:
Kiser Barnes
Greg Duly
Cheshmak Farhoumand-Sims
Nazila Ghanea-Hercock
Graham Hassall
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BOOKS FOR THE WORLD

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To Ugo Giachery & Mildred Mottahedeh

As a token of our love and gratitude

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I am deeply grateful as well to Dr. Albert Lincoln for providing a thought-provoking and insightful foreword to this e-book.

Credit must also be given where it is due. This book is the fruit of the efforts of its contributors. It is my honor to have facilitated the publication of their articles in this inaugural volume and I sincerely thank them for their selfless spirit of scholarship.

Last but not least, I wish to thank Mrs. Michele L. Danesh and my dear husband, Mr. Arman E. Danesh, for their assistance with the editorial and technical aspects in the production of this volume.

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FOREWORD

Bahá'í-Inspired Perspectives on Human Rights

A bibliographical review[1] indicates that the earliest use of the terminology of human rights in publications by Bahá'í institutions coincided with the inception of their official relationship with the United Nations. In fact, three of the first four documents[2] submitted to the newly established international organization in 1947 and 1948 were statements on various aspects of this subject intended as contributions to the preparatory work on the Universal Declaration of Human Rights.[3] The first of these was an eight-page statement entitled "A Bahá'í Declaration of Human Obligations and Rights", which was presented to the Human Rights Commission in February 1947 on behalf of eight national Bahá'í administrative bodies. During the sixties and seventies, this statement was reprinted a number of times and supplemented by others with such titles as "Human Rights: Basis for World Peace", "Human Rights are God-Given Rights" and "Divine Law, Source of Human Rights".

The first attempt at an analytic approach by an individual believer appears to be Philip Hainsworth's *Bahá'í Focus on Human Rights*, a 64-page booklet published in 1985, which may be viewed as the antecedent of the present volume.

While these early publications were clearly stimulated by developments outside the Bahá'í community and employed a pre-existing vocabulary, certain distinctive elements can be identified in the approach adopted, reflecting an effort to root it in the teachings of the Bahá'í religion. This was done primarily by reference to the basic concept that every person is an essentially spiritual being endowed by the Creator with talents and capacities, and that the purpose of life is to realize that potential for the benefit of society as well as the individual concerned. The equal dignity of all human beings and the need for both solidarity and legal equality among them are clearly posited in many passages of the Bahá'í sacred scriptures. Furthermore, these ideas are encapsulated in the concept of the "oneness of mankind", which is described as the "pivot round which all the teachings of Bahá'u'lláh revolve".[4] From these elements, the early literature derived two key principles:

- To the extent that human rights refer to conditions of existence that are necessary to enable human beings to realize the purpose of their existence, one may infer that such rights have a source in the Divine Will.
- To avoid nurturing a sense of personal entitlement that is fundamentally selfish and anti-social, there must be a clear linkage and a proper balance between rights and privileges, on the one hand, and obligations and responsibilities, on the other.

While neither of these ideas broke totally new ground, each challenged to some extent the secular liberalism of Western culture, which was clearly the dominant influence in the framing of the Universal Declaration.

Another point is worth making, if only because cynics may be quick to attribute to mere expediency any interest in human rights manifested by a religious community that represents one-thousandth part of the world population and is a minority nearly everywhere.[5] In actual fact, the primary substantive focus of the human rights discourse of the Bahá'í community, as reflected in the early literature, was racial and gender equality. The writers made it quite clear that it was not their purpose to advocate any particular course of action, but rather to demonstrate that the Bahá'í Faith could make a contribution to questions of topical interest. Only after the recrudescence of active persecution directed against the Bahá'í community in Iran did religious liberty emerge as a significant theme in this discourse.

Bahá'í discourse on human rights has matured considerably since those early days. It has been enriched as much by the continuing struggle with systematic repression, experienced directly by the Bahá'ís of Iran and vicariously by their fellow believers around the world, as by the publication of a book on freedom of religion[6] and a number of articles[7] and statements examining different aspects of the subject. The thought-provoking pieces collected in this virtual volume will propel it forward another stage.

Without in any way diminishing the credit due to those who have labored to bring forth this important new publication, it is not inappropriate to remind ourselves that much remains to be done. On the one hand, the subject of the rights and obligations of human beings is as vast and as intricate as it is critical to the future of the planet. On the other, the Bahá'í revelation is replete with fresh insights on the nature of the human being, of civilization and of the interactive relationship between the individual and his or her social environment. Bahá'u'lláh consciously set out to provide a spiritually-based legal framework for a new civilization, albeit in seminal form, and there are innumerable passages in the Bahá'í scriptures which speak in the language of rights and obligations. In a summary of the principal teachings of the Bahá'í Faith during a talk given in Philadelphia in 1912, 'Abdu'l-Bahá stated:

> Bahá'u'lláh taught that an equal standard of human rights must be recognized and adopted. In the estimation of God, all men are equal; there is no distinction or preferment for any soul in the dominion of His justice and equity.[8]

In our ongoing exploration of various facets of this complex subject, it is important that due attention continue to be devoted to human rights principles as they apply within the Bahá'í community. We may take some comfort in the fact that the unique legal and institutional structure that forms an integral part of this religion provides safeguards against the kinds of gross abuse that have blackened the annals of past centuries, as well as in the likelihood that it will be a long time indeed before Bahá'í institutions wield temporal power. Shoghi Effendi's warnings against the proliferation of detailed regulations at this early stage in the development of the Bahá'í administrative order should also be borne in mind. Nonetheless, it may well be that the healthy development and continued vitality of Bahá'í communities will depend on an ever-deeper understanding of the distinctive approach to individual rights and responsibilities mandated by the Bahá'í teachings.[9]

In any case, as the Bahá'í community emerges from obscurity, the world at large will increasingly weigh the credibility of its human rights discourse and the value of its contribution on matters of general interest against the actual performance of Bahá'í communities in the management of their internal affairs. Our collective pursuit of excellence in this critical area can be powerfully assisted by the work of scholars and thinkers such as those who have contributed to this commendable undertaking.

Dr. Albert Lincoln

Footnotes

1 Based on Collins, W. P. (1990). Bibliography of English-Language Works on the Bábí and Bahá'í Faiths, 1844-1985. Oxford, United Kingdom: George Ronald.

2 The fourth was the response of Shoghi Effendi Rabbani, Head of the Bahá'í Faith, to letter from the United Nations Special Committee in Palestine asking his position on the future of the Holy Land. See *The Bahá'í Relationship with the United Nations.* (1956) The Bahá'í World, vol. XII. Wilmette, IL: Bahá'í Publishing Trust. p. 597.

3 The drafting, which began in early 1947, was completed in June 1948, and the Declaration was adopted on 10 December 1948.

4 Shoghi Effendi (1955). The World Order of Bahá'u'lláh. Wilmette: Bahá'í Publishing Trust. p. 42.

5 The only exceptions being a few small villages in remote areas of the third world.

6 Bahiyyih Tahzib (1995). Freedom of Religion or Belief: Ensuring Effective International Legal Protection. The Hague, The Netherlands: Kluwerlaw International.

7 E.g., Matthew Weinberg (1998). *The Human Rights Discourse: A Bahá'í Perspective*. The Bahá'í World 1996-97. Haifa, Israel: World Centre Publications. pp. 247-273.

8 'Abdu'l-Bahá (1982). Promulgation of Universal Peace. Wilmette, IL: Bahá'í Publishing Trust. p. 182.

9 See letter from the Universal House of Justice to the Followers of Bahá'u'lláh in the United States of America dated 29 December 1988, published separately as Universal House of Justice (1989). *Individual Rights and Freedoms in the World Order of Bahá'u'lláh*. Wilmette: Bahá'í Publishing Trust.

INTRODUCTION

The discipline of human rights is a colorful arena filled with various perspectives and experiences. Some argue that the quest for human rights has been present "at every stage of history"[1] while others see the discipline as a more recent phenomenon. What stands clear is the fact that the conscious process of recognizing the need for human rights for the entire planet began in 1948, with the establishment of the Universal Declaration of Human Rights.[2] As one of the first collective expressions of an international community, the Declaration was conceived after the atrocities of the two World Wars, which left no room for a bewildered humanity to continue its sufferings in the face of ongoing crimes and violations.[3]

This body of articles represents an expression of a collective desire to value human life and preserve its dignity and development. Eleanor Roosevelt, perhaps the most prominent figure in the conception of this Declaration,[4] called it "the international Magna Carta of all men everywhere"[5] Many rejoiced at the accomplishment of this "epoch-making event."[6] The Universal Declaration, combined with the subsequent Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights represent the basic standards for the protection and development of human life regardless of race, religion, gender or class.

Human Rights are a combination of individual and collective values and standards that may be viewed as a response to human needs. They are "a common standard of achievement for all peoples and all nations."[7] As explained by the Bahá'í International Community, "a human right is an expression of man's divine endowment given social status by a moral and sovereign body. A right attains social status only after it has become a moral value asserted and maintained as a necessary quality of human relationships by the members of the community."[9] Their universalization offers a pattern for attitudes and actions that are conducive to preservation of "justice, progress and peace"[8] for all humanity.

Over the past century, the Bahá'í community has played an active role in the promotion of universal spiritual verities that enhance a culture of human rights. One of the most prominent features of this active role is the introduction and integration of Bahá'u'lláh's teachings to the discipline of human rights. With the presentation of A Bahá'í Declaration of Human Obligations and Rights in 1947, the

Bahá'i International Community began its contribution to the rising United Nations and its agencies in upholding human rights as an essential feature of governance in the global community. Having released scores of statements on various aspects of human rights from a Bahá'i perspective, the Bahá'i community favors one main approach to the promotion and protection of human rights, that of education.

As debates on emerging dimensions of human rights continue, one may pause to reflect on exploring a Bahá'í-inspired perspective. Based on the body of Sacred Writings of the Bahá'í Faith, documents by the Bahá'í International Community, contributions by authors and scholars in human rights and related fields, we may enhance our understanding of the relation between the Revelation of Bahá'u'lláh and the discipline of human rights. Such a comprehensive approach is an integral part of enhancing human rights discourse as explained by the Bahá'í International Community:

> Concern for human rights can be found throughout the Bahá'í Writings. Bahá'u'lláh, urges the rulers of the earth to "rule with justice … safeguard the rights of the down-trodden, and punish the wrong-doers."[10] In *The Promulgation of Universal Peace*, 'Abdu'l-Bahá emphasizes the importance of educating for human rights: "Bahá'u'lláh taught that an equal standard of human rights must be recognized and adopted" and, "there shall be an equality of rights and prerogatives for all mankind." Shoghi Effendi, in the*World Order of Bahá' u' lláh*, stresses that "[t]he unity of the human race, as envisaged by Bahá'u'lláh, implies the establishment of a world commonwealth in which …. the autonomy of its state members and the personal freedom and initiative of the individuals that compose them are definitely and completely safeguarded." Moreover, in *The Promise of World Peac*e, the Universal House of Justice underscores the importance of the *Universal Declaration of Human Rights* and its related conventions, asserting that "all such measures, if courageously enforced and expanded, will advance the day when the specter of war will have lost its power to dominate international relations."[9]

It is in light of the above that from the earliest days of the Bahá'í Faith, its community of followers has made every effort to help establish a global community committed to the protection of universal human rights. As the Bahai International Community continues its services to the peoples of the world, the promotion of human rights and human rights education evolves into a permanent feature of the efforts by its institutions and supporters. The formal statement on *The Work of Bahá'ís in Promotion of Human Rights* published in 1948, demonstrates the dedication of the Bahá'í community to the integration of human rights in every aspect of global community life.[11]

With a fresh wave of persecution against the Bahá'ís in Iran during the latter years of the Twentieth Century, the Bahá'í International Community once again intensified its efforts to help restore the rights of the Iranian Bahá'ís. But more importantly, it reaffirmed the Bahá'í commitment to the promotion of human rights through education "as the essential factor in eradicating prejudice"[11] deemed as a root-cause of intolerance, based on religion, race or gender.

When in 1994 UNESCO launched a Decade for Human Rights Education, the Bahá'í International Community welcomed the proclamation and stated "Education which instills in hearts and minds an awareness of and a sensitivity to the human rights of all persons constitutes, in our opinion, an essential tool for the promotion and implementation of international human rights standards." One of the main goals of the decade-long campaign is to advance "the fabric of rights knowledge"[12] and enrich the grassroots level with a new understanding that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."[13]

Human rights education is perceived as "a young academic venture"[14] and an organic process focusing on the holistic development of the internal realities of man with the advancement of the world at large. Part of this process relies upon the *Plan of Action* brought forth by the Decade for Human Rights Education:

i. Strengthening of respect for human rights and fundamental freedoms

ii. Developing the human personality and the sense of dignity

iii. Promoting understanding, tolerance, gender equality, and friendship among nations, indigenous people, racial, ethnic, religious, and linguistic groups

iv. Enabling all peoples to operate effectively in a free society

v. Furthering the activities of the UN in peace maintenance

From a Bahá'í perspective, Human Rights Education is a process of transformation of thoughts, values and attitudes. To affect any degree of transformation, it is essential to create a new mindset in accordance with the realities of life at this juncture in human history. The essence of such perspective "derives directly from Bahá'u'lláh's vision of humanity as one people."[15] The recognition of the oneness of humankind, the Bahá'í Writings suggest, is the most potent means of emancipating humanity from oppressive forces that have made human rights a universal longing.

It is in light of such understanding that the present volume was launched. To maximize the impact of this important work, a selected number of individuals were invited to contribute to the first volume of this publication. After careful

review and consultation ten articles on various aspects of human rights by a diverse group of scholars from Africa, Asia, Australia, America and Europe formed the inaugural edition of this e-book. Inspired by the universal truths embedded in all Sacred Scriptures, including the body of Bahá'í Writings, and a wide range of experiences, the contributors explore a number of important topics form their own individual perspective. Some of the articles describe findings from practical and personal experiences, while others address the conceptual framework that enriches the debates in human rights. All are offered in a spirit of service and in order to further our collective understanding of this field through a process of progressive reflection and integration of the spiritual and the scientific. Accordingly, this collection grants a nascent format for a collaborative and insightful dialogue among members and friends of the Bahá'í Faith centered on the overarching principles of Bahá'u'lláh's Revelation in making human rights a universal reality.

Footnotes

1 Ishay, M. R. (1997). The Human Rights Reader: Major Political Essays, Speeches, and Documents from the Bible to the Present. New York, NY: Routledge, p. xiii.

2 Universal Declaration of Human Rights, Article 1 at www.un.org/Overview/rights.html.

3 See Bahá'í International Community (February 1947) *A Bahá'í Declaration of Human Obligations and Rights*. Presented to the first session of the United Nations Commission on Human Rights, Lake Success, NY. (Bahá'í International Community Document #47-0200).

4 Bahá'í International Community (2000). *Human Rights Education: An External Affairs Initiative*. See section 4 on Human Rights Education Resources.

5 Lauren, P. G. (1998). The Evolution of International Human Rights: Visions Seen. Philadelphia, PA: University of Pennsylvania. p. 237.

6 Bahá'u'lláh (1972). Proclamation of Bahá'u'lláh. Haifa, Israel: Bahá'í World Centre. p. 11.

7 Universal Declaration of Human Rights.

8 Thuynsma, P., Thuynsma, H. (1998). *Human Rights Education: The Humanizing of a Global Society*. In Danieli, Y. Stamatopoulou, E., Dias, C. J. (1998). The Universal Declaration of Human Rights: Fifty Years and Beyond. Amityville, NY: Baywood Publishing Company. p. 253.

9 For a discussion see the United nations Resolution establishing the UN Decade for Human Rights Education.

10 Thuynsma, P., Thuynsma, H. p. 256

11 See Bahá'í International Community. *Processes of Development: The Bahá'í Approach*. www.bahai.org/article-1-8-1-2.html.

THE ARTICLES

The first article, by **Kiser Barnes**, was presented at the "First International Conference On Human Rights" in Brazil. Exploring the applicability of the International Bill of Rights in light of universality and multiculturalism, he presents a framework for human rights that is based on the all-encompassing principle of the essential oneness of humankind as expressed in the Bahá'í Writings. He also addresses the role of all principles in defining the laws that govern the field of human rights, including those derived from the core of religious teachings and the unification of humankind as the matrix for the universal enjoyment of human rights in a multicultural world.

Greg Duly looks at the rights and responsibilities of children within the Bahá'í community in light of the Bahá'í teachings, the Universal Declaration on Human Rights and the Convention on the Rights of the Children. Viewing rights as spiritual in nature, he examines a variety of sources that support the approach of developing the latent capacities in children through participatory approaches, highlighting their role as unifiers and supporters of peace and security in the global society. He presents a number of recommendations as to how better relate to children and further facilitate their development as "a new race of men."

Cheshmak Farhoumand-Sims discusses the dynamics of persecution for a religious minority in its land of origin. She points out the historical and ideological elements of this case and the need for the Iranian government to uphold the standards set in the Articles of the Universal Declaration, which it is a party to. She also explores some Christian and Islamic notions of human rights and their relationship to the current human rights regime. Finally, she stresses the need for the UN to increase its efforts in the area of human rights education aimed at all strata of human society, as a primary means of enforcing human rights standards.

Nazila Ghanea-Hercock focuses on the protection of human rights in the light of infringements within the domestic sphere of sovereign states. She outlines three types of challenge resulting from the interactions between the international and the national levels. Whilst the sovereign state system is regarded as being indispensable to the present operation of human rights, it becomes clear that it is also the prime barrier to the wider success of the human rights project. Expanding on a Bahá'í understanding of the relationship between rights and both internal and external sovereignty, she points out the need to explore the intricacies of a mechanism that

will help increase state accountability and responsibility to make rights an essential aspect of life for all people.

Next, **Graham Hassall** examines the short and fruitful history of the Bahá'i International Community and its contributions to the emergence of rights to human and social development. He characterizes these contributions since 1948 as principled, systematic and sustained. Expanding on the above, he investigates the conceptions in various statements by the Bahá'í International Community, in particular "The Prosperity of Humankind", which point to the specific observations, recommendations and contributions of this body to the United Nations and the international community for the advancement of human rights.

Drawing upon practical experience gained through involvement in a poverty reduction program in Africa, **Darren Hedley** illustrates some of the relationships between rights and responsibilities of participants in development work in peri-urban Zambia. He endorses capacity building as the essence of policies and programs aimed at true development and observes some of the challenges and benefits of such approach through overcoming cultural divides in engaging local residents as active participants of the project. By sharing his experiences, he guides the reader to understanding the importance of eradicating the extremes of wealth and poverty as an integral part of ending human rights violations.

Chichi Layor looks at the vital need to strengthen the relationship between promotion and protection of human rights and the institution of family, as "the natural and fundamental group unit of society." She illustrates the function of those rights pertaining to this institution within the current framework of human rights. Exploring the reasons for her chosen topic, she presents specific Bahá'í principles that support the need for family rights, primarily those of unity and equality and their implications in relation to familial roles. Furthermore, the author analyzes the contributions of family rights to the enhancement of a culture of rights within the society at large.

Michael L. Penn examines the international effort to eradicate violence against women and girls from a historical perspective and suggests that while significant advancements have been made in articulating laws that are essential to the protection of women and girls against human rights abuses, far too little attention has thus far been given to the inner psychological and spiritual dimensions of the problem. This paper thus reviews some of the most important legal and human rights developments that have taken place over the course of the last century, while at the same time examines the need for educational processes that address the inner domain of human moral, psychological and spiritual development if the campaign to eradicate gender-based violence is to be met with success.

Martha L. Schweitz draws on her observations of the cultural differences between Japan and the United States to reflect on the relationship between rights and responsibilities in light of societal norms. Furthermore, she juxtaposes the liberal philosophy of rights with principles in the Bahá'í Writings and enriches the debate on promoting the good of both the individual and society, by suggesting the need to examine entrenched assumptions and to transcend contemporary understandings of self. She affirms the Bahá'í commitment to human rights as spiritual in nature and as essential for the advancement of civilization, through a blending of Eastern and Western ideals that are often viewed as incompatible.

The right to education is an essential element of universal human rights. Over the past century and half a main feature of the persecution of the Bahá'í community in Iran has involved the removal of their right to education. The shut down of various Bahá'í schools throughout the country, or the expulsion and exclusion of Bahá'í students from public schools, colleges and universities in Iran, most recently since the 1979 revolution, has presented grave difficulties for the Baha'is in Iran. In a brief article, **Tahirih Tahririha-Danesh** presents a few observations about the importance of education in both Islamic and Bahá'í Sacred scriptures and the need for the international community to put an end to the Islamic Republic's goal to block the progress of the Baha'is in Iran by any means, including the basic right to education.

THE CONTRIBUTORS

Kiser Barnes is currently a member of the Universal House of Justice, the international governing body of the Bahá'í community. His contributions have enriched the work of institutions such as the International Teaching Centre, one of the main organs at the Bahá'í World Centre, the Board of Continental Counsellors and its Auxiliary Board for Africa, as well as the National Spiritual Assembly of Benin. His experience in the area of human rights stem from his work as a civil rights lawyer in the United States of America, his directorship for Community Relations of the Maryland Human Rights Commission, as well as the Equal Employment Opportunity Commission's Maryland Affirmative Action Program. Mr. Barnes's academic achievements include: Senior Lecturer, Faculty of Law, Obafemi Awolowo University, Ife, Nigeria; and Professor at Charles Hamilton Houston Lectures in Human Rights, Faculty of Law, Universite du Benin in Lome, Togo. Having published a number of children's books, Mr. Barnes is also interested in the promotion of literature aimed at the moral education of children.

Greg Duly moved to Africa, with his family in 1982 where he served on the National Spiritual Assemblies of the Bahá'í community of Mali (1985 to 1988), Zambia (1994 to 1997) and Rwanda (1998 and 1999). He has worked for the Non Governmental Organization, CARE International, as Deputy Director and Director in the above-mentioned countries as well as Kenya. Currently, he lives in Uganda where he works as Director for Save the Children based in United Kingdom. Most recently, he completed his graduate studies at Landegg International University in the field of Consultation and Conflict Resolution. His thesis, "Creating a Violence-Free Society: The Case for Rwanda," has been published by the Journal of Humanitarian Assistance for their feature on "The Future of the African Great Lakes Region" which can be located at www.jha.ac.

Cheshmak Farhoumand-Sims holds a B.A. degree in peace and conflict studies, a M.Sc. degree in conflict analysis and resolution and is currently a Ph.D. candidate in Political Science at York University, Canada. Her dissertation is entitled "Implementing Universal Values in a Multicultural World: The UN and Protecting the Rights of Women." She has studied at the European Peace University in Austria, participated in the UN graduate studies program at the United Nations in Geneva, and has worked as an intern at the Institute for Multi-Track Diplomacy in Washington DC, United States and the International Service for Human Rights in Geneva, Switzerland.

Graham Hassall is the Associate Dean for Undergraduate Studies at Landegg International University in Switzerland. He has degrees in education (B. Ed) and history (B.A. Hon, Ph.D.). From 1990 to 2000 he was Research Fellow and Director of the Asia-Pacific program in the Centre for Comparative Constitutional Studies, at the University of Melbourne Law School. He has a particular interest in electoral systems, conflict resolution, and methods of constitutional dialogue and change. In recent years he has been an official observer at general elections in Cambodia (1998) and Indonesia (1999), and in 1999 undertook research on governance issues in Papua New Guinea, Philippines, and Japan.

Darren Hedley has worked with an international Non Governmental Organization in Zambia for the past seven years, as manager of poverty reduction programs, and recently as director of Urban INSAKA, a regional research, training and consultancy unit. With a background in community development, resource management and international policy, Mr. Hedley is currently pursuing a Ph.D. at the School for Policy Studies, University of Bristol, UK, focusing on intersectoral policy networks for urban water and sanitation in Africa. His previous work experience includes community development work in Sri Lanka, Costa Rica, health promotion work with a First Nation organization in Canada, and two years of working on health research and AIDS programs in Russia.

Nazila Ghanea-Hercock is a lecturer in international law and human rights and Convenor of the M.A. in Understanding and Securing Human Rights at the Institute of Commonwealth Studies, University of London. A graduate of the University of Leeds and Keele University, her doctorate addressed "The interaction between the UN human rights machinery and the Bahá'ís in Iran (1980-1998)." Her publications to date have addressed freedom of religion or belief, religious minorities in Iran, and apostasy and human rights law.

Chichi Layor holds a Masters degree in the Theory and Practice of Human Rights from University of Essex Human Rights Centre, in Colchester, Essex, United Kingdom. She currently works on refugee issues. Other organizations with which she has worked include: One World Trust and All Party Parliamentary Group for World Government, Institute for War and Peace Reporting in United Kingdom, the Office of Social and Economic Development, Bahai World Centre in Israel and Guardian Newspapers Limited in Nigeria. Ms. Okoye is the author of *Break Every Rule* by Delta Publications (Nigeria), 1989, and *Leopards, Oracles and Long Horns* by Panther Creek Press (USA), 2001.

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Human Rights and Multiculturalism

BY KISER BARNES

It is a special privilege to discuss human rights and multiculturalism at the first international conference on human rights in Brazil, at a time when the wide variety of considerations about principles that shape the law, morality and politics of human rights are being explored. As a member of the Bahá'í Faith, a worldwide multicultural community which believes that the direction of human rights must also be enriched by spiritual principles, my enthusiasm is heightened on this occasion. For I share your confidence that a global human rights culture is evolving, where, as suggested by Bahá'u'lláh, the Founder of the Faith, "an equal standard of human rights must be recognized and adopted."[1]

The theme of "multiculturalism" includes the question whether international human rights,for example those contained in the Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights,are applicable to *all* societies; or can those rights be differently interpreted and applied by States on the grounds of political, economical, cultural, or other differences. Notwithstanding that the recognition of human rights represents an attempt to legitimise a set of worldwide, overarching values, the universal characteristics of human rights is a large part of the difficulties of justifying them in a multicultural world. Although many right measures have become a part of international customary law and national positive law, human rights claims in general appeal to moral principles. Thus, the concept of human rights remains close to the idea of justice.

The issue has created a great deal of tension between the basic moral force of human rights, their increasingly legal nature, and the fundamental principles of justice which human rights imply. The discussions have led to a good deal of agreement that human rights rest on universal principles of morality, or justice, which are open to a process of change. Fortunately, the debate has, as well,

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further entrenched the doctrine of human rights as a prime philosophical source of political and social reform. Moreover, the difficulty has highlighted the rich diversity of the human family, which is both its glory and its strength and conclusive evidence of the success with which man has adapted to the diverse conditions of his planet.

Such observations suggest that in a first conference called to discover practical measures for strengthening the human rights movement, in the face of the monstrosity of "ethnic cleansing"; the horrors of racism; the perverted passions of religious animosity; the extermination and marginalization of indigenous peoples; the victimization of women; and other symptoms of the disease of disunity afflicting mankind, a consideration of guiding principles, found in law, and other fields, including religion, that could broaden insight about some basic values accepted by a great many cultures and promote the universality of human rights principles, would be appropriate.

Here we approach the heart of the matter. Are there directive principles, in addition to those already established in the Universal Declaration of Human Rights, other rights instruments, and elsewhere—such as the "dignity of the human person," which might influence perceptions and attitudes about the conceptual framework and scope of human rights? It appears that reference to the principles of the oneness of mankind and unity in diversity—fundamental principles of the Faith—could invigorate the process.

Thus, an essential reference for my remarks on the challenges connected with human rights in a multicultural world, is that:

> The bedrock of a strategy that can engage the world's population in assuming responsibility for its collective destiny must be the consciousness of the oneness of humankind. The human species is an organic whole, the leading edge of the evolutionary process ... What the peoples of the world are experiencing, Bahá'u'lláh, the Founder of the Bahá'í Faith, said is their collective coming of age, and it is through this emerging maturity of the race that the principle of unity in diversity will find full expression.[2]

In this discussion, some issues involved in the challenge of promoting the universality of international human rights are addressed. A review of some basic values in international instruments which are accepted in a broad sense by all peoples is presented, along with a tentative exploration of the relation of the Bahá'í principle of the oneness of mankind to human rights. Some practical implications connected with the learning principles in relation to the rights of indigenous peoples and minority groups are outlined. Comments on the merits of an multi-disciplinary approach for fostering human rights, including

the role of religion and the importance of human rights education, are also presented.

The Challenge of Universality

In 1945, the United Nations took a revolutionary step by including human rights in Article l of its Charter as one of its basic aims. For the first time human rights were elevated to a position of global concern, described by Winston Churchill as "the enthronement of human rights."[3] The concept of human rights, traditionally known as natural rights or the rights of man, that had been purportedly internationalised, was that a person had human rights simply because he or she is a human being. The view of cultural relativism, under the doctrine of "multiculturalism," was inserted into the human rights discourse in 1948, when the American Anthropological Association rejected the applicability of any Declaration of Human Rights to mankind as a whole. Its statement explicitly stressed that "the rights of Man … cannot be circumscribed by the standards of any single culture, or be dictated by the aspirations of any single people."[4]

From the perspective of relativism, cross-cultural judgments are opposed on the grounds that there are no overarching, universal moral truths, or principles, or universal cultural ideals. It has been argued that many human rights norms possess a distinctively Western or Judeo-Christian bias, reflecting assumptions that the values of other cultures, peoples and races are inferior. Hence, it is asserted they are ethnocentric. For instance, the notion of universal human rights has been opposed in Asia and Africa on the grounds that Western notions of human rights are founded on the idea of the personal autonomy of individuals, which those cultures do not hold as a fundamental virtue, in contrast to communitarian values. Relativists further contend that other cultures have virtues of their own, to which their members are held accountable.

Another argument in favour of cross-cultural relativism, is the view that developing states cannot be expected to implement political and civil rights fully,as long as they have not reached a level of economic development; these states must give priority to economic development, in order to facilitate the realization of civil and political rights. The international instruments themselves attach equal weight to both sets of rights. Furthermore, the United Nations General Assembly and the United Nations Commission on Human Rights have confirmed that human rights are indivisible, interdependent, and deserve the same amount of attention.

The theory that human rights are relative has gradually lost ground. Cultural relativists have found it increasingly difficult to sustain their position.[5] Some

have conceded that there are some global values to which all peoples and cultures may be held accountable. For example, no culture tolerates indiscriminate lying, stealing or violence within the group. The universality of incest taboo. A limitation on the number of deaths that might be inflicted in legitimate acts of revenge. The universal acceptance of the Golden Rule, a universal principle for human relations, as a fundamental ethical truth.

Under what has been termed a "Minimal Globalism," it is thought that the concept of human rights is universal but that rights vary among different societies.[6] The acceptance of particular moral principles and legal entitlements often evolve to stages of acceptance and implementation over time. Historical developments certainly support the view. For example, religious, racial, sexual and ethnic discrimination have been widely practiced but are indefensible today. It is generally agreed that "core rights," such as the right to life, security of person, prohibition of discrimination, and freedom of thought, conscience and religion are not subject to cultural definitions and applications.

The view remains compelling that since 1946 when the signatories of the United Nations Charter affirmed their faith in fundamental human rights, basically on the principle of the dignity and worth of the human person, no state can claim that the denial of such rights to its own citizens is solely its own business. To this end, in 1993, at the World Congress on Human Rights, the representatives adopted by concensus the Vienna Declaration, which states of "all human rights and fundamental freedoms for all" articulated in the Universal Declaration of Human Rights and elsewhere: "The universal nature of these rights and freedoms is beyond question… Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Government."

Obviously the guiding principle of the universality of human rights has been subject to the exigencies of special political interests; for the human rights movement is not inseparable from the political process. Yet, it is plain that a broader acceptance of the universality of rights, limiting what a state may do to its citizens, seems to be precisely what the political problems of our age urgently require. The world has undoubtedly gained a great deal from the fact that since the acceptance of the Universal Declaration efforts for the implementation of basic human rights have become increasingly a feature of international relations, conventions and diplomacy. The massive violations prove, however, a cynical disregard of its principles on the part of some governments. There are still innumerable persons oppressed who have not yet felt the benefits of the principle of universality.

For my part, I am delighted to say that as early as 1947, the Bahá'í Faith, in a written presentation to the United Nations Commission on Human Rights, offered its support for an international system of human rights.[7] The perspective of the Faith regarding the principles of the oneness of humankind and unity in diversity was presented. Subsequently, the Bahá'í International Community has consistently shared the merits of this fundamental ideal. The following is a representative statement:

> The goal of the international community is to build a world family of nations, whose members have equal rights, privileges, duties and responsibilities, and share a dedication to peace and to the upholding of a common set of human values; to create a global society which protects the human rights of every member, respect his dignity and individuality, and provides for the full development of his potential, so that he may be of service to his fellow human beings and make his contribution toward the building of an ever-advancing civilization.[8]

More recently, the Statement of the Bahá'í International Community, *Turning Point For All Nations*, presented on the Occasion of the Fiftieth Anniversary of the United Nations, offers new ways of thinking about human rights, within the broad context of the evolution of an integrated global society. "The way has been cleared for new definitions of human rights and affirmation of personal dignity," it states, and that " new levels of consciousness have been reached on global programs to promote… human rights…" [9]

Accordingly, it is highly encouraging, that from the universality relativity discussions powerful insight has emerged about our rich diversity of cultures, and some specific features of African, Asian, and indigenous cultures, to mention only a few. A deeper appreciation has thus been established for the global moral imperatives in the holy scriptures of the world religions, which are the root-genesis of the spiritual values found in human rights instruments. A broader awareness has developed, given the evolutionary nature of human rights, that different cultural traditions may contribute positively by raising new areas of concern, adding more rights, and generally informing the movement with additional values.

The Oneness of Mankind as a Normative Concept

I turn now to a consideration of the possible advantages the principles of the oneness of mankind may hold for the ideal of human rights. The legal instruments and the literature on human rights demonstrate the critical role that

principles have played, and are playing, in the search for a world view that would support a viable foundation for human rights. References to such moral principles, or basic values, as human dignity and non-discrimination are in a great number of legal instruments. The description of the moral values are expressed variously as human rights "principles," "universal principles," "ideals," "values," "concepts,""goals," "fundamentals,""norms," "axioms," "standards,"and "utilities." Of course, the merit of these normative concepts is that they do not offer a detailed statement of vision,or scope, or practical measures for implementation. They provide a dynamic, a perspective,and a will for achieving the undertaking. They influence perceptions and attitudes, which invigorates the process of the evolution and implementation of human rights.

Suffice it to recall, as well, that many international human rights instruments declare that their contents are based on " the principles proclaimed in the Charter of the United Nations."[10] Many affirm, "the principles of the Universal Declaration of Human Rights"[11], which was put forward principally as a statement of ideals, elaborating "classical principles." Other Covenants are based on "respect for the principle of equal rights… universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" [12]; "the principle of the dignity and equality of all human beings"[13]; "the principle of non-discrimination"[14]; "the principle of equal remuneration for men and women workers for work of equal value"[15]; the "Declaration of Basic Principles on the Independence of the Judiciary"[16]; and the "Declaration on Social and Legal Principles relating to the Protection and Welfare of Children…"[17]

The universal principle of the "dignity of the human person" occupies a prominent position. It appears in the Preamble of the United Nations Charter as an ideal that "we the peoples of the United Nations" are "determined" to achieve. It is included in the first Article of the Universal Declaration of Human Rights, as well as, in the other documents constituting the International Bill of Human Rights, in various resolutions and declarations of international bodies, and in national constitutions. It has acquired such approbation that it is invoked widely as a legal and moral ground for championing human rights. Indeed, it has been described as the "supreme ethical principle," the "emancipatory principle underlying human rights."

All I have expressed, thus far, demonstrates that principles have far-reaching implications. Before proceeding further in this direction, however, I am sensible that lawyers often prefer discussions that give specificity to the concept of legal rights and duties, and the implementation and realization of recognized rights. More often than not, the discussions are technical rather than ethical in character. The view is still heard that positive law, in contrast to

moral values or moral law, is the only law which it is worth thinking about. However, it is thought that lawyers and legal postivism might serve to make the public more conscious of what morality is. In this regard, I remind you that Law Faculties around the world were the first to study the doctrine of human rights in an objective manner.

Inquiries concerning principles of human rights are intimately connected with the jurisprudential search for the ultimate values of legal ordering. It is generally accepted that the source of justice is in the law, and that one cannot talk for long about law without entering into the realm of value. It is intimately linked with justice, and in its entirety is seen as a system of justice. The human rights field, in particular, offers golden opportunities for connecting the rise of a value-oriented jurisprudence, not only on the premise of a revival of natural law philosophy, if you wish, but by reference to certain spiritual and evolutionary forces which are pushing law forward towards a field, which might be termed, "Law and the Oneness of Humankind." It is in this direction that law and lawyers, as servants of justice, would develop more capacity to serve a unified world.

I am also aware that the term 'principle' in the Declarations and Conventions, and elsewhere, seems to have lost much of its sense of an ontological source for practical, effective programs of action. In many instances the call for a radical approach based on principle, or a decision, or a course of action based on principle, is taken to suggest the notion of a static proposition or the pursuit of expediencies of national, ethnic, or local interests. Moreover, following the recent unleashing of deep-seated hatred, which has given way to the recurrence of that monstrous spirit of "ethnic cleansing" in the former Yugoslavia and Rwanda, it might be thought that a return to what may seem so slight a thing as principles to animate the human rights movement misconceives the depth of the suspicions and fears and cynicalism , neopragmatism, and disunity afflicting mankind. However, the place and role of principles is undoubtedly part of the process of the evolving consciousness for new ways of thinking and expressing committment that must be had in the human rights movement.

Thus, it is extremely heartening that in the face of chronic disillusionment over religious extremism, racism, poverty, hunger, and violent atrocities, Mary Robinson, President of Ireland, who will soon take up the appointment as the United Nations High Commissioner for Human Rights, in the position of General Reporter at the Council of Europe's Preparatory Meeting for the 1993 World Conference on Human Rights, raised an urgent call for a return to principles in this striking manner: "…I share with you a firm and tested belief in the power of ideas…"[19] In the same manner, Ervin Laszlo, one of the foremost exponents of systems philosophy, a member of the prestigious Club of Rome

and Rector of the Vienna Academy for the Study of the Future, declared: "We have all forgotten the importance and power of postive ideas and images of the future. We look upon the few remaining visionaries of a better world as naive optimists or harmless fools. Our societies suffer from an overdose of pragmatism combined with generalized but vague pessimism."[20]

Approaches based on principles are in sharp contrast to the views heard in influential quarters that belief in the power of ideas, or principles, or a restatement of human values in relation to human rights, is utopian and a dangerous impediment to effective political action for human rights formulation and implementation.[21] And how far has the human rights movement advanced from those dark days when Jeremy Bentham objected to any declarations of the rights of man as empty "rhetorical utterances"[22] and Edmund Burke asserted that the sponsors of the French Declaration of the Rights of Man had done great social harm by proclaiming, what he called, the "monstrous fiction" of human equality.[23] The great international jurist, Judge Lauterpacht, once wrote of human rights: "Inasmuch as… they are an expression of moral claims, they are a powerful lever of legal reform. The moral claims of today are often the legal rights of tomorrow."[24] And if the position of Justice Chukwudifu Oputa is true that men of action are mobilized to action by the power of principles,[25] then thinking about the nexus of universal standards to human rights is a serious undertaking. Particularly, when it is generally agreed that the inherent dignity of the human person is a primary normative standard of human rights. Although what is meant by "inherent worth," or "inherent dignity" or "sacred nature" of the human person has not been universally agreed upon.

I am not suggesting here that the noble value—the inherent dignity of the human person—requires a universally agreed upon definition in general terms. However, analysis and detailed clarifications about its meaning might reduce specious use of the concept and broaden the impressive number of specific implications for relevant conduct that could be drawn from the principle. I agree with Alan Cranston that:

> There is a connection between human rights being universal and their formulation being generalised and wide. The basic general principle of morality are minimal precisely because they are universal. Human rights rests on universal principles, but the precise moral rights of men in some communities differ from the precise moral rights of men in other communities, and this is one reason why the formulation of human rights cannot be at the same time closely detailed and of universal application.[26]

A considerable number of the features, implications, and practical requirements associated with the principles concerning the unification of mankind are outlined in the Bahá'í Writings. In support of the view that the principle of unity in diversity would complement those notable principles which have thus far animated the human rights movement, I would point out that in the scriptures of the Bahá'í Faith, the dignity of the human person has also been extolled:

> Man,[is] the noblest and most perfect of all created things,"[27]; "Lofty is the station of man!... His is the loftiest station, and his influence educateth the world of being."[28];"Regard man as a mine rich in gems of inestimable value."[29] "It ill beseemeth the station of man to commit tyranny; rather it behoveth him to observe equity and be attired with the raiment of justice under all conditions."[30] "Were man to appreciate the greatness of his station and the loftiness of his destiny he would manifest naught save goodly character, pure deeds and a seemly and praiseworthy conduct." [31]

As you know, the term 'principle' is derived from the Latin word *'principium'*. It is compounded of the words *primus*, meaning first or chief, and *cipium*, meaning 'to take'. Thus, a 'principle' is that controlling factor in human undertakings which must be considered first. It is first or chief among other factors, the primary source, or underlying faculty of an endeavour, upon which practical decisions and actions may follow. One of the functions is that principles indicate new approaches which ought to be taken.

Consistently, then, with a belief in the power of directive principles, the Bahá'í Faith, since its birth in 1844, has called upon the peoples of the world to explore the principle of the oneness of mankind. In a major statement on the function of principles in facilitating major world undertakings, the Universal House of Justice, the highest International Administrative Body of the Bahá'í Faith at Haifa, Israel, wrote:

> There are spiritual principles, or what some call human values, by which solutions can be found for every social problem. Any well-intentioned group can in a general sense devise practical solutions to its problems, but good intentions and practical knowledge are usually not enough. The essential merit of spiritual principle is that it not only presents a perspective which harmonizes with that which is immanent in human nature, it also induces an attitude, a dynamic, a will, an aspiration, which facilitate the discovery and implementation of practical measures. Leaders of governments and all in authority would be well served in their efforts to solve problems if they would first seek to identify the principles involved and then be guided by them.[32]

Here, then is an empowering principle—the oneness of mankind—representing, from the perspective of the Bahá'í Faith "the consummation of human evolution," which, may be promoted in concert with the basic value, the inherent dignity of the human person, and other noble principles, that have quickened the human rights movement. As a further step in this direction, I shall next suggest some practical implications of the principle that are not only compatible with the ideas of the inherent dignity and worth of human persons, but would serve to enrich these concepts, and others, which are basically linked with the idea of justice and equity, which the human rights movement implies. The following, most of which has been compiled from the Bahá'í Scriptures or statements presented by the United Nations Office of the Bahá'í International Community, also includes a few specific practical points concerning indigenous people, minorities and human rights education.

- First of all, the Bahá'í Writings emphasise that this noble principle is " no… mere outburst of… emotionalism or an expression of vague and pious hope… [nor] to be merely identified with a reawakening of the spirit of brotherhood and good-will among men… It implies an organic change in the structure of present-day society… It constitutes a challenge, at once bold and universal, to outworm shibboleths of national creeds… It calls for no less than the reconstruction… of the civilized world—a world organically unified in all the essential aspects of its life, its political machinery, its spiritual aspiration, its trade and finance, its script and language, and yet infinite in the diversity of the national characteristics of its federated units."[33]

- The conception is "primarily directed against all forms of provincialism, all insularities and prejudices… social assumptions and religious formulae [that] have ceased to promote the welfare of the generality of mankind… [and] no longer minister to the needs of a continually evolving humanity."[34]

- "…recognition of the oneness of humanity, appreciation of unity in diversity, and a sense of citizenship in a world community will be the best guarantee of improved human rights in the years to come…"[35]

- "…responsibility for ensuring equal rights for minorities falls on both majorities and minorities. Majorities have a special responsibility, for the sake of justice, to bring about the social and political adjustments which will enable minorities to exercise… their common and fundamental rights… Both must view minority issues in the context of an increasingly interdependent world… Attitudes must change. There must be a shift in the view of majorities towards oppressed minorities, and

minorities must be freed from the sense of helplessness induced by prolonged discrimination… The challenge of changing attitudes… is not entirely within the ability of government to meet, as it calls for the influence of spiritual and moral principle… the principle which must govern any consideration of minority rights is the oneness of humanity… the diversity of the human family must be recognized as a source of enrichment rather than as a threat."[36]

- "Unity in diversity is at once a vision for the future and a principle to guide the world community. Not only must this principle come to animate relations among the nations… but it must also be applied within both local and national communities, if they are to prosper and endure. The unifying, salutary effects of applying this principle… would be incalculable."[37]

- "…education is indispensable to the realization of human rights. Education which instills in hearts and minds an awareness of and sensitivity to human rights of all persons constitutes… an essential tool for the promotion and implementation of international human rights standards… [It] should constitute a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies… Human rights eduation, if it is to succeed, must seek to transform individual attitudes and behavior and thereby establish… a new "culture" of respect for human rights. Only such a change in the fundamental social outlook of every individual… can bring about the universal observance of human rights principles… Accordingly, it is essential to touch the heart… Such education, moreover, must help to instill in every individual a keen, emotionally grounded awareness of the fundamental unity of humankind. As people begin to see each other as members of one human family, they will become willing to discard negative learned stereotypes and begin to see people of other ethnic groups, nationalities, classes and religious beliefs as potential friends rather than as threats or enemies… Bahá'í communities… are already both promoting and providing education, based on the the principle of the oneness of humanity, which seeks to cultivate respect for the rights of others, a sense of responsibility for the well-being of the human family, and the moral attributes that contribute to a just, harmonious and peaceful world civilization."[38]

- "Moral qualities, sometimes referred to as spiritual qualities or human values, are the building blocks of human personality… The full power of these fundamental qualities can be released… only when they are

acquired in the context of an understanding of the oneness of humanity and with attention to their application in action for the betterment of society as a whole. Indeed, unless applied universally and in action, these qualities can easily become little more than slogans, at times degenerating even to become excuses for prejudice and injustice… Moral education centered on an understanding of the essential oneness of humankind and applied on a universal basis constitutes an indispensable foundation for the universal respect for human rights."[39]

- The gradual recognition of indigenous peoples and minority groups is a pronounced example of how the dynamic concept of the principle of human rights is moving with the forces of history and oneness. Efforts for recognizing and protecting indigenous rights must be seen in a global context. No people should be set apart from the whole of mankind. The theme of oneness of mankind certainly includes the growing sense of the moral responsibility of humanity as a whole for indigenous peoples. The perpetuation of the cultural characteristics of peoples should be viewed as an expression of unity in diversity, which enriches the tapestry of human life. Often difficulties arise not because groups do not desire the development of their members and their natural resources, but because they are not consulted and do not reap the benefits of development projects. Human rights programs,and other programs,should instill in all people a sense of their worth as actual and potential co-builders of a world civilization, as channelled through cultural perspectives, which could enrich the entire fabric of civilized society.

- If affirmative action programs are advisable, the concept would give a larger vision of unity and oneness and that the initiative involves more than remedying past injustice. It would assist in approaching the more important question of how social unity among diverse groups can be best advanced. Such programs might assist in establishing a perspective, as practiced in the Bahá'í Faith, if there is any discrimination it should be in favor of the minority.

It may be seen in these statements that the principles of the oneness of mankind and unity in diversity could foster the adherence to values, such as unity, justice and consciousness of world citizenship. They would provide a framework upon which a new vision, new commitment and a new pardigm of unity can be constructed.

Of course, from the declaration of principles to their implementation, there is certainly a long and difficult road. Yet,the formal international recognition of global human rights has not only strengthened the struggle for international

justice, but increased awareness that change is a gradual process, requiring positive interactions of consultations and a broadening of vision. Still, it is readily acknowledged that the principles in international and regional human rights documents have influenced the content and practice of governments. The world has learned that the adoption of general standards formulated in terms of legally and morally binding treaties do not automatically transform into state practice. The era of universally accepted human rights points the way forward for concensus on binding values and irrevocable standards. The advantages of the principle of the oneness of mankind and unity in diversity might be explored, not as a detailed declaration of action, but as a help and support for those looking for direction, orientation and meaning of the larger purpose of human rights.

Finally, the universality of human rights needs to be viewed in context of an emergent unity paradigm, supported by the complementarity of religious, legal and other social perspectives. From a human rights perspective, conscious unification on a planetary scale is the process appropriate to humanity's maturity and growing capacity. And from this perspective, it is also clear that the international code of human rights has a clear bias in favour of the kind of society that displays a specific coherent set of spiritual values; tolerance of diversity; plurality of belief, ideas and cultures, reasonableness and rationality; the peaceful resolution of conflict under the rule of law; and, above all, respect for the dignity and integrity of every single one of its individual members.

Directly related to the topic of universality of rights is the emotional and difficult concern that support for the human rights for *all*, within a rigid "us" and "them" dichotomy, would compromise or destroy that loyalty all of us cherish for family, peoples and nation. In support of a radical new and far more dynamic approach to culture in the area of human rights, the Bahá'í Writings state:

> Far from aiming at the subversion of the existing foundations of society, it [the oneness of mankind] seeks to broaden its basis, to remould its institutions in a manner consonant with the needs of an ever-changing world. It can conflict with no legitimate allegiances, nor can it undermine essential loyalties… It does not ignore, nor does it attempt to suppress, the diversity of ethnical origins, of climate, of history, of language and tradition, of thought and habit, that differentiate the peoples and nations of the world. It calls for a wider loyalty, for larger aspiration than any that has animated the human race. It insists upon the subordination of national impulse and interests to the imperative claims of a unified world… Its watchword is unity in diversity.[40]

A Multi-disciplinary Approach

The broad and inherent multi-disciplinary nature of human rights concerns and the requirement for the interaction of numerous programs of action are sometimes difficult for lawyers and legislators to accept. The language which human rights are formulated is primarily the language of law, but the combined forces of political, legal, religious and moral influences must be employed. Laws are insufficient alone to create a just global society. Promotion of a multi-disciplinary approach would greatly assist in raising the discussions to the level of principles.

It is becoming clearer that the root source of the problems of abuses of power, prejudices, and disunity have their origin in the malfunctioning of the human spirit. Thus, the legal rationality of human rights, though essential, is not a sufficient basis for the resolution of deep-seated prejudices and disunity. The challenge of changing attitudes is not entirely within the ability of the legal system and governments to meet. This does not suggest that the law has no deterrent or educative effects. It is only to suggest that changing the bad laws or introducing laws prohibiting certain activities is only a partial solution of the problem.

This may involve ensuring that a greater number from minority groups become members of the legal profession. It may also involve increasing understanding that governments have a peculiar interest in ensuring that human rights measures are enforced. The use of public agencies to promote and enforce human rights legislation should be encouraged. Victims of discrimination usually do not seek legal redress individually, either because they are not aware of the steps to take, or because such redress is disproportionately expensive.Thus, reliance on law enforcement by public agencies and private organisations is therefore likely to be very great. The operation of public human rights agencies should be seen as the enforcement of constitutional or particular provisions in the public interest on behalf of the community as a whole.

It is now well understood that a considerable amount of bias is either so covert, entrenched, institutionalised and systemic that the anti-cultural, or racist, or sexist practices, policies or rules appear neutral on their face, i.e., non-discriminatory and reasonable. In such circumstances experience and expertise are essential to detect the discriminatory operation, impact and effect of the prejudice and ferret it out. Well-trained human rights workers with a public agency can accumulate sufficient experience to uncover the discriminatory practice. The staff soon acquires the necessary expertise to recognize the subtle and insidious forms that discrimination and disunity take and the agency itself

becomes a clearing house for authoritative information on the problems of protected groups. The enforcement of the law by a state agency also educates the community both as to the law itself and on the importance accorded the state to the elimination of prejudice.

Conclusion

It is to the credit of the organizers of this conferences that the participation from religious organizations has been so prominent. It is undoubtedly a major part of a multi-disciplinary approach that human rights promotion must be a meeting point for different religions. Historically, the religions of the world have been a fertile source of moral and ethical principles and practices. It appears that more and more critical thinkers are realizing that the contents and direction of human rights,in a contracting world community,must be enriched by spiritual principles and priorities.

The Scriptures of the Bahá'í Faith not only envisage a society in which the basic human rights and needs of each of its members can be met, but affirm that religion is the chief instrument, "for the establishment of order in the world and of the tranquility amongst all its people." The holy scriptures have offered a progressive vision of a fundamental global transformation that embodies a new set of principles for understanding and guiding humanity's relationships. Accordingly, there can be no question of the importance of religion as a source of moral values and principles and perspectives for the universalization of human rights values.

I have focussed on human rights principles because it seems important in a first conference on human rights to illustrate that principles are the means by which the law lives, grows, and demonstrates that it is not a mere collection of rules. Through the medium of principles, law, and in particular human rights concerns, we can draw nourishment from religion and from other fields. As I indicated earlier, only after World War II, a brief span of time in mankind's evolution, has there been a sustained effort to formulate the substance of what is now called human rights into principles of a global scope. Thus, given the dynamic and evolutionary nature of human rights, this subject lends itself directly to the view that the human rights movement needs to be viewed from a perspective that conscious unification on a planetary scale is the process appropriate to humanity's maturity and growing capacity for integration.

As a fundamental tenet of their religion, Bahá'ís are committed to the eradication of all forms of prejudice, including those based on race, ethnic origin, religion, sex or nationality. Believers are striving to build in Brazil, and com-

munities around the globe, those new conditions of unity conducive to the universal enjoyment of rights and responsibilities, which the golden future of human rights in a multicultural world holds.

Footnotes

1 'Abdu'l-Bahá (1982). The Promulgation of Universal Peace . Wilmette, IL: Bahá'í Publishing Trust. p. 182.

2 Bahá'í International Community (1997). The Bahá'í World 1995-96. Haifa, Israel: World Centre Publications. pp. 289, 290; From a statement presented by the Bahá'í International Community, at the 47th Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Geneva, 31 July to 25 August 1995.

3 Cranston, Maurice (1973). What are Human Rights. New York: Taplinger Publishing Co. Inc. p. 3.

4 Ann-Belinda S. Preis (1996). *Human Rights as Cultural Practice: An Anthropological Critique*. Human Rights Quarterly, vol. 18. p. 287.

5 Etzioni, Amitai (1997). *The End of Cross-Cultural Relativism.* Alternatives, vol. 22. p. 177.

6 ibid. p.180.

7 Entitled, "A Bahá'í Declaration of Human Obligations and Rights."

8 From a statement presented by the Bahá'í International Community submitted to the Workgroup on Social and Cultural Dimensions of Development at the 33rd Session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Geneva, 26 August 1980.

9 Bahá'í International Community (1995). Turning Point For All Nations. New York: Bahá'í International Community United Nations Office. pp. 1, 3. A significant portion of the document deals with the subject. See the sections: *Protecting Fundamental Human Rights*, p. 16; *Strengthening the Machinery of the UN for Monitoring, Implementation and Follow-Up*, p. 17; *Encouraging Universal Ratification of International Conventions On Human Rights*, p. 17; *Assuring Respect for the Monitoring Organs Of The UN Involved In Human Rights*, p. 18; *Advancing the Status of Women*, p. 18.

10 See for instance, Preamble, International Covenant on Civil and Political Rights.

11 The Proclamation of Teheran, proclaimed by the International Conference on Human Rights at Teheran on 13 May 1968.

12 Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1514 (XV) of 14 December 1960.

13 Preamble, Declaration on the Elimination of All Forms of Racial Discrimination.

14 Preamble, Convention against Discrimination in Education.

15 Preamble, Equal Remuneration Convention.

16 Adopted in 1985 and endorsed by General Assembly resolution 40/32, December 1985.

17 Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, adopted by General Assembly resolution 41/85, 3 December 1986.

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22 Cranston, p. 14.

23 ibid. p. 15.

24 ibid. p. 82.

25 Oputa, Chukwudifu Akunne (1989). Human Rights in the Political and Legal Culture of Nigeria. Lagos, Nigeria: Nigerian Law Publications Ltd. p. 38.

26 Cranston, op. cit. p. 81.

27 Bahá'u'lláh (1976). Gleanings from the Writings of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 179.

28 Bahá'u'lláh (1979). Tablets of Bahá'u'lláh. Haifa, Israel: Bahá'í World Centre. p. 220.

29 Bahá'u'lláh. Gleanings. p. 260.

30 Bahá'u'lláh. Tablets of Bahá'u'lláh. p. 170.

31 ibid. p. 172.

32 Universal House of Justice (1985). The Promise of World Peace. Haifa, Israel: World Centre Publications. p. 13.

33 Shoghi Effendi (1980). World Order of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 43.

34 ibid. 42.

35 Bahá'í International Community (March 1997). *Statement to the 53rd Session of the UN Commission on Human Rights*, Geneva, Switzerland. p. 3.

36 Bahá'í International Community (August 1994). *Statement to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities*, Geneva, Switzerland.

37 Bahá'í International Community. *Sustainable Communities in an Integrating World*. p. 3. Based on a concept paper shared at the Second United Nations Conference on Human Settlements (Habitat II), Istanbul, Turkey, 3-4 June 1996.

38 Bahá'í International Community (March 1996). *Statement on the United Nations Decade for Human Rights Education*, submitted to the UN Commission on Human Rights, Geneva, Switzerland.

39 (23 April 1996). *Joint Non-Governmental Organization Statement to the 52nd Session of the United Nations Commission on Human Rights*, offered by the Bahá'í International Community, on behalf of thirty-four non-governmental organizations, Geneva, Switzerland. p. 4.

40 Shoghi Effendi, p. 41 .

Human Rights and the Rights of the Child: Implications for Children's Participation in the Bahá'í Community

BY GREG DULY

Although subject to the criticism of promoting "…a certain culturally specific 'Western' model,…"[1] international human rights, both in conceptual and legislative terms, is gaining increasing importance as a normative framework for the guidance and protection of humankind.[2] Nevertheless, the validity of the universality of human rights, particularly as set forth in the Universal Declaration of Human Rights (UDHR) developed in 1948[3], is potentially undermined by questions about its provenance (i.e. having been established by a small group of mostly Western nations) and perceptions of cultural insensitivity.[4]

In regard to children's rights, however, these criticisms are significantly diminished. Children's rights are enshrined in the United Nations Convention on the Rights of the Children (CRC) which was adopted unanimously by the UN General Assembly in November 1989. In contrast to the UDHR, the consultative process that resulted in the CRC occurred over a ten-year period and involved all members States of the United Nations. Importantly, between 1989 and 1999, the CRC was ratified by all but two countries—Somalia and the United States of America. Thus, theoretically, at least, the CRC, as a conceptual framework and legal instrument, should have legitimate claim to a universally accepted set of principles, norms and standards. Notwithstanding this achievement questions remain. Less so regarding the issue of the universality of the CRC and its broad intent than with its implementation at country level where the norms and standards embodied in it encounter local cultural values and attitudes about children that would appear to diverge from the intent of the Convention.

Whilst the international debate surrounding children's rights may appear remote and esoteric to national and local Bahá'í communities, recent messages from the Universal House of Justice[5] regarding the role of children in community life strikes a resonant chord with the current global focus on children's rights hence necessitating an examination of the ethics and principles underpinning these rights instruments and their relevance to the process of carrying "…forward an ever-advancing civilization"[6] as well as the ultimate goal of the Bahá'í Faith—the unity of the human race. To this end, this paper will explore several key human rights issues of relevance to the Bahá'í community.

First, the author will investigate the issue of the universality of rights in light of criticism from cultural relativists. Second, the author will endeavour to resolve concerns about the secular nature of rights instruments by exploring the possibility that human and children's rights may, in fact, have spiritual, or religious influences. Finally, the paper will look more specifically at the relevance of child rights and prospects of children's participation in the Bahá'í community. Whilst the author will offer suggestions regarding the implications to the Bahá'í community of a rights orientation, it should be noted that this paper is not intended to present a definitive statement on this subject. Rather, it is the author's hope that this paper will provoke thought and contribute to an on-going examination of the significance of the messages from the Universal House of Justice and international child rights instruments concerning the historical relationships between adults and children, institutions and children, as well as the prescriptive and traditional attitudes about the roles and responsibilities children can undertake in the Bahá'í community in the pursuit of world unity.

The Universality of Human Rights: A Universal Truth or Cultural Imperialism?

> Bahá'u'lláh taught that an equal standard of human rights must be recognized and adopted. In the estimation of God all men are equal; there is no distinction or preferment for any soul in the dominion of His justice and equity.[7]

Between 1853 and 1892, the Founder of the Bahá'í Faith, Bahá'u'lláh, issued a series of Tablets and Letters that, when taken together, could be regarded as an embryonic form of a human rights charter. One of the underlying conceptions of Bahá'u'lláh's implied rights framework is the principle of universality. Correspondingly, the concept and indeed the feasibility of human rights[8] as a normative framework, particularly as expressed in the UDHR, rests upon this

same principle—a presumption of universality. That is to say, the principles, standards and norms proclaimed in the Declaration are shared by all members of the human family regardless of race, religion, gender, nationality, socio-cultural status, and so forth. This issue of the universality of human rights is extremely significant as "…there can be no prospect of the universal application of [human] rights unless there is, at least, substantial agreement on their concept, scope and content."[9] The principal of universality is supported by two underlying concepts: a) an aspirational aspect, i.e. that all peoples of the world share a desire for and a belief in these rights, and b) an entitlement component, i.e. that all people are entitled to these rights and that this entitlement—a terminology incorporating both moral and legal considerations—is a function of one's membership in the human race.

Unsurprisingly, the claim of universality of human rights is challenged by "…some real skepticism."[10] Economist and Nobel Laureate, Amartya Sen, postulates that this scepticism can be grouped into three basic categories: the legitimacy critique, the coherence critique, and the cultural critique.[11] Whilst all three critiques are relevant to the principle of universality, the analysis of this paper will focus on the cultural critique in that cultural relativists are among the strongest critics of the universality principle.

The claims of the cultural relativists regarding the purported lack of universality of human rights revolve around the following themes: a) limited participation in the development of the UDHR, b) a disproportionate emphasis on Western libertarian notions about individual autonomy without due regard for the value of collective social responsibility, and c) the secular tone of the Declaration and the human rights discourse that appears to devalue the role of religion as a social force and as a source of individual inspiration and contentment.

Limited participation in the development of the UDHR refers to the fact that at the time the Declaration was proclaimed (1948) only 58 countries participated in the dialogue and of these only 48 assented to its adoption.[12] The critics argue that since the Declaration had been drawn up without their participation it cannot be considered truly universal.[13] In response, human rights apologists such as Dato' Param Cumaraswamy, the Chairman of the Law Association for Asia and the Pacific Standing Committee on Human Rights, point out that despite the fact that the majority of the current member States of the United Nations did not participate in the drafting and adoption of the Universal Declaration in 1948, it should be "…realised that the… declaration came under close scrutiny as recently as 1993[14] [at the World Conference on Human Rights in Vienna] and was reaffirmed by 171 member States." … These States adopted by consen-

sus the Vienna Declaration and Programme of Action, which [confirmed that]… 'The universal nature of these rights and freedoms is beyond question.'"[15]

Whilst the Bahá'í Faith is a proponent of the principle of universality, it does not argue its case in a manner that dichotomises the universality and relativist discourses. Although the universality of human rights is a foundational principle, the Bahá'í Faith acknowledges the validity of certain relativist arguments. Promoting universality without recognising bona fide culturally specific values and norms would be akin to proposing a global form of cultural homogeneity or uniformity. Clearly, the Bahá'í position straddles the two worldviews in a way that could be interpreted as ambiguous and non-committal. This interpretation would be incorrect, however, as explicated by Shoghi Effendi[16] in the following citation:

> Far from aiming at the subversion of the existing foundations of society, it[17] seeks to broaden its basis, to remold its institutions in a manner consonant with the needs of an ever-changing world. It can conflict with no legitimate allegiances, nor can it undermine essential loyalties. Its purpose is neither to stifle the flame of a sane and intelligent patriotism in men's hearts, nor to abolish the system of national autonomy so essential if the evils of excessive centralization are to be avoided. It does not ignore, nor does it attempt to suppress, the diversity of ethnical origins, of climate, of history, of language and tradition, of thought and habit, that differentiate the peoples and nations of the world. It calls for a wider loyalty, for a larger aspiration than any that has animated the human race. It insists upon the subordination of national impulses and interests to the imperative claims of a unified world. It repudiates excessive centralization on one hand, and disclaims all attempts at uniformity on the other. Its watchword is unity in diversity…[18]

The reference to the primacy of individual autonomy pertains to notions about individual rights and freedoms as contrasted against, according to the relativists, the norms of other cultures that place high value on the concepts of collective responsibility (to the family, to the community, and to the state), loyalty, and discipline.[19] Whilst this reasoning is compelling, both Cumaraswamy and Sen present two persuasive counter arguments. The first is that the "Western values" argument is most frequently made by the leaders of authoritarian institutions (e.g. both governmental and traditionalist religious bodies) who could be said to have a vested interest in diminishing the importance of individual human rights. Indeed, Cumaraswamy contends that these authority figures do not accurately represent the aspirations of their people who support the principle of the universality.[20] Regarding the second argument, Sen posits that in order for the relativists' claims to hold true one should not be able find historical evidence of individual rights and freedom as value system in these

cultures. This, however, is disproved by Sen who presents multiple examples to the contrary. "In sum," according to a report on the Ramsey Colloquium, "…an integrated reading of the Declaration makes clear that it is neither individualistic nor statist, but a charter of rights for the flourishing of persons in community."[21]

A Bahá'í perspective on this particular issue is instructive. Bahá'í literature suggests that the concepts of the rights of the individual and the rights of the collective (family, community, nation) are not mutually exclusive. Indeed, it would appear that they are mutually reinforcing as the following citations demonstrate:

> The integrity of the family bond must be constantly considered, and the rights of the individual members must not be transgressed.[22]

> Concern that each human being should enjoy the freedom of thought and action conducive to his or her personal growth does not justify devotion to the cult of the individual that so deeply corrupts many areas of contemporary life. Nor does concern to ensure the welfare of society as a whole require a deification of the State as the supposed source of humanity's well-being.… Only in a consultative framework made possible by the consciousness of the organic unity of humankind can all aspects of the concern for human rights find legitimate and creative expression.… Since the body of humankind is one and indivisible, each member of the race is born into the world as a trust of the whole.[23]

In reference to the secular nature of human rights deliberations, the concern here is that whilst mention is made to the freedom of worship in the Universal Declaration,[24] the contemporary discourse is conducted in a form and a manner that appears to diminish the role of religion as a social force and religious tenets as normative frameworks. This subject will be discussed at greater length in the following section.

In summary, the author endeavoured to examine the pivotal yet contentious issue of the universality of human rights and concluded that the concept has been subjected to sufficient debate as to permit the human race to accept that:

> All human rights are universal, indivisible and interdependent and interrelated. [And that] The international community must treat human rights globally in a fair and equal manner on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.[25]

Equally, the author posited that the inherent tensions between the principle of universality and cultural relativists need not be dichotomised by rights promoters, world and religious leaders, and civil society. Rather, they should encourage a dialectic that will, through a consultative process, achieve coherence and unity of thought on this issue.

Human rights - An expression of spiritual values?

One of the ironies of the human rights debate is that the concept is largely perceived to have originated in a context of Western secular liberalism.[26] This perception is aided by the fact that the contemporary rights discourse is influenced by classical modernism and a positivist interpretation of the philosophy of natural law.[27] On the contrary, religious contributions to the development of human rights concepts are historically rather significant and quite direct. This connection can be traced to the development of natural law which is widely accepted to be the precursor to the concept of human rights. Whilst worldviews about natural law have been heavily influenced by Hobbesian thought (e.g. the notion that, motivated purely by self-interest, human beings agree to give up their more unsociable freedoms in exchange for peace), there is evidence establishing its numinous qualities. Thomas Aquinas, for example, asserted that "natural law is a special subset of the divine law which pertains to moral behaviour, and is accessible to everyone through reason - including unbelievers.[28] Enlightenment philosophers, such as Grotius, Pufendorf, Locke, Clarke, and Paley acknowledged that the will of God, as our Creator, becomes the highest natural law and that "…our moral duties arise from this mandate and, in turn, these moral duties lead to civil and international laws."[29]

This belief system is not limited to Christian philosophers and theologians. Islam and Judaism also subscribe to a belief in a "…universal moral law rooted in the righteousness of God…" and the principle that "[s]ince human beings are created in the image of God and loved by him [*sic*] as individuals each is worthy of dignity and respect." Furthermore, with reference to the UDHR itself, Damien Keown, a scholar of Indian Religion, submits that "…each of the thirty articles of the Universal Declaration shows them to be in harmony with early Buddhist teachings both in letter and in spirit."[30]

Bahá'í scripture contains numerous references to human rights. Not only do Bahá'í writings attribute a spiritual or divine source for human rights, Bahá'u'lláh, proffered many formulations on the subject of rights that, as already mentioned, could be regarded as a notional basis for a Human Rights Charter, as well as an international code of conduct, and a legal framework for human rights administration. Examples of these writings include, *inter alia*, the Kitáb-i-Aqdas (The

Book of Laws), Bishár'at (Glad Tidings), Tarázát, (Ornaments), Tajallíyát (Effulgences), and Kalimát-i-Firdawsíyyih (Words of Paradise).[31] Due to the vastness of the body of His work, a reproduction of these and other writings of Bahá'u'lláh are beyond the scope of this paper.[32] Briefly, however, the rights principals articulated in His works are echoed in many of the concepts and principles enshrined in the Universal Declaration of Human Rights and other rights instruments. Examples include, *inter alia*: the inherent nobility of human beings, the equality of humankind, the protection of the rights of any member of the human race, the equality of women and men (and the importance of educating women), the protection of minority rights, the right to independently investigate Truth, the harmony of science and religion, religious harmony and tolerance, the elimination of poverty, and the establishment of international structures and regulatory institutions endowed with the mandate to establish and ensure human security and world peace. The essence of Bahá'u'lláh's writings on these subjects has been provided in summary form by His eldest son, 'Abdu'l-Bahá[33] and is provided in Annex I, although interested readers are encouraged to seek the original texts.

Establishing the spiritual origins of human rights is a matter of some consequence. If the human rights discourse is bound to a positivist, or modernist, paradigm, humanity's capacity to fully actualise the potential inherent in rights concepts is likely to be circumscribed. If Hobbes' self-interest postulate is to be accepted as the norm, what motivation is there for humanity to internalise and acts in ways that respects the UDHR's pivotal principle of inherent human dignity? Surely, a resigned compliance to international law will not create social norms wherein human rights flourish and human beings will live in a world characterised by sustainable peace, security and co-operation in the truest sense of these terms. An awareness of the divine source of human rights and indeed life itself "…endows us with the capacity for self-transcendence."[34] In other words, a willingness to freely commit one's self to the types of personal and social behaviour required to make the world truly peaceful and secure. Speaking to the issue of the spiritual origins of human rights, Vaclav Havel contends that :

> "Politicians at international forums may reiterate a thousand times that the basis of the new world order must be universal respect for human rights, but it will mean nothing as long as this imperative does not derive from the respect of the miracle of Being… Only someone who submits to the authority of the universal order and of creation… can genuinely value himself and his neighbours, and thus honor their rights as well."[35]

This is a sentiment which reinforces 'Abdu'l-Bahá 's assertion that :

> All who hold fast to the one reality will be in agreement and unity. Then shall the religions summon people to the oneness of the world of humanity and to universal justice; then will they proclaim equality of rights and exhort men to virtue and to faith in the loving mercy of God.[36]

In light of An-Na'im's argument that "…there can be no prospect of the universal application of [human] rights unless there is, at least, substantial agreement on their concept, scope and content"[37] the recognition of the sacred origins of human rights carries with it significant implications for overcoming the dichotomy between the so-called secular and relativist worldviews. What can, in the final analysis, galvanise the requisite unity of thought and purpose in a world riven by factionalism, fanaticism, materialism, militant nationalism, secularism, racial and gender bigotry, ecclesiasticism, and scepticism? If the solution were merely an acknowledgement of the divine nature of human rights, what then has prevented the religions of the world from overcoming the barriers to human security? It would appear, historically at least, that religions have approached the rights dialogue from a particularist perspective, i.e. some religious leaders have fuelled the relativist arguments either out of self-interest or due to the lack of a vision of humanity that could transcend their respective orthodoxies. The Bahá'í writings, however, suggest that the recognition of the divine origins of human rights can indeed create a powerful tool for achieving human security and engaging "the world's population in assuming responsibility for its collective destiny" when conducted within a "consciousness of the oneness of humankind."[38]

The fact that this consciousness is emerging among the world's religions can be attested to by the development of a document known as the Declaration towards a Global Ethic which is grounded in the conviction of the fundamental unity of the human family and a belief that a common set of core values can be found in the teachings of all the world major religions. Many of the principles contained in the Declaration concern human rights. Additionally, the Declaration considers the universal recognition of human rights and human dignity by the religions of the world as the cornerstone of a "new global order."[39] An excerpt from this Declaration is reproduced in Annex II.

Clearly, providing sufficient empirical evidence to demonstrate the sacred nature of human rights is a challenge of immense proportions. Whilst eminent persons such as Vaclav Havel assert that human rights are endowed by God, secular human rights activists argue, on the other hand, that placing respect for human rights and faith in God into the same concept violates one of the tenets of human rights e.g. the right to deny the existence of God. This paper submits, though, that the secular and religious perceptions are essentially compatible on

this point. Whilst activists express this right as the freedom to choose one's belief system (including atheism), the Founders of the world's major religions articulate this right as free will, or agency. In other words, the decision to accept the existence of God must be voluntary and borne from informed awareness and rational thought rather than blind faith. This concept receives comprehensive treatment in the Bahá'í writings.

In conclusion, the author argues that respect for human rights will be strengthened through a recognition of two basic concepts. First, that human rights are God-given rights and, secondly, a consciousness of the organic oneness of the human race. These concepts will enable humanity to transcend both the secular paradigm that can alienate the "…billions of people who structure their daily routines around spiritual practices…" and to free humanity from the traditional religious practices that many suspect of particularism and power abuse.[40] The spiritual origins of human rights suggests important implications for understanding the potential roles and responsibilities for children in their personal development as well as development of community life; a point that will be explored in the following section of this paper.

Children's Rights: A Consensus Enshrined in the Convention on the Rights of the Child

One of the many implications of the principle of the universality of human rights is that children are also rights holders with entitlements as well as capabilities and responsibilities to act as agents of social change. Whilst this may seem self-evident in this day and age, an historical examination reveals rather shocking attitudes towards children over the years. In European societies of the eighteenth Century, for example, children were deemed to be property of their parents. Dr. Judith Ennew, a member of the Centre for Family Research at Cambridge University, observes that :

> [I]n England, child abduction was not theft in the legal sense unless the child happened to be dressed. The thief was regarded as having stolen the clothes. Apart from that, child theft was tantamount to stealing a corpse. In the case of both a dead body and a live child, no legal person was involved.[41]

Three hundred years later the litany of violations against and deprivations of children continues to make depressing reading: (a) some 600,000 million children live in households that earn less than $1 per day; (b) more than 110 million children of primary-school age are not enrolled in school; (c) during

the 1990s more than 8 million children were either permanently disabled, seriously injured or died as a result of armed conflict; (d) as of the year 2000, over 300,000 children have been recruited to participate in armed conflicts; and (e) an estimated 100 million children work in dangerous circumstance e.g. bonded labour, prostitution & pornography.[42] Clearly, these horrific conditions place upon us, as citizens of the world, an obligation to ensure that children's rights are realised, a responsibility that includes providing children with a voice and a means for affecting change on matters concerning their well being.

Likewise, a recognition of the divine heritage of human rights carries with it significant meaning with respect to the role of children in the realisation of humanity's collective spiritual destiny which is, according to Bahá'í teachings, the organic unity of humankind.[43]

Children's rights are enshrined in the UN Convention on the Rights of the Child (CRC) which was adopted by the UN General Assembly in 1989. The CRC is the most widely ratified international Convention in history (191 countries). Only Somalia and the USA are not party to the treaty.[44] The CRC is underpinned by four fundamental principles (viz. (1) equal value and rights of all children and the prohibition of discrimination (Article 2); (2) the best interests of the children (Article 3); (3) the right of the child to life, survival and development (Articles 4 & 6); and (4) the right to freely express views and to be heard (Articles 12 & 13). This paper will examine the theoretical relevance and practical ramifications of the Convention to Bahá'í community life and the overall aims of the Bahá'í Faith.

Children's Participation: Definition and Debate

Children's participation is attracting growing attention from a multitude of academics and practitioners alike. An explanation for this interest lies in the ontological presumption that children possess capabilities and are seen as full human beings (i.e. they are not people who only become fully human when they become adults; a world view of some considerable prevalence). The CRC recognises that children are not mere dependants, the property of parents or guardians.[45] Children are increasingly competent and are genuinely interested in what is going on around them, especially that which affects them. Whilst they are in need of protection they have strengths. This presumption includes the notion that children's views and opinions are significant and are the by-product of their capability to reflect, analyse and consider consequences. From this perspective, children and youth, when encouraged, become agents of social change, active and involved citizens in society, to the extent of their individual

and collective developing capacities, maturity and competence.[46] Early research in this area would appear to validate this hypothesis.

Gillian Mann, a researcher on care and protection of separated children at the Refugee Studies Centre in the UK, invokes a broad denotation of participation as "taking part in a social process."[47] With specific reference to children's participation, though, Mann defines it as:

> …the process of children's involvement in the decisions which affect them and the community in which they live. To be genuine and effective, it means listening to children and respecting their views and the way in which they choose to express them. It involves recognising and nurturing their strengths, interests and abilities through the provision of meaningful opportunities to contribute to their own development and that of their peers, families and communities. In this way, child participation encourages reciprocal learning between children and adults as well as the establishment of respectful horizontal relationships across generations.[48]

Mann's definition is very helpful in that it describes, in clear terms, the developmental processes and outcomes associated with child participation. It is also very useful due to the emphasis it places on self-actualising human potential in contrast to the traditional view that external forces (e.g. parents, guardians, teachers, etal) bear exclusive responsibility for the shaping and moulding of a child's character. Finally, Mann's denotation incorporates the concepts of co-operation, tolerance and mutual respect, concepts implied in her references to "reciprocal learning" and "respectful horizontal relationships."

As helpful as Mann's definition is, this author proposes an alternative that is meant to be more specifically relevant to the thesis of this paper in that it endeavours to embody the aspects of spirituality and social transformation. For the purpose of this paper, then, children's participation refers to:

> Processes that empower children to take responsibility for their spiritual development, to foster a sense of moral purpose and pro-social attitudes in order to engage—to the extent of their individual and collective developing capacities and in an authentic manner—in actions, behaviour and forms of service that will contribute to social transformation characterised by unity, justice, co-operation, reciprocity, and mutual respect and helpfulness.

Classic reactions to the concept of children's participation range from outright scepticism to a concern "that children's rights conflict with the rights of

parents and adults."[49] On the one hand, there are those who feel that the participation of children in community or state affairs is ludicrous; a cute but meaningless activity for which they have little capacity and that has no place in the "real" world. Situated at another point on the spectrum are those adults who are threatened by the notion of children's rights and participation out of a fear of losing control. In Uganda, for instance, many still hold the view that the reason for children's existence is the satisfaction of adult needs and interests.[50]

There are several possible rejoinders to these concerns, two of which will be made here. The first and most obvious is that children's participation is established in international law as a legitimate, inalienable right, or entitlement. There are, fortunately, several additional reasons that justify the importance of children's participation that extend beyond the legal argument. Although there are many justifications for children's participation, Mann provides an excellent formulation. The advantages of authentic children's participation, according

Benefits to the Child	Benefits to the Family	Benefits to the Community
1) they develop a sense of personal competence, self-confidence & sense of purpose in their lives.	1) parents & guardians become increasingly aware of a child's competence & strengths.	1) when children become involved in community activities, their skills & abilities become apparent to others.
2) they acquire/expand skills in problem-solving, negotiation & communication.	2) parents & guardians gain important insights into the reality of children's lives.	2) people come to recognise children's capacity to prioritise their concerns, formulate ideas & work toward solutions.
3) they learn to empathise & co-operate with others.	3) it develops mutual respect between parents & children.	3) people appreciate that children bring creativity & understanding to issues in the community.
4) it promotes social responsibility.		4) The recognition of children as social actors contributes to the social capital of the community & to im-proved quality of life.
5) less likely to accept problematic situations as being out of their control.		
6) it fosters the development of citizenship.		
7) it prepares children to work together for change.		

to Mann, manifest themselves in three distinct ways: (a) benefits to the child, (b) benefits to the family, and (c) benefits to the community. The following table summarises Mann's thinking according by category:

Coincidentally, Mann's categorisations—that is the manner in which the benefits of children's participation accrue not only to the child but to the family and community as well—would seem to reinforce Bahá'í thought regarding the interconnectedness of individual and societal development. As cited earlier, the Bahá'í Faith seeks neither the "devotion of the cult of the individual" nor the "deification of the State" but, rather, healthy and mutually supportive relationships between the constituent members of society deriving from a "…consultative framework made possible by [a] consciousness of the organic unity of humankind…" In this sense, Mann's analysis appears to bear out the truth of George Bernard Shaw's aphorism : "We are members of one another; so that you cannot injure or help your neighbour without injuring or helping yourself."

Effective Participation of Children: Exemplary Evidence

Despite the fact that the philosophy and practice of child participation is still in an embryonic state there is growing empirical evidence demonstrating that children's participation can foster responsible behaviour and practice and meaningful social change. In Budapest, for example, children between the ages of ten and fifteen manage (with the exception of the engine driver) the Pioneer Railway, a thirteen mile-long track carrying children and tourists on field trips through scenic areas overlooking the Danube River.[51] Children from five schools in Rochdale, Lancashire conducted research, jointly with the local police force, as part of the Rochale Safer Cities Programmes, on problems associated with the security of the city's elderly residents. This child-led research activity led to recommendations for specific low-cost crime prevention measures for these vulnerable citizens.[52]

The Greenlit programme in the UK is an intervention wherein children between the ages of ten and thirteen submit proposals to companies for renovating land damaged or neglected by businesses. Through a process of consultation, the proposals are agreed then funded by the corporations. Children are responsible for the full spectrum of activities—e.g. site surveys, analysis, design, costing and implementation of the project.[53] In Bolivia, Save the Children Canada facilitates a project known as the "Leadership of Children in Integrated Community Health." Having identified health issues to be a major concern in the communities, the children were then trained as community health promoters in the concepts of traditional and modern medicine and provided with first aid kits. "These children are now responsible for these kits in their communi-

ties. They alone are able to detect and resolve simple respiratory problems and diarrheal disease, and clear up minor injuries."[54]

During the recent Great Lakes Region Consultation on the Protection and Development of Children Affected by Armed Conflict held in Kampala Uganda in December 2000, five children from war torn Eastern Congo participated in a workgroup session whose purpose was to allow the children, aged between twelve and fifteen (two of whom had served in active combat with the brutal local Mai-Mai rebels over a two year period) to identify the characteristics of a good national or community leader. The characteristics identified by the children were someone who is: loving, will give advice, not greedy, honest, clean of body, respectful of others, sincere, and a unifier (i.e. someone who doesn't bring conflict). These are remarkable insights with profound implications for systems of governance if we are to take these views seriously. Adult reaction to the first characteristic (to be loving) was fascinating. The moment the term was mentioned the adults interrupted in an attempt to convince the children that the necessary qualities for leadership were to be strong, to be powerful and so forth, characteristics typically associated with an authoritarian style of governance. Despite this intervention and after much debate, the children insisted that "to be loving" was a vital quality for good leadership and continued to itemise the other characteristics heretofore cited.[55]

Children in the Bahá'í Community: Prospects for Participation

A comparison between the Bahá'í writings and the CRC reveals remarkable congruence in thought, intent and spirit concerning child rights and child development. This is perhaps not surprising in light of the importance placed on human rights by Bahá'u'lláh.

On the other hand, there are a number of Bahá'í laws that could be considered inconsistent with the CRC, although no value judgement is attributed to either Bahá'í law or the CRC in making this observation. An example of this concerns the age limit defining the status of a child. The Convention defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, *majority* is attained earlier."[56] The latter part of this definition is in reference to country specific laws that may set an age limit lower than eighteen. Bahá'í law uses the term "age of maturity" and sets this at fifteen years. Fifteen is the age at which a person is deemed capable of making independent decisions regarding one's religious affiliation and other matters affecting their spiritual development. It is the age at which, should one decide to declare themselves a Bahá'í, an individual is required to assume responsibility

for observing Bahá'í law (e.g. fasting, prayer, etc.) and is the minimum age at which marriage can occur.[57]

It is interesting to note, however, that whereas in most countries the age of *majority* generally corresponds to other civic rights such as the right to vote, within the Bahá'í Faith the age of *maturity* "…relates only to purely spiritual functions and obligations and is not related to the degree of administrative capacity…"[58] Hence, the minimum voting age; a term referring both to one's eligibility to vote and to be voted for; is twenty-one. Service on elected Bahá'í local and national administrative institutions (a form of service that approximates, in terms of mandate and scope, to the responsibilities of municipal councils and national governments) is another feature unique to the Bahá'í Faith. Whilst in most countries the right to vote is applicable once an individual reaches 18 years of age, the majority of the world's nations set the eligible age for service on municipal and nationally elected governing bodies much higher. Voting rights in the Bahá'í community, on the other hand, carry with them both the right and responsibility to vote and to serve on administrative institutions.

Despite the twenty-one year age restriction, Bahá'í youth are not prohibited from participating on various committees, whether, national or local, and are, in fact, strongly encouraged to engage in all aspects of Bahá'í work considering their capabilities to be of "…great assistance to the Cause even though not yet legally of age."[59] Explanations as to why the minimum voting is set at twenty-one are as yet sketchy but are no doubt, in the opinion of the author, strongly correlated to a minimum level of maturity and life experience required to serve on elected institutions which shoulder onerous responsibilities in the provision of guidance and support to Bahá'í communities and individuals. Whilst the age of twenty-one is currently applicable, it would appear that this age will be subject to review. In His *Directives of the Guardian*, Shoghi Effendi indicates that voting rights are fixed at twenty-one "…for the present."[60]

Participation is central to the Bahá'í concept of a vibrant and healthy community. Participation, in a Bahá'í social context, is a process whereby community members are "…engaged in applying knowledge to create well-being, thereby generating new knowledge and contributing in a substantial and meaningful way to human progress."[61] Admittedly, however, whilst there is no evidence in Bahá'í literature proscribing the participation of children in community affairs—indeed, there are numerous examples of children making outstanding, even heroic, contributions throughout Bahá'í history—these examples are the exception rather than the rule. The Universal House of Justice plainly states that: "Even though children's activities have been a part of past Plans, these have fallen short of the need."[62]

The November 26, 1999 and Ridvan 2000 messages[63] from the Universal House of Justice concerning children and junior youth suggest a fundamental shift in our concept of the potential roles for these particular community members as it concerns community life and the progress of the Faith. Referring to children as the "…most precious treasure a community can possess…" and a "…trust no community can neglect with impunity…," the Universal House of Justice calls upon individual believers and Bahá'í institutions alike to create a cultural milieu in which children are "…thoroughly integrated into the process of community development…," and made to "…feel that they belong to the community and share in its purpose."[64] As previously explicated, this sense of belonging and purpose can be most effectively achieved through the use of participatory approaches.

The messages from the Universal House of Justice suggest the need for the Bahá'ís of the world to reflect on traditional attitudes, approaches, and relationships regarding the role of children in their own spiritual development, their roles, responsibilities and capabilities in the development of Bahá'í community life, and their potential for making contributions to the processes of social transformation and world unity. "Creative attention must be devoted to involving them in programmes of activity that will engage their interests, mold their capacities for teaching and service, and involve them in social interaction with older youth."[65]

Although the Universal House of Justice places considerable emphasis on spiritual and academic educational training (e.g. children's classes, study circles, training institutes and other forms of scholastic training) as the bedrock upon which a child's development should rest, it would seem that this "represents only a part of what must go into developing… the characters and shaping… personalities" of children.[66] What then are examples of other ways in which children can be thoroughly integrated into the process of community development so as to feel a sense of belonging and purpose? The following are a few of the author's suggestions, all of which are provided with the stipulation that the participation should be calibrated to the extent of the individual and collective capacities of the children:

- **The Nineteen Day Feast**[67]: In practice, the role of children in the functioning of this young institution has been consigned to the periphery. Children attend, of course, the spiritual portion of the Feast and are occasionally requested to perform certain forms of service during the event (e.g. drama and music presentations; serving refreshments during the social segment), but these decisions and the manner in which they are carried out are made, for the most part, by adults on behalf of children. Yet, there would appear to be no prohibition against children participating in planning Nineteen Day Feast programmes and schedules. This is an area of

service for children that could be explored by Local Assemblies. Likewise, the goal of thoroughly integrating children in the life of the community presents a particular challenge to Local Assemblies as it implies a need to structure the administrative portion of the Feast in a manner that enables children to engage meaningfully in the consultations in a manner that would encourage them to present their views and to be assured that these views are taken seriously. Consideration should be given to the training of adults in the types of facilitation skills that foster children's participation. As well, some sort of a systematic method could be developed to help children prepare themselves in advance for the consultative segment of the Feast.

- **Appoint children as assistants to Auxiliary Board Members**[68]: The appointment of children to this role is rather unconventional, but an idea that has been implemented in certain countries. Not only would the practice provide the Board Members with new perspectives, it should enable these children to develop confidence, a healthy self-esteem, and a sense of identity and purpose. It would, moreover, provide them with opportunities to accelerate the development of skills and capabilities they will need to function as adult Bahá'ís.

- **Committee appointments**: Appointing children and junior youth to local and national committees is not a common practice within the Bahá'í community. This is probably out of habit more than any other reason. Research, however, has shown that children can act responsibly and make important contributions when conditions are created for fostering their participation. Again, specific skill sets and structures might need to be developed in order to ensure their role is not limited to tokenistic gestures or that they are overwhelmed by adult opinion.

- **Children and Junior Youth Projects**: Children can be encouraged to plan, implement and reflect on projects of their own making. There is sufficient empirical evidence to demonstrate that children can work responsibly on service projects at levels of sophistication and complexity beyond the expectations of adults. In Kampala, Uganda, for example, as part of an on-going Bahá'í junior youth movement, Bahá'í children redesigned and installed a new visitors information display at the entrance of the Bahá'í House of Worship. An expansion of this concept is that children and junior youth can be encouraged, with the help of a skilled facilitator during the initial stages, to participate in formal analytical and planning sessions along with adults and to make presentations of their recommendations to the Local and National Assemblies.

- **Social and Economic Development Projects**: Bahá'í children should not merely be beneficiaries of social and economic development, or community development, projects. As demonstrated in the section entitled "Effective Participation of Children: Exemplary Evidence," children can play a central role in planning, implementing and evaluating a wide range of projects such as in the areas of primary health care, education and the environment, to name but a few. Since Bahá'í social and economic development projects are ultimately intended to benefit non-Bahá'ís as well as Bahá'ís, children's participation would have the added advantage of providing Bahá'í children with opportunities to interact with the entire community (i.e. with non-Bahá'í community members) in an integrative and constructive way.

These are but a few of the possibilities that can be considered by Bahá'í communities around the world. The purpose of this section was not to exhaust all options but, rather, inspired by the Messages from the Universal House of Justice, to provoke news ways of thinking about advancing the goal of integrating children into the life of the community and preparing them for a life of service out of a selfless desire to be of service to humanity. The possibilities are endless. What is required is a willingness to challenge accepted conventions and attitudes concerning children and the roles they have historically been assigned to play within the community.

Conclusion

This paper endeavoured to examine new concepts about the roles and responsibilities of children in the Bahá'í community, admittedly through a rather circuitous, but nevertheless important, route. Through his exploration of the universality of human rights, the author validated the claim for children—as members of the human race and individuals in their own right—to access the full spectrum of rights and responsibilities set forth in the UDHR and the CRC. The author's treatment of the spiritual origins of human rights and his review of the Universal House of Justice's messages on the subject of children and junior youth sought to expand the Bahá'í community's understanding of the nature of and scope for children in assuming responsibility for their own spiritual transformation, promoting the development of the Bahá'í community, and contributing to the process of the unification of the human race.

Based on studies and reports from experts in this field, evidence was provided illustrating the tremendous potential and capabilities latent within children to act as agents of social change, particularly when appropriate facilitation methods are employed that are calibrated to their individual and collective

developmental stages. A major theme of this paper is that children are more capable than generally credited by adults—a mindset not restricted to non-Bahá'í communities—and that they are competent, genuinely interested in what is going on around them, and capable of making contributions to affect change. The author argued that children's participation is potentially a significant contributor to the achievement of sustainable peace and security in the world.

The paper concluded with a series of recommendations to the Bahá'í community as to how children can be "…thoroughly integrated into the process of community development…" and made to "…feel that they belong to the community and share in its purpose." Whilst these recommendations may challenge current Bahá'í social conventions regarding children, it is felt that they are, nonetheless, consistent with the guidance provided by the Universal House of Justice. Bahá'u'lláh's exhortation to bring into being "…a new race of men"[69] obligates the Bahá'í community to stretch the boundaries of social conventions and to introduce and put into practice new values and behaviour based on co-operation, tolerance and justice. This obligation applies equally to our attitudes, concepts and vision about children, a vision that is well captured in the following citation by 'Abdu'l-Bahá:

> I pray in behalf of these children and beg confirmation and assistance for them from the Kingdom of Abhá so that each one may be trained under the shadow of the protection of God, each may become like a lighted candle in the world of humanity, a tender and growing plant in the rose garden of Abhá; that these children may be so trained and educated that they shall give life to the world of humanity; that they may receive insight; that they may bestow hearing upon the people of the world; that they may sow the seeds of eternal life and be accepted in the threshold of God; that they may become characterized with such virtues, perfections and qualities that their mothers, fathers and relatives will be thankful to God, well pleased and hopeful. This is my wish and prayer.

ANNEX I: 'Abdu'l-Bahá's Summary of Bahá'u'lláh's Writings Regarding Human Rights

Taken from 'Abdu'l-Bahá in London (1997) p. 27
Discourse of 'Abdu'l-Bahá given at the Theosophical Head Quarters
September 30th, 1911

Firstly: Bahá'u'lláh lays stress on the search for Truth. This is most important, because the people are too easily led by tradition. It is because of this that they are often antagonistic to each other, and dispute with one another. But the mani-

festing of Truth discovers the darkness and becomes the cause of Oneness of faith and belief: because Truth cannot be two! That is not possible.

Secondly: Bahá'u'lláh taught the Oneness of humanity; that is to say, all the children of men are under the mercy of the Great God. They are the sons of one God; they are trained by God.... But the children of men are in need of education and civilization, and they require to be polished, till they become bright and shining. Man and woman both should be educated equally and equally regarded. It is racial, patriotic, religious and class prejudice, that has been the cause of the destruction of Humanity.

Thirdly: Bahá'u'lláh taught, that Religion is the chief foundation of Love and Unity and the cause of Oneness. If a religion become the cause of hatred and disharmony, it would be better that it should not exist. To be without such a religion is better than to be with it.

Fourthly: Religion and Science are inter-twined with each other and cannot be separated. These are the two wings with which humanity must fly. One wing is not enough. Every religion which does not concern itself with Science is mere tradition, and that is not the essential. Therefore science, education and civilization are most important necessities for the full religious life.

Fifthly: The Reality of the divine Religions is one, because the Reality is one and cannot be two. All the prophets are united in their message, and unshaken. They are like the sun; in different seasons they ascend from different rising points on the horizon. Therefore every ancient prophet gave the glad tidings of the future, and every future has accepted the past.

Sixthly: Equality and Brotherhood must be established among all members of mankind. This is according to Justice. The general rights of mankind must be guarded and preserved. All men must be treated equally. This is inherent in the very nature of humanity.

Seventhly: The arrangements of the circumstances of the people must be such that poverty shall disappear, and that every one as far as possible, according to his position and rank, shall be comfortable. Whilst the nobles and others in high rank are in easy circumstances, the poor also should be able to get their daily food and not be brought to the extremities of hunger.

Eighthly: Bahá'u'lláh declared the coming of the Most Great Peace. All the nations and peoples will come under the shadow of the Tent of the Great Peace and Harmony - that is to say, by general election a Great Board of Arbitration shall be established, to settle all differences and quarrels between the Powers; so that disputes shall not end in war.

Ninthly: Bahá'u'lláh taught that hearts must receive the Bounty of the Holy Spirit, so that Spiritual civilization may be established. For material civilization is not adequate for the needs of mankind and cannot be the cause of its happiness. Material civilization is like the body and spiritual civilization is like the soul. Body without soul cannot live.[70]

ANNEX II: Towards a Global Ethic(An Initial Declaration)

1993 Parliament of the World's Religions
August 28 - September 5, 1993
Chicago, Illinois, U.S.A.
www.cpwr.org/calldocs/EthicTOC.html

We affirm that a common set of core values is found in the teachings of the religions, and that these form the basis of a global ethic.

We affirm that there is an irrevocable, unconditional norm for all areas of life, for families and communities, for races, nations, and religions. There already exist ancient guidelines for human behavior which are found in the teachings of the religions of the world and which are the condition for a sustainable world order.

We consider humankind our family. We must strive to be kind and generous. We must not live for ourselves alone, but should also serve others, never forgetting the children, the aged, the poor, the suffering, the disabled, the refugees, and the lonely.

We confirm that there is already a consensus among the religions which can be the basis for a global ethic—a minimal fundamental consensus concerning binding values, irrevocable standards, and fundamental moral attitudes.

We all have a responsibility for a better global order. Our involvement for the sake of human rights, freedom, justice, peace, and the preservation of Earth is absolutely necessary. Our different religious and cultural traditions must not prevent our Common involvement in opposing all forms of inhumanity and working for greater humaneness. The principles expressed in this Global Ethic can be affirmed by all persons with ethical convictions, whether religiously grounded or not. As religious and spiritual persons we base our lives on an Ultimate Reality, and draw spiritual power and hope therefrom, in trust, in prayer or meditation, in word or silence. We have a special responsibility for the welfare of all humanity and care for the planet Earth. We do not consider ourselves better than other women and men, but we trust that the ancient wisdom of our religions can point the way for the future.

We are convinced of the fundamental unity of the human family on Earth.

By a global ethic we do not mean a global ideology or a single unified religion beyond all existing religions, and certainly not the domination of one religion over all others. By a global ethic we mean a fundamental consensus on binding values, irrevocable standards, and personal attitudes.

Footnotes

1 An-Ni'am, A. (1994). *What do we mean by universal?* Index on Censorship, 4/5. p. 121.

2 See, for example, Human Rights Watch's 1999 World Report : "Today, human rights are well established as the legitimate concern of all humanity. Governments regularly comment on each other's rights practices and make respect for human rights an important factor in their aid relationships. " Human Rights Watch (1999). *Introduction. A Legitimate Concern.* World Report. www.igc.org/hrw/worldreport99/intro/index.html.

3 The UDHR was adopted and proclaimed by General Assembly Resolution 217A (III) of December 1948. www.un.org/Overview/rights.html.

4 Its secular tone and bias towards individual freedom at the expense of individual responsibility towards the community and various religious value systems.

5 Reference here is made to the Universal House of Justice letter dated November 26, 1999 and the Ridván 2000 message issued to the Bahá'ís of the World in April, 2000. The Bahá'í administrative structure is comprised of two pillars: (a) the elected bodies and (b) the appointed bodies. Whilst possessing unique roles and responsibilities, these two bodies work together in an integrative and harmonious manner. All the institutions within each of these bodies fall under the guidance of the Universal House of Justice, the 9 member supreme governing body of the Bahá'í Faith. Conceived by Bahá'u'lláh, "…the institution of the Universal House of Justice is established on principles laid down in the Bahá'í sacred writings. … Basing itself on the authority conferred on it by the Founder of the Faith, the Universal House of Justice has stood as the acknowledged central authority in the worldwide Bahá'í community since 1963." (Bahá'í International Community (1998). The Bahá'í World—1996-97. Haifa, Israel: World Centre Publications. p. 9). The Universal House of Justice is elected on a five year cycle by the membership of all national Bahá'í councils around the world. Nine member national Bahá'í councils, or Spiritual Assemblies, govern the affairs of national communities, which are established in more than 230 countries and territories. The National Spiritual Assemblies are responsible for the full spectrum of administrative and spiritual matters of concern to the national Bahá'í community including, *inter alia*, the growth of the Faith, the consolidation of the Faith, adjudicating in personal conflict or problems, and external affairs. The National Spiritual Assemblies are elected annually by delegates who are themselves elected through universal suffrage. The third tier of the elected pillar is the local Bahá'í council, or Spiritual Assembly, a nine member governing body of lay people who guide and administer the affairs of the community as a whole. In any community where there are nine or more adult Bahá'ís (i.e. twenty one years of age or above) a Local Spiritual Assembly is elected on an annual basis through universal suffrage. The responsibilities of the Local Spiritual Assemblies are roughly equivalent to that of the National Spiritual Assembly as it relates to their local jurisdiction. The appointed Body is also comprised of three Institutions. The Institutions of this Body are not responsible for the administrative of the affairs of the Faith. Their primary role is to advise, inspire and stimulate members of the Bahá'í community to various forms of service. They also advise National and Local Spiritual Assemblies. The members of the Continental Board of Counsellors are responsible for fulfilling these

functions across a continent for which they are appointed. They in turn appoint and oversee the work of the Auxiliary Board Members who undertake this work within discrete administrative areas within a country. Auxiliary Board Members appoint Assistants who perform these functions within a specified geographical area generally covering several local Bahá'í communities.

6 Bahá'u'lláh (1997). Tablets of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 215. Bahá'u'lláh (1817—1892), né Mirzá Husayn-Alí, is the Founder-Prophet of the Bahá'í Faith. During [His] long years of exile and imprisonment, Bahá'u'lláh revealed the equivalent of over 100 volumes of writings, consisting of laws and ordinances of His dispensation, letters to the kings and rulers of the East and the West, mystical teachings, and other divinely inspired writings. "In His Will and Testament, Bahá'u'lláh appointed His eldest son, … 'Abdu'l-Bahá [1844—1921], as His successor and sole authoritative interpreter of His teachings. … 'Abdu'l-Bahá appointed His eldest grandson, Shoghi Effendi [1896—1957], to succeed Him after His passing as Guardian of the Bahá'í Faith and authorised interpreter of its teachings" (Bahá'í International Community (1998). The Bahá'í World—1996 - 97. pp. 5-6). "Following the death of Shoghi Effendi the world Bahá'í community has been directed by the Universal House of Justice …" (Huddleston, John (1998). The Search for a Just Society. p. 401).

7 'Abdu'l-Bahá (1997). Promulgation of Universal Peace. San Juan: MARS, Crimson Publications.

8 Whilst the UDHR presents an extensive array of rights, for ease of reference and for the purposes of this paper, they are classified into the following broad categories: civil, political, economic, social, and cultural, a classification taken from the International Bill of Right (IBHR). The IBHR "…consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. The United Nations High Commissioner for Human Rights. *Fact Sheet No.2 (Rev.1)*. The International Bill of Human Rights, Background. www.unhchr.ch/html/menu6/2/fs2.htm#background.

9 An-Ni'am, A. pp. 120-1.

10 Sen, A. (1999). Development as Freedom New York, NY: Alfred A. Knopf, Inc. p. 227.

11 See Sen. pp. 227-48. The legitimacy critique refers to an "insistence that rights must be seen in postinstitutional terms as instruments, rather than as a prior ethical entitlement [which] militates, in a rather fundamental way, against the basic idea of universal human rights" (Sen. p. 229). The coherence critique "takes the view that rights can be sensibly formulated only in combination with correlated duties. A person's right to something must, then, be coupled with another agent's duty to provide the first person with that something. Those who insist on that binary linkage tend to be very critical, in general, of invoking the rhetoric "rights" in "human rights" without exact specification of responsible agents and their duties to bring about the fulfillment of these rights. Demands for human rights are, then, seen just as loose talk" (Sen. p. 230).

12 It is of relevance to note that more than 1,300 civil society organisations played a pivotal role in pursuing the development of the UDHR. Cultural relativists, however, would no doubt point out that all of these organisations were American.

13 Fifty-eight countries participated in a three year consultative process before the Declaration was adopted. The Declaration was passed by 48 members with 8 abstentions and two member countries absent from the vote. However, there is a certain validity to the cultural relativists perspective in that of these 58 countries the majority were Western with a significant number actively colonising much of the world's territory at that time.

14 Franklin and Eleanor Roosevelt Institute (2000). *Know your rights, standard of achievement*. www.udhr.org/history/default.htm. Cumaraswamy, D. P. (December 1997). *The Universal Declaration of Human Rights - Is it Universal?* Human Rights Solidarity, vol. 7, no. 7. Asian Human Rights Commission Publications. www.ahrchk.net/solidarity/199712/v712_10.html.

15 ibid.

16 See note number 6 for an explanation of the role of Shoghi Effendi.

17 The Bahá'í concept of a unified world order and universal values and norms.

18 Shoghi Effendi (1938). The World Order of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. pp. 41-2.

19 An-Na'im; Sen. p. 231-46.

20 Cumaraswamy. p. 3: "Many Asian non-governmental organisations (NGOs), intellectuals and ethnic and cultural minorities, gathering in Bangkok at the same time as the Asian States met, issued the NGO Bangkok Declaration that presented a clear contrast to human rights relativism. They upheld the universality of human rights and argued that cultural and religious traditions did not constitute an obstacle to the realisation of international human rights norms."

21 See Ramsery Colloquium (April 1998). *On Human Rights, the Universal Declaration of Human Rights Fifty Years Later: A Statement of the Ramsey Colloquium.* The Journal of Religious and Public Life. FirstThings.com. www.firstthings.com/ftissues/ft9804/ramsey.html.

22 'Abdu'l-Bahá. p. 168.

23 Bahá'í International Community (1995). The Prosperity of Humankind. London: Bahá'í Publishing Trust. pp. 10-12.

24 *Universal Declaration of Human Rights.* Article 18.

25 *The Vienna Declaration.* Quoted by Cumaraswamy. No. 5.

26 Keown, Damien (1995). *Are there "Human Rights" in Buddhism?* Journal of Buddhist Ethics. London: University of London, Goldsmiths. pp. 1-2. jbe.la.psu.edu/2/keown2.html. See, for example: "It might be suggested, in defense of Buddhism, that concern for human rights is a postreligious phenomenon which has more to do with secular ideologies and power-politics than religion, and it is therefore unreasonable to accuse Buddhism of neglect in this area" (p. 1) and "The concept of a "right" has a long intellectual history in the West," (p. 2).

27 Havel, V. (1994) *The Need for Transcendence in the Postmodern World.* p. 3. www.worldtrans.org/whole/havelspeech.html; Feiser, James, ed. (1997). Internet Encyclopaedia of Philosophy. p. 4. www.utm.edu/research/iep/; An-Na'im. pp. 127-8. In a speech made in 1994 in the USA, Havel critiques the modernist concept that "This modern anthropocentrism inevitably meant that He who allegedly endowed man with his inalienable rights began to disappear from the world. … The existence of a higher authority than man himself simply began to get in the way of human aspirations."

28 *Natural Law.* In Feiser, James, ed. www.utm.edu/research/iep/n/natlaw.htm.

29 ibid.

30 Keown. pp. 3, 6, 7, 12.

31 It would be misleading if the author did not clarify that whilst rights issues form a significant part of Bahá'u'lláh's discourse on social structures, conduct and regulation, as well as forms of national and international governance, due to the fact that He wrote in a revelatory style these issues are woven randomly throughout His Tablets and Books and thus are not presented in the codified manner normally associated with legal texts. Whilst this fact does not diminish the validity of His pronouncements on rights issues, it must be acknowledged that Bahá'u'lláh did not use the legal language and terminology of human rights that characterises the UDHR and other rights documents.

32 The Writings of Bahá'u'lláh are contained in more than one hundred volumes.

33 See note number 6 for an explanation of the role of 'Abdu'l-Bahá.

34 Havel. p. 4.

35 ibid.

36 `Abdu'l-Bahá. p. 99.

37 An-Na'im. pp. 120-1.

38 Bahá'í International Community. The Prosperity of Humankind. p. 6.

39 Keown.

40 Appleby, R. S. (2000). *The Ambivalence of the Sacred: Religion, Violence and Reconciliation.* Carnegie Commission on Preventing Deadly Conflict. Lanham: Rowan & Littlefield Publishers, Inc. p. 2-3.

41 Ennew, J. Dr. (Summer 2000). *The History of Children's Rights: Whose Story?* Cultural Survival Quarterly. Cambridge, MA: Cultural Survival Inc. p. 46.

42 Bureau of the Preparatory Committee for the Special Session on Children (November 30, 2000). A World Fit for Children. New York. pp. 4-5. www.unicef.org/specialsession/pro.outcome.doc.

43 Shoghi Effendi (1997). Directives of the Guardian. San Juan: MARS, Crimson Publications. p. 191.

44 Rajani, R. (Summer 2000). *Questioning How We Think about Children.* Cultural Survival Quarterly. Cambridge, MA: Cultural Survival Inc. p. 41.

45 The CRC Articles most commonly referred to as providing a child participation mandate are: Articles 12 & 13 regarding the freedom of expression; Article 14 regarding the freedom of thought, conscience & religion; Article 15 regarding the freedom of assembly; Article 17 regarding access to information; Article 23 regarding special support for disable children; Article 29 regarding education for personal fulfilment and responsible citizenship; and Article 31 regarding play and participation in cultural and artistic life.

46 Rajani. p. 43; Bell, B., Brett, R., Marcus, R., Muscroft, S. (1999). *Children's rights: reality or rhetoric.* In Muscroft, E., ed. The UN Convention on the Rights of the Child: The First Ten Years. London: The International Save the Children Alliance. p. 16.

47 Mann, G. (1999). Child Participation: A Working Paper for Save the Children Canada. London: Not published. p. 4.

48 ibid.

49 Bell, Brett, Marcus, Muscroft. p. 30.

50 Kakama, P.T. (13-14 April 1000) *Parental Responsibilities and Children's Rights.* A paper presented at the Miller du Toit Inc. Conference on The Trend from Parental Rights to Parental Responsibilities and Children's Rights, Cape Town, South Africa..

51 Hart, R. (1997). Children's Participation: The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care. London: Earthscan Publications Ltd. p. 126.

52 ibid. p. 78.

53 ibid. p. 77.

54 Mann. p. 11.

55 This consultation was sponsored and managed by the Save the Children Alliance with the financial assistance of the Norwegian Government. Observations cited in this section are those of the author who participated, not only in the consultations, but in this specific workgoup.

56 CRC, Part 1, Article 1.

57 Bahá'u'lláh (1992). Kitáb-i-Aqdas. Haifa: The Universal House of Justice. pp. 113, 133-4, 170.

58 Shoghi Effendi. Directives of the Guardian. p. 85.

59 ibid.

60 ibid.

61 Institute for Studies in Global Prosperity (2000). *Science, Religion and Development: Some Initial Considerations*. www.globalprosperity.org/main.cfm?SID=4.

62 The Universal House of Justice (2000) *Ridván Letter Written to the Bahá'ís of the World*. Haifa: Bahá'í World Centre. p. 8.

63 The term Ridván refers to a place and time during which Bahá'u'lláh publicly announced His mission. Just before His banishment from Baghdad, Bahá'u'lláh and His followers spent twelve days (between April 21 and May 2) in the Gardens of Ridván (Persian for Paradise). The Universal House of Justice issues a letter to the Bahá'ís of the World on the anniversary of this period. The letter generally contains information about achievements of the Bahá'í Faith during the years, an assessment of world conditions and advice and guidance about the priorities of the Bahá'í community during the coming year.

64 Universal House of Justice (1999). *Letter dated 26 November 1999 to the Bahá'ís of the World*. Haifa: Bahá'í World Centre. p. 2; Universal House of Justice. *Ridván Letter Written to the Bahá'ís of the World*. p. 9.

65 Universal House of Justice. *Ridván Letter Written to the Bahá'ís of the World*. p. 9.

66 ibid. p. 8.

67 "The centerpiece of Bahá'í community life is the Nineteen-Day Feast. Held once every 19 days, the Feast is the local community's regular worship gathering. Open to both adults and children, the Feast is the regular gathering that promotes and sustains the unity of the local Bahá'í community. The Feast always contains three elements: spiritual devotion, administrative consultation, and social fellowship. As such, the Feast combines religious worship with grassroots governance and social enjoyment." www.bahai.org/article-1-6-0-3.html.

68 See note number 5 for an explanation of Auxiliary Board Members.

69 Shoghi Effendi. Directives of the Guardian. p. 16.

70 'Abdu'l-Bahá. pp. 27-30.

The Universal Declaration of Human Rights, Cultural Relativism and the Persecution of the Bahá'ís in Iran

BY CHESHMAK FARHOUMAND–SIMS

In 1979, a revolutionary movement in Iran toppled the powerful regime of Reza Shah Pahlavi. Under the leadership of the Ayatollah Khomeini, the new regime declared itself the Islamic Republic of Iran, and established a new government based on the Islamic Shari'a.[1] In an effort to consolidate its power, the new regime quickly began a campaign to eradicate all remnants of the previous regime and to destroy anything deemed un-Islamic. One of the earliest victims of the clerics' wrath was the Bahá'í community, the largest religious minority in Iran.[2] The persecution of the Bahá'ís is not a new phenomenon, and has been a part of Bahá'í history from its founding in mid-nineteenth century Iran. Their oppression however took on new force and intensity under a leadership determined to create a 'pure' Islamic state, and annihilate any trace of what it wrongly accused of as a 'community of infidels.' The Bahá'í community of Iran first responded to this persecution by appealing to the state apparatus within Iran. When these pleas for tolerance proved fruitless, Bahá'í communities outside of Iran began to appeal to their governments, the international community and its non-governmental instruments for support. Thus began severe criticism by governments and international organizations against the Islamic Republic's human rights record, and an international campaign in support of ending the persecution of the Bahá'ís.

The persecution of the Bahá'ís in Iran provides a unique case to test the efficacy and applicability of international instruments created for the protection of human rights. This particular case study raises important questions about the universality of human rights principles in a diverse world; the difference between individual and group rights; and the dilemma of finding compromises between opposing systems of law. Moreover, the Bahá'í case challenges the international community to find creative ways to uphold and enforce the noble

ideals enunciated in the Universal Declaration of Human Rights fifty years ago. It is not within the scope of this paper to adequately analyze many of the relevant aspects of this discussion.[3] This paper will attempt to explore these themes by discussing the controversial universality debate surrounding the Universal Declaration of Human Rights by comparing Western and Islamic notions of human rights. Moreover, the paper will examine the religious justifications provided by the Iranian regime for the persecution of the Bahá'ís, and seek to demonstrate that there are no grounds, religious, moral or political for such oppression.

The Universal Declaration of Human Rights

The notion of human rights is not new. Although Western historians and theorists highlight the European contribution to the development of human rights discourse, a diverse body of literature suggests that human rights has been a topic of discussion in many cultures throughout human history. The teachings of all the world's religions make reference to human rights and include thorough philosophical dialogue on the subject. The 'Golden Rule' which admonishes the treating of others as we wish to be treated, is an ideal found in the Holy Scriptures of all Faiths; Hinduism, Buddhism, Taoism, Jainism, Confuscianism, Zoroastrianism, Judaism, Christianity, Sikhism, Islam and the Bahá'í Faith.[4] Furthermore, religious philosophers representing all the faiths have contributed to the development of the theory and practice of human rights within their societies. One of the earliest historical examples of respect for human rights is illustrated in the reign of the Persian King, Cyrus II (550 C.E.) who bestowed citizenship and all its privileges to those the people inhabiting the lands he conquered. It was Cyrus who ordered the rebuilding of Jerusalem and its Temple, and returned the gold and silver vessels that King Bebuchadnezzar had confiscated from the Jerusalem Temple years earlier.[5] This clearly suggests that the notion of human rights is neither new, nor Western.

The earliest Western discussions of human rights are found in the English Magna Carta of 1215. The principles presented in this document were further elaborated in 17th century Europe with contemporary philosophical discussions of natural rights and the dignity of the individual by Locke, Rousseau and others. These discussions were conceptualized within the framework of a social contract and finally found legal expression in documents such as the English Bill of Rights (1689), the American Declaration of Independence (1776), the French Declaration of the Rights of Man and Citizen (1789), and the American Bill of Rights (1791).[6]

It was the events of the 1940's and the horrific realities of the Second World War however, that served as the backdrop for a concerted and universal effort to develop a system of international organization and human rights protection. Prior to 1945, states were the only recognized subjects of international law, and protected by the laws of sovereignty. The unprecedented brutality and depth of suffering under the extremist regimes of Spain, Germany, Italy and Japan led to such worldwide shock and disbelief that the need for protection of the individual from state apparatus became evident and served as the impetus for the United Nations' 1947 appointment of the Commission on Human Rights. The Commission was made up of representatives from 10 nations, chaired by Mrs. Eleanor Roosevelt and given the seemingly impossible task of creating a universal code for human rights practices which would be short, simple, easy to understand, expressive and "acceptable to all the Members of the United Nations."[7] It took over eighteen months for the Commission to complete its objective, and present to the General Assembly of the United Nations a blueprint for the worldwide promotion and protection of human rights, seen as a necessary prerequisite for international peace. President Franklin Roosevelt's 1941 speech to the US Congress which outlined the four freedoms,[8] together with drafts submitted by States and non-governmental groups served as the inspiration for the text of the document. After considerable consultation and deliberation, the United Nations General Assembly adopted the *Universal Declaration of Human Rights (UDHR)*, on December 10, 1948.

The UDHR is perhaps one of the most significant documents written in the history of humankind. The text of this document has been hailed as "one of the greatest steps forward in the process of global civilization" whose impact "extends to the moral, political and legal spheres."[9] The UDHR not only lay the foundation for international human rights law, but more importantly introduced the individual person as a subject of international law. The rights articulated in the UDHR can be divided into two main categories. The first group is civil and political rights. These include the right to life, liberty and security of the person; freedom from slavery and torture; equality before the law; protection against arbitrary arrest, detention and exile; the right to a fair trial; the right to own property and participate in politics; the right to marriage; the fundamental freedoms of thought, conscience and religion, opinion and expression; freedom of peaceful assembly and association; and the right to take part in government. The second group is economic, social and cultural rights which include: the right to work, form and join unions; the right to an adequate standard of living, education and full and free participation in cultural life.[10]

Three central principles provide the basis for these rights. The first proclaims that human rights are inherent. This implies that human rights "can not be

enumerated or deduced; they are not earned or acquired but inhere in all people by virtue of their humanity alone."[11] The second principle delineates every human being's basic rights as indefeasible or inalienable, meaning that "such rights can never be annulled or denied by outside parties or even by the affected individuals themselves.[12] The third and final principle declares that any conflicts between different rights must be resolved in accordance with just and impartial laws and procedures.[13]

Today, in addition to the Universal Declaration of Human Rights, which with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights [14] there are over eighty universal and regional conventions that provide the framework for modern international human rights law. In adopting these instruments, "the international community not only agreed on the content of each right set forth in the Universal Declaration, but also on measures for their implementation."[15] Moreover, these conventions endorsed the United Nations' resolution which stated that "the enjoyment of civil and political rights and economic, social and cultural rights are interconnected and interdependent."[16]

Universality, Cultural Relativism and the Universal Declaration of Human Rights

Despite the noble and progressive ideas articulated in the Universal Declaration of Human Rights, the document has faced severe criticism from its inception. Much of the controversy revolves around the question of the universality of the theory and application of the UDHR. The challenge this has presented to the human rights movement has been theoretical, practical and political.[17] And allowed many states to continue repression of their citizenry, by arguing for cultural relativism. The controversy gained momentum in 1948, when the American Anthropological Association published its famous statement rejecting the "applicability of the Declaration of Human Rights to mankind as a whole" and stressing that "the rights of Man cannot be circumscribed by the standards of any single culture, or be dictated by the aspirations of any single people."[18] These cultural relativists contend that "other people's truths are contained in their own classification and understanding," and that no one culture offers a "self-evidently privileged standard of verity."[19] For relativists, there are no "overarching, universal moral truths, or principles or universal cultural ideals."[20]

Other cultural relativists have focused on the 'Western' premise of human rights discourse. They assert that human rights are a "Western construct with limited applicability"[21] and argue that human rights norms "possess a distinc-

tively Western or Judeo-Christian bias, reflecting assumptions that the values of other cultures, peoples and races are inferior."[22] Hence, the opposition of non-Western societies to the UDHR for its emphasis on individual rights and freedoms at the detriment of personal responsibilities to the community and cohesive values. A third criticism questions the UDHR for its emphasis on civil and political rights. Although the UDHR emphasizes the interdependence of civil/political rights with social/economic/cultural rights, it has been the case that Western members of the General Assembly tend to favour the former. The underdeveloped world challenges this preference and argues that civil and political rights are meaningless and irrelevant if a certain level of economic development is not achieved by the populace. This point is well taken and demonstrates the cultural difference in the applicability of the principles outlined in the UDHR.

Today, scholars supporting the notion of moral universalism pose a serious challenge to the human rights controversy, and make it increasingly difficult for cultural relativists to uphold their position.[23] The work of these universalist scholars - mainly anthropologists and sociologists - seems to suggest that the debate directly relates to the relativists' confusion between principle and application, and illustrates that while the "concept of human rights is universal, the content varies among different societies."[24] They defend their position by providing evidence of certain moral precepts transgress cultural and traditional boundaries. These include the universal intolerance for lying, stealing, and incest as well as "the prohibition of murder or maiming without justification; economic justice; reciprocity and restitution; provisions for the poor; and priority for immaterial goods [such as freedom.]"[25] The debate created enough disunity among the nations to be one of the main points of discussion at the World Conference on Human Rights in Vienna in 1993. Many participants at this gathering, particularly those representing the developing world "concerned with cultural imperialism argued that while human rights are universal, their interpretation and implementation is subject to national and regional particularities and various historical, cultural, and religious backgrounds."[26] Despite these concerns however, the member States agreed to signing the Vienna Declaration which among other things stated that, "Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law…" Further, the Vienna Declaration addressed the question of cultural relativity by reaffirming that:

> All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional

> particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.[27]

The signing of this document does not mean there is a universal consensus on the subject of human rights, and there is still a need to translate principle into practice. The debate persists and serves a political purpose for the justification of immoral acts. Opposing notions of freedom, conscience, and expression lie at the heart of this situation.

The Bahá'í Faith: An Introduction to History and Teachings

The Bahá'í Faith was founded in mid-nineteenth century Iran through the teachings of two successive Founders who are regarded by Bahá'ís as Divine Messengers. The first of these was a young Persian merchant from Shiraz, who in May 1844, proclaimed that He was the bearer of the latest Revelation from God. The Báb,[28] explained that his revelation served a dual purpose: one to reaffirm the teachings of past Faiths, and secondly to announce the imminent appearance of yet another Divine Messenger, whose teachings would inspire global unification and moral and spiritual transformation. The Báb's teachings were well-received by a great number of people, and attracted tens of thousands of followers within a short time. In 1863, one of the Báb's leading disciples, a Persian of noble birth announced that He was the Messenger whom the Báb had referred to during His ministry. This second religious figure in the Bahá'í Faith is known to history as Bahá'u'lláh.[29] Through the power of His person, and the force of His teachings, Bahá'u'lláh was able to affirm His claim and within a short period of time, many surviving Bábis professed their faith in Bahá'u'lláh. Thus began the Bahá'í Faith.

With this new development, the government of Nasir'ul-Din Shah[30] decided that the best way to destroy the Bahá'í community was to exile Bahá'u'lláh and His family out of Iran. This exile did not extinguish the development and spread of this young Faith, and actually promoted it. By the time of Bahá'u'lláh's passing, the Faith had spread beyond Iran's borders and included followers in the Indian subcontinent, Asia, several Arab nations and northern Africa. By the mid-1950's, the Bahá'í Faith had been introduced in almost every country in the world. The central teachings of the Bahá'í Faith are: the oneness of God, the progressive nature of divine revelation; and the oneness of humanity. The third principle is the pivotal concept around which all other Bahá'í teachings revolve. These include: the abolition of all forms of prejudice; the full equality of rights and opportunities between men and women; universal education and

economic justice. For the Muslim clerics of the time, one of Bahá'u'lláh's most contentious teachings was His insistence that "humanity has entered an age of maturity and no longer requires clergy and ritual in its search for the Divine. He introduced the principle of the inherent right and indeed responsibility of each individual to investigate the truth for himself, and instituted consultation and group decision-making as the key to individual and societal development. Bahá'ís are also prohibited from participation in partisan politics and are obliged to obey the laws of the government under whose authority they live.[31] These last two teachings are particularly relevant to this study and will be further discussed.

Today, the Bahá'í Faith is recognized as a world religion and respected in the international community not only for its social teachings but for its application of principle to practice as demonstrated in the community's commitment to peace, justice, and social-economic development. The Bahá'í International Community (BIC) represents the worldwide Bahá'í community at the United Nations and enjoys consultative status with UNESCO and ECOSOC. Today, there are over five million Bahá'ís in 180 countries of the world, representing every ethic, racial and religious background. With the absence of a clergy, the community functions on an elaborate administrative order laid down by Bahá'u'lláh Himself. This administrative order is based on elected bodies at the local, national and international levels.[32] At the local level, adult members of the community (age 21 and older) annually vote for nine members from the community in an election which prohibits electioneering and nominations and is based on secret ballots. Each community then elects a number of delegates to represent them at the national convention electing the national administrative body. Finally, every five years, members of the National Councils elect the international governing council, the Universal House of Justice.

The Persecution of the Bahá'ís in Iran: Historical Developments

Throughout history, the advent of every new religion has resulted in the persecution of its members. Particularly in the formative phase of the religion's development, 'believers' have been the object of violence and oppression for their spiritual convictions. The persecution of the Bahá'ís in Iran is a classic example of human rights violation resulting from religious intolerance. And, despite Bahá'í commitment to non-violence, tolerance and governmental quiescence, they are classified as 'unprotected infidels' who do not enjoy any rights under the present Iranian constitution.[33] Much of the conflict can be attributed to the general population's "almost universal ignorance of the religion's nature, teachings and history."[34] resulting in a deep-rooted prejudice against the mem-

bers of this community. The persecution began in 1844, when thousands began to accept the Báb's claim that He was the much awaited *Qa'im*[35] of Shi'i Islam. The Báb's claim and His teachings, in addition to His repute attracted the attention of the Muslim clergy who saw Him as a threat and responded with brutal force. In 1850, the Báb was executed in the city of Tabriz and the clergy began a pogrom which resulted in the death of over 20,000 of His followers. These incident were so large in scale and brutal in force that they "aroused the revulsion of Western diplomats and scholars, and deeply scarred the Persian psyche, inspiring an effort to justify the killing of thousands of innocent people by excoriating the victims' beliefs and intentions."[36] The systematic effort to eradicate the Bábis proved unsuccessful, but they continued to be the target of opposition and oppression under the leadership of Bahá'u'lláh.

Bahá'u'lláh's noble lineage protected him from execution, but not from arrest and an imprisonment which lasted 40 years. From Iran, He and his family, and a small community of followers were exiled to Baghdad, Adrianople, Constantinople and finally the Ottoman Empire's prison city of Akka where He died in 1892. The persecution of His followers continued. Under the Qajar Kings,[37] oppression of the Bahá'í community was a national policy which led to occasional killings, usually at the hands of the populace. For example, in 1903, 101 Bahá'ís were killed in the city of Yazd after the local Mullahs encouraged their congregation to disperse into the streets and kill any Bahá'ís they meet.[38] The end of the Qajar dynasty and the beginning of the Pahlavi dynasty in 1925, introduced a number of important changes with consequences for the Bahá'í community. One of the goals of both Pahlavi Kings was to transform Iran into a modern, secular state. In order to do so, they pursued a policy aimed at excluding the clergy from influencing the social and cultural aspects of Iranian society, and began a systematic attempt to secularize the country, which included such things as prohibiting women from wearing the traditional *chador*,[39] and appointing highly educated individuals in positions of authority.

The Bahá'í minority, representing some of the most educated people in Iranian society were among those appointed to posts in the civil service while denied constitutional rights.[40] The Shah also appointed a number of Bahá'ís to prominent positions in his government. The Bahá'í law prohibiting involvement in politics prevented these individuals from being able to accept these political posts. There is only one recorded case where a Bahá'í accepted such an appointment to the Cabinet. Consequently, his administrative rights in the Bahá'í community were removed. It is worth noting that the Bahá'í community provided a political pawn for the Shah. When faced with cleric opposition, both Pahlavi Shahs used the persecution of the Bahá'í community as a means of appeasement. These included the destruction of holy places, the closing of

Bahá'í schools, inciting mob attacks on Bahá'ís, particularly in the rural villages, and confiscation of property. This death and destruction was brought to the attention of the international community by foreigners stationed in Iran, and resulted in United Nations intervention in 1955 following a particularly violent period.

The revolution in Iran in 1979, and the acquisition of power by the Islamic clergy introduced a new chapter in the suppression of the Bahá'ís in Iran. Even before the establishment of the Islamic Republic and his return to Iran, Khomeini made his position on the Bahá'í minority very clear in an interview conducted in December 1978, by saying that in an Islamic Iran, "Bahá'í citizens would have no rights whatsoever."[41] In formulating a new constitution, the theocratic regime of Ayatollah Khomeini confirmed the status of Jews, Christians and Zoroastrians as 'protected minorities'[42] but the Bahá'í community was deprived of any constitutional rights. The exclusion of the Bahá'ís from the constitution meant that "Bahá'ís enjoy no rights of any sort, and that they can be attacked and persecuted without impunity."[43] Islamic courts denied Bahá'ís of the right of redress and protection against crimes including assault, killings and other forms of persecution, and ruled perpetrators as not liable for damages because their victims are "unprotected infidels."[44] The inevitable consequence of this, and the negative messages delivered in the mosques and the media inevitably resulted in violent incidents across the country. Bahá'ís were beaten, young girls were kidnapped and raped, Bahá'í cemeteries were desecrated, holy places were destroyed, and Bahá'í homes and businesses being burned. By 1980, the government began to participate in this campaign and prominent Bahá'ís, mostly those serving on local and national administrative bodies were arrested and imprisoned. This was followed by mock trials and led to the first set of executions in June 1980.[45]

Under government decree, Bahá'í marriages were declared null and void, and Bahá'í marital life reduced to the status of prostitution and children declared illegitimate. Bahá'í children were expelled from schools and universities, and retired Bahá'ís declared no longer eligible for pensions and ordered to pay back the pension they had thus far received.[46] At first, the response of the Bahá'í community was to appeal to local authorities in their efforts to end the persecution. After years of trying to no avail, the international Bahá'í community began to bring this matter to the attention of their respective governments while the Bahá'í International Community (BIC) at the United Nations began a campaign to bring the plight of the Iranian Bahá'ís to the attention of the international community through the instruments of international organization.

Documents obtained through the Iranian media found their way to Amnesty International[47] and other human rights organizations which immediately exposed

the Iranian objective to completely obliterate the Bahá'í community in Iran. This led to almost universal international outrage; leading to severe criticism of the Iranian government from individual governments and within the United Nations. Despite the international condemnation, more than 200 Bahá'í men, women and children were executed by the Iranian government between 1978 and 1988. Many others were arrested, disappeared, and were presumed dead. One particularly disturbing incident involved the hanging 10 women in the city of Shiraz, for their refusal to recant their Faith and convert to Islam.[48] The women ranged in age from 16, to the early twenties and two were senior citizens. Their execution followed the execution two days earlier of six men, which included the husbands, fathers and sons of four of these women.[49] The judge presiding over their trials was quoted in the Iranian newspaper *Khabar-i-junúb*, as saying "If the Bahá'ís do not recant their faith, the day will soon come when the Islamic nation will God willing fulfill the prayer of Noah: Lord leave not one single family of infidels upon the earth."[50]

In August 1983, the Public Prosecutor of the Islamic Revolution declared that Bahá'í religious institutions should be banned, its institutions ordered to dissolve and its members declared guilty of criminal offenses.[51] In accordance to the Bahá'í law of obedience to one's government, the Bahá'í community immediately complied and dissolved its local and national administrative bodies, and ended all administrative activities. Letters were sent to the government to announce the community's compliance with the decree, and asked to be allowed to practice their Faith in the privacy of their own home. On 21 September 1983, the prosecutor-general released a statement announcing that,

> If a Bahá'í himself performs his religious acts in accordance with his own beliefs, such a man will not be bothered by us, provided he does not invite others to the Bahá'í Faith, does not teach, does not form assemblies, does not give news to others, and has nothing to do with the administration.[52]

This statement however, did not protect the Bahá'ís from further oppression and was followed by a new series of arrests and executions. This resulted in new international opposition and a series of United Nations resolutions against Iran. The Iranian government responded by reducing the number of executions and releasing a number of Bahá'í prisoners. The international community however continued its protest and called for the immediate release of all Bahá'í prisoners and the exercise of tolerance toward the Bahá'í community.

In 1984, the United Nations Commission on Human Rights adopted a new resolution calling for the appointment of a special representative, responsible

for the human rights situation in Iran, and the treatment of Bahá'ís in that country. Mr. Andres Aguilar was appointed to the post and was replaced in 1986 by Mr. Reynaldo Galindo Pohl who made three visits to Iran under the mandate of the United Nations Human Rights Commission. In anticipation of Mr. Pohl's first visit in January 1990, the Iranian government began to release a large number of the more than 750 imprisoned Bahá'ís. Moreover, Bahá'í children were allowed to return to school, but still forbidden university attendance. While the BIC acknowledged the improvement in conditions in Iran vis-à-vis the Bahá'ís, it noted that the Bahá'ís were still denied access to their holy places, prohibited from practicing their Faith and excluded from the constitution. This was confirmed by Mr. Pohl's report. Mr. Pohl was invited for a second visit in October 1990. This trip proved less fulfilling than the first, as illustrated in Mr. Pohl report stating that

> With respect to the situation of the Bahá'í minority, many documents signed by administrative authorities have been received, providing evidence of discrimination, confiscation, rejection by universities, suspension of pension, demands for the return of pensions earned and paid, denial of passports and other irregularities … This keeps the Bahá'ís in a perpetual state of uncertainty about their activities. The government should therefore be requested to take effective action to ensure that these Iranian citizens enjoy the same civil and political rights as the rest of the population.[53]

A third visit was initiated in December 1991 to assess improvements in Iran resulted in more severe criticism of Iran's human rights practices, particularly against the Bahá'ís who did not present any threat to the Islamic regime and its mandate. This third report noted that while there had been no further executions, harassment and discrimination continued in the same manner as stated in the representative's previous report. Following these harsh reports, the situation of the Bahá'ís seemed to worsen. For the first time in four years, a Bahá'í prisoner was executed in March 1992. This was followed by several random murders and two more execution orders.

In 1993, a secret government memorandum drafted by the Supreme Revolutionary Cultural Council discussing the policy relating to the 'Bahá'í question' was discovered.[54] This document clearly stated that the government's objective is to ensure that the "progress and development" of the Bahá'í community "shall be blocked."[55] The paper included the signature of President Ali Kham8enei and exposed the true intention of the Iranian government toward the Bahá'í community. The situation of the Bahá'ís has somewhat improved since 1992. Although two Bahá'ís were killed in 1997 - and four are presently under death sentence, two of these for apostasy - the number of Bahá'í prisoners has been

reduced to less than 20. Children are again allowed to register and attend school, and Bahá'ís are more easily able to travel to and from the country. But this does not mean that Bahá'ís live freely without harassment and discrimination. They may be arrested for religious belief. Bahá'í youth are still prohibited from attending university and most recently the fourth year of high school. Employment discrimination continues in the form of denial of jobs and pensions, and the right to inherit property is denied. Most importantly, they are denied the freedom to practice their Faith as a community, and to elect administrative bodies despite the fact that "they have never engaged in illegal activity nor participated in any form of opposition to the government."[56]

The Ideological Roots of the Persecution of the Bahá'ís In Iran

There are two ideological sources to the persecution of the Bahá'ís in Iran, one theological, and the other social. The first relates to the Bahá'í belief that Bahá'u'lláh is the latest Messenger of God with teachings for this age in the development of humanity. According to Muslim interpretations of the Qur'an, the Prophet Muhammad is the *last* of God's Divine Messengers, the *seal of the prophets*.[57] In light of this verse and its interpretation, Bahá'ís are seen as heretics and apostates who have renounced the true religion of God for belief in heresy. This classification of Bahá'ís as apostates condemns them to death as prescribed by the Qur'an and the Sunna.[58]

The second pertains to particular teachings in the Bahá'í Faith that were (and are) perceived as a threat to the Islamic establishment and social order. The most contentious of the Bahá'í teachings from the perspective of the Muslim clergy has been those pertaining to equality of rights and opportunities for the sexes, which has been regarded as a moral threat, and the abolition of the clergy which they perceived "would bring to an end the system of tithes, endowments, social precedence, and political power which they have always regarded as their religious right."[59] Both of these, played a role in provoking the latest episode of persecutions in Iran. The accusation of apostasy however, has served as the most profound premise for persecution. This relates directly to Western and Islamic notions of human rights and particularly the freedom of conscience and religion.

Western Notions of Human Rights

Present-day Western (Judeo-Christian based) and Islamic notions of what constitutes individual human rights and freedoms are deeply tied to the his-

torically related philosophical developments within each of these civilizations. The history of Western Christianity illustrates a constant struggle to distinguish between the 'personal' and the 'external' which in society has translated into a separation between church and state, thus "restricting the legitimate control of civil coercion over religious life."[60] As Little explains,

> …to hold that true belief is not a matter of external causes, but of deeply felt inward motions, is to affirm, by implication, the importance of establishing a "free zone" where individuals are permitted to negotiate their spiritual life according to the dictates of their own best inner judgment.[61]

Early Christianity focused on the intensifying of the inner, personal experience and contributed to the development of the idea of conscience as a natural and abiding focus of attention which served as "a private monitor, as a deeply internal self-reflective and self critical operation that defined, at bottom, what it meant to be a self or a person."[62] Hence Christian thought came to admonish freedom of conscience. The writings of Thomas Aquinas and St. Augustine were instrumental in this development. Little explains that for Aquinas "a person's will is totally dependent upon the recommendations for action put to it by the conscience" and therefore "the argument moves in the direction of tolerating conscientiously held beliefs and actions with which one may profoundly disagree."[63] D'arcy's study of Aquinas and Augustine shows that both agree that "The act of faith is essentially a free act; without an interior, free choice of the will there is no valid act of faith at all. It is therefore not lawful to use compulsion in any way to force Jews or pagans to accept the Christian Faith."[64] In the final analysis, as St. Augustine affirms that "a person can do other things against his will; but belief is possible only in one who is willing… unwilling belief is an impossibility. The only valid act of faith is that which proceeds from a free, interior choice."[65] This has translated into practice in the way that Christians - in general - may disagree with another creed, but will not seek to force change.

These Western ideals have clearly inspired the relevant portions of all United Nations documents relating to human rights, and particularly those discussing the freedom of conscience and religion. These documents define the individual person as, "a spiritually free being who is, within wide limits, accorded sovereignty over mind, conscience, and spirit…"[66] This leads to the belief that,

> …the right to religious freedom and conscience rests upon the deep conviction that human beings are fulfilled in being guided by 'reason' and by persuasion, rather than by external 'causes' and controls. In short, to conceive of human beings in terms of an indefeasible 'right to freedom of thought , conscience, religion and belief' in the words of the Declaration against Intolerance, is itself to affirm and to seek to guarantee the 'natural' irreducibility of the human spirit.[67]

Islamic Notions of Human Rights

Unlike Christianity, Islam does not make a separation between the spiritual and the civil. For Muslims, the Qur'an represents a complete book of laws pertaining to one's spiritual as well as social existence. Hence, there is no separation in Islam between 'church' and state. As seen under the leadership of the Islamic caliphs, spiritual and temporal power were inseparable and interconnected.

In matters of law, Islam does not make a separation between the spiritual and the civil, and Muslims agree that the Quran is the undisputed source of all law in Islamic society. Of the approximately 500 Quranic verses, approximately 80 are considered as articles of code, and beyond this, Muslims rely on *sunna*, *ijma*, and *Qíyás* for further guidance and clarification on laws:[68]

1. The sunna to the oral traditions that are extracted from reliable sources about the sayings and activities of the Prophet Muhammad, providing clarification about conduct.
2. Ijma refers to the decisions that are arrived at through consultation and consensus among learned learned scholars of Islam.
3. Qíyás refers to comparison by analogy[69] which provides further clarification on laws and ordinances. Shia Islam does not use Qíyás, and prefers to rely on 'aql or reason.

Islam recognizes that human beings can reject this guidance, "although they cannot produce any valid excuse for its rejection."[70] Hence, "human beings are given the choice to accept or reject the faith, and they bear the consequences of their choice."[71] Rejection leads to misguidance which the Qur'an considers as "God's response to unsatisfactory actions or attitudes on the part of individuals who have chosen to reject the faith."[72] A second relevant point is the Muslim distinction between *islam* (submission), and *iman* (faith), "that is, between a submission to sacred authority that might be coerced or compelled by human beings … and the faith born of voluntary consent, free of human coercive inter-

ference, developing from a keen spiritual and moral awareness and motivation."[73] The Qur'an clearly suggests that it is God who puts *iman* in the heart of man, which thereby produces *islam*. Qur'anic verses clearly state that compulsion is not allowed.[74] Another example reads,

> And if thy Lord had willed, whoever
> is in the earth would have believed,
> all of them, all together. Wouldst thou [O Muhammad]
> then constrain the people, until
> they are believers?
> It is not for any soul to believe
> save by the leave of God; and He lays
> admonition upon those who have
> no understanding.[75]

This has been interpreted to suggest that "submission to the will of God must come through voluntary consent" and that "even the Prophet, the bearer of revealed guidance, should not compel the people to believe."[76] Hence, the Qur'an, the most authoritative of the three sources of jurisprudence teaches the freedom of conscience and religion.

I have attempted to demonstrate that there is agreement in Islamic and Western notions of the freedom of conscience and religion. The tolerance expressed in Islamic scripture however, does not extend to believers who then choose to change their faith. These individuals are designated apostates who have broken their covenant with Allah and the Prophet, and present a threat to the umma, the community of believers. The problem of applying Islam's liberal principles into practice arises then, in relation to other scripture within the Qur'an expressing intolerance for disbelief, encouraging compulsion to Islamic Faith and prescribing severe punishing for those who do not believe. The essence of the legitimization of the Islamic Republic's persecution of the Bahá'í community therefore, lies within these passages and their interpretation.

Islamic Opposition to the Universal Declaration of Human Rights

Islamic opposition to the UDHR began in the early days of deliberation on the document, and focused primarily on Article 18 which states:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in a community with others in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.[77]

The opposition was so great in fact, that a number of Islamic countries unsuccessfully attempted to delete this article all together. Objections were expressed again in relation to two proposed sections of the International Covenant on Civil and Political Rights, namely section 2 stating that "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice" and article 26 which added a further guarantee of equal protection of the law against any form of discrimination "on any ground such as race,... sex,... or religion."[78] Tabandeh explains this vehement contention as follows:

> Freedom of thought, of conscience and of belief is allowable [in Islam] to the extent that it does not clash with the Qur'an or with Islamic Canon Law. No one's freedom gives him the right to blaspheme or to curse God, His Prophets or His Saints. Whoso commits this sin is liable to punishment.[79]

This narrow interpretation of the Qur'an's teachings on the freedom of conscience and religion may relate not only to the seemingly contradictory verses in the Qur'an on the subject, but is also largely a consequence of the historical development of Islam, and the textual and historically based preoccupation with "the political threat of religious unbelief."[80] Hence the liberal spirit of Islam as discussed earlier in the paper, must be weighed against statements in the Qur'an "demanding the use of force in achieving one of the central ideals of Islamic revelation, the creation of a just social order."[81]

The historical roots of this intolerance are more profound. When the Prophet Muhammad died in 632 C.E., there was immediate threat of division and disunity within the community in regards to His successor. The community selected Abu Bakr, a long time companion of the Prophet as the temporal and spiritual leader of the *uma*. One of the greatest challenges facing Abu Bakr as a new leader was to keep the tribes of Arabia united. In order to facilitate this "Abu Bakr, and jurists since then, condemned secession from Islam *(ridda)* as "an offense both against God and against the state: it is both apostasy and treason."[82] This attitude illustrates the Islamic emphasis on the individual's obligation not only to God but to community, and demonstrates the primacy of collective over individual rights. Tabandeh articulates the Muslim position in his book *A*

Muslim Commentary on the Universal Declaration of Human Rights. He explains that:

> Religious minorities who follow the one true God and the revelation given to a prophet of His - like Jews, Christians, Zoroastrians - enjoy complete freedom within limits of their own faith, can pursue its services and ceremonies openly and make their lives conform to its regulations and precepts. But followers of a religion of which the basis is contrary to Islam, like those who demand Islam's extirpation, have no official rights to freedom of religion in Islamic countries or under an Islamic government, nor can they claim respect for their religion, any more than in certain countries definite political parties which are contrary to the ideology of the regime can claim freedom since they are declared to be inimical to the welfare of that land and people.[83]

Hence, the presence of non-Muslims who are not referred to in the Qur'an as people of the book is perceived as a great threat to both Islam and its community. And for the protection of the faith, the land and the people, this presence must be controlled and if possible, removed.

The most recent Muslim opposition has been to the draft of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Efforts there resulted in the United Nations General Assembly decision to change some of the wording in the Declaration referring to the "right to choose, adopt, or change one's religion,[84] thereby allowing for Muslim states to ratify this convention. Again, Tabandeh attempts to present the Muslim opposition to choice and changing of faith by stating,

> There are also difficulties in accepting this clause in that it affirms the individual's freedom to change his religion and confession … the decision to change religion may be forced on a person under pressure or duress: or again it may be induced by false motives like the desire to get a divorce under the easier conditions of some other doctrine. There is however, a still more important and fundamental objection to the freedom to change religion. No man of sense, from the mere fact that he possesses intelligence, will ever turn down the better in favour of the inferior. Anyone who penetrates beneath the surface to the inner essence of Islam is bound to recognize its superiority over the other religions. A man, therefore who deserts Islam, by that act betrays the fact that he must have played truant to its moral and spiritual truths in his heart earlier. If he pleads doubt as his reason, he must be saved from uttering falsities by a calm discussion. These are all possible motives. Their very nature makes it plain that they should not be given encouragement of any kind, let alone by an international law. Such a pronouncement as this clause permitting freedom of choice can only result in confusion both in the individual's mind and in the moral and spiritual stability of society.[85]

There are a number of problems associated with this statement. On the one hand, Tabandeh acknowledges the gift of intelligence, on the other he suggests that freedom would lead to confusion in the individual's mind. The claim of the superiority of Islam is also troublesome in that it presents an exclusivist and ethnocentric view which has served as a premise for persecution throughout Islamic history of those classified as apostates.

Allegations of Apostasy and the Persecution of the Bahá'ís in Iran

Apostasy is considered the most bane of crimes in Islam, and "has come to be included in Islamic law as one of the *hudad*, or capital crimes, along with adultery, defamation and slander, alcoholism, theft, brigandage, treason, murder and armed rebellion."[86] Islam distinguishes between two types of apostates; The first refers to *fetri* apostates "who break with their faith" that is, "whose parents are Muslims, and who was born into the Islamic 'fetre' or tradition, but after coming of age turns from his religion."[87] According to the Qur'an, for these individuals there is no repentance,[88] "for he has deserted his natal faith and traditional philosophy.[89] Such a person is "like a diseased member of the body politic, gangrenous, incurable, fit only for amputation, and must be executed."[90] Another example of a *fetri* apostate is one who embraces Islam and then changes his mind. Such an individual must be reasoned with for three days. If he does not repent and return to the Fetre, he too is punishable by death under the law of the Shari'a.

The second category of apostasy refers to those "who break loyalty as a citizen, e.g. one who contravenes the constitution or plays traitor against his own government …"[91] Such a person is also perceived as a threat to social order and is punishable by death. Tabandeh and other Islamic jurists [92] adopt this extremist position based on their interpretation of textual references that condemn the apostate to death. For example, Sura 4: 89 says,

> They [the disbelievers] wish that you should disbelieve as
> they disbelieve, and then you would be
> equal; therefore take not yourselves
> friends of them, until they emigrate in
> the way of God; then if they turn their backs,
> take them and slay them wherever you find them;
> take not to yourselves any one of them as friend or helper.

And again in Sura 5:33,

> This is the recompense of those who fight
> against God and His Messenger, and hasten
> about the earth, to do corruption there:
> they shall be slaughtered, or crucified, or their hands and feet shall alternately
> be struck off, or they shall be banished
> from the land. That is a degradation for them
> in this world; and in the world to come awaits them a mighty chastisement.

According to Sachedina, the severe prescription decreed in these Qur'anic passages are reinforced by statements of the Prophet as reported in the *hadith*. These include stories of Muhammad having said that "He who changes his religion must be killed" and by reports of apostates losing their hands and feet before being killed during the Prophet's lifetime.[93]

The question that arises in one's mind is how can there be two different messages expressed in the Qur'an and Sunna; one of tolerance and forbiddance of compulsion and the other prescribing force in conversion, and death as a punishment for those who do not. Dr. Abdullahi An-Na'im explores this discrepancy in his analysis of Shari'a in the book *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*. Dr. An-Na'im points out that whereas the Qur'anic verses revealed in Mecca encouraged peaceful persuasion, and allowed for the freedom of choice to accept or reject Islam, the Qur'an and Sunna of the Medina stage sanctioned, and under certain conditions required the use of force in conversion and the punishment of death for those who refused Islam. He explains this inconsistency by explaining that,

> To reconcile these apparent inconsistencies, the founding jurists engaged in a process of *naskh* (abrogation or repeal) of certain texts of the Qur'an and Sunna to produce a coherent and comprehensive system of Shari'a which was consistent with the totality of the Qur'an and Sunna. Thus, to justify compulsion as opposed to freedom of choice in religion, and to give legal efficacy to verses sanctioning the use of force against non-Muslims and renegade Muslims, the founding jurists deemed that the verses enjoining freedom of choice and peaceful persuasion were abrogated or repealed by the verses authorizing compulsion and the use of force.[94]

An-Na'im argues that these decisions based on ijma are inadequate and inappropriate because ijma is "never to be exercised in matters governed by clear and definite texts of Qur'an and Sunna."[95] Hence, the jurists' decision on the subject being based on their interpretation on the Medina-stage revelation as binding law (because they were not changed by the Prophet before his death)

may be flawed. And therefore, evidence that the Qur'an allowed for freedom of choice in the practice of religion, the Shari'a is based on a more limited and politically motivated interpretation.

The Bahá'ís have long been accused of apostasy. In the case of those who were arrested and provided with a trial, the charge entered has always included apostasy. In every case, Bahá'í individuals were given the opportunity to recant their faith and return to Islam, and in so doing enjoy freedom or face death. In the vast majority of the cases, despite severe torture and threats to one's families, Bahá'ís refused to denounce their faith. However, there were a number of Bahá'ís, who did sign the statement of recantation. In these cases, the government would publish a copy of the statement in the local newspapers as evidence of their success.

Other Allegations Related to the Persecution of the Bahá'ís in Iran

In addition to the charge of apostasy, Bahá'ís have been accused of supporting the Shah's regime; of being Western agents determined to destroy Iran's traditional Islamic society; and of being agents of Zionism and spies for Israel. These are clearly false allegations. The Bahá'í duty to obey their government would not allow for Bahá'ís to support or denounce the Pahlavi regime, and the Bahá'í community was in no way responsible for its rise to power or its fall therefrom. Under the Pahlavi regime, Bahá'ís did not accept political positions in government, and focused their activities on in the civil service, non-political positions in government, and philanthropy.

The Islamic regime's affiliation of the Bahá'ís to Zionism and Israel stems from the location of the Bahá'í world centre in Haifa, Israel. This is not associated in any way to Bahá'í support - or lack thereof - for the state of Israel, but relates to the fact that Bahá'u'lláh's last venue of exile and place of death was in that area, then known as Palestine. Bahá'u'lláh was imprisoned, and subsequently under house arrest in Akka, until his passing in 1892. His prison cell, his home and his place of burial have been holy places of great significance for Bahá'ís around the world long before the state of Israel was created. These allegations provide the Iranian leadership with a convenient rationale to continue their religiously motivated persecution. They and many in the general population know that allegations of Bahá'ís political support for the governments of the Shah, the 'Evil West' and Israel are completely false. Though these excuses are used to justify persecution under the guise of treason, it is a well known fact that the Bahá'ís are persecuted for one reason only, their religious convictions.

Conclusion

Every day, religious persecution occurs somewhere in the world. Iran is not the only perpetrator, and the Bahá'ís are not the only victim. The Universal Declaration of Human Rights and its associated covenants were created to end this tragedy. Unlike previous eras, individuals and communities are theoretically protected under the various Articles of the UDHR guaranteeing a variety of rights and freedoms. At the present time, the Bahá'ís of Iran are denied *all* the rights and privileges guaranteed in the Universal Declaration, to which Iran is a signatory. They are not entitled to all the rights and freedoms set forth in the UDHR (article 2); they do not enjoy the right to life, liberty and security of the person (article 3); they have been subjected to torture and inhuman punishment (article 5); they do not have the right of recognition as a person before the law (article 6); they do not enjoy equal protection without discrimination under the law (article 7); they have been and continue to be subjected to arbitrary arrest and detention (article 9); when arrested, they are not provided with a fair and public hearing by an independent and impartial tribunal (article 10); they are not presumed innocent until proven guilty (article 11); they have been subjected to arbitrary interference with privacy, home, family and correspondence (article 12); they did not and some still do not have freedom of movement (article 13); they do not have the right to own property (article 17); they do not have the right to freedom of conscience and religion (article 18); they do not have the right to the freedom of peaceful assembly and association (article 19); they do not enjoy equal access to public services (article 21); they do not have the right to social security (article 22); they are denied the right to work, and equal pay (article 23); they do not have an adequate standard of living (article 25); and they are deprived of the right to education (article 26).[96]

The case of the Bahá'ís, and other examples of religious persecution challenge the efficacy and potency of the United Nations and the Universal Declaration of Human Rights from protecting individuals from persecution and human rights violations. The case of the Bahá'ís however, also shows that international pressure can indeed bear fruit and help to protect victims of oppression. The concerted criticism of the international community and the United Nations clearly prevented another potential holocaust in this century. As we approach the twenty first century, it is of utmost importance for the United Nations and its member nations to increase their commitment and efforts to human rights protection. One important dimension of this has been the promotion of human rights education. Human rights education has been defined as

> training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes which are directed to: strengthening of respect for human rights and fundamental freedoms; full development of the human personality and the sense of its dignity; promotion of understanding, tolerance, gender equality and friendship among all the nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; enabling of all persons to participate effectively in a free society; and the furtherance of the activities of the United Nations for the maintenance of peace.[97]

After all, "Knowledge of basic human rights by the individual is necessary because, ultimately, human rights are respected and protected - or violated - by individuals, even if they are acting in some official capacity."[98] To recognize the significant role of education in protecting and promoting human rights, the United Nations General Assembly has proclaimed 1995 - 2005 as the United Nations Decade for Human Rights Education.

The United Nations should make it a goal to impart human rights education at all levels of society, from children to government leaders. Furthermore, the United Nations General Assembly should consult on ways to enforce the objectives of the UDHR. It should be clear that as signatories, national governments are bound - and should be required - to fulfill their obligations to the UDHR and the United Nations, or be reprimanded. Only then can the translation of principle to practice become feasible.

Footnotes

1 The Shari'a refers to Islamic canon law and contains the totality of Allah's commandments relating to every aspect of human activity.

2 Population of at least 300,000.

3 Such as collective rights of minority groups which is not addressed in the UDHR.

4 Tahzib, B. (1995). Freedom of Religion or Belief: Ensuring Effective International Legal Protection. The Hague, The Netherlands: Kluwerlaw International. p. 15.

5 Armstrong, K. (1997). Jerusalem: One City, Three Faiths. New York, NY: Ballantine. p. 2.

6 Levin, L. (1996). Human Rights: Questions and Answers. Paris, France: UNESCO Publications. p. 16.

7 ibid. p. 1.

8 Freedom of expression; freedom of faith; freedom from want; and freedom from fear.

9 ibid. p. 5.

10 Ishay, M. (1997). *Universal Declaration of Human Rights.* The Human Rights Reader: Major Political Essays, Speeches, and Documents from the Bible to the Present. New York, NY: Routledge Inc. p. 407.

11 Weinberg, M. (1998). *The Human Rights Discourse: A Bahá'í Perspective*. The Bahá'í World 1996 - 1997: An International Record. Haifa, Israel: World Centre Publications. p. 249.

12 ibid.

13 ibid.

14 These three documents make up what is referred to as the International Bill of Rights.

15 Levin. p. 23.

16 ibid.

17 Weinberg. p.251.

18 Preis, A. (1996). *Human Rights as Cultural Practice: An Anthropological Critique*. Human Rights Quarterly, vol. 18, pp. 287.

19 ibid.

20 Barnes, K. (1997). *Human Rights and Multiculturalism*. Unpublished Manuscript of a paper presented at the "First International Conference on Human Rights" sponsored by the Brazilian Bar Association, 14-17 September 1997, Brazilia, Brazil, p. 2.

21 Pollis A., Schwab, P. (1980). *Human Rights: A Western Construct with Limited Applicability*. In Pollis, A., Schwab, P.. eds. Human Rights: Cultural and Ideologcial Perspectives. New York, NY: Praeger Publications.

22 Barnes. p. 2.

23 Etzioni, A. (1997). *The End of Cross-Cultural Relativism*. Alternatives, vol. 22, no. 2; Howard, R. (1995). Human Rights and the Search for Community. Boulder, CO: Westview Press.

24 Howard. p. 54.

25 Beis cited in Weinberg. p. 252.

26 Akhavan, P. (1996). *The 1993 World Conference on Human Rights*. In Bradbury, M. & Bushrui, S., eds. Divisive Barbarity or Global Civilization? The Ethical Dimensions of Science, Art, Religion and Politics. Bethesda, MD: University Press of Maryland. p. 190.

27 Ishay. pp. 482-485.

28 The Báb (lit., 'Door' or 'Gate') was born Ali Muhammad in Shiraz on October 20, 1819.

29 Bahá'u'lláh (lit., 'Glory of God') was born Husayn Ali, in Teheran on November 12, 1817.

30 Qajar King who reigned in Iran between the years 1848-1896

31 The only known exception to this occurred in Nazi Germany when the local administrative bodies of the Bahá'í community in Germany refused to provide the Nazi regime with names of Bahá'ís of Jewish and Gypsy origin. Despite this, many Bahá'ís were arrested and perished in the death camps, the most well-known of whom was Lydia Zamenoff, the daughter of the father of Esperanto Dr. Zamenoff.

32 These bodies are referred to as the Local Spiritual Assembly, National Spiritual Assembly and the Universal House of Justice.

33 Bahá'í International Community (1993). The Bahá'í Question: Iran's Secret Blueprint for the Destruction of a Religious Community. New York, NY: Bahá'í International Community.

34 Martin, D. (1993). *The Case of the Bahá'í Minority in Iran*. The Bahá'í World 1992 - 1993: An International Record. Haifa, Israel: World Centre Publications. p. 247.

35 Shi'i Muslims are awaiting the appearance of the 12th Imam. The Bab claimed to represent this figure. This will be furthered discussed in the section on the Ideological Roots of Persecution.

36 Martin. p. 249.

37 The Qajar Dynasty was a monarchic dynasty which ruled Iran from 1794-1925. The Shahs in this period included: Aqa Muhammad Shah 1796-1797; Fath Ali Shah 1797-1834; Mohammad Shah 1834-1848; Nasser-al-Din Shah 1848-1896; Muzaffar-id-Din Shah 1896-1907; and Muhammad Ali Shah 1907-1925.

38 Bahá'í International Community. p. 8.

39 The Chador is a full length piece of cloth worn by women over their head to cover their hair and body.

40 The Bahá'ís would not hold official government posts and were therefore appointed to hold positions in different Ministries such as education, culture, etc. There were also a number of Bahá'ís appointed to high positions within the Iranian military.

41 Interview with Professor James Cockroft of Rudgers University, published in *Seven Days*, 23 February 1979 and cited in Martin.

42 Non-Muslim monotheists (whose religion precedes Islam), are referred to in the Qur'an as *dhimmis*, otherwise known as 'people of the book.' They are considered second-class citizens, and required to pay a special tax *(jizya)* to the Islamic state in exchange for tolerance, and exemption from certain duties such as military service.

43 Bahá'í International Community. p. 14.

44 Ostling, R. (1984). *Slow Death for Iran's Bahá'ís: A Pacific Faith Appears to be Targeted for Annihilation.* Time Magazine, vol. 123. p. 76.

45 Most of the Bahá'ís executed were given the opportunity to recant their faith and return to Islam. Their refusal was followed by execution.

46 Martin, D. (1984). The Persecution of the Bahá'ís in Iran: 1844 - 1984. Ottawa, Canada: Association for Bahá'í Studies.

47 Bahá'í International Community. pp. 38, 48.

48 This occurred despite the fact that Shari'a does not allow for the execution of female apostates. See Khadduri, M. (1966). The Islamic Law of Nations: Shaybani's Siyar. Baltimore, MD: Johns Hopkins Press. p. 205.

49 Martin, D. The Bahá'í World. p. 261.

50 *Khabar-i-Junub*, Shiraz, Iran, 22 February 22, 1983 cited in Martin, D. The Bahá'í World. p: 262.

51 Bahá'í International Community. p. 44.

52 *Kayhán Newspaper* cited in Martin, D. The Bahá'í World. p. 262.

53 Commission on Human Rights (7 March 1990). *Resolution 1990/79: on the Situation of Human Rights in the Islamic Republic of Iran.*

54 Bahá'í International Community. p. 36.

55 ibid. p. 38.

56 Press Release by the National Spiritual Assembly of the Bahá'ís of the United States, 16 January 1998.

57 Qur'an 33:40. The exact verse reads: "Muhammad is the father of no man amongst you. He is the Apostle of God and the Seal of the Prophets." An analysis of this verse however, in comparison with other verses of the Qur'an and the sunna, along with historical contextualization suggests alternative interpretations which show that the Muslim interpretation may not be accurate. For an in-depth analysis of this issue see: Farhoumand, C. (1989). *The Seal of the Prophets: A Bahá'í Interpretation.* Unpublished paper.

58 The sunna represents a compilation of oral histories or *hadith*, some said to date back to the time of the Prophet, which provides guidance and further elaboration on the Islamic life as

exemplified in the life of the Prophet Muhammad and his closest peers.

59 Martin, D. The Bahá'í World. p. 250.

60 Little, D., Kelsay, J., Sachedina, A. (1988). Human Rights and the Conflict of Cultures. Columbia, SC: University of South Carolina Press. p. 13.

61 ibid.

62 ibid.

63 ibid. p. 16.

64 D'arcy, E. (1961). Conscience and Its Right to Freedom. London: Sheed & Ward Publications. p. 7.

65 ibid. pp. 7-8.

66 Little, D., Kelsay, J., Sachedina, A. p. 26.

67 ibid.

68 Afshar, H. (1998). Islam and Feminism: An Iranian Case Study. New York, NY: St. Martin's Press. p. 2.

69 ibid.

70 ibid. p. 59.

71 ibid. p. 60.

72 ibid.

73 ibid. p. 66.

74 "No compulsion is there in religion" in Qur'an 2:256.

75 See Qur'an 10:99-100.

76 Little, D., Kelsay, J. & Sachedina, A. p. 67.

77 ibid. p. 4.

78 ibid. p. 5.

79 Tabandeh, S. (1970). A Muslim Commentary on the of Human Rights. London: F.T. Goulding & Company Limited. p. 70.

80 Little, D., Kelsay, J. & Sachedina, A. p. 6.

81 ibid. p. 76

82 Piscatori, J. (1980). *Human Rights in Islamic Political Culture*. In Thompson, K., ed. The Moral Imperative of Human Rights. Washington, DC: University Press of America. p. 145.

83 Tabandeh, S. p. 70.

84 ibid. p. 4.

85 ibid. p. 71.

86 Little, D., Kelsay, J. & Sachedina, A. p. 7.

87 ibid. 72.

88 See Qur'an 3:89.

89 Little, D., Kelsay, J. & Sachedina, A. p. 72.

90 ibid.

91 ibid.

92 Khadduri, M. pp. 195-229.

93 Little, D., Kelsay, J. & Sachedina, A. Human Rights and the Conflict of Cultures, p. 7.

94 An-Na'im, A. (1990). Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law. Syracuse, NY: Syracuse University Press. p. 49.

95 ibid.

96 United Nations. *Universal Declaration of Human Rights.* In Ishay.

97 United Nations High Commissioner for Human Rights (12 December 1996). *Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education.* (A/51/506/Add.1).

98 Bahá'í International Community (1997). *Human Rights Education.* Unpublished paper. p.1.

A Bahá'í Critique of Human Rights: State Sovereignty as Smokescreen or Necessary Partner in Securing Human Rights?

BY NAZILA GHANEA-HERCOCK

This paper will argue that the main systemic Bahá'í critique of the current international human rights system concerns the extent of the centrality of state sovereignty. The continued primacy of the sovereign state within human rights can be seen at many levels and in a variety of instances. This includes the role of states in establishing human rights principles, in maintaining oversight over the compliance of other states with human rights standards, and in the protection of human rights in the domestic sphere. It is the latter of these three roles which may be considered the most problematic from a Bahá'í perspective.

Since the focus of this paper is on the protection of human rights in the light of infringements within the domestic sphere, it will be the international protection of human rights by the United Nations in the context of such domestic abuse which will constitute the main exploration of this paper. The brevity of this piece will not allow provision of the details of the Bahá'í concept of world order. Instead the focus will be on the systemic challenges that can be deduced from the examination of the main difficulties facing the current international human rights regime. Definitions of sovereignty will not be entered into either, and statements about 'states' and 'state sovereignty' will be highly generalised due to the shortage of space.

State Sovereignty: Supporting or Eroding Rights?

Highlighting contradictions between traditional concepts of state sovereignty and human rights is not a new claim, nor uniquely a Bahá'í claim. Many have

questioned the statist basis of international law, and pointed out its problematic position in relation to human rights—which are to secure the respect for, and the realisation and fulfilment of internationally agreed human rights standards.

In the present human rights regime the sovereign state plays a dual role. It is both the bastion of rights as well as the abuser of rights. It is the generator of human rights standards as well as the main source of the erosion of these standards. It is the watchdog of rights as well as the smokescreen behind which rights are infringed. It empowers these standards as well as deflating them. Both strong states, such as the US, as well as weak or collapsed states, such as Somalia—prove problematic in relation to rights.[1] As Eide asserts regarding the role of the state, "for some it is a dreaded expropriator and violator, for others a protector and provider."[2]

State sovereignty provides the structure within which human rights standards are currently generated, monitored and accounted for. Ultimate legal responsibility for the protection of rights rests with sovereign states. Ultimately the buck stops here. Sovereignty provides the necessary hierarchy. The myth of sovereignty, which considers the state as the sole holder of legitimate use of force within the domestic sphere, supports this necessary hierarchy. According to the Positivist position,[3] it is right that states alone should decide on international human rights standards and establish them in human rights law. It is their prerogative to decide on whether or not they agree with a particular human rights text, to decide whether or not they will vote for it, to decide whether they need to protect themselves from future criticism by attaching reservations or by persistently objecting to it, and to carry the final responsibility for ensuring their respect for it. International law, including human rights law, is still largely perceived as implying horizontal enforcement, as largely remaining a law *between* states. Since there is no higher legal authority above the state, this conceptual model remains the best overall description of the current scenario. The advantage of this model is that responsibility, at least in states reflecting some level of democracy, is assigned on the basis of legitimacy stemming from being elected to positions of power. However, this model also puts forward challenges for the project of securing rights.

Three Levels of Difficulty

The difficulties can be divided into three levels. On the first level, there has been the difficulty of the present sovereign state structure in relation to particular rights. On the second, is the question of the efficacy of the political context in which human rights standards come into being. Finally, there is the

question of the barriers surrounding what can be done in the light of the state which abuses people within its own territory.

Feminist critiques, in particular, have emphasised how the rigidity of the sovereign state system has sharpened the delegation of some human rights abuses as 'private' and others as 'public'. This has largely made human rights blind to much of the atrocities going on against women. Women's rights may have been the most widespread of the rights that have been neglected. However, the difficulties of dealing with migration, self-determination, trafficking, minority rights and the rights of indigenous peoples are a few of the range of issues which also bring the issue of state sovereignty to the fore. Economic, Social and Cultural rights as a whole have also proven problematic, especially in relation to the difficulty of dealing with state responsibility when positive costs may be implicated.[4] The sovereign state system has proven most problematic in relation to the securing of rights which require such positive enablement and support, not just negative protection from abuse by the state. The recognition of any level of collective or group rights also has continued to prove deeply controversial, and many states feel too threatened to recognise particular groups within their territory. Many states deny the existence of any 'minorities' within their territory, and continue the nationalist myth of the uniformity of their citizenship. This has led to major denials of rights across the world, to the assignment of significant populations within states as 'unrecognised' juridical non-persons.

On the second level, is the question of the efficacy of the political milieu and process in which human rights standards come into being. As has been suggested above, some categories of rights and of rights recipients have been sidelined in this process. Some rights are left behind as the political will cannot be mustered to bring them to fruition as a legally binding Covenant, just one example being that of the elimination of religious discrimination.[5] As well as the prerogative of states in relation to the shaping and adoption of human rights treaties, states also decide which human rights issues should be raised in their interventions in the UN Commission on Human Rights,[6] which should be put forward for consideration as situations revealing a consistent pattern of gross and reliably-attested violations of human rights and fundamental freedoms under the public 1235 or confidential 1503 procedure, and which of the human rights resolutions to vote for at the Commission or the General Assembly. Voting patterns on human rights resolutions are just as carefully calculated and choreographed as those on other multilateral issues such as trade or arms control. It is not surprising, therefore, to note that accusations of partisanship, politicisation, double standards and selectivity are rife.

Finally, there is the question of the barriers surrounding what can be done in the light of the state which abuses people within its own territory. It is here that the limitations of the present sovereign state system are most acute. The tension between the state on the one hand, and the role of the international community on the other, was enshrined within the UN Charter itself. The oft-quoted Article 2(7) of the UN Charter states:

> "Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state."

In cases of the abuse of human rights by the state of its population, therefore, what can the United Nations do? Clearly, any form of direct intervention in the protection of human rights is severely limited by the above clause, and this taboo has been established further in state practice since the Charter. Mechanisms that have evolved, however, include: the possibility of inter-state complaints regarding human rights abuse in another sovereign state,[7] the possibility of raising the issue as a situation of consistent and gross abuse of human rights in the confidential 1503 or public 1235 procedure, the possibility of requesting relevant UN Special Rapporteurs to attempt to visit the country and report on their findings, raising the issue in relevant treaty bodies and recommending means by which the situation can be resolved, bilateral pressure, the imposition of sanctions and statements by UN bodies. These mechanisms largely depend on positive persuasion, gradual socialisation[8] and finger-pointing in order to gradually change the human rights abuses of a recalcitrant state. The sanction of exclusion from the UN has not really been explored by the United Nations, largely due to the dramatically negative consequences of this witnessed during the League of Nations era. The overall assessment has been that keeping states within the fold of the UN is preferable to exclusion, and that this allows the remaining possibility of gradual socialisation toward acceptance of international norms. Despite these very weak means of influence, some states remain adamant that even these mechanisms of very indirect 'intervention' regarding human rights abuses in their national contexts, are unacceptable, intrusive, and infringe their sovereignty. Attempts to dilute or eliminate the remaining mechanisms of indirect 'intervention' in the human rights situation at the domestic level is often couched in very inoffensive, even positive-sounding, language. Such attempts have made appeal to concepts such as 'cultural diversity' (read: cultural relativity) and 'dialogue among civilisations' (read: absolute national sovereignty) to buttress their positions. This more recent spectrum of virulent 'defences' for sovereignty in the face of human rights abuse are described by Bayefsky to often come in under the heading of 'cultural sovereignty:

> It is the claim that cultural particularities modify the commitment to the universality of human rights norms. International efforts to protect human rights are said to be limited by the state's sovereign or superior authority to define the cultural needs of its citizens and the cultural parameters of their lives. There is no singular understanding of human rights; the definitions are culturally dependent.[9]

Discussions on this issue were heated throughout the UN world conferences of the 1990s, and into the present century. They included tensions on this issue at the 1993 Vienna World Conference on Human Rights, the 1994 Cairo Population and Development Conference, at the 1995 Copenhagen Social Summit, the 1995 Beijing Women's Conference, as well as the follow-up conferences held with regard to these world conferences.

It can therefore be seen that whereas the sovereign state system is regarded as being indispensable to the present operation of human rights, it is also considered a prime barrier to the wider success of the human rights project. Attention will now shift to the Bahá'í reading of the place of the state in the context of securing rights.

Bahá'í Perspectives on Sovereignty and Human Rights

The main assessment of Bahá'í perspectives on these issues will be deduced from statements asserted by the Bahá'í International Community—the Non-Governmental Organisation representation of Bahá'ís at the international level and accredited at the United Nations. However, we will start with two statements from Bahá'u'lláh, the first from the Tablet addressed to Queen Victoria:

> We have also heard that thou hast entrusted the reins of counsel into the hands of the representatives of the people. Thou, indeed, hast done well, for thereby the foundations of the edifice of thine affairs will be strengthened, and the hearts of all that are beneath thy shadow, whether high or low, will be tranquillized. It behoveth them, however, to be trustworthy among His servants, and to regard themselves as the representatives of all that dwell on earth.[10]

In referring to the internal structure of the state, and the importance of representation, Bahá'u'lláh here addresses 'internal sovereignty' and the notion of accountability of government and peoples access to decision making. In a second statement, this time addressing the collectivity of the kings and rulers addressed by Bahá'u'lláh, He states:

> Be united, O Kings of the earth, for thereby will the tempest of discord be stilled amongst you, and your people find rest, if ye be of them that comprehend. Should any one among you take up arms against another, rise ye all against him, for this is naught but manifest justice.[11]

The reference here is to 'external sovereignty' and collective security. The statement addresses the necessary limits on external sovereignty in the extreme case of the use of arms. The statement relates to the use of force by one state against another, but may be considered to more generally implicate the necessity of oversight over, and constraints upon, the sovereign state. If this is the case, the wider goal of constraining the illegal use of force and abuse of power by the state, also relates to the question of human rights abuses by a state of its population. This implies the need for states themselves to operate within acceptable channels that respect human rights, and if not that direct intervention agreed by law be available as a means of attempting to remedy the situation.[12] This wider reading is supported by the proposals put forward by the Bahá'í International Community. These two statements by Bahá'u'lláh therefore touch on both internal and external sovereignty, and suggest that the Bahá'í view of world order poses a challenge both to internal as well as external sovereignty.

Shoghi Effendi comments very starkly on the future of the nation-building process when he states:

> Unification of the whole of mankind is the hall-mark of the stage which human society is now approaching.... World unity is the goal towards which a harassed humanity is striving. Nation-building has come to an end. The anarchy inherent in state sovereignty is moving towards a climax. A world, growing to maturity, must abandon this fetish, recognize the oneness and wholeness of human relationships, and establish once for all the machinery that can best incarnate this fundamental principle of its life.[13]

Repeated statements by the Bahá'í International Community echo the relevance of this claim to the goal of securing human rights. In such statements, the Bahá'í International Community repeatedly emphasises that the concept of human rights should be anchored in the principle of the oneness of humanity. It is argued that this grounding in the 'oneness of humanity' goes beyond a negative perspective of human rights and requires a positive respect for each person to be enabled to realise their potential. The Bahá'í International Community takes this idea of the oneness of humanity[14] as bringing forward new definitions of human rights, going so far as to claim that this leads to the conclusion that the

overriding purpose of international order is to establish and preserve the rights of the individual.

The Bahá'í International Community is critical of the "undue weight"[15] given to state sovereignty, one that results in "a curious mix of anarchy and conservatism."[16] Overall, 'unfettered national sovereignty' is recognised as a major obstacle to securing human rights of all peoples. It is suggested that the dependency of the enjoyment of rights on states needs to be minimised in the light of a new mind-set which recognises that, "what happens to one member of the human family happens to us all."[17] If supported internationally, the mechanisms for both monitoring and enforcing human rights standards can be made more effective in the light of this new priority.

Assuming that it is widely accepted that, "The national state has reached the limits of its development as an independent, self-directed social body,"[18] and that it is accepted that, "Conceived of as an end in itself, the national state has come to be a denial of the oneness of mankind, the source of general disruption opposed to the true interests of its people";[19] then what is to follow? The Bahá'í International Community recognises that human rights *does* require sovereignty to support and guarantee it. It is argued that, "a right is only valid and effective when upheld by an independent sovereignty,"[20] and also that the nation state system has lost 'real sovereignty'. In its stead, it is proposed that, "To reevaluate the elementary rights of the past, and establish essential new rights in keeping with our own age, a world sovereignty is required."[21] So it is not just minor adjustments to the operation of the present sovereign state system that is being proposed in order to ensure a more effective means of securing rights, but the emergence of another level of sovereignty altogether.

But will moving the challenge to a higher level better defend human rights? Even at this higher level of proposed 'world sovereignty' the principle of avoiding excessive centralisation is emphasised. The principle remains that:

> International institutions should be given the authority to act only on issues of international concern where states cannot act on their own or to intervene for the preservation of the rights of peoples and member states. All other matters should be relegated to national and local institutions.[22]

'Abdu'l-Bahá himself has emphasised this principle:

> It is very evident that in the future there shall be no centralization in the countries of the world, be they constitutional in government, republican or democratic in form.... To cast aside centralization which promotes despotism is the exigency of the time. This will be productive of international peace.[23]

The idea is, therefore, to broaden existing loyalties to allow the emergence of a non-centralised world sovereignty. Only issues that cannot be dealt with at other levels, or on which there is international concern, are to be assigned to this level. The balance of power structure that is to emerge needs to be equally cognisant of both the, "evils of excessive centralization,"[24] and that of diversity and facilitating a, "wider loyalty, a larger aspiration."[25]

This, "more intricate political landscape"[26] which is put forward, also requires the development of civil society from the grassroots. The Bahá'í International Community proposals to date have already included suggestions about allowing NGOs to attend open session of the UN Security Council as observers, of shifting the NGO consultative status structure to that of the UN as a whole rather than just to ECOSOC, to establish a Trust Fund to support the access and work of NGOs, and to enhance the logistical support given to NGOs at the UN.[27]

And, finally, it is not at the level of the empowerment of civil society actors at which this new project is to end. It is proposed that human rights education itself should be promoted around the world, in order that people themselves may become excited about human rights, feel empowered to stand up for the rights of others as well as themselves, where they should sense collective responsibility towards human rights, and themselves work towards the realisation of these rights. Whereas in the present world structure the work of the human rights defender can often be risky and fatal, with the re-orientation of the concept of sovereignty and its goal, and the machinery which can be more intrusive in the defence of rights, the defence of human rights from the grassroots fits effectively into the larger picture. It is proposed by the Bahá'í International Community that governments alone cannot implement human rights, and that what is required is a sense of collective responsibility—that each person take responsibility and action whenever and wherever human rights violations occur, and be active in the promotion of the rights of others. This would create a co-operative environment for the prospering of rights,[28] and could eventually complete the circle in forging this world in which, "a violation of the rights of one would be felt as a violation of the rights of all."[29]

Human rights education would aim to kindle in individuals an awareness of, and a sensitivity and devotion[30] to, human rights. The aim would be the transformation of the attitudes and behaviour of individuals, towards creating the daily

reality of a culture of respect for rights at the local and national level.[31] Teaching people about their own rights would only be one part of this goal. What is of significance in this human rights education project is that it also aims to develop respect for the rights of humanity in general.[32] This suggestion of wider responsibility for ensuring rights has, as its final implication, profound impact on the framework in which human rights are currently proposed, agreed, pursued and monitored.

It might seem to some that the possible dangers of changing the world structure so dramatically from a tried and tested system to which we have become accustomed to over centuries seems far too risky. Those who prosper within this system, and those who have not been touched directly by violations of human rights, may even be diametrically opposed to such propositions. However, the Bahá'í International Community reminds us of the premise on which all social structures supposedly rest, that, "the governance of human affairs" should be, "conducted along lines that serve humanity's real needs.[33] Put more sharply, Shoghi Effendi has asserted:

> If long-cherished ideals and time-honoured institutions, if certain social assumptions and religious formulae have ceased to promote the welfare of the generality of mankind, if they no longer minister to the needs of a continually evolving humanity, let them be swept away and relegated to the limbo of obsolescent and forgotten doctrines. Why should these, in a world subject to the immutable law of change and decay, be exempt from the deterioration that must needs overtake every human institution? For legal standards, political and economic theories are solely designed to safeguard the interests of humanity as a whole, and not humanity to be crucified for the preservation of the integrity of any particular law or doctrine.[34]

Conclusion

In conclusion, it can be seen that the Bahá'í position on human rights greatly implicates sovereignty. Of course the positioning of state sovereignty *either* as a smokescreen *or* a necessary partner in securing rights sharply posits one against the other, whereas the situation is much more intertwined and complex. The aim is to lessen the former, whilst not making the latter role of state sovereignty impossible—and this would seem to be the position that the Bahá'í view supports in its proposals for a new world order. It would also seem that the current international human rights machinery is very gradually edging the traditional concept of sovereignty towards some of the Bahá'í proposals for world order—in accepting the naming and shaming of states in cases of human

rights abuses, in expecting regular state reporting in UN treaty bodies and regional mechanisms, and increasing the access and role of NGOs to the human rights machinery.

Whereas the Bahá'í International Community points towards a Bahá'í vision of where we should be heading, many of the finer questions remain to be worked out. These include the long-term challenges of how to recognise the role of non-state actors in the abuse of human rights[35] without giving undue recognition to bodies which are not voted to power and are therefore less accountable; the question of how to increase the intricacy of the international architecture supporting rights without confusing ultimate legal responsibilities for generating and guaranteeing rights; and the problem of how to make decision-making regarding human rights standards and protection more accountable without weakening the experience and machinery already created, or eliminating the painful gains already made in the development of rights. Rights should come home closer to people, but exactly how this will develop, and the precise machinery that will support it, is yet to evolve.

Footnotes

1 Ironically, these 2 states—Somalia and the US—compose the only 2 states that have not signed up to the international Covenant on the Rights of the Child.

2 Eide, A. *National Sovereignty and International Efforts to Realize Human Rights*. Chapter in Eide, A., Hagtvet, B., eds. (1982). Human Rights in Perspective, A Global Assessment. Oxford: Blackwell. p. 7.

3 The Positivist position holds that states can't be bound by laws unless they explicitly partake in deciding on it. States make the law, and they consider such law to be in their own long-term interests. This can be contrasted with the Natural law position, which is less prominent these days, and which holds that the law is found, not made.

4 This has fuelled the more theoretical discussions about whether such rights can be justiciable or not. Economic, Social and Cultural rights do not always, or do not necessarily, imply financial costs for the state. In many cases this merely require the state to provide the environment within which people themselves may be enabled to secure their rights to, for example, food and shelter.

5 This remains as a declaration, in the form of the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

6 For a discussion of the UN Commission on Human Rights, and the 1235 and 1503 procedures see: Ghanea-Hercock, N. (September 1997). *The 53rd Session of the Commission on Human Rights.* Netherlands Quarterly of Human Rights, vol. 15, no. 3; and Ghanea-Hercock, N. (September 1998). *The 54th Session of the Commission on Human Rights.* Netherlands Quarterly of Human Rights. vol. 16, no. 3.

7 This has never been used, to date, at the international level. A similar procedure at the European level has been utilised on a number of occasions.

8 For a very thorough examination of how human rights norms become socialised into domestic practice see: Risse, T., Ropp, S. C., Sikkink, K., eds. (1999). The Power of Human Rights, International Norms and Domestic Change. Cambridge, United Kingdom: Cambridge University Press.

9 Bayefsky, A. F. *The UN and the International Protection of Human Rights*. In Galligan, B., Sampford, C., eds. (1997). Rethinking Human Rights. Sydney: The Federation Press. p. 75.

10 Bahá'u'lláh (1978). The Proclamation of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 34.

11 ibid. p. 13.

12 The serious complexities of how the limits are to be agreed, what 'direct measures' of direct intervention can be taken and how they are to be agreed, are very legitimate concerns, but they cannot be explored here.

13 Shoghi Effendi (1991). The World Order of Bahá'u'lláh. Wilmette: Bahá'í Publishing Trust. p. 202.

14 In fact, the principle of the oneness of humanity also goes far beyond implicating human rights and is clearly of much broader consequence. "Its message is applicable not only to the individual, but concerns itself primarily with the nature of those essential relationships that must bind all the states and nations as members of one human family … It implies an organic change in the structure of present-day society, a change such as the world has not yet experienced. … It represents the consummation of human evolution … " These excerpts merely touch upon the exploration of this theme by Shoghi Effendi in The World Order of Bahá'u'lláh. Shoghi Effendi suggests in The World Order of Bahá'u'lláh, that this principle is in fact at the core of the Bahá'í contribution to a new world order. See: ibid.

15 Bahá'í International Community (October 1995). *Turning Point For All Nations.* A Statement of the Bahá'í International Community on the Occasion of the 50th Anniversary of the United Nations, New York, NY. (Bahá'í International Community Document #95-1001).

16 ibid.

17 Bahá'í International Community (14-25 June 1993). *Obstacles to Progress in Human Rights.* Statement to the United Nations World Conference on Human Rights, Agenda Item 9: General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area, and ways in which they can be overcome, Vienna, Austria. (Bahá'í International Community Document #93-0609).

18 Bahá'í International Community (Feburary 1947). *A Bahá'í Declaration of Human Obligations and Rights.* Presented to the first session of the United Nations Commission on Human Rights, Lake Success, NY. (Bahá'í International Community Document #47-0200).

19 ibid.

20 ibid.

21 ibid.

22 Bahá'í International Community. *Turning Point For All Nations.*

23 'Abdu'l-Bahá (1982). The Promulgation of Universal Peace. Wilmette, IL: Bahá'í Publishing Trust. p. 167.

24 Bahá'í International Community (1995). *Rights of Minorities.* Submitted to the 51st session of the United Nations Commission on Human Rights, Geneva, Switzerland. (Bahá'í International Community Document #95-0131).

25 ibid.

26 Bahá'í International Community. *Turning Point For All Nations.*

27 Bahá'í International Community (20-24 June 1994). *Arrangements for Consultations with Non-Governmental Organizations.* Statement of the first session of United Nations Economic and Social Council (ECOSOC) Open-Ended Working Group on the Review of Arrangements for Consultations with Non-Governmental Organizations, Agenda item 3: General review of arrangements for consultations with Non-Governmental Organizations (NGOs), New York, NY. (Bahá'í International Community Document #94-0621).

28 Bahá'í International Community (3 December 1993). *Right & Responsibility to Promote Human Rights.* Written comment on the Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms submitted to the 50th session of the Commission on Human Rights in response to an invitation from Ibrahima Fall, Assistant Secretary-General for Human Rights, issued in accordance with resolution 1993/92 of the Commission on Human Rights, Geneva, Switzerland. (Bahá'í International Community Document #93-1203).

29 Bahá'í International Community (15 February 1989). *Creating a Universal Culture of Human Rights.* Statement to the forty-fifth session of the United Nations Commission on Human Rights, Agenda item 11: Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights, Geneva, Switzerland. (Bahá'í International Community Document #89-0215).

30 ibid.

31 Bahá'í International Community (March 1996). *The United Nations Decade for Human Rights Education.* Written statement on the United Nations Decade for Human Rights Education, submitted to the UN Commission on Human Rights, Geneva, Switzerland. (Bahá'í International Community Document #96-0315).

32 Bahá'í International Community. *Obstacles to Progress in Human Rights.*

33 Bahá'í International Community (3 March 1995). *The Prosperity of Humankind.* A statement prepared by the Bahá'í International Community Office of Public Information, Haifa, first distributed at the United Nations World Summit on Social Development, Copenhagen, Denmark. (Bahá'í International Community Document #95-0303)

34 Shoghi Effendi. p. 42.

35 Non-state actors that can play a major role in both abusing and supporting rights include international financial institutions, businesses, terrorist organisations and private security organisations.

Rights to Human and Social Development: a Survey of the Activities of the Bahá'í International Community

BY GRAHAM HASSALL

Throughout the second half of the Twentieth century the contribution of the Bahá'í International Community (BIC)[1] to dialogue concerning human and social development was principled, systematic, and sustained. It was principled in that it drew on the Bahá'í Writings for its core conceptions. It was systematic in that it subjected these conceptions to logical analysis, in addition to reporting on the practice of Bahá'í communities worldwide. Finally, it was sustained, inasmuch as the BIC contributed to, and encouraged, the major initiatives in the development dialogue, commencing with the drafting of the Universal Declaration of Human Rights in 1948,[2] to the *Millennium Forum* in 2000, the largest gathering of NGOs to ever assemble for consultation and dialogue on the mission of the United Nations, and which the BIC had the honour of co-chairing. In these five decades the BIC has presented several hundred oral and written statements to meetings of the UN, and to other significant NGO meetings, in addition to supporting the processes of dialogue through coordination and facilitation roles.[3]

In this essay I suggest that the contributions of the BIC to the articulation of rights to human and social development and have centered on six main themes: (1) the need for a global complex systems approach to contemporary problem solving; (2) the fundamental principle of the oneness of humanity;(3) the essential role of religious belief; (4) the primacy of education and training over the restraints offered by laws; (5) the need for a values-based approach that begins at the level of individual responsibility, and (6) Observations on the effectiveness of the United Nations Organization.

Before examining these themes in detail, it is useful to summarize the emergence of human rights in the twentieth century.

The articulation of the rights of individuals, and the legal means for their protection, emerged partly as a response to the large-scale brutality of the twentieth century. Other factors included a decline in traditional guarantees of protection afforded to individuals, evident in increased incidences of human rights abuses by both state and non state actors. Furthermore, the dramatic changes in world conditions in the twentieth century, principally the shift to globalism and the accommodations this requires on the part of individual cultures and nations, have required the reconceptualisation of traditional practices so as to ensure agreement on common global or universal standards while allowing for individual difference and diversity. The rapid changes of the last two centuries, moreover, have necessitated a reconceptualization of the origin of rights, and the purposes for which rights are articulated. Since the late eighteenth century rights have been viewed as claims by individual citizens against the state, but this notion is increasingly giving way to the idea that rights express normative conditions of mutuality that underlie relations between states and the citizens who constitute 'civil society'.

The basic elements of the global human rights framework are readily identified. In 1946 an 18-member United Nations Commission on Human Rights commenced drafting a "declaration" of rights it considered to pertain to each individual, irrespective of their race, nationality, gender, or creed. This became the Universal Declaration of Human Rights,[4] adopted by the United Nations General Assembly on 10 December 1948. The UDHR proposes that Human Rights are universal and indivisible. This means that the different aspects of human rights - civil, cultural, economic, political and social - must be considered together, rather than as separable entities.

Although merely a 'declaration' of desirable standards pertaining to human rights, the UDHR has had considerable impact on the ways in which states and citizens understand notions of individual rights and obligations. It has inspired more than 60 human rights instruments that now constitute an international standard of human rights. This second process, of transforming desirable 'norms' into international law, commenced with the concluding in 1966 of two "covenants" concerning human rights: the International Covenant on Civil and Political Rights (ICCPR)[5] and the International Covenant on Economic, Social and Cultural Rights (ICESCR).[6]

The rights contained in the UDHR and the two covenants (which together have become known as the "International Bill of Rights") were further elaborated in such legal documents as the International Convention on the Elimi-

nation of All Forms of Racial Discrimination, which declares dissemination of ideas based on racial superiority or hatred as being punishable by law; the Convention on the Elimination of All Forms of Discrimination Against Women, covering measures to be taken for eliminating discrimination against women in political and public life, education, employment, health, marriage and family; and the Convention on the Rights of the Child, which lays down guarantees in terms of the child's human rights. The more significant human rights treaties and declarations now include:

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Convention Relating to the Status of Refugees (1961)
- Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).[7]

Although the nation-states are not yet welded into a united global body politic, they nonetheless feel impelled toward a common set of standards, and know intuitively that human rights development constitutes a noble aim. These treaties are now important instruments of international law. In voluntarily acceding to them, countries agree to bind themselves to the standards they contain, and undertake to report at set intervals to the United Nations' Committee on Human Rights. Within the UN system, six committees have been established to monitor compliance of States parties to specific treaties:

- The Committee on the Elimination of Racial Discrimination
- The Human Rights Committee
- The Committee on Economic, Social and Cultural Rights
- The Committee against Torture
- The Committee on the Elimination of Discrimination against Women

- The Committee on the Rights of the Child

Together with the elaboration of these international laws and the international institutions to administer them, progress in their implementation has been considered at a series of world meetings: on the Environment (Stockholm, 1972 and Rio De Janiero, 1992), Human Rights (Vienna, 1993), Population and Development (Cairo, 1994), Women (Mexico 1975, Copenhagen 1980, and Beijing, 1995), and Social Development (Copenhagen, 1995). This latter conference focused on progress with the implementation of policies concerning 'human development, and 'social development', which have been at the focus of the United Nations Development Program.[8]

The UNDP's *Human Development Report for 1999* provides a seven-item agenda to secure human development in the era of globalisation:

1. Strengthen policies and actions for human development, and adapt them to the new realities of the global economy;
2. Reduce the threats of financial volatility – of the boom and bust economy – and all their human costs;
3. Take stronger global action to tackle global threats to human security;
4. Enhance public action to develop technologies for human development and the eradication of poverty;
5. Reverse the marginalisation of poor, small countries;
6. Remedy the imbalances in the structures of global governance with new efforts to create a more inclusive system;
7. Build a more coherent and more democratic architecture for global governance in the 21st century.[9]

The Need for a Global Complex Systems Approach to Contemporary Problem Solving

One of the clearest expositions of the idea of complexity within statements of the BIC is found in a 1992 statement to a Committee of the South Pacific Commission:

> "The earth is but one country," Bahá'u'lláh asserted, "and mankind its citizens." As the magnitude, complexity and urgency of environmental problems have gradually forced themselves on public attention, the logic of this prescription has become daily more

> apparent. The available international legislative machinery and processes are proving inadequate, primarily because they are based on laws governing nation-states. Moreover, the process for creating environmental legislation, which addresses only one problem at a time, is fragmented and unsystematic. No one body is responsible for drafting international environmental legislation. Nor have the nations of the world agreed on a set of principles upon which such legislation can be based. Furthermore, the countries signing the various legislative instruments are rarely identical. Thus, it is almost impossible to harmonize or combine agreements. Many countries with limited numbers of diplomats and experts cannot cope with the time-consuming and expensive procedures currently in place, particularly as the number of negotiations is increasing to respond to pressing global environmental problems. The present ad hoc process can only become more unmanageable. Numerous proposals have been offered to provide global mechanisms to create and support a sustainable pattern of development. Some experts advise strengthening the existing UN system by upgrading the mandates of agencies such as the UN Environment Programme (UNEP), reconfiguring the Economic and Social Council (ECOSOC), or using the Trusteeship Council to administer certain global resources. Others suggest creating new bodies such as an environmental security council, a World Court of environmental justice, or an international environmental negotiating body to prepare, adopt and revise international legislation on issues requiring global action.
>
> However well motivated and helpful such proposals are, it is apparent to the Bahá'í International Community that the establishment of a sustainable pattern of development is a complex task with widespread ramifications. It will clearly require a new level of commitment to solving major problems not exclusively associated with the environment. These problems include militarization, the inordinate disparity of wealth between and within nations, racism, lack of access to education, unrestrained nationalism, and the lack of equality between women and men. Rather than a piecemeal approach conceived in response to the needs of the nation-states, it seems clearly preferable to adopt an umbrella agreement under which specific international codes could be promulgated. Long-term solutions will require a new and comprehensive vision of a global society, supported by a new system of values. Acceptance of the oneness of humanity is the first fundamental prerequisite for this reorganization and administration of the world as one country, the home of humankind.[10]

This passage is quoted at length to illustrate the 'complex relations' that the BIC sees between specific problems of development, such as those related to the environment, and the system as a whole. This theme has been reiterated in numerous BIC statements. The idea of complexity in problem-solving is related to the indivisibility of economic, civil, social, cultural and political rights:

> Without economic rights, the exercise of civil or social rights is severely attenuated. Without cultural rights, an individual or community will have the greatest difficulty in exercising political or economic rights to a degree that meets the essential requirements of their respective situations.[11]

Bahá'í proposals before UN agencies have urged a "searching re-examination" of prevailing beliefs about the nature and purpose of the development process and the roles of its various protagonists. They relate development to such processes as gender equality, the extension of consultative processes, a new work ethnic, and access to the generation and application of knowledge.[12] The question of poverty alleviation, and alleviation of gross disparities between rich and poor is linked directly to consciousness of the oneness of humanity:

> A new economic order can be founded only on an unshakable conviction of the oneness of mankind. Discussions aimed at solving problems related to extreme poverty based on the premise that we are one human family rapidly expand beyond the current vocabulary of economics. They demand a wider context, one which anticipates the emergence of a global system of relationships resting on the principles of equity and justice.[13]

Concerning attempts to bridge the disparities between rich and poor, for instance, the BIC referred in a 1994 statement to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities to the Bahá'í view of income distribution,

> "…which allows for differences but would eliminate both extreme wealth and extreme poverty. The accumulation of excessive fortunes by a small number of individuals while the masses are in need is, according to Bahá'í teachings, an intolerable injustice. Moderation should, therefore, be established by means of laws and regulations that would limit personal wealth and provide everyone with access to the means for living a dignified life."[14]

Each of these statements points to a preference for examining the world-system as a whole, rather than seeing the solution to development and rights issues as a series of linear responses to individual challenges.

The Prosperity of Humankind

The need to see development as a set of complex relations was further explored in a document entitled *The Prosperity of Humankind* prepared by the Bahá'í International Community for distribution at the 1995 United Nations *Summit on Social Development.*[15] It consists of seven sections, each suggesting new approaches to defining a strategy for global development. These sections consider conceptions of "development," peace, the concept of "the oneness of humankind," justice, human rights, education, science and technology, science and

religion, history, human nature, economics, environment, power, authority, structures of government and law. *The Prosperity of Humankind* suggests that prosperity has both physical and spiritual dimensions. Development is widely defined materially, but this has proven inadequate. The incentives of existing systems - eg economic systems, aid systems, have not moved the masses (ie, despite so much attention to "economic development," the masses continue to live in poverty).

Reconceptualizing 'Governance'

Prosperity suggests that to think in terms of dichotomies such as "government v. the people," "science v. religion," individual rights v. group rights" - is to miss their *essential interrelatedness* (government & people, science & religion, individual & group rights, etc). This new, inclusive paradigm considers "wholes" or "connectivities," rather than "oppositions" (there can still be tensions within interrelations, but that is another subject). So-called commitment to both "democracy" and "economic development" presents a paradox: if so much power is now in the hands of "the people," why is it that they have not been able to change their material conditions? Partly, this shows flaws in the "roles" played by the "protagonists": governments have viewed the masses as recipients of aid and of development programs; future models of democracy will transfer powers of decision-making to the grass-roots.

The promotion of human rights thus requires "fundamental redefinition of human relationships" - and movement in this direction has "barely begun." Elements in the redefinition include:

- consultation (requiring standards far beyond current practices of negotiation and compromise, and "culture of protest" - associated with debate, propaganda, the adversarial method, and paradigms of partisanship).
- far greater access to knowledge, and to the opportunity to "apply it to the shaping of human affairs."

Democracy has become associated with partisanship, with cynicism, apathy and corruption. It has to be raised above these results of the "political theatre" produced by nominations, candidature, electioneering and solicitation. Both governments and groups of individuals have been galvanised by visions of the possibility of world order. The efforts of both groups are to be supported. Reassessment of structures and processes of government will include:

- redefinition of the terms "power" and "authority"
- Formulation of laws that are "universal in both character and authority."

- reformulation of consultative practices, which includes recognition of the interrelationship between justice, consultation, and the attainment of social and economic development.
- transformation of a sometimes "punitive" conception of justice to one that links justice to a) the inextricable link between the progress of the individual and the progress of society; b) the ability to consult dispassionately on options when making policy decisions
- ensuring that "technological break-throughs" and "limited resources" are not reserved for a privileged minority
- continued development of human rights law, protecting civil and political rights, as well as social and economic rights (without placing them in a dichotomous relationship).

Power has in the past been identified as an attribute of an individual or group, and seen as an instrument of domination, acquisition, etc. But this traditional sense of power is useless to the "needs of humanity's future." The correct approach to the use of power, particularly by leaders, is set out in section VI.

Prosperity suggests that traditional religions have continued paternalistic attitudes toward "the masses," and have not encouraged their maturation - ie, their involvement in making the decisions that have the most impact on their lives. The reasons for which modern thinkers have rejected religion are to some extent understandable, but it is necessary to recognise the fruits of religion, not only its past abuses. Religion has cultivated the moral qualities that the progress of civilisation has relied on - moral character, sense of duty, etc.

The Problem of Knowledge Production, Ownership, and Dissemination

Prosperity urges that attention be paid to the philosophy of knowledge. Science and religion can be conceived of as knowledge systems. These are interrelated through history, and have been used to organise experience, interpret surroundings, explore human powers, and discipline both intellectual and moral life. Society has to think in terms of process, rather than structure alone. Correct processes will create appropriate structures. Access to knowledge of science and technology must be more evenly spread across the globe. The document suggests that a strong link exists between knowledge production and morality. When people can distinguish between "fact" and "conjecture," they will be able to contribute to human progress. An expansion of knowledge extends human abilities, raises the level of human capacity, and when done in the right way will contribute to achieving prosperity

The Fundamental Principle of the Oneness of Humanity

The BIC urged the first meeting of the committee making preparations for the World Summit for Social Development to bring 'fresh thinking' and a 'unified spirit' to planning for the meeting, and suggested in particular adoption of the principle of the 'oneness of humanity' as the "essential standard for ordering humankind's collective life on the planet":

> To move beyond parochialism and particularism will necessitate bold initiatives and unprecedented courage on the part of the Preparatory Committee (PREPCOM). The responsibility to foster the well-being of all members of a society - the basic tenet of modern social welfare—must now be expanded to include all the peoples of the earth. Only by embracing the principle of the oneness of humanity can the PREPCOM ensure that deliberations throughout the preparatory process will center on the well-being of the entire human family, there by extending the concept of social welfare beyond national boundaries to the whole world. We, therefore, urge the PREPCOM to make the principle of the oneness of humanity the "central unifying theme of the Summit," to explore its ramifications for the peoples and nations of the earth, and to translate it into workable programs and practical commitments.[16]

"Consciousness" of the oneness of humanity refers to the realisation of this condition by the collectivity of "human consciousness" which is itself "an infinite diversity of individual minds and motivations." Consciousness of the oneness of humanity must be taught in educational systems, and must be propagated through the mass media. Fruits of the attainment of a Consciousness of the oneness of humanity will include:

- protection of peoples from the "age-old demons" of ethnic and religious strife.
- shift to processes of collaboration and conciliation
- desire to base decisions on just principles
- development of laws that are "universal in both character and authority."
- the more even spread of access to knowledge of science and technology across the globe.

The extent of international migration and the impact of international economic events on local and national economies reinforce the reality that the world has become one system.

The Emancipation of Women and the Achievement of Full Equality Between the Sexes.

A related principle concerns the equality of the sexes. In June 1994 the BIC co-authored a statement to the same committee expressing concern that the Draft Declaration and Draft Programme of Action did not give sufficient recognition to the family "as a basic social institution and an undisputable social network," nor did it reflect its "vital contributions to individuals and its impact on society."[17]

BIC statements on social development have emerged from reflection of practice within the Bahá'í Community. For example, a UNIFEM-funded Bahá'í International Community project "Traditional Media as Change Agent" which started in 1991 had its origins in a statement by the Bahá'í International Community to the UN Commission on the Status of Women in 1988 which suggested that "a primary target for communication related to development projects for women may well be men." The project, which commenced in a rural region of eastern Cameroon in 1991, began with community consultation on the responsibilities carried by the males and females within the family and the community. Increased awareness amongst the males of the disproportionate duties conducted by the women led to new agreements concerning responsibility for child-care.[18]

The Essential Role of Religious Belief

The BIC has contributed to the articulation of the meaning of 'spiritual development' as referred to in UN documents. For instance, a document presented to a Consultation on "Development Social Welfare Policies and Programmes" in Vienna in September 1987,[19] drew attention to (Article 13 (b)) ("The establishment of a harmonious balance between scientific, technological and material progress and the intellectual, spiritual, cultural and moral advancement of humanity."), pointing out that spiritual factors include "social harmony, integration, and unity within the individual and in society."[20] Such cooperative trends exist in current social relations, and could be expanded if given "wide and systematic support, lead to a rapid channeling of the earth's abundant resources and the application of its technical know-how for the redress of current material problems."[21]

The BIC has also contributed an understanding of the proper role of religion as source of inspiration and has suggested that Religion "has played and continues to play an important role in facilitating a spirit of cooperation as well

as of service and harmony."[22] Historically, religion has exerted a "profound influence on all societies" had has been a primary force for social progress:

> Those universal spiritual principles which lie at the heart of religion—tolerance, compassion, love, justice, humility, sacrifice, trustworthiness, dedication to the well-being of others, and unity – are the foundations of progressive civilization.[23]

In Comments on the Draft Declaration and Draft Programme of Action for Social Development presented at the second session of the Preparatory Committee for the World Summit for Social Development in August 1994 the BIC was critical of the fundamentally materialistic view of "the purpose and fundamental nature of the individual and society." Development measured in terms of "at every level of our world society to promote economic and social justice" are all essential elements of the development paradigm for the 21st century, but they are not sufficient.

Development will only result from a balanced regard to both spiritual and material dimensions. For instance, rather than simply being the implementation of social policy, development requires such spiritual values as "a sense of excellence, a willingness to sacrifice, integrity, trustworthiness, capacity for co-operation and a desire for unity."[24]

The idea that meeting material needs; providing universal education; and fashioning democratic institutions and legal codes, are the main factors in securing social development suggests a purely materialistic conception of development. It presumes that human happiness, security and well-being, social cohesion, and economic justice will result as by-products of material success – a premise which in the Bahá'í view is false, since such conditions are in reality produced through a "complex and dynamic interplay between the satisfaction of material and social needs and the spiritual fulfillment of the individual." Satisfaction of both spiritual and material needs requires an appeal to universal values that allow the individual to transcend "narrow self-interest," and that recognise the interdependence "of the peoples and nations of the planet."[25]

The Bahá'í International Community urged that the Declaration and Programme of Action penned at the Copenhagen Summit on Social Development "address in a substantive manner the constructive role that religion should play in social development."[26]

The Primacy of Education and Training over the Restraints Offered by Laws

Bahá'ís have long been involved in the promotion of human rights, both within the framework of the evolving UN system, and beyond it.[27] Bahá'í communities were active participants in the International Human Rights Year, 1968,[28] and have contributed greatly to human rights discussions in international meetings many times since. This involvement has recently been noted by Traer, who observed that the Bahá'í statement of 1968 was similar to that of the Commission of Churches on International Affairs, in that both emphasised the principle that "…governments could not grant human rights, but could only recognize the human rights which man, by virtue of his being and destiny, already possessed."[29] It is certainly the case that the Bahá'í contribution includes constant reminders of the historic connection between the ancient quest for knowledge, rooted in all the major religious and cultural traditions, and the modern expression of the same "fundamental right" as expressed in such formulations as freedom of thought, conscience and belief.[30]

BIC activity within the UN focused on defence of the rights of Bahá'ís persecuted for their beliefs in Iran and other countries have sensitized the Bahá'í Community to issues of religious prejudice, and to the search for remedies to such persecution. At the same time, this experience has contributed to the BIC's awareness of the existing human rights mechanisms, and allows it to make proposals concerning practical reforms to the system. Despite its flagrant disregard for its obligations as a signatory to the ICCPR, Iran "…has neither denounced, derogated from, nor attached any reservations to the ICPR since the succession of the Khomeini government."[31] In "Religious Human Rights Under the United Nations," Lerner describes the reporting process, and provides an instance in which the fate of the Bahá'í Community is mentioned:

> The yearly reports of the [Human Rights] Committee, issued as General Assembly Official Records (GAPR), Supplement No. 40, contain rich information on religious rights. When examining the periodic state reports, members of the Committee asked relevant questions and required additional information from the representatives of the states on legislation and facts concerning such rights. Just to mention a few recent instances, when the second periodic report of Morocco was discussed, questions were asked regarding procedures relating to the recognition of religious sects, the status of the Bahá'í Faith, marriages between members of different religious groups, and the meaning of terms such as 'religion of the state', 'revealed religions' or 'heretical sects'.[32]

In the Bahá'í view, freedom of belief in matters of religion is best pursued by promoting education.[33] Since prejudice "…has no basis in logic or reason,"

and "…cannot be legislated out of existence,"[34] the BIC has suggested that success in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief lay in the document's wide dissemination, and in taking determined and active steps to "promote understanding, tolerance and respect in matters relating to religion or belief. While laws may "…prevent the gross and overt victimization of individuals or groups" they cannot "…remove the seeds of prejudice from men's hearts."[35]

In 1993 the United Nations convened a Conference in Vienna to review global progress in advancing human rights.[36] In addition to presenting a statement, the BIC presented a joint statement on behalf of fourteen other religious NGOs concerning the promotion of religious tolerance, a statement that emphasised the role of education, rather than law, in promoting tolerance:

> If tolerance is rooted in love, intolerance is often rooted in the cultural and historical antagonisms associated with religious traditions. Because antagonisms are often born of ignorance and limited understanding, education can reveal the common spiritual values underlying various beliefs and practices and can thereby foster religious tolerance. The role of the individual in promoting tolerance is of paramount importance. Legal mechanisms alone will not end religious intolerance as long as people believe that differences in religious beliefs and practices are legitimate grounds for discrimination. Therefore, education programs must be aimed not only at providing accurate information and correcting misconceptions but at identifying those principles and values that will open both minds and hearts. It is proposed, therefore, that education seek to foster not just tolerance of religious diversity but genuine appreciation for various beliefs. Curriculum must include not only study of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief but the comparative study of various scriptures and spiritual traditions. Such an exploration, if undertaken with an open mind, will doubtless reveal remarkable similarities among religious teachings on ethical matters. The discovery of a common thread of shared values will help to instill in individuals an appreciation for the Declaration and demonstrate its necessity.[37]

The BIC has also presented statements concerning the promotion of religious tolerance at other UN sessions, particularly those of the Commission on Human Rights.[38] In August 1993 it suggested to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities a call for "…efforts to promote greater understanding amongst all people, particularly through interfaith dialogues and through systematic efforts by the Centre for Human Rights to disseminate the principles of the 1981 Declaration through the media" and urged their inclusion in the curriculum of schools and universities.[39]

When the United Nations declared the UN Decade for Human Rights Education (1995-2004) the BIC submitted a written statement to the UN Commission on Human Rights indicating its full support for the Commission's *Plan of Action*. The BIC commented:

> The *Plan of Action* prepared by the High Commissioner for Human Rights reflects this integrated conception of education by defining human rights education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes which are directed to:
>
> a) The strengthening of respect for human rights and fundamental freedoms;
>
> b) The full development of the human personality and the sense of its dignity;
>
> c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
>
> d) The enabling of all persons to participate effectively in a free society; and
>
> e) The furtherance of the activities of the United Nations for the maintenance of peace.
>
> The Bahá'í International Community fully embraces these goals and objectives. Human rights education, if it is to succeed, must seek to transform individual attitudes and behaviour and thereby establish, within every local and national community, a new "culture" of respect for human rights. Only such a change in the fundamental social outlook of every individual - whether a government official or an ordinary citizen - can bring about the universal observance of human rights principles in the daily lives of people. In the final analysis, the human rights of an individual are respected and protected - or violated - by other individuals, even if they are acting in an official capacity. Accordingly, it is essential to touch the hearts, and elevate the behaviour, of all human beings, if, in the words of the Plan of Action, human rights are to be transformed "from the expression of abstract norms" to the "reality" of the "social, economic, cultural and political conditions" experienced by people in their daily lives."[40]

In 1993 the BIC suggested the three most significant obstacles to the implementation of human rights as being "the exercise of unfettered national sovereignty," inadequate enforcement mechanisms for human rights treaty obligations, and a general lack of awareness of human rights, "...particularly among those entrusted with administering justice at the local level."[41]

Accordingly, the BIC has frequently supported the idea of strengthening various branches of the UN. In regard to the enforcement of compliance with human rights obligations, it recommended to the Vienna Conference on

Human Rights in 1993 that such Committees as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination be strengthened, and that international criminal jurisdiction for crimes against humanity and for flagrant violations of internationally recognized human rights be invested in a permanent body.[42] At other times the BIC has suggested wording for declarations being drafted by the Commission on Human Rights.[43]

The Need for a Values-based Approach that Begins at the Level of Individual Responsibility

This approach to development emphasises the need for *moral and ethical values*, without which problems of corruption, crime and erosion of family-life will render real development impossible. It also emphasises the need for change at grass roots, as much as in institutions at higher levels.[44] Hence the BIC suggested to the 49th (1993) session of the United Nations Commission on Human Rights on the issue of realizing the economic, social and cultural rights contained in the UDHR and the International Covenant on Economic, Social and Cultural Rights: "The fostering of grassroots initiative is essential to the elimination of poverty; this concept has both moral and educational implications which demand profound study: [45]

> In the New World Order envisaged by Bahá'u'lláh, rights are inseparable from responsibilities. A fundamental purpose of life is to contribute to the advancement of civilization. Idleness and begging are unacceptable in a well-functioning society, while work performed in the spirit of service is elevated to the station of worship. Thus the right to work, the right to contribute to society, takes on a spiritual dimension, and the responsibility to be productive applies to everyone. This attitude toward work profoundly influences the Bahá'í approach to social and economic development. Communities are encouraged to identify their own needs and initiate their own projects, many of which focus on alleviating poverty.[46]

Several BIC statements illustrate this principle with examples from the experience of the Bahá'í Community.[47] *Popular participation* is essential to the success of social programmes. "It promotes the dignity of individuals and enables communities to benefit from the outflow of human creativity and spirit."[48] Yet another aspect of promoting 'grass roots' responsibility and participation concerns promotion of a 'work ethic':

> Both the responsibility and the right to work are sacred. Idleness and begging have no place in a well-functioning society, while work performed in the spirit of service is elevated to the station of worship. The Special Rapporteur states that "the poorest, in general, in their capacity as citizens, are neither associated to the decision making process nor are they allowed to exercise responsibilities within the community." This situation is unacceptable, given that a fundamental purpose of life is to contribute to the advancement of civilization. Thus the right to work takes on a spiritual dimension, and the responsibility to be productive applies to everyone.[49]

The role of the individual is further treated in *The Prosperity of Humankind*. This document, referred to above, suggests that the maturation of society (the group) has not occurred at the expense of individuality. It requires, rather, for its fullest development, the development of the potential of each individual.

Observations on the Effectiveness of the United Nations Organization

A final theme of Bahá'í contributions to dialogue on rights and develop has focused on the development institutions and processes themselves. The BIC first commented on the structure of the United Nations Organization in 1955.[50] The BIC has promoted the Bahá'í view that ultimately a world federation will emerge, either through restructuring or transformation of the United Nations system.[51] Optimal global institutions will emerge through diligent regard to the effectiveness of existing structures, and their revision in light of experience and need.

The Operation of the NGO System

In addition to commenting on the UN structure, the BIC has contributed ideas concerning the operation of the NGO system. When invited to comment on the operation of ECOSOC Resolution 1296, which regulates the arrangements for consultations between NGOs and the UN at meetings called by ECOSOC and its subsidiary bodies, the BIC made a number of specific recommendations. It noted that the resolution's failure to consider arrangements for NGO participation in meetings called by the General Assembly or other non-ECOSOC entities of the United Nations System results in "a wide range of confusing and contradictory approaches to NGO participation in non-ECOSOC meetings" and pointed to the need for "a common framework which would maximize the number and diversity of NGOs able to participate."[52] It suggested that the guidelines be extended to cover NGO activities with the Commission on Sustainable Development. The BIC recommended making a distinction between accreditation for participation in year-round consultations, and participa-

tion in 'one or twice in a life-time conferences', such as the "World Conferences." It encouraged distinguishing between NGOs that operate at global, national and local levels, and that operate at local levels, and suggested that this could be accomplished by allowing local NGOs to participate in meetings of UN Regional Commissions, regional preparatory meetings for global conferences, and in the activities of Special Rapporteurs and Representatives. The BIC also encouraged the expansion of consultative status for NGOs beyond ECOSOC to the entire UN system, pointing out that issues of human rights are increasingly reaching the Security Council before they reach the Commission on Human Rights. In short, the BIC encouraged a general expansion of NGO participation in UN deliberations.

Conclusions

This paper has summarised the contributions made by the BIC to dialogue within the United Nations system concerning the advancement of human rights. Over a 50-year period the BIC has monitored the progress of the rights dialogue closely and carefully. It has made contributions to this dialogue in a principled and systematic manner. In other words, it has shown its commitment to the dialogue process by being an active participant in regular sessions of the Human Rights Commission as well as in the various special Conferences and events that were held in the second half of the twentieth century to promote the causes of human and social development. In addressing the issues of rights to human and social development the BIC has drawn on the principles enunciated in the Bahá'í Writings, and on the experience of Bahá'í communities that are endeavouring to put these principles into practice. Ironically, part of the Bahá'í experience has been of deprivation of the very rights that Bahá'ís champion, particularly freedom of thought, the right to education, and to freedom of religious belief. However, at a broader level, the work of the BIC provides an exemplary model of NGO involvement in and support for the processes of dialogue that are advancing the practices of rights-based governance and social responsibility for people everywhere.

Footnotes

1 That the Bahá'í Sacred Writings include wise counsel on remedies to the ills confronting the modern world is evident to their reader, irrespective of whether he or she is a professed believer in their Divine origins. The Bahá'í International Community, an NGO with consultative Status at the United Nations' Economic and Social Council, has played a major role in correlating Bahá'í beliefs with the emerging pattern of human rights norms. For a description of the Bahá'í International Community see www.bic-un.bahai.org/99-0522.htm.

2 A statement outlining the Bahá'í perspective on human rights entitled "A Bahá'í Declaration of Human Obligations and Rights" was presented to the first session of the United Nations Commission on Human Rights in February 1947: The National Spiritual Assembly of the Bahá'ís of the USA presented *A Bahá'í Declaration of Human Obligations and Rights* to the United Nations in February 1947, as a contribution to discussions leading to the Universal Declaration of Human Rights, of 1948.

3 These are summarized in the quadrennial reports of the Bahá'í International Community to the Economic and Social Council. The four reports published on the Bahá'í International Community's website are: 81-0269: *Quadrennial Report To The UN Economic & Social Council (ECOSOC) 1977-1981;* 86-0620: *Quadrennial Report to the UN Economic & Social Council (ECOSOC) 1981-1985;* 90-0510: *Quadrennial Report to the UN Economic & Social Council (ECOSOC) 1986-1989;* and 94-0601: *Quadrennial Report to the Economic and Social Council (ECOSOC), 1990-1993.*

4 The Universal Declaration of Human Rights. www.unhchr.ch/udhr/index.htm. For further information on the background and operation of the UNHDR, as well as on its practical influence, see www.universalrights.net.

5 International Covenant on Civil and Political Rights. www.unhchr.ch/html/menu3/b/a_ccpr.htm.

6 International Covenant on Economic, Social and Cultural Rights. www.unhchr.ch/html/menu3/b/a_cescr.htm.

7 These treaties, and the signatories to them, are accessible at the University of Minnesota Human Rights Library, www1.umn.edu/humanrts/instree/auob.htm.

8 See Mendez, Ruben P. *The United Nations Development Programme: A History*. at www.yale.edu.unysys/UNDPhist.htm

9 UNDP (1999). Human Development Report. New York, NY and Oxford, United Kingdom: Oxford University Press. pp.9-12.

10 Bahá'í International Community (May 1992). *Restructuring the International Order*. Statement to the 16th Meeting of the Committee of Representatives of Governments and Administrations (CRGA) of South Pacific Commission (SPC) Noumea, New Caledonia. pp. 18-22. (Bahá'í International Community Document #92-0518).

11 Bahá'í International Community (June 1993). *Development, Democracy and Human Rights*. Statement to the United Nations World Conference on Human Rights Agenda Item 10: Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economics Social, cultural, civil and political rights, Vienna, Austria. pp. 14-25. (Bahá'í International Community Document #93-0610).

12 Bahá'í International Community (6 March 1995). *Prosperity*. Oral statement presented to the plenary of the United Nations World Summit on Social Development, Copenhagen, Denmark. (Bahá'í International Community Document #95-0305).

13 Bahá'í International Community (12 February 1993). *Human Rights and Extreme Poverty*. Statement to the 49th session of the United Nations Commission on Human Rights. Agenda item 7: Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development, Geneva, Switzerland. (Bahá'í International Community Document #93-0212).

14 Bahá'í International Community (August 1994). *Human Rights and Extreme Poverty.* Statement to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Geneva, Switzerland. (Bahá'í International Community Document #94-0817).

15 The Bahá'í International Community statement can also be found at www.un.org/documents/ga/conf166/ngo/950306124451.htm

16 "The Bahá'í International Community, therefore, urges the PREPCOM to reject the justifications of narrow material and national self-interest and adopt the oneness of humanity as the moral and ethical touchstone for the proposed global strategy and action-plan for social development. Embracing such a unifying principle will facilitate both the discovery and the implementation of enduring solutions to the overwhelming social development problems facing the Summit. For only as the peoples of the world come to view the planet as one home and all its inhabitants as one people, will the vision, moral integrity and commitment necessary to address the complex challenges of social development emerge. Then and only then will humankind be able to erect a single social order whose boundaries are those of the planet." Bahá'í International Community (31 January-11 February 1994). *Global Action Plan for Social Development.* Contribution to the first substantive session of the Preparatory Committee for the United Nations World Summit for Social Development, New York, NY. (Bahá'í International Community Document #94-0121).

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27 See Hainsworth, Philip (1985). Bahá'í Focus on Human Rights. London: Bahá'í Publishing Trust; Cole, J. R. (1984). Human Rights and the Bahá'í Faith; Roshanian, T. (1985). Circle of Unity. Los Angeles, CA: Kalimat Press; *Human Rights and World Peace.* Circle of Peace. Los Angeles, CA: Kalimat Press.

28 North American Bahá'í Office for Human Rights (1968). *Human Rights are God Given Rights*. Report of Activities in Observance of International Human Rights Year 1968. Wilmette, IL: North American Bahá'í Office for Human Rights.

29 Traer, R. (1991). Faith in Human Rights: Support in Religious Traditions for a Global Struggle. Washington, DC: Georgetown University Press. p.182, citing Mary Ellen Togtman Wood 9Winter/Spring 1989). *Prerequisites to Human Rights: A Bahá'í Perspective*. Breakthrough 10, nos. 2, 3. pp. 41-42.

30 Hence the Bahá'í International Community refers to the "right of each individual to investigate reality for himself or herself, and to benefit from the results of this exploration." Bahá'í International Community. *Development, Democracy and Human Rights*.

31 Allen, P. D. (1987). *The Bahá'ís of Iran: A Proposal for Enforcement of International Human Rights Standards*. Cornell International Law Journal 20(2). p. 345.

32 GOAR, Forty Seventh Session, Supp. No 40 (A/47/40), 1994, 15 17.), p.99, in Lerner, N. (1996). *Religious Human Rights Under the United Nations*. Religious Human Rights in Global Perspective: Legal Perspectives. The Hague, Boston & London: Martinus Nijhoff Publishers. pp. 79-134.

33 "The most powerful remedy for religious superstition and contention is an examination of the original teachings of the founders of the world's great faiths. No student of co mparative religion can fail to be struck by the extraordinary degree of harmony to be found in these original scriptures. Certainly, a fair-minded examination of these principal sources for the civilizing of human nature will reveal nothing to support the animosities that pit one religious community against another," Bahá'í International Community (February-March 1992). *Creating a Climate of Religious Tolerance*. Statement submitted to the 48th session of the United Nations Commission on Human Rights, Geneva, Switzerland. (Bahá'í International Community Document #92-0210).

34 Bahá'í International Community (18 February 1993). *Eliminating Religious Intolerance*. Statement to the 49th session of the United Nations Commission on Human Rights. Agenda item 22: Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Geneva, Switzerland. (Bahá'í International Community Document #93-0218).

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36 United Nations (14-25 June 1993). *Vienna Declaration and Programme of Action*. World Conference on Human Rights, Vienna, Austria. (A/Conf.157/23).

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40 Bahá'í International Community (1997). *Human Rights Education*. The Bahá'í World 1995-96. Haifa, Israel: World Centre Publications. pp. 295-308.

41 Bahá'í International Community (14-25 June 1993). *Obstacles to Progress in Human Rights*. Statement to the United Nations World Conference on Human Rights Agenda Item 9: General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area, and ways in which they can be overcome, Vienna, Austria. (Bahá'í International Community Document #93-0609).

42 ibid.

43 Bahá'í International Community (18 January 1993). *Human Rights and Fundamental Freedoms*. Written statement to the 49th session of the Commission on Human Rights Agenda Item 23: Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Geneva, Switzerland. (Bahá'í International Community Document #93-0200; UN Document #E/CN.4/1993/NGO/5).

44 ibid.

45 Bahá'í International Community. *Human Rights and Extreme Poverty*.

46 ibid.

47 Eg, "In Bolivia a project in the Chaco region strives to uplift and empower a long-ignored population of impoverished farmers through an integrated program of technical training, community organization, and spiritual ideas. The goal is to cultivate self-sufficiency through community awareness in order to reduce dependency on outside aid and advice. The Bahá'í International Community believes that fostering grass-roots initiative is essential to the elimination of poverty. The concept of uplifting and empowering individuals and communities has both moral and educational implications which demand profound study." Bahá'í International Community. *Human Rights and Extreme Poverty*.

48 Bahá'í International Community. *Social Progress*.

49 Bahá'í International Community. *Human Rights and Extreme Poverty*.

50 Bahá'í International Community (1955). *Proposals for Charter Revision Submitted to the United Nations by the Bahá'í International Community*. Wilmette, IL: Bahá'í Publishing Trust.

51 Bahá'í International Community. *Prosperity*.

52 Bahá'í International Community (June 1994). *Arrangements for Consultations with Non-Governmental Organizations*. Statement of the first session of United Nations Economic and Social Council (ECOSOC) Open-Ended Working Group on the Review of Arrangements for Consultations with Non-Governmental Organizations. Agenda item 3: General review of arrangements for consultations with Non-Governmental Organizations (NGOs) New York, NY. pp. 20-24. (Bahá'í International Community Document #94-0621).

The Right to Development Assistance, and the Duty to Contribute: A Case Study from Zambia

BY DARREN HEDLEY

The inordinate disparity between rich and poor, a source of acute suffering, keeps the world in a state of instability, virtually on the brink of war…The solution calls for the combined application of spiritual, moral and practical approaches. A fresh look at the problem is required, entailing consultation with experts from a wide spectrum of disciplines, devoid of economic and ideological polemics, and involving the people directly affected in the decisions that must urgently be made.

Universal House of Justice, The Promise of World Peace, 1985

Introduction and Background

We live in a time of increasing polarization of wealth and poverty, a process which provides some of the most poignant examples of how the international community allows basic human rights to be contravened. The United Nations Human Development Report says the top 200 billionnaires had a combined wealth of $1,1345 billion in 1999, up by $100 billion, while the income of the 582 million poorest people in developing countries barely exceeds 10% of that, at $146 billion. In the 30 wealthiest countries, life expectancy exceeded 75 years, while it averages 48.9 years in sub-Saharan Africa, and drops to 39.1 in Malawi and 37.9 in Sierra Leone. These inequalities are now classified by the UN as human rights violations, which now include economic, social and cultural rights, not only political and civil rights.[1]

> We see amongst us men who are overburdened with riches on the one hand, and on the other those unfortunate ones who starve with nothing; those who possess several stately palaces, and those who have not where to lay their head… This condition of affairs is wrong and must be remedied. Now the remedy must be carefully undertaken.[2]

If the international community would recognize the right of every member of the human family to the means of a secure livelihood, there could be a greatly increased flow of aid funding into poverty reduction programs in the most disadvantaged countries of the world. But few could argue that extra resources would be enough; having rights does not necessarily imply simply receiving handouts. Among numerous ingredients of effective development programs, there is arguably a set of duties that the individual beneficiaries should fulfill, to *contribute* to their own personal development and that of their community. These duties are important not only in terms of the practical requirements of implementing poverty reduction programs, but also in terms of the spiritual development of the individuals, their families and communities. And looking more broadly at such programs, by actively participating and contributing at a local level, people develop capabilities to participate globally in creating a more just, unified world.

This paper examines the experiences of a poverty reduction program implemented in Zambia, Southern Africa, by an international NGO, CARE, and the policy process whereby it sought to enshrine the principle of rights being matched by responsibilities. Zambia has suffered a long-term economic decline from being one of the wealthiest sub-Suharan countries in the 1960s to one of the poorest (UNICEF, 1995), and like most African countries is currently undergoing a structural adjustment programme (SAP) involving economic liberalisation, privatisation, removal of food subsidies, introduction of fees for services, and decentralization of government services. Few infrastructure services like water and sanitation exist in peri-urban settlements, and the government has embraced policies of community participation and partnership to mobilise more actors to assist with national development.

Since 1994, CARE's Project Urban Self-Help (PUSH) has worked in peri-urban settlements in Lusaka and Livingstone, with a combined population of 350,000, facilitating appraisals and needs assessments, forming community institutions that liaise with City Councils ("Area-Based Organisations," or ABOs), undertaking infrastructure improvements and establishing savings and loan services. The project encouraged residents' ownership and active participation in their own development, as an element of the capacity-building and sustainability of the project, while CARE provided capital funds and technical assistance for water projects and other interventions.

This expectation of considerable participation on the part of residents was in line with widespread agreement internationally that long-term development will require micro-level transformations (as well as macro transformations), involving people in strengthening their own capabilities, and establishing transparent and effective local institutions. Despite initial agreements on this point, however, many residents pressed for CARE to provide financial and other "incentives" for them to participate in meetings and other work involved in their communities, a practice common among many other local and international organizations.

As PUSH was expanded into the Programme of Support for Poverty Elimination and Community Transformation (PROSPECT), it became necessary for the programme to formally agree with stakeholders on its policy with respect to incentives. The problem was reframed in terms of the objectives of sustainable livelihood improvement which the programme sought to achieve. Through a consultation process, PROSPECT attempted to engage residents' participation in establishing a workable policy. As an expatriate manager of the programme, I decided to shift from actively directing the final stages of this process to encouraging Zambian staff to lead it. I hoped this decision would allow a more locally-appropriate and sustainable policy to emerge which would be widely owned by staff and counterparts. At the same time, I was conducting qualitative research and writing a dissertation reflecting on both the policy content and process.

This paper commences with a description of the context and the problem, followed by an analysis of the issues involved from the perspective of the Bahá'í Writings and other literature, and then an explanation of how the policy was set and how stakeholders understood the issues. The paper provides an insight, I hope, into the complexities of defining rights and responsibilities in a world of stark economic contrasts, cultural divides and clashing organizational mandates.

Drawing on the Bahá'í Teachings in the Process of Development

Bahá'ís concerned with rights and duties in the field of international development have the challenge, firstly, of understanding Bahá'u'lláh's vision of a more equitable world without uncritically inheriting elements of theories prevalent in the world today. In addition, one must attempt to discern potential "transformational portals" from the present towards that vision, portals in which one can visualize oneself moving and acting. One's understanding of current realities and of medium and long term goals can not be static:

> …your assumptions, your ideals, the way you interpret the world around you, your aims, your values, your approach to life are but a few of the elements that form the framework of your endeavors.… The framework of your initiatives must evolve over the years, but even when it is incomplete it must hold your actions together and give your movements direction.[3]

Furthermore, they must be able to articulate their vision in various ways to their co-religionists, to other development practitioners and researchers, and to members of the general public. To engage in dialogue and action with like-minded people often requires that Bahá'ís know and work within—but are not constrained by—paradigms or frames[4] which are regarded as setting and shaping the wider agenda. The framework of human rights has risen in prominence in international policy over the past two decades and is being mainstreamed into the international development field in the form of "rights-based approaches" to development.

This framework of human rights has been evolving since the 1948 Universal Declaration of Human Rights, which Karel Vasak explains in terms of a framework of three generations of human rights.[5] The first generation pertains to civil and political rights concerned with liberty, and the second generation pertains to economic, social, and cultural rights concerned with issues of equality. The third generation pertains to collective or solidarity rights, outlined in general terms in Article 28 of the Universal Declaration which declared: "Everyone is entitled to a social and international order in which the rights set forth in the Declaration can be fully realized." Weinberg points out that "…more than establishing normative standards, the human rights discourse provides a mechanism for people of divergent convictions to learn about each other, resolve particular disagreements, and arrive at new understandings of what is possible for human beings."[6]

The Bahá'í approach to the problem of extreme poverty is based on the application of spiritual principles, encompassing all of these three generations of rights. The bedrock of the Bahá'í approach is the principle of oneness, a profound universal vision, implying a move towards greater solidarity, more cooperative and consensual modes of decision-making, the equality of women and men, and the unity in the diversity of the races. And it states unequivocally that all human beings are born with equal rights, to grow and develop their potentialities with equal opportunities. Bahá'u'lláh compared the world to the human body, which is composed of a huge variety of cells, composing various organs and systems, with very different but complementary functions.

> No cell lives apart from the body, whether in contributing to its functioning or in deriving its share from the well-being of the whole. The physical well-being thus achieved finds its purpose in making possible the expression of human consciousness; that is to say, the purpose of biological development transcends the mere existence of the body and its parts.[7]

Justice is a preeminent means to this oneness, and until justice is valued over greed, the gap between the rich and the poor will continue to widen. A new economic order can be founded only on a vision of community that is world embracing and on an unshakable conviction of the oneness of mankind. This allows a dialogue that expands beyond current economic constructs to one that anticipates the emergence of a global system of relationships of equity and justice. The economic system anticipated in the Bahá'í Writings, although it will no doubt resemble the present system in many ways, will have significant points of distinction.

The Bahá'í view of income distribution, for example, allows for differences but eliminates both extreme wealth and extreme poverty. This is effected through laws and regulations as well as by the promotion of voluntary sharing, to limit personal wealth to moberate levels and provide all people with the means for living a dignified life. Also, the Bahá'í Writings anticipate the development of community social service institutions which afford relief to the suffering, sustenance to the poor, shelter to the wayfarer, solace to the bereaved, and education to the ignorant. At the same time, both the responsibility and the right to work for one's sustenance is seen as sacred, and idleness and begging are prohibited.[8]

In 1983 the Universal House of Justice called for the more widespread incorporation of social and economic development into Bahá'í community life, by beginning to apply spiritual principles, practice rectitude of conduct and participatory consultation, "…to uplift themselves and thus become self-sufficient and self-reliant."[9] "Progress in the development field will depend largely on natural stirrings at the grass roots, and should receive its driving force from those sources…," and "all, irrespective of circumstances or resources, are endowed with the capacity to respond in some measure to this challenge, for all can participate in the joint enterprise of applying more systematically the principles of the Faith to raising the quality of human life."[10]

In a 1993 statement of the Office of Social and Economic Development (OSED) approved by the Universal House of Justice, a number of concepts were set forth, drawing on the previous decade's experience. It stressed that capacity-building and learning are the definition and goal of development:

> It has often been said that development is not a product to be delivered by the "developed" to the "underdeveloped." Rather, it is a process the main protagonists of which have to be the people themselves. The greatest concern of Bahá'í projects has to be the development of the friends' capacity to make decisions about their spiritual and material progress and then to implement them. In an ideal project, while concrete action is directed towards visible improvement of some aspect of life, success is measured by the impact these actions have on the capacity of the community and its institutions to address development issues at increasingly higher levels of complexity and effectiveness… Approaches to development centered on the donation of goods and services, so characteristic of traditional religious charity and the programs of the welfare state, are known to have debilitating effects and often lead to paralysis.[11]
>
> …learning to apply the Teachings to achieve progress could be taken as the very definition of Bahá'í social and economic development.[12]

A further statement by the Bahá'í International Community relates this capacity-building back to a vision of oneness and an ever-advancing civilization:

> The most important role that economic efforts must play in development lies, therefore, in equipping people and institutions with the means through which they can achieve the real purpose of development: that is, laying foundations for a new social order that can cultivate the limitless potentialities latent in human consciousness.[13]

On one level these statements appear to coincide with much of what is being thought and written in the wider development field, but as we will see there are quite challenging issues which relate to this focus on capacity-building.

The Emerging Consensus on Participation

In the face of disappointing results after decades of predominately top-down and charity-based development, it has become a point of nearly universal consensus among international organisations that people's participation is essential to development. This may be one of the only relatively unambiguous lessons learned.

The international community can look back at a half-century of "development" enterprise with mixed feelings, at best. Pessimism comes easily, as solutions from the left are lacking legitimacy and promise, and welfare and overseas development assistance commitments are hollowed out by Northern governments' need to reduce their deficits and respond to other imperatives.

The "New Policy Agenda"[14] of liberalisation and reduced government has often failed to address the decline in economic growth in Africa and Latin America, with negative effects on the poor.[15] The World Bank itself, as a major proponent of this agenda, has acknowledged that this restructuring does not lend itself to clear, unambiguous solutions.[16]

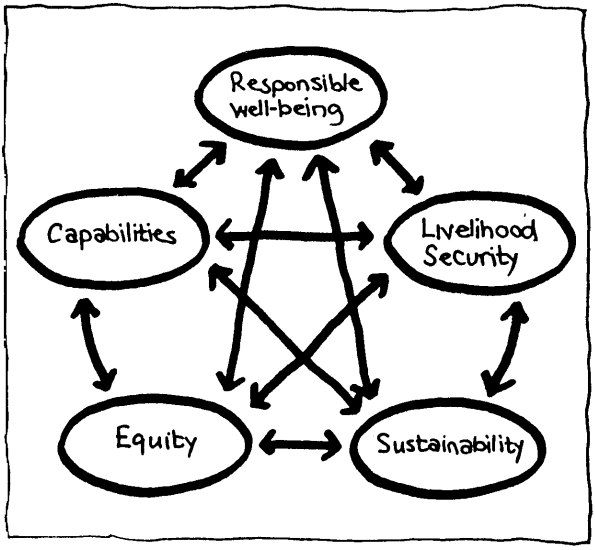
Along with the discouraging trends, there has been a renewed global emphasis on poverty elimination, exemplified in the 1995 Copenhagen summit on social development. Some of the ideas coming forward, echoing those of previous international task forces[17] are for radical means to increase funds for development and restructure the global order, such as a tax on global currency transactions and more ambitious Third World debt relief. As important as resource transfer is, however, more charity is not the answer. The challenge needs to be approached on a different order of magnitude, addressing the social, economic and spiritual conditions which create and allow poverty to exist.

So what are the root causes of poverty? We have had a decades-long debate over whether to blame poverty on structural inequality or Third World institutional incapacity and corruption.[18] Many see empowerment as the fundamental need, but Thomas[19] contrasts the views of Freire[20] who saw empowerment in terms of being conscientised to challenge existing power structures, and Schumacher who focussed on deficiencies in education and technology and prescribed self-help measures. Growing numbers believe that people must have self-reliance and community solidarity - to be able to take local actions *and* to influence policies and structural inequality.[21] Thus, a practical approach to poverty reduction recognises:

- *Local initiative is still the foundation, whether or not outside funds materialise to support it*: hundreds of thousands of grassroots organisations have formed by poor people to help themselves achieve what development assistance has failed to achieve;[22]
- *Outside funds should serve to leverage internal resources to maximise impact*: the gap between the supply and the need for development financing is so great that whatever external funds are available should be used as seeds which can lead to a sustainable harvest of internal capacities and resources;
- *The benefit of development funds will be determined by the effectiveness of programmes and capabilities*: without viable development programmes in place, which strengthen people's capabilities, development funds generally increase dependency, fail to achieve sustainable benefits and ultimately cause resentments and divisions;[23]

- *Maximise self-reliance and good governance as a negotiating position:* to negotiate debt relief and a fairer global economy, Third World governments can gain a strong moral and practical position if they can demonstrate a commitment to long-term national development, and popular participation in transparent institutions. This was the case in the recent management of Uganda's debt relief, involving a coalition of LNGOs, Novib, Oxfam, the World Bank, and the Government of Uganda.[24]

This raises a final conception of participation, which is that participation is a process in which the development and exercise of people's *capabilities* is both the means and the end. A capability can be defined as "…a developed capacity to think and to act in a well-defined sphere of activity and according to a well-defined purpose."[25] Important capabilities include the capability to look beneath the surface to understand social situations, to identify needs and potentials, to initiate projects and sustain them to completion, to build environments of unity based on an appreciation for diversity, and to understand and work with one's strengths and weaknesses. This conception fits well with current views on the importance of capabilities in promoting household livelihood security, exemplified in the following diagram by development guru Robert Chambers:



Note: The overarching end is well-being, with capabilities and livelihood as means. Equity and sustainability are principles which qualify livelihood to become livelihood *security*, and well-being to become *responsible* well-being.

Figure 1: Capabilities as Basis of Sustainable Development
(Source: Chambers, R. (1997). Whose Reality Counts? Putting the First Last. London: Intermediate Technology Publications.)

Human Nature and Participation

Of course, it would be of limited value to expect people to fulfill a responsibility to voluntary participation if they have little basic willingness to do so even to a moderate extent. By definition, attempts to legislate or coerce unpaid participation would be contrary to the ideal of volunteerism. This raises the question of our assumptions about human nature, of people's basic motives for development. While it is beyond the scope of this paper to explore the issue in depth, several observations can be made about the malleability and unpredictability of human nature.

First, the Bahá'í principle on human nature, one which is probably intuitively sensible to many people, is that *all people* have a dual nature, including a more noble, community-minded aspect, as well as a more self-centred aspect. This principle is critical in helping resolve what the Universal House of Justice refers to as a "paralyzing contradiction" in which people proclaim their longing for peace, harmony and progress, yet "…uncritical assent is given to the proposition that human beings are incorrigibly selfish and aggressive and thus incapable of erecting a social system at once progressive and peaceful, dynamic and harmonious, a system giving free play to individual creativity and initiative but based on co-operation and reciprocity."[26] Equally paralyzing, perhaps, may be the assumption that the "poor" are somehow less capable of solidarity and law-abiding behaviour than are the "rich" (however one might hazard to define the two categories), as if material conditions of life dictate human behaviour. From such an assumption one might conclude that the "poor" are helpless, and that they must be provided with the means of existence and given a system to live in which is constructed by the "rich" - who are often white and male, highly educated, and particularly coming from or at least trained in "advanced" economies.

According to the Bahá'í view, people's current behaviour may vary between the noble and ignoble, but there is always the potential for them to learn that all will benefit if we each become more cooperative and contribute towards prosperous communities and societies. The view is: I see oneself as part of one human family—all have rights to the basic means of existence, I cannot be comfortable seeing others in abject poverty and am therefore drawn to work for positive change, and I seek to develop myself so that I may contribute more effectively to the development of all. By focusing more on this potential in ourselves and others and striving towards it, we gradually reduce the presence and influence of the less desirable traits, and bring out the real capabilities and gifts in each individual. In particular, 'Abdu'l-Bahá explained the importance of religion and the influence of "True Educators," or the Messengers of God:

> Man is said to be the greatest representative of God, he is the Book of Creation because all the mysteries of being exist in him. If he comes under the shadow of the True Educator and is rightly trained, he becomes… the center of the divine appearances, the source of spiritual qualities… If he is deprived of this education he becomes the manifestation of satanic qualities, the sum of animal vices…[27]

With respect to this view on human nobility, we should hasten to add that what is *not* intended is the abnegation of the individual's concern and responsibility for self and family. It is highly praiseworthy for an individual to engage in work to support one's family. It would be unfair for one to judge others in terms of how they allocate their time, especially when their conditions are clearly very difficult and different from one's own. But it is equally misleading to think there is a tradeoff between individual livelihood and community wellbeing—the two are intrinsically intertwined. What *is* intended is that we recognize that we all have rights and responsibilities, and that we all participate in building a society in which they can be exercised. If we don't build this society, who will?

Second, people's current willingness to participate without payment is partly an empirical question, which can be guaged through observation and research in a variety of social-economic-cultural contexts. One does not have to look far in any country to find examples of people voluntarily participating, and PROSPECT provides many such examples. Estimates in Britain range from 20% to almost 50% of the population taking part in at least one voluntary activity each year.[28]

Third, given that volunteers do exist, by no means does there seem to be any simple answer to the question of what motivates volunteers. In a review of research publications on the motivation of volunteers Van Til[29] summarizes their findings in the following propositions:

- People volunteer for multiple reasons, among which are their own personal and social goals and needs
- The individual who volunteers typically does so only after weighing alternatives in deliberate fashion
- The realm of voluntary action is complex and many-faceted, and different organizational tasks appeal to different motivation forces
- Concern for others, while not always purely altruistic, remains an important motivating force for much voluntary action

- The motivation to give and to volunteer is shaped and constrained by broader social realities, and particularly by the omnipresent reality of world chaos and destruction

Smith[30] finds a similar diversity of motivations, and also points out the circumstances leading to volunteering are important, that friends or relatives often recruit volunteers.

Fourth, clearly, people's beliefs and images of the world and of social change are very critical to shaping commitment and behaviour, and these images can change. Boulding writes of people's images of the world as conceptual frameworks which guide thinking, and which are themselves influenced to varying degrees by new information. The significance of the new information, however, is not intrinsic and universal but rather depends on how each individual filters and interprets it—"the meaning of the message is the change which it produces in the image."[31] Much debate about social change is in terms of dichotomies, such as dichotomous images of human nature (eg. altruistic vs. self-serving, material vs. spiritual), or dichotomous images of how society is divided and what a "good society" is (eg. urban vs. rural, capitalist vs. communist). While these dichotomies are useful heuristic or learning devices, they should not be treated as fixed realities.

An increasing stream of theoretical trichotomies posit three alternative images of human beings and institutions, and people tend to reflect principally one of these images, perhaps the same image they see in themselves. Chin and Benne describe three types of change strategies.

- Empirical-rational—assumes people are rational, and will change if considered personally advantageous

- Power-coercive - change comes about only through compliance with authorities or those in positions of power, through fear of threat

- Normative-reeducative - norms are the basis for behaviour, and change is a reeducation process in which old norms are supplanted by new ones.[32]

Both the rational-empirical and power-coercive change strategies have their place, but their materialistic image of human beings have often been imposed by development agents in a way that doesn't take account of the solidarity, hospitality and reciprocity of other cultures. Development projects have tended to convince grassroots people that their traditional modes of living, thinking and doing are backwards, so "…the old convivial and familiar spaces which gave the people life were, at best, reduced to 'commercial centres' where money became the main instrument for social recognition and survival…"[33] In addition to being insensitive to culture, development has promoted productive eco-

nomic activities while undervaluing the "reproductive" activities - mainly of women—which underpinned them, including building the unity of the family and community. There is an increasing need for men to share these responsibilities, and create institutions that respond to the needs of the human spirit.[34]

Finally, there have been some good attempts to validate cultural, spiritual images, such as the Four Worlds Development Project[35] which developed a curriculum and community development approach based on the guidance on dozens of Native North American cultural elders. The Rural University in Colombia, or FUNDAEC (*Fundacion para la Aplicación y Ensenanza de las Ciencias)* places service to the community at the forefront of the rural wellbeing training program in which tens of thousands of people throughout Latin America are participating.[36] The Orangi Pilot Project in Pakistan, one of the best known urban development projects, draws specifically on a strong, spiritual tradition. "The traditional principles of diligence, frugality, charity and modesty have enabled Orangi people to build, without any subsidies, from their own savings, their houses, their sanitation, their schools, their clinics, their transport."[37] Hope and Timmel[38] have provided a clear articulation of Christian and African community development and transformation, drawing on Freire's critical awareness, human relations training in group work, organisational development, social analysis, and spiritual inspiration.

Establishing and Reflecting on The PROSPECT Policy On Participation, Ownership & Community Service

If we are going to understand the duties of participation alongside the right to development assistance, it is necessary to understand the manner in which such a policy can be established. I now turn our attention to the way in which this idea has been implemented and reflected on in PROSPECT.

In keeping with the evolutionary nature of the human rights discourse and the learning approach of development projects explained above, the policy sciences have been shifting from a rational, stage model of policy formulation to an idea of policy cycles,[39] competing paradigms and experiments in small steps rather than through comprehensive, falsifiable theories.[40] Similarly, development projects have also tended to move away from a blueprint to an adaptive approach, with one model given as a series of successive stages:

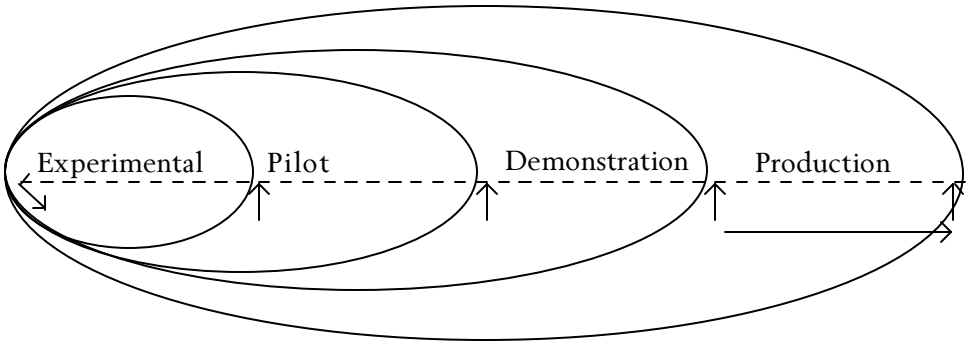


Figure 2 (Source: Cusworth, Franks (1995). Management of Development Projects. London: Longman Scientific. After Rondinelli)

Much of what has been attempted in PROSPECT is explained in the approach known as Participatory Action Research (PAR—explained above), a learning approach developed by Freire, and popularised by writers such as Fals Borda,[41] and Rahman.[42] Its central concern is how the poor and oppressed can transform their own environment by their own *praxis* (action-reflection).

In this context, following requests by residents for "incentives" to pay for their participation, we engaged in research to explore the question: *is the voluntary service and community participation policy appropriate?* This is, in a sense, a test of whether it was fair and realistic to expect that there would be a duty of participation to match the right to development assistance, and an exploration of how the balance would work.

The research was conducted in 1998, and augmented by observations and reflections dating back over the four years prior to that. The research was focussed around qualitative approaches and the PAR framework, and was conducted by myself in conjunction with several Zambian colleagues. The main methods used were focus group discussions and semi-structured interviews with residents, meetings with and written feedback from PROSPECT and Council staff, and unstructured interviews with CARE International officials. Participatory research has numerous benefits, including avoiding the fallacy of complete research objectivity, and the separation of thought and action that has characterized much of social science.[43] Nonetheless, my position as manager of PROSPECT could affect my views and conclusions, and other staff or residents could wish to take advantage of research to advance an interest, so the research program was balanced to moderate these potential biases. The key to validity was that we strived to be critically self-aware, and practice *intersubjectivity*,

dialogue among colleagues to test the ideas, systematically laying out and testing the potential biases.

My general approach was to ask respondents what they understand the policy and how it came about, how they have been affected by the content and process of this policy, their opinion about its sustainability, what they think about motives, as well as the differential experiences and contributions of women and the poor. Interviews were also held with a regular Zambia-based consultant to CARE internationally, and with an internationally-recognized expert in urban development.

Finally, a workshop was held with all PROSPECT staff, several City Council staff, and two representatives from the community organizations in each of our settlements, and it was facilitated by consultants. The workshop included numerous small group sessions, including some stratified in terms of groups such as residents, to encourage real opinions to come forward. This was the workshop at which the policy was formally set out and adopted.

Research Results

CARE's history had an important bearing on the evolution of the PROSPECT policy. CARE International works in both relief and development, but generally when there is no national conflict or emergency, CARE seeks interventions which have long-term developmental aims, not merely charity. CARE Canada took the lead in establishing an office in Zambia in 1992 at the government's invitation, to help mitigate the effects of a national drought and SAP. When the crisis faded, and recognising that PUSH activities were dependent on continued food supplies, CARE Zambia sought to establish a more sustainable urban project, in "PUSH II," funded by the UK Overseas Development Administration (now DFID) from 1994 to 1998. PUSH II aimed specifically to overcome the reliance on food, to build sustainable development capacities within the community, and thus in PUSH II and the subsequent PROSPECT policies, there was an avoidance of providing food as incentive.

In terms of appropriateness of the policy as viewed from an international perspective, the experts interviewed and senior staff in CARE UK and CARE Canada expressed strong support in the PROSPECT approach. They believed that individuals have a core capacity of willingness to improve the community which is important to nurture, although clearly most people have limitations in their time available to contribute to wider development. So-called relief and development incentives often do displace ownership and longer-term development capabilities. Volunteerism weaves the social fabric of society, and

strengthens civil society. There were initially reservations expressed about expecting "altruism" and generosity from the very poor. Then, examples would be mentioned, of "absolute martyrs," people like Anne Frank who—in the most desperate conditions—are capable of nobility, or skipping some steps in Maslow's hierarchy. Uncertainty was expressed about whether such martyrs can be cultivated, but it was felt that training would probably help to at least bring some sense of community-mindedness.

When discussing the way in which volunteerism was practiced, it was reported that residents' contributions varied from a few hours a day for a week in laying pipes, to large portions of days over a number of months, with clearly larger burdens on the elected ABO members. The tangible contributions made by residents are: *labour*, for example in laying pipes or helping dig bridge foundations; *management and leadership services*, for example by ABO members educating and supervising others; *cash contributions*, including water fees and contributions for bridges. The expectation established between CARE and the elected residents leaders, in the Chipata water project, was that residents would work approximately four hours a day for five days of pipelaying and water point construction, and that leaders might work one day per week. 70% of the households did this, according to the Resident Development Committee's (RDC's) records—while others reported spending six hours a day for almost six months. In addition, several RDC members reported spending up to 12 hours daily for more than six months, although some of the staff questioned these numbers.

In the Malota bridge project, residents determined their own contributions spontaneously at the street level: some did the digging, others gathered water, or cooked for those working, whilst others paid for the few skilled carpenters. As one person commented: "We have no problem in working without pay, and others working many days can get a payment."

Our experience over several years, which was reinforced by the research, finds a diversity of motivations among residents—common need, feeling of ownership, hope for additional "incentives," and respect - underpinned by a tradition of strong mutual support between relations and friends. Perhaps it can be summed up by saying that the main motivation for people to contribute their time and labour, is mainly to address development needs—such as supply of water—for themselves, their family and community. Most of the residents agreed with the policy, especially women, and residents felt greater ownership for development in their settlements, wanting to undertake further projects under the same arrangements. Some RDC leaders and residents worked out of a sense of service, addressing needs and feeling compelled to continue. At the same time, some RDC members and general community members hoped for incen-

tives, and Chipata residents were actually promised incentives of free water by their community leaders, which didn't materialise. Gaining self-respect and respect of others was another important motive.

Residents indicated that they are willing to work alongside their neighbours in a collective effort to address strongly-felt needs which they have identified. In the Chipata water project, people expressed appreciation at avoiding the previous dangers of long trips at 4:00 am to obtain water, more than saving money and time as PROSPECT's research indicated. Beyond the general sense of cooperative work, there is a distinctive form of service orientation in which contribution is out of proportion with personal benefit. Respondents in Chipata and George identified two ABO chairpersons, and many ABO members and residents explain their motive as "*ozi peleka*" or "*kuzi peleka*," having service at heart. They explained that once they had started working for the community it was hard to stop because people got to know and need you more. They said, "those of us with a conscience would feel guilty to abandon such work."

More widespread in the community is a sense of mutual support, taking in relatives for weeks at a time, sharing food, or helping others in time of sickness or death. In particular, women traditionally provide unpaid services to family members and others, so they participate in water projects to reduce personal risks, and save money and time previously expended on collection. Still, many staff members felt that unlike the village setting, where kinship bonds and strong capabilities for solidarity exist, this motive is weak in the monetary economy of peri-urban areas.

An important issue was that of allocation of benefits from projects, such as the Chipata water project. There was proportionately greater participation from women and the poorest, and some uncertainty about the extent to which they could access the benefits due to the cost of the water, a problem which is currently being addressed. The well-off could afford to pay a participation fee, or hire others to work for them, while men often didn't volunteer as they were busy working, which women seemed generally to accept.

The interventions, such as the water schemes, show signs of sustainability, such as the RDCs' independence vis à vis CARE and the Council. The scheme is financially self-sustaining, and Chipata RDC has already passed through one difficult transition of power. Residents shared that sense of ownership to a slightly lesser degree, while in some cases it was overshadowed by having been misled by the RDCs. RDC leaders have agreed that any incentives for sustainability will have to be generated internally, negotiated through their participatory decision-making processes, and will be performance-related.

The approach is showing a likelihood of developing capabilities to participate in governance in wider fora. The RDCs are increasingly seen as a legitimate reference point and representative of the residents, and are invited to help shape policy and plans of a number of government and international agencies. They have confidence and capabilities to speak out on the basis of their own real and sustained accomplishments, and the democratic institutions they have behind them.

All factors considered, the content of the current policy can be concluded to be basically appropriate, and there is nothing which needs to be removed or fundamentally changed. This broad acceptance of the current policy was confirmed formally through a workshop in which ten RDC members and all PROSPECT staff participated, and in which as manager I was all but silent (not wanting to inordinately influence the process, and reduce local staff's ownership of the process).

Equally important as a lesson to be learned from PROSPECT's policy is the process by which it came into being. The initial idea for the policy certainly had much to do with international policy on community participation. The idea of voluntary service was initially set out, and was gradually discussed and formed the basis of a learning process. Diverse influences arose over the time period, and some conflict surrounded the policy, until recently when it was repeatedly placed on staff meeting agendas. Incremental adjustments have been made, until demands and the opportunity of the new project created a launch window to formalise the policy.

In learning about the policy, both staff and residents have changed and made some compromises. We have realised the extent to which "incentives" rest on having a sound overall approach to fostering community participation, ownership and a spirit of service. Discretion and autonomy bring the needed flexibility to innovate within the policy, such as seen with bridges and midden boxes, but also confer a sense of responsibility. Culture turned out to be an unknown and unexplored factor in determining individual and community responses to the policy.

Conclusions on Rights and Duties in Poverty Reduction Programs

People are often concerned that a rights-based approach to development would become an exercise in handouts, which from a developmental point of view would appear unsustainable and inappropriate. It seems justifiable, from the perspective of the Bahá'í Teachings and from the standpoint of development literature and practice, to expect that low-income "beneficiaries" of de-

velopment assistance could also be considered "participants." The case study of PROSPECT in peri-urban Zambia demonstrates how a policy establishing that arrangement has come into being and how it has been accepted. This suggests that it is reasonable to expect that in keeping with the right to support from the international community for livelihood improvement and community development, individuals would also have a duty to bear—not just to work to take care of themselves individually, but to contribute to the development of society. This makes sense not only as a safeguard to sustainably and greater practical impact, but as an element of the dignity and spiritual growth of the individual. Though at times there may be real constraints in time and physical capacity which must be respected, all people should be encouraged to make some moderate contribution to the development of themselves, their family and community. While not placing excessive expectations on them, the materially disadvantaged may surprise us both with how much spiritual and other resources they have and how much development is really about using those resources rather than providing financial and material resources. Clearly, such an approach must be carefully and flexibly implemented with open consultation with all concerned, with due regard to important varying factors such as emergency conditions etc.

As was the case with the formulation of the policy in PROSPECT, the principle of service to humanity is perhaps a laudable one but can not be legislated—neither with those whose basic needs are met, much less with the very disadvantaged. This is an important Bahá'í principle, of the voluntary adoption of principles, and the loving acceptance of people irregardless of their response to our suggestions. Wherever possible it is desirable to give people the choice of whether they will actively pursue opportunities for community service. In the current context of development assistance, however, with limited resources for development and a tremendous call on those resources by those who have received no assistance as yet, it could be argued that the duty for beneficiaries to contribute a reasonable amount to their own development be considered a fixed requirement. In keeping with the trends of partnerships between civil society, government and the private sector, it might be interpreted that holders of resources must negotiate on behalf of donors (shareholders) to obtain the best deal possible in terms of reaching out to the maximum number of beneficiaries.

Ultimately, however, our perspective shouldn't be reduced to the handing out of services and goods, and the learning and capacity-building of people and communities are really the essence of development. This will undoubtedly provide the main principle by which to guide and refine policies to balance rights and responsibilities in development.

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Bringing Rights Home: Human Rights and the Institution of the Family

BY CHICHI LAYOR

Since the adoption of the Universal Declaration of Human Rights (hereafter Universal Declaration) by the United Nations General Assembly in 1948, human rights has come to be regarded as a subject of vital importance to society. Over a hundred human rights documents or instruments, with varying legal status, have been adopted at both the international and regional levels and ratified by many states. The United Nations (UN) continues to play a major role in promoting human rights, notably its machinery for monitoring and implementing human rights and its sponsoring of various conferences on the subject. Aside from the UN, many regional intergovernmental organizations, nongovernmental organizations (NGOs) and other organizations of civil society are actively engaged in the arena of human rights.

Despite these commendable efforts, the human-rights discourse, as currently posited, appears to be of little relevance to the family. Given that the majority of activities undertaken in the name of human rights seem to be mainly high-profile cases involving state violations of civil and political rights, it may be concluded that the family has an insignificant role to play in the promotion and protection of human rights. At present, human rights work would appear to be the preserve of lawyers, governments, NGOs, human rights activists or the UN. The current state of affairs is, however, unacceptable: respect for human rights must begin within the family. If human rights are "literally the rights one has simply because one is a human being"[1], and if these rights are often violated by individuals even when they are acting in an official capacity, then individual behavior must be linked with respect for human rights. Human behavior is largely based on knowledge, attitudes and beliefs, many of which are acquired and played out within the family. Regardless of the position one might take in the "nature versus nurture" debate, it would be difficult to deny that the family is, in the words of the Universal Declaration, "the natural and fundamental group unit of society."[2]

The purpose of this article is to analyze, from a Bahá'í perspective, the role of family rights in the contemporary human rights discourse. First, the rationale for stressing family rights will be explained and human rights provisions relating to the family will be examined. Next, Bahá'í principles relating to family rights will be discussed along with relevant provisions in human rights instruments. Finally, it will be considered whether protecting family rights can help to foster a human rights culture and thus accelerate "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want" which is "the highest aspiration of the common people."[3]

Definitions

It would be helpful to provide at the outset some definitions that are relevant to the subject under discussion. Although these definitions may be contested, they are considered valid for the purposes of this article. First, what is meant by the term "human rights"? As mentioned earlier, these are rights that human beings have simply because they are human. "Positive rights" arise from the enactment of laws whereas human rights are essentially moral rights that may or may not have legal backing. Human rights are God-given and not bestowed on us by the state although the state may take steps to promote and protect the rights of its inhabitants. According to the human rights theorist Jack Donnelly, "…a principal function of human rights is to shape social relations."[4] This point is affirmed by 'Abdu'l-Bahá in a statement that also underscores the non-absolute nature of rights and humanity's need for "the moderate freedom which guarantees the welfare of the world of mankind and maintains and preserves the universal relationships."[5] Clearly, then, human rights are not merely a collection of grandiose and impracticable principles that happen to be currently fashionable in certain circles. Rather, to be worthy of the term, human rights must, of necessity, impact on morality as well as on legal and political practices.

The second term to be defined is "family rights." On the one hand, they are the rights of the individuals within a family: thus for example, the rights of the wife, husband or child.[6] On the other hand, the family can be considered to have certain rights as a group, as for instance, when the Universal Declaration of Human Rights stipulates that a family is entitled to protection by society and the State.[7] The question of what is meant by protection will be considered later.

The Nexus Between the Family and Human Rights

Keeping in mind the aforementioned definitions, we will now explore the correlation between the family and the promotion and protection of human rights. A number of points can be made in this regard. To begin with, it is necessary to refer to the function of human rights mentioned earlier, namely, to guarantee the welfare of humankind and preserve social relationships. As one's first and most important relationships are often those established within the family, it is in this environment that the awareness, promotion and protection of human rights must begin. The possession of moral virtues, such as courtesy, honesty and trustworthiness, is conducive to respect for the rights of others, for human rights are often violated by individuals even when they are acting in an official capacity. Knowledge of human rights law is not sufficient in itself but must be buttressed by the possession of moral attributes that are more easily acquired within the family environment.. A statement by the Bahá'í International Community highlights the importance of beginning human rights-inspired education in early childhood "because an individual's fundamental moral framework is formed at a very young age."[8]

A focus on family rights is also important because the family can be considered a microcosm of human society. The family is, as stated in the Universal Declaration of Human Rights, "the natural and fundamental group unit of society" and the attitudes and practices of individuals within the family are often carried into other relationships outside the home. The commencement of human rights promotion in the home is imperative, for individuals who do not respect the rights of family members are unlikely to respect the rights of others in the wider society. For this reason, family rights should be considered within the broader context of the human family, as the following statement from 'Abdu'l-Bahá makes clear:

> Compare the nations of the world to the members of a family. A family is a nation in miniature. Simply enlarge the circle of the household and you have the nation. Enlarge the circle of nations and you have all humanity. The conditions surrounding the family surround the nation. The happenings in the family are the happenings in the life of the nation. Would it add to the progress and advancement of a family if dissension should arise among its members, fighting, pillaging each other, jealous and revengeful of injury, seeking selfish advantage? Nay, this would be the cause of the effacement of progress and advancement. So it is in the great family of nations, for nations are but an aggregate of families.[9]

Human Rights Provisions Relating to the Family

At first glance, it would appear that the seminal international human rights document recognizes the cardinal role of the family in the promotion of human rights. The Universal Declaration of Human Rights states that "[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State."[10] An identical provision is also found in the International Covenant on Civil and Political Rights (hereafter ICCPR).[11] A number of other international human rights documents contain articles detailing the right to formation and protection of families, such as the provisions stipulating women's right to access to information "to help ensure the health and well-being of families"[12], and women's right to special protection during pregnancy.[13]

In addition, the Convention on the Rights of the Child contains several provisions intended to protect the best interests of the child, including articles stipulating that states "shall ensure to the maximum extent possible the survival and development of the child."[14] A similar article is found in the ICCPR.[15] Other treaties relating to family rights include the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962.

As regards regional human rights documents, the African Charter on Human and Peoples' Rights (hereafter African Charter) includes a similar article to that contained in the Universal Declaration of Human Rights. The family being, in the words of the African Charter, "the natural unit and basis of society,"[16] is entitled to protection by the state, which "shall take care of its physical and moral health."[17] This treaty is unique in its mention of the family's role in maintaining moral standards: it stipulates that the state has the duty "to assist the family which is the custodian of morals and traditional values."[18]

A common thread running through the aforementioned provisions is the apparent emphasis on the duty of the state to protect the family; note that the role of society is barely addressed. It will be recalled that the family's entitlement to protection by society as well as the state is mentioned in the Universal Declaration of Human Rights. It is not, however, clear what precisely is meant by "protection by society and the state," to which the family is entitled. The above-mentioned document states that women and men "are entitled to equal rights as to marriage, during marriage and at its dissolution."[19] Ensuring that men and women have equal rights during marriage can be regarded as protecting the family; a corollary of this provision might be to state that only families in which men and women have equal rights are entitled to protection by society and the state. Strangely, however, international and regional human-rights provisions relating to the family fail to mention the role of family members themselves in protecting the family and do not address directly the rights and responsibili-

ties of individuals within the home. This omission constitutes a great deficiency in the majority of human rights documents.

Concerning protection of the family by the state, as mentioned in the Universal Declaration, the question may also arise as to whether such protection is a right to which all families are entitled, including, for example, those in which physical or emotional abuse is present. Admittedly, there is a danger that the family's right to "protection by the state" could be narrowly construed as preservation of a family in which the rights of some members are violated. Reluctant to infringe on this family's alleged right to privacy, the state may, citing the aforementioned right to protection, decline to intervene in the affairs of a family in which abuse is present. Clearly, the substantive content of the right to protection of the family needs to be established. As will be shown in the next section, the Bahá'í Teachings can offer some elucidation in this area of human rights.

Bahá'í Principles Relating to Family Rights

The Oneness of Mankind

A fundamental principle of the Bahá'í Faith, which is applicable to family life, is the oneness of mankind. The correlation between this principle and the establishment of a just society in which everyone's rights are respected is explained in the following statement from 'Abdu'l-Bahá:

> The second attribute of perfection is justice and impartiality… It means to consider the welfare of the community as one's own. It means, in brief, to regard humanity as a single individual, and one's own self as a member of that corporeal form, and to know of a certainty that if pain or injury afflicts any members of that body, it must inevitably result in suffering for all the rest.[20]

Seen in this perspective, in order for justice to prevail within the family, every member would have to protect the rights of other members. But the family is also to be viewed in a wider context as the human family whose unity can be best achieved when every member of society protects the rights of others. The reason for taking such a broad view of the family is that humanity is not composed of self-contained families living in isolation; rather, individual families are all part of an interrelated, interdependent and indivisible humanity. If, therefore, it is accepted that all human rights are interrelated, interdependent and indivisible, as laid down in the Vienna Declaration and Programme of Action (1993), and if human rights are rights that one has because one is a

human being, then humanity itself must be indivisible. The principle of the oneness of mankind would, if applied to relations within as well as outside the family, conduce to the "promotion of universal respect for and observation of human rights and fundamental freedoms."[21]

Family Unity

One of the fundamental principles of the Bahá'í Faith is the unity of humankind: "no power can exist except through unity,"[22] Bahá'u'lláh has declared. Furthermore, "harmony, unity and love are held up as the highest ideals in human relationships,"[23] and the Bahá'í Writings underscore the importance of family unity in helping to usher in a just and unified world. Thus, for example, the supreme administrative body of the Bahá'í Faith, the Universal House of Justice, has written, "Bahá'u'lláh came to bring unity to the world, and a fundamental unity is that of the family."[24] He has also stated, as Shoghi Effendi has affirmed, that "the purpose of marriage is to promote unity."[25] Therefore, the existence of love and unity in any family is necessary for its progress whereas the "ill effects of discord are so clearly apparent."[26] The correlation between family unity and progress is also highlighted in this statement by 'Abdu'l-Bahá: "If love and agreement are manifest in a single family, that family will advance, become illumined and spiritual; but if enmity and hatred exist within it, destruction and dispersion are inevitable."[27]

If we accept the premise that the human family is composed of several interdependent and interrelated families, then it follows that the conditions, of harmony or disharmony within each family, can affect, and in turn be affected by, conditions in the wider society. Similarly, if unity is conducive to progress both of the individual family and the human family, and human rights are intended to advance and not retard human development, then the individual has a responsibility to create unity within his or her family.

Gender Equality

The principle of gender equality is an integral aspect of any discussion regarding the relationship between men and women in the home. Although husbands and wives have many responsibilities as well as rights, due to space constraints, only a few will be examined here. The equality of women and men, within the family and in the wider society, was explicitly proclaimed by Bahá'u'lláh over 150 years ago and is repeatedly enunciated in the Bahá'í Writings. In fact, equality of the sexes is so crucial to the advancement of society that 'Abdu'l-Bahá has declared that "[a]s long as women are prevented from attaining their highest possibilities, so long will men be unable to achieve the greatness which might be theirs."[28] It is now generally accepted in human rights discourse,

at least in principle, that denial of equality to women constitutes a human rights violation. The unequal status of women in present-day society is highlighted in the following statement by the United Nations Educational, Scientific and Cultural Organization (UNESCO):

> Of all the violations of human rights, the most systematic, widespread and entrenched is the denial of equality to women. Despite some progress in recent years, there is no country in the world where women have achieved full equality. Although making up half or more than half of the population, they are treated as a minority group, disadvantaged and powerless.[29]

The above summation of the current global status of women is consistent with the Bahá'í perspective, inasmuch as 'Abdu'l-Bahá has stated, "the female sex is treated as though inferior, and is not allowed equal rights and privileges."[30] Such a situation is, however, untenable in the Bahá'í view for "divine justice demands that the rights of both sexes should be equally respected."[31] It is worth noting that the principle of equality applies to all social relationships between men and women including, but not limited to, marriage. "According to the spirit of this age," 'Abdu'l-Bahá has affirmed, "women must advance and fulfill their mission in all departments of life, becoming equal to men."[32] To demonstrate how the principle of equality might be applied to conjugal relations, some rights and responsibilities of women and men within the home will now be considered.

Rights and Responsibilities of Family Members

It is evident from the Bahá'í Writings that rights and responsibilities are inextricably linked and this correlation is a feature of family relations. According to the Universal House of Justice, "[t]he members of a family all have duties and responsibilities towards one another and to the family as a whole, and these duties and responsibilities vary from member to member because of their natural relationships."[33] The rights and responsibilities of the husband, wife and children will be discussed under three categories: rights of spouses, rights of children and rights of parents.

Rights of Spouses

Freedom of Religion

Given that the relationship between husband and wife should be one of equality, each spouse is entitled to choose his or her own religion indepen-

dently of the other for Shoghi Effendi, the Guardian of the Bahá'í Faith, has stated that "[no]body should trespass on the sacred bond every human being has a right to have with their Creator."[34] It will be recalled that the right to freedom of "thought, conscience and religion" is also enshrined in the Universal Declaration of Human Rights.[35] Freedom of religion is a fundamental right that should be respected both in the context of family life and within society as a whole; regrettably, however, many individuals have attempted to influence forcibly the faith of other family members. In the event that a husband or wife seeks to interfere with his or her spouse's right to a religious affiliation, the one whose right is thus challenged is advised, in the Bahá'í Writings, to use "conciliatory and friendly means"[36] to endeavor to win the other person's sympathy. The objective here is to preserve the unity of the family without ceding one's fundamental right to freedom of religion.

Freedom of Opinion and Expression

Freedom of expression is, according to the Universal House of Justice, "a fundamental principle"[37] of the Bahá'í Cause. From this statement, and in light of the Bahá'í principle of gender equality, it would be reasonable to conclude that women and men in the family have the right to freedom of opinion and expression. But there is another argument in this connection. The principle of consultation is a worthwhile method of seeking solutions, which is stressed by Bahá'u'lláh; this principle applies to all human relationships and is so important that "no welfare and no well-being can be attained except through consultation."[38] Indeed, Bahá'ís are urged to take no important step in their personal affairs without prior consultation. When applied to the family context, the principle of consultation allows for every member of the family to express "with absolute freedom"[39] their own opinion and set forth their own argument "for not until matters are fully discussed can the right way be revealed."[40] Although this injunction was given by 'Abdu'l-Bahá to the Bahá'í administrative institutions, the Universal House of Justice has stated that consultation should not be confined to the administrative institutions but should also be used within the family.[41] Therefore, both husband and wife have the right to hold and express their opinions. Nevertheless, it is appropriate to note that, as is the case with the majority of the rights enshrined in documents such as the International Bill of Human Rights, there are conditions attached to the exercise of this right, in the Bahá'í view.

For instance, although both spouses are entitled to express their opinions during consultation, they should also "behave in the utmost love, harmony and sincerity towards each other."[42] Mindful of the fact that the purpose of marriage is to promote unity,[43] and in view of Bahá'u'lláh's teachings prohibiting unseemly

talk and unkind words, the right to freedom of opinion and expression must only be exercised within marriage "in such wise that no occasion for ill-feeling or discord may arise."[44] Again, while it has recommended the use of "full and frank discussion" by spouses as "a panacea for domestic conflict," the Universal House of Justice has also stressed that family consultation must be "animated by awareness of the need for moderation and balance."[45]

However loving the consultation between spouses, there may be situations where the wife and the husband cannot reach agreement. In such cases, how should both parties' rights to freedom of opinion and expression be reconciled? Since there can be no majority vote in this situation, the Universal House of Justice has stated that there are "times when a wife should defer to her husband, and times when a husband should defer to his wife, but neither should ever unjustly dominate the other."[46]

Other Spousal Rights

The right to be free from abuse is enshrined in the Bahá'í Writings. The Universal House of Justice has stated, "no husband should subject his wife to abuse of any kind, whether emotional, mental or physical."[47] This injunction should also be read *mutatis mutandis*, given the mutual respect and equality that should govern relationships in the home. Interestingly, it would appear that Bahá'u'lláh has assigned to men a special responsibility for ensuring that women are not subjected to cruel behavior, as evidenced by the following statement:

> The friends of God must be adorned with the ornament of justice, equity, kindness and love. As they do not allow themselves to be the object of cruelty and transgression, in like manner they should not allow such tyranny to visit the handmaidens of God.[48]

Rights of Children

In the Bahá'í view, children have a right to be educated by their parents, for whom such education is "an inescapable duty"[49]. As the mother is the first educator and mentor of the child as well as the predominant influence in the child's early life, Bahá'u'lláh has stressed that where it is not possible to educate all of one's children, daughters have a prior right to education over sons. It is important to note that education, in the Bahá'í view, encompasses both material and spiritual components. As repeatedly stressed in the Bahá'í Writings, the task of bringing up a child is "the chief responsibility of the mother" and in order to

discharge this vital duty, the mother is entitled to be financially supported by her husband. Nevertheless, as the Universal House of Justice has pointed out, "the father also has the responsibility of educating his children, and this responsibility is so weighty that Bahá'u'lláh has stated that a father who fails to exercise it forfeits his rights of fatherhood."[50]

The foregoing should not, however, be construed as justification for an inflexible division of gender roles. On the contrary, such a reading would be incorrect, as the Universal House of Justice has explained. The statement regarding the separate roles of mothers and fathers in no way implies that their functions are "inflexibly fixed and cannot be changed and adjusted to suit particular family situations."[51] Rather, the Bahá'í Writings state explicitly that women cannot be confined to the home but may be breadwinners.

In addition, children have a right, in the Bahá'í view, to be treated with dignity. This principle does not, however, mean that they should not be subjected to discipline; on the contrary, as the Guardian of the Bahá'í Faith has stated, discipline is "indeed indispensable."[52] Hence, parents are urged to counsel and punish their children by using means based on reason but, as 'Abdu'l-Bahá has stated, "[i]t is not permissible to strike a child, or vilify him, for the child's character will be totally perverted if he be subjected to blows or verbal abuse."[53]

Another right accorded to children in the Bahá'í Writings is the right to choose their own religion from the age of fifteen.[54] Up until this age, children may be obliged to share the religious affiliations of their parents. But, as Shoghi Effendi has stated, once children have reached the age of fifteen, they should be given full freedom to choose their religion, "irrespective of the wishes and desires of their parents."[55]

Parental Rights

Since there can be no rights without responsibilities, children have certain sacred duties toward their parents. One such obligation is that of obedience to one's parents—parents do not have to obey their children, in the Bahá'í view. Great respect is due to one's parents and Bahá'u'lláh has stated that, after the recognition of the oneness of God, "the most important of all duties is to have due regard for the rights of one's parents."[56] He has also warned against the commission of acts that would "sadden the hearts"[57] of one's parents; hence, children have the responsibility to strive for the contentment of their parents. To enable the fulfillment of this obligation, Bahá'u'lláh has enjoined parents to "rear their children to be staunch in faith" since "a child who removeth himself

from the religion of God will not act in such a way as to win the good pleasure of his parents and his Lord."[58]

Children also have the responsibility, as is evident from the Bahá'í Writings, "to exert themselves to the utmost in acquiring the art of reading and writing."[59] Hence, the right of children to be educated by their parents is closely linked with the children's duty to study assiduously "those branches of knowledge which are of use."[60]

Responsibilities of Individual Members to the Family Unit

It is evident from the foregoing that in addition to having rights and responsibilities towards one another, the members of a family also have responsibilities to the family unit. Individual family members have the duty to exercise their rights in a manner that will be conducive to harmony, concord and unity in the family, inasmuch as discord and dissension hinders the progress of a family and, by extension, that of society as a whole. Since an environment of peace and unity is necessary for the effective protection of human rights, the members of a family have the duty to acquire moral virtues that will assist them to preserve the unity of the family. The following statement by 'Abdu'l-Bahá highlights the importance of balancing individual rights and responsibilities against those of the collective unit:

> According to the teachings of Bahá'u'lláh the family, being a human unit, must be educated according to the rules of sanctity. All the virtues must be taught the family. The integrity of the family bond must be constantly considered, and the rights of the individual members must not be transgressed. The rights of the son, the father, the mother—none of them must be transgressed, none of them must be arbitrary. Just as the son has certain obligations to his father, the father, likewise, has certain obligations to his son. The mother, the sister and other members of the household have their certain prerogatives. All these rights and prerogatives must be conserved, yet the unity of the family must be sustained. The injury of one shall be considered the injury of all; the comfort of each, the comfort of all; the honor of one, the honor of all.[61]

Conceptions of Family Rights: Contemporary and Bahá'í Views

A few similarities exist between the contemporary conception of family rights and the Bahá'í perspective. First, as was previously mentioned, the family is regarded as a fundamental unit of society both in the principal human

rights documents and in the Bahá'í Writings. Furthermore, in many human rights documents and the Bahá'í Writings, it is acknowledged that women and men have equal rights and that these rights should be equally respected. In addition, the rights of children are considered important in the Bahá'í perspective and in human rights treaties.

The differences between both conceptions are, however, striking. In the first instance, human rights documents merely acknowledge, but do not elaborate on, the fundamental nature of the family unit. The Bahá'í Writings, in contrast, explicate the interrelationship between the family and humanity as a whole and this nexus underpins the Bahá'í conception of human rights.

Furthermore, as regards the recognition of women's rights to equality and the rights of the child in contemporary human rights discourse, this is markedly different from the Bahá'í conception. The vast majority of human rights instruments tend to stress the rights of the individual while down playing the responsibilities that come with the exercise of such rights. For instance, the "right to marry and to found a family"[62] is proclaimed in the International Bill of Human Rights but there is no mention, in that document or any other, of the responsibilities of the parties to the marriage. An exceptional human rights treaty is the African Charter on Human and Peoples' Rights as it also includes a section on duties, stipulating for example, that the individual has the duty to respect his or her parents at all times.[63] In contrast to the dissociation of rights from responsibilities in most human rights documents relating to the family, recognition of an indissoluble link between rights and responsibilities of family members is integral to the Bahá'í perspective of family rights.

The Bahá'í view also differs from current conceptions of family rights in another respect. There is a tendency, in contemporary human rights discourse, to view family rights as a collection of discrete rights belonging to atomistic individuals who have few responsibilities towards anyone other than themselves. On this view, every member of the family (mother, father or child) would have innumerable rights which are held against other family members, yet little thought is given to family relationships and how they might be influenced by the exercise of individual members' rights. The Bahá'í Writings, in contrast, stress the correlation between rights and responsibilities in the family and enumerate the rights and responsibilities of each member. Moreover, in the Bahá'í view, "the integrity of the family must be constantly considered"[64] inasmuch as "harmony, unity and love are held up as the highest ideals in human relationships."[65] Of course, this insistence on family unity should not be construed as a negation of the rights of individual members, since the Bahá'í Writings make it clear that the rights and prerogatives of every family member must be sustained.

Reconceptualizing Human Rights to Protect the Family

As earlier mentioned, a number of human rights documents state that the family is the fundamental group unit of society and is entitled to protection by the state and society. But how does the state and society protect the family? This question remains largely unanswered in most human rights documents; in fact, it would appear that the family has been relegated to the background in contemporary human rights discourse.

The effective protection of the family—ensuring the proper exercise of rights and discharge of responsibilities within the unit—necessitates a fundamental transformation in the current conceptual framework of human rights. It should be noted that this article does not purport to enumerate all of the conceptual innovations that would be required: only a few of these will be discussed. Our understanding of human rights is far from perfect and will continue to evolve, and the role of all sectors of society in broadening and deepening the human rights discourse cannot be overemphasized. A few changes in current conceptions are here proposed.

Legal and State-centrist Approaches

Inimical to the protection of the family is the predominant perception of human rights as a relentless struggle between the individual and the state whose actions must be restrained by the enactment and implementation of suitable laws. Within the current state-centered paradigm of human rights, the family, composed as it is of "ordinary" individuals interacting with one another, is considered largely irrelevant in the vast scheme of things. The adversarial and legalistic approach to human rights is also unlikely to conduce to protection of the family since, according to this school of thought, individuals are pitted against each other or against the state in a fierce struggle to assert their rights. When the individual members of a family all claim rights held against each other and invoke human rights legal principles in a court of law, without seriously considering their responsibilities towards each other, such actions threaten family unity. Rather than foster an atmosphere in which family members respect and protect each other's rights, the adversarial paradigm is likely to encourage dissension and disharmony within the family.

Human Rights Education

The vital role of education in the effective promotion and protection of human rights is explicitly acknowledged in the Universal Declaration. In this document, the United Nations General Assembly has proclaimed, "every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms."[66] The importance of education in the promotion of human rights was further underscored when the General Assembly, in its resolution of 23 December 1994, proclaimed a United Nations Decade for Human Rights Education (1995-2004).

In the Bahá'í view, human rights education is not merely a theoretical knowledge of laws and institutional mechanisms for implementing human rights. It is essential that a moral component be incorporated into human rights education thus linking respect for rights with human virtues such as compassion, justice, truthfulness and courtesy. For, even more important than familiarity with the principles of international human rights law in determining one's respect for others' rights, is the possession of moral qualities. These qualities constitute, essentially, a strong motivational force in human behavior. But stressing the importance of moral education does not mean that the force of law must not be respected; rather, the intention here is to advocate for a holistic and less materialistic view of human rights. This important subject encompasses fields other than the law, such as political science, philosophy, and medical ethics. The abstract notion of rights proclaimed in countless international and regional documents—and here one is reminded of Jeremy Bentham's dismissal of rights as "rhetorical nonsense" or "nonsense on stilts"—will not be translated into reality unless and until a deeper understanding of human rights pervades every sector of humanity.

Materialistic Foundations

A review of past and contemporary texts on the subject reveals that the foundations of human rights have always been, and continue to be, disputed. Theories of rights abound in the literature and myriad arguments have been advanced in support of various schools of thought. These often-conflicting theories will not be enumerated or analyzed here. The point of this section is to propose that essential religious truths, but not sectarian dogmas, be re-incorporated into the rights discourse in order to establish human rights on a solid and transcendent foundation and ensure a truly universal culture of human rights.

The contemporary human rights movement is undeniably rooted in liberal Western thought which can be traced back to the seventeenth century. In the early stages of its development, human rights or "natural rights," as the concept was then known, were regarded as rights given to humankind by God and the spiritual nature of human beings was not denied. Subsequently, however, the human rights movement moved gradually away from its religious associations and adopted an increasingly materialistic approach. Starting with the adoption of the Universal Declaration of Human Rights in 1948, any explicit mention of God was effectively erased from the human rights discourse. Thus, many human rights documents proclaim lofty principles[67] that are clearly grounded in secular and strongly contested values.

The disconnection of human rights from religion has resulted in an overemphasis on the adoption of materialistic measures to promote and protect human rights. Hence, an inordinate amount of time and effort is devoted to formulating and promulgating treaties and declarations, enacting laws, naming and shaming governments that violate the rights of their citizens, and devising a variety of human rights machinery. Short shrift has been given to the role of religion in instilling the requisite moral values in human beings, values that alone can motivate the individual to protect the rights of others. For religion, Bahá'u'lláh has declared, is "the chief instrument for order in the world and of tranquillity among its peoples."[68] In a similar vein, it is clear from the Bahá'í Writings that human rights are bestowed on humankind by God and not by the state. The importance of recognizing the divine source of human rights and the limitations of even the most powerful states in protecting human rights is acknowledged in the following excerpt from *A Bahá'í Declaration of Human Rights and Obligations*:

> "The source of human rights is the endowment of qualities, virtues and powers which God has bestowed upon mankind without discrimination of sex, race, creed or nation. To fulfill the possibilities of this divine endowment is the purpose of human existence....
>
> "The social body does not create essential human rights. Its office is that of trustee under appointment to act for the community in the preservation of the relationships which represent the moral achievement of the members, and to cherish and protect that unity of spirit which is their highest mutual obligation.
>
> No social body, whatever its form, has power to maintain essential human rights for persons who have repudiated their moral obligation and abandoned the divine endowment distinguishing man from beast....
>
> "An ordered society can only be maintained by moral beings." [69]

Conclusion

The international human rights movement has undoubtedly made great strides since its early origins in Western liberal thought. Thus, for example, the institution of slavery, which was considered acceptable in past centuries, is today regarded as a violation of human rights and a major document announces that "[a]ll human beings are born free and equal in dignity and rights."[70] Notwithstanding the incontrovertible achievements of the human rights movement, exemplified by the promulgation of various documents, and the formulation of a variety of monitoring and implementation mechanisms, the human rights discourse appears to be stuck in an adversarial and state-centered paradigm in which the individual is pitted against the state. This narrow and obsolescent conception of human rights is manifestly inadequate. Today, human-rights discourse needs to evolve beyond its Western liberal origins to include an awareness of the oneness of humankind, recognition of the importance of moral education and the role of the family in the promotion and protection of human rights. It is not sufficient to promulgate detailed and authoritative statements of rights, invoke these rights in cases before national and international courts, or discuss human rights issues in high-profile international fora.

Urgently needed is for universal human rights to be actualized, in order that they may truly be a "common standard of achievement for all peoples and all nations," as the Universal Declaration of Human Rights purports to be. To this end, the field of human rights must no longer be considered the preserve of lawyers, politicians, academics, nongovernmental organizations or high-profile political dissidents; rather, human-rights protection must begin within the family unit. A focus on the rights and responsibilities of the family is an integral component of human rights protection. Due recognition ought to be given to the family for its potential to foster an environment in which values favorable to human rights can be inculcated and applied. For in the final analysis, to foster a truly universal human rights culture in the world, human rights must be brought home to the family.

Footnotes

1 Donnelly, J. (1989). Universal Human Rights in Theory and Practice. Ithaca, NY and London: Cornell University Press. p. 9.

2 *Universal Declaration of Human Rights.* Article 16 (3).

3 ibid. Preamble.

4 Donnelly. p. 21.

5 'Abdu'l-Bahá (2000). Selections from the Writings of 'Abdu'l-Bahá. In Writings and Utterances of 'Abdu'l-Bahá. New Delhi, India: Bahá'í Publishing Trust. p. 461.

6 The nuclear family is the model referred to in the Bahá'í Writings.

7 See *Universal Declaration of Human Rights*. Article 1 (3).

8 Bahá'í International Community (1997). *Human Rights Education: An External Affairs Initiative*. Unpublished paper. ch. 18, p. 3.

9 'Abdu'l-Bahá (2000). Promulgation of Universal Peace. In Writings and Utterances of 'Abdu'l-Bahá. p. 940.

10 See note 2.

11 *International Covenant on Civil and Political Rights*. Article 23 (1)

12 *Convention on the Elimination of Discrimination against Women, 1979*. Article 10 (h).

13 ibid. Article 11 (d).

14 *Convention on the Rights of the Child, 1989*. Article 6 (2).

15 *International Covenant on Civil and Political Rights*. Article 24.

16 *African Charter on Human and Peoples' Rights, 1981*. Article 18 (1).

17 ibid.

18 ibid. Article 18 (2).

19 ibid. Article 16 (1).

20 'Abdu'l-Bahá (1990). The Secret of Divine Civilization. Wilmette, IL: Bahá'í Publishing Trust. p. 39.

21 See *Universal Declaration of Human Rights*. Preamble.

22 Bahá'u'lláh quoted in Bahá'í International Community (1995). *The Prosperity of Humankind*. London: Bahá'í Publishing Trust. p. 16.

23 Shoghi Effendi, from a letter written on his behalf, quoted in Hornby, H. (1996). Lights of Guidance. New Delhi, India: Bahá'í Publishing Trust. p. 222.

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25 Shoghi Effendi, from a letter written on his behalf to an individual believer, quoted in National Spiritual Assembly of the Bahá'ís of Canada (1983). Bahá'í Marriage and Family Life. Thornhill, Canada: Bahá'í Publications Canada. p. 41.

26 'Abdu'l-Bahá, The Promulgation of Universal Peace. p. 1004.

27 'Abdu'l-Bahá. The Promulgation of Universal Peace. p. 929.

28 'Abdu'l-Bahá (1995). Paris Talks. London: Bahá'í Publishing Trust. p.136.

29 UNESCO (1980). Many Voices, One World. Paris: UNSECO. p. 189.

30 'Abdu'l-Bahá. Paris Talks. p. 169.

31 ibid. p. 171.

32 'Abdu'l-Bahá, quoted in Esslemont, J. (1970). Bahá'u'lláh and the New Era. www.ibiblio.org/Bahai/Texts/EN/BNE/BNE-117.html.

33 Universal House of Justice, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 57.

34 Shoghi Effendi, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 40.

35 *Universal Declaration of Human Rights*. Article 18.

36 Shoghi Effendi, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 40.

37 Universal House of Justice (1989). *Individual Rights and Freedoms in the World Order of Bahá'u'lláh, a Statement to the Followers of Bahá'u'lláh in the United States of America.* Wilmette, IL: Bahá'í Publishing Trust. p. 24.

38 Bahá'u'lláh, quoted in Bahá'í International Community. *The Prosperity of Humankind.* p. 16.

39 'Abdu'l-Bahá. Selections from the Writings of 'Abdu'l-Bahá. p. 344.

40 ibid.

41 Universal House of Justice, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 36.

42 'Abdu'l-Bahá, quoted in Bahá'í International Community. *Extracts from the Bahá'í Writings on Consultation.* www.bahai.org/article-1-3-6-6.html.

43 See note 25.

44 'Abdu'l-Bahá. Selections from the Writings of 'Abdu'l-Bahá. p. 344.

45 Universal House of Justice, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 36.

46 ibid. p. 60.

47 Univeral House of Justice, quoted in Universal House of Justice (1990). *Preserving Bahá'í Marriages.* www.commonlink.com/~drc/index/mar/pres/blpres1.htm.

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49 Universal House of Justice, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 57.

50 ibid. p. 59.

51 Universal House of Justice, quoted in Hornby. p. 627.

52 Shoghi Effendi, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 51.

53 'Abdu'l-Bahá. Selections from the Writings of 'Abdu'l-Bahá. p. 364.

54 Fifteen is considered the age of spiritual maturity in the Bahá'í view.

55 Shoghi Effendi, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 52.

56 Bahá'u'lláh, quoted in National Spiritual Assembly of the Bahá'ís of Canada. Bahá'í Marriage and Family Life. p. 53.

57 ibid.

58 Bahá'u'lláh, quoted in Universal House of Justice. *A Compilation on Bahá'í Education.* www.bcca.org/~kalantar/writings/compilations/bahai.edu/dir-piece-3/sec-13.html.

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60 Bahá'u'lláh (1978). Tablets of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 69.

61 'Abdu'l-Bahá. The Promulgation of Universal Peace . pp. 949-950.

62 See *Universal Declaration of Human Rights.* Article 16 (1); *International Covenant on Civil and Political Rights.* Article 23 (2).

63 *African Charter on Human and Peoples' Rights*. Adopted by the Organization of African Unity in 1981. Article 29 (1).

64 ibid.

65 See note 25.

66 See last paragraph of the Preamble to the *Universal Declaration of Human Rights*.

67 See for example Article 1 of the Universal Declaration: "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 or brotherhood."

68 Bahá'u'lláh. Tablets of Bahá'u'lláh. pp. 63-64.

69 Bahá'í International Community (February 1947) *A Bahá'í Declaration of Human Obligations and Rights*. Presented to the first session of the United Nations Commission on Human Rights, Lake Success, NY. (Bahá'í International Community Document #47-0200).

70 Article 1 of the *Universal Declaration of Human Rights*.

Reflections on Human Rights, Moral Development, and the Global Campaign to Eradicate Gender-Based Violence

BY MICHAEL L. PENN

Across the planet, and over the centuries, various forms of violence against women and girls have been an everyday part of humanity's social life. In the middle of the nineteenth century, however, a movement bent on eradicating gender-related abuses and uplifting the station of women burst upon the world. Among the progenitors of this movement were two women, one from the East, the other from the West.

At a time and in a country in which women were denied the most basic rights, the Persian poetess, Qurratu'l-'Ayn (also known as Táhirih) openly proclaimed the equality of the sexes in a gathering of followers of the Bábí Faith. In the 1840s, in symbolic representation of one of the many new teachings she had embraced, Táhirih became the first Middle-Eastern woman ever reported to have removed her veil in public. A social history of the period captures the reactions she provoked as she presented herself—"adorned and unveiled"—before a company of men at a gathering known as the Conference of Badasht:

> …suddenly the figure of Táhirih, adorned and unveiled, appeared before the eyes of the assembled companions. Consternation immediately seized the entire gathering. All stood aghast before this sudden and most unexpected apparition. To behold her face unveiled was to them inconceivable. Even to gaze at her shadow was a thing which they deemed improper.… Quietly, silently, and with utmost dignity, Táhirih stepped forward and, advancing towards Quddús, seated herself on his right-hand side. Her unruffled serenity sharply contrasted with the affrighted countenances of those who were gazing upon her face. Fear, anger, and bewilderment stirred the depths of their souls. That sudden revelation seemed to have stunned their faculties. 'Abdu'l-Kháliq-i-Isfáhání was so gravely shaken that he cut his throat with his own hands. Covered with blood and shrieking with excitement, he fled away from the face of Táhirih. A few, following his example, abandoned

> their companions and forsook their Faith. A number were seen standing speechless before her, confounded with wonder.[1]

In 1848, when the authorities could no longer abide either the new spiritual teachings that she championed or the remarkable social audacity she displayed, they arranged for Táhirih's execution. As the hour of her death approached, she calmly noted, "'You can kill me as soon as you like, but you cannot stop the emancipation of women.'"[2] In that same year—in Seneca Falls, New York—Elizabeth Cady Stanton, joined by one man, Frederick Douglass, and a company of inspired women, initiated the women's movement in the West.

Stanton's oration at the opening of the Seneca Falls Convention was no less memorable than Táhirih's bold unveiling at the Conference of Badasht. On Wednesday, 19 July 1848, Stanton arose and addressed the assembled delegates:

> ...Verily, the world waits the coming of some new element, some purifying power, some spirit of mercy and love. The voice of woman has been silenced in the state, the church, and the home, but man cannot fulfill his destiny alone, he cannot redeem his race unaided.... The world has never seen a truly great and virtuous nation, because in the degradation of woman the very fountains of life are poisoned at their source. It is vain to look for silver and gold from mines of copper and lead. It is the wise Mother that has the wise son. So long as your women are slaves you may throw your colleges and churches to the winds.... Truly are the sins of the fathers visited upon the children to the third and fourth generation. God, in his wisdom, has so linked the whole human family together that any violence done at one end of the chain is felt throughout its length, and here, too, is the law of restoration, as in woman all have fallen, so in her elevation shall the race be recreated.[3]

Although the women's movement would enjoy several impressive victories in the decades following the momentous events in Persia and in Seneca Falls, it would take more than a full century before efforts to eradicate gender-based violence would begin to capture the attention of the world. The processes contributing to the globalization of this campaign can be traced to the founding of the United Nations in June 1945; to the creation of the Commission on Human Rights in February 1946 and of the Commission on the Status of Women in June of that same year; and to the adoption of the Universal Declaration of Human Rights in December 1948. The goal of this paper is to review some of the most significant developments in human rights law designed to contribute to the advancement of women and the eradication of gender-based violence. It is suggested that while the movement to date has won many impressive victories, the global campaign to eradicate gender-based violence and to improve the overall status of women and girls is significantly impaired by the neglect of

the characterological, moral and spiritual dimensions of the individual and of the society that must be attended to if law is to serve as a vehicle for the promotion of justice, the protection of women's rights and the creation of a culture of peace. And while it is true that in the most recent past NGOs and other institutions that are concerned with the well-being of women and girls have begun to give attention to the psycho-spiritual dimensions of discrimination and gender-based violence, overall, these aspects continue to receive far less attention than would be warranted by their importance.

The Globalization of the Effort to Eradicate Gender-Based Violence

The establishment of the United Nations' Commission on the Status of Women was among the most significant early developments in the globalization of the women's movement. At its inaugural meeting, held in February 1947, the Commission resolved to work "to raise the status of women, irrespective of nationality, race, language or religion," to establish "equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provision of statutory law, in legal maxims or rules, or in interpretations of customary law."[4] As significant and far reaching as these goals were, no mention was made about the need to eliminate sexual and/or physical violence against women and girls. It would take several more decades before this problem would receive sustained international public attention and be adopted as a significant concern of the world body.

Nevertheless, one of the earliest and most important accomplishments of the Commission on the Status of Women—an accomplishment that would ultimately prove vital to the campaign to eradicate gender-based violence—was the Commission's influence on shaping the language of the Universal Declaration of Human Rights. Upon the Commission's insistence, the Declaration, which was adopted in Paris on 10 December 1948 by unanimous vote, was divested of its gender-insensitive language and tailored to affirm, explicitly, the equality of women and men.[5] The Preamble to the Declaration sets the tone by affirming the UN's commitment to the equality of the sexes: "the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women."

Another significant step in advancing women's human rights was taken in 1952 when the UN General Assembly adopted the Convention on the Political Rights of Women. Entered into force in 1954, this Convention was the first instrument of international law framed specifically for the protection of the political rights of women everywhere. It provides that the women of the world,

whatever their homeland, are entitled to vote in any election, run for any political office, exercise any public function, and hold any public position that a man may hold.

In the areas of work and education, the Commission on the Status of Women also began to gain an appreciation for the impact of inequality on women's quality of life. Near the end of the 1940s it collaborated with the International Labour Organization on women's economic rights. The fruit of that collaboration was the inclusion in the 1948 Universal Declaration of Human Rights of an article (Article 23) specifying that everyone, without discrimination, has the right to equal pay for equal work. The Commission also collaborated with UNESCO (United Nations Educational, Scientific, and Cultural Organization) in developing basic educational programs that would afford women and girls the same access to education that is provided to men and boys. Although great disparities in access to education continue in many countries, this early work brought to the United Nations a consciousness of the importance of education to women's advancement.

Since the right to nationality is the political basis for many other rights, and since many national laws require that married women automatically take their husband's nationality, international human-rights observers noted that this tradition left many women vulnerable to losing their own nationality without their consent. Divorced women, or women who chose to leave their husbands, were particularly vulnerable to becoming stateless. Recognizing this vulnerability, the Commission on the Status of Women completed a draft treaty on the nationality rights of married women and in 1955 submitted it to the UN General Assembly. The Convention on the Nationality of Married Women provided for the right of a woman to retain her nationality if she so desired, even if her nationality would be different from that of her husband. Although the Convention was approved in 1957, and the treaty came into force in 1958, the resistance of some governments to many of the treaty provisions signaled the difficulties that would attend any effort to secure nationality rights for women that were independent of that of their husbands.[6]

A second measure adopted by the United Nations relating to marriage was the Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Adopted by the General Assembly in November 1962, and entered into force in December 1964, the convention was necessary because of the widespread practice of forced child marriage. It requires that no marriage take place without the full and free consent of both parties but leaves it to individual governments to determine the minimum age at which one may enter into a marriage. With the exception of provisions in the Declaration on the Elimination of Discrimination against Women (1967), and

the Convention on the Elimination of All Forms of Discrimination against Women (1979), the agreements framed between 1955 and 1962 constitute all the international agreements entered into by the United Nations related to women's rights in marriage.[7]

In the 1950s the Commission on the Status of Women began to express reservations about what amounted to violence perpetrated against women in the name of customary law, religious practices, and traditional ceremonies. Such traditional practices—which include female genital circumcision, virginity tests, dowry and widow burnings, and early childhood marriages—were brought to the attention of Member States who were encouraged to "take immediately all necessary measures with a view to abolishing.... all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and in the Universal Declaration of Human Rights."[8] In the General Assembly the response of Member States was mixed. Some maintained that only a gradual process of education could lead to the eradication of such practices; some suggested that the effort to abolish traditional practices was in violation of the UN Charter, which proscribes interference in the domestic affairs of Member States; others felt that traditional practices that compromise the health and well-being of women and girls should be abolished.

When the World Health Organization refused to undertake a study on the effects of genital circumcision for the Commission on the Status of Women, the question of the adverse effects of traditional practices on the well-being of women and girls was abandoned for approximately twenty years and did not become a focus of international attention again until the UN's International Women's Year in 1975.[9] In 1979 the World Health Organization sponsored a seminar on Traditional Practices Affecting the Health of Women and Children, but strong efforts to eradicate such practices did not begin to gain momentum until the mid-1980s when a growing number of individuals and organizations, both within and outside of the human rights community, began to consider female genital circumcision a form of gender-based violence. Such practices, a growing number of voices began to insist, could no longer be justified in the name of the sanctity of culture, religion, or tradition.

During the 1960s and 1970s, as former African colonies began to seize their independence, the number and diversity of Member States at the United Nations grew dramatically. In addition, the economic and social consequences of centuries of oppression and injustice had crippled the human and material resources of many colonized nations and had begun to present acute threats to the lives of millions of people—particularly of women and girls—throughout the developing world. For this reason the survival-related concerns of women in

developing countries began to eclipse the UN's earlier focus on securing women's legal rights.

Concurrently, the economic and health-related problems associated with the emergence of fledgling nations from colonial rule served to awaken the Commission on the Status of Women to the disproportionate impact of poverty and inequality on the lives of women and girls:

> The work of the Commission on the Status of Women in the 1960s and 1970s thus began to take it beyond the negotiating tables in New York and Geneva and into the fields and rice paddies of the developing world. Such issues as women's needs in community and rural development, agricultural work, family planning and the impact of scientific and technological advances on women became increasingly prominent in the Commission's work. This was the first step in a growing perception among United Nations bodies concerned with development, that the Charter's promise to 'promote social progress and better the standards of life in larger freedom' could not be met without the full participation of women in society.[10]

Realizing the grass-roots needs of so many of the world's women, the Economic and Social Council, along with the General Assembly, called upon governments to turn to the United Nations for technical assistance in their development efforts. In addition, organizations within the UN system—such as the United Nations Children's Fund and the United Nations Development Programme—were asked to give special attention to the social and economic advancement of women in the developing countries.

In an effort to highlight women's vital role in national and international development, and with a view to promoting the equality of men and women in the international arena, the Commission on the Status of Women recommended that 1975 be designated International Women's Year. The General Assembly not only endorsed this recommendation but suggested that, in addition to the themes of development and equality, International Women's Year be used to heighten awareness of the importance of women in promoting world peace.

Perhaps the most significant event of International Women's Year was the first global conference on women's issues ever to be held. The conference took place in June 1975 in Mexico City. Delegations, 113 of them headed by women, from more than 133 Member States were present. According to a history of the advancement of women, the UN's Secretary-General, in his opening remarks to the assembled delegates, observed that the conference in Mexico City was "the first major step in a worldwide attempt to achieve equality between men and women and to end separation of the sexes in matters of educa-

tion, opportunities and economic priorities."[11] At the close of the conference the delegates adopted the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace. The Declaration specified a set of principles that stress the role of women in promoting and maintaining peace in all spheres of life, including the family, the community, the nation, and the international arena.

The *World Plan of Action for the Implementation of the Objectives of the International Women's Year* was also drafted at the Mexico City conference. This document specified three main objectives: to promote gender equality; to facilitate the integration of women in all development efforts; and to strengthen the contribution of women to the global movement for world peace. Although the Plan left it to each country to specify the means whereby these objectives were to be met, it also outlined minimum goals to be achieved by 1980, the midpoint of the Decade for Women, which would begin in 1976. These goals included efforts combating problems affecting female migrant workers, female prisoners, and women and girls forced into prostitution; achieving equality of access to education for women at all levels of schooling; increasing employment opportunities for women throughout the world; passing laws to ensure greater participation by women in politics and governance; and making significant improvements in women's access to adequate nutrition, housing, health care and family planning.

The United Nations declared the period between 1976 and 1985 the UN Decade for Women. During this period the women's international human-rights movement re-emerged as a major concern and began to gather renewed support and unprecedented momentum. The adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women, together with international women's conferences in Copenhagen, Denmark, in 1980 and in Nairobi, Kenya, in 1985, not only brought women's issues to the fore but began to strengthen the effectiveness of nongovernmental organizations (NGOs) that were moving to the forefront in the effort to promote the advancement of women. Such organizations began to link violence and discrimination against women to a variety of national and international crises, including war, homelessness, illiteracy, poverty, malnutrition, overpopulation, poor health, and high rates of infant mortality. As a result of their growing strength and effectiveness, NGOs began to transform the United Nations into a world body that is not only responsive to the needs and wishes of governments but that is also receptive to policy recommendations and guidance from the grass roots.

The Convention on the Elimination of Discrimination against Women, an important action taken during the UN Decade for Women, was adopted by the United Nations General Assembly on 18 December 1979 and entered into force

as an international treaty on 3 September 1981. Since its adoption, more than 150 nations have agreed to be bound by its provisions.

The spirit and objectives of the Convention are animated by the same vision and goals that gave birth to the United Nations: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women."[12] As an international treaty, the Convention accomplishes two major objectives. First, it establishes an international bill of rights for women and specifies a set of actions to be taken by the nations of the world to ensure that these rights are enjoyed. Second, it mandates the establishment of the Committee on the Elimination of Discrimination against Women (CEDAW), which is charged with ensuring that the provisions of the Convention are observed.

The notion of gender equality as defined in the Convention is not theoretical but practical. Its goal, as specified in Article 1 and elaborated in Articles 2 through 30, is to effect equality rather than provide an abstract definition of it. The Convention seeks to establish gender equality by prohibiting all forms of discrimination against women and by defining discrimination as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."[13]

Articles 2 through 30 of the Convention require signatories both to condemn all forms of discrimination against women and to "pursue by all appropriate means and without delay" such policies as would result in the elimination of existing discriminatory practices.[14] Steps to be taken to fulfill the Convention include: embodying the principle of equality of men and women in all national constitutions or other appropriate legislation; adopting legislative measures that prohibit and sanction all discrimination against women; establishing legal protection of the rights of women on an equal basis with men; actively involving signatories in the elimination of discrimination against women by any person, organization, or enterprise; modifying or abolishing existing laws, regulations, customs, and practices that constitute discrimination against women; and repealing all national penal provisions that constitute discrimination against women.

Articles of the Convention also require States Parties to take appropriate measures to ensure the full development and advancement of women in all fields of endeavor; to modify those social and cultural practices that are based on the idea of the inferiority or superiority of either of the sexes or that promote stereotyped roles for women or men; and to adopt special measures

aimed at protecting maternity, specifying that such measures "shall not be considered discriminatory."[15] The Convention proscribes all forms of prostitution, sexual exploitation, and trafficking in women and seeks to ensure that women enjoy equal rights with men in the exercise of political freedom and the freedom to participate in all forms of public life.

States Parties are urged in the Convention to grant women equal rights with men to acquire, change, or retain their nationality upon marriage or divorce. The Convention grants women equal rights with men to establish the nationality of their children. The rights of women to enjoy equal access to education and employment are affirmed, while all discriminatory practices in the field of health care are abrogated, including discriminatory access to health-care services and family planning. Particular problems faced by rural women are addressed, and signatories are mandated to ensure that rural women participate fully in, and benefit from, all development. Several Articles of the Convention require States Parties to accord women full equality with men before the law and establish that women and men shall enjoy the same rights within marriage and family life. Part 5 of the Convention, which includes Articles 17 through 30, is concerned with establishing mechanisms through which the provisions of the Convention are to be adopted, monitored, and enforced.

The adoption of the Convention on the Elimination of Discrimination against Women was a major action during the UN Decade for Women. But at the Copenhagen Conference, which took place in 1980 at the mid-point of the United Nations Decade for Women, it became clear to the delegates that the goals articulated in Mexico City could never be achieved by laws alone. Many recognized that, without a sustained measure of grass-roots social action and without a high level of political commitment, the goals were just that—goals. Following Copenhagen, at least some of the focus of the movement for the advancement of women began to be concentrated on mobilizing more effectively at the grass roots. In addition to concentrating on grass-roots efforts, one of the most important developments of the Copenhagen Conference would be little noticed: Some of the delegates began to discuss the lack of involvement of men in improving the status and role of women in society.

The third global conference on women was held in 1985 in Nairobi at the end of the UN Decade for Women. At that conference, and at the preparatory conference that took place in Vienna the preceding year, delegates agreed that the goals for the second half of the Decade for Women had not been achieved. However, the experience gained in international consultation at the two previous conferences generated a spirit of confidence and optimism that united the hearts of the delegates in ways that the previous conferences had failed to do.

When they left Nairobi, many did so with a profound sense of sisterhood and solidarity that cut across traditional lines of race, class, and culture.

The second major accomplishment of the Nairobi Conference was the clear emergence of a consensus among the delegates that gender-based violence would have to be addressed as a human-rights issue in the international legal and political arenas. The major document coming out of that Conference—the Nairobi Forward-Looking Strategies for the Advancement of Women—noted that:

> Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. National machineries should be established in order to deal with the question of violence against women within the family and society. Preventive policies should be elaborated, and institutionalized forms of assistance to women provided.[16]

The call raised at the Nairobi conference for addressing gender-based violence began to bear fruit. In May 1990, the UN's Economic and Social Council recognized that gender-based violence in the family and society "is pervasive and cuts across lines of income, class and culture." "Efforts to eradicate it," the Council noted, "must be matched by urgent and effective steps…" The Council called upon governments to take immediate and decisive steps to establish appropriate penalties for violence against women, as well as to reduce its impact in the family, the workplace, and society.[17]

In 1992 the Committee on the Elimination of Discrimination against Women (CEDAW) moved to rectify the omission in 1979 of gender-based violence from the Convention of the same name. At its eleventh session, CEDAW resolved to include gender-based violence under the rubric of gender-based discrimination. Gender-based discrimination, according to CEDAW, is "violence which is directed against a woman because she is a woman or which affects women disproportionately. It includes acts which inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivation of liberty." CEDAW went further to request that States Parties undertake appropriate and effective measures to end all forms of gender-based violence, whether such violence be by public or private act.[18]

Joining the voices raised against gender-based violence is the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in Vienna, Austria, in June 1993. Part I, paragraph 18, of that document, addresses violence against women:

> The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Gender based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.[19]

Part II, paragraph 38, continues:

> The World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.[20]

In 1993 the UN Declaration on the Elimination of Violence against Women—adopted by the General Assembly at its forty-eighth session on 20 December 1993—became the first international human-rights instrument designed exclusively to deal with violence against women.

Although not legally binding, the Declaration on the Elimination of Violence against Women (hereafter referred to as the Declaration) provides the first set of international standards to address the problem of violence against women and girls. The Preamble to the Declaration affirms that the root cause of gender-based violence is the "historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women…" In affirming that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men," the Preamble recognizes that violence is both a result and cause of gender-related inequities.[21]

Like the Convention on the Elimination of All Forms of Discrimination against Women, the notion of equality embodied in the Declaration is free of theoretical speculation. It seeks to ensure that women are allowed and enabled to enjoy the most fundamental of all human rights—namely, the right to physical and psychological integrity and safety. Specifically, the Declaration defines violence against women as physical and sexual violence that takes place within the family (and that consists of battering, sexual abuse of female children, dowry-related violence, marital rape, female genital circumcision, and other traditional practices that have proven to be harmful to women; nonspousal violence; and violence that attends various forms of female exploitation); violence against women in the community (which consists of rape, sexual abuse, harassment, and intimidation in the workplace and educational institutions, trafficking in women, and forced prostitution); and violence against women that is either perpetrated or condoned by the State.

Among the most significant contributions to gender equality embodied in the Declaration are the obligations imposed upon the State both to "condemn" gender-based violence and to pursue all "appropriate means" and "without delay" to ensure the elimination of violence directed against women within their national borders. Commenting on State responsibility in this regard, the UN's Special Rapporteur on Violence against Women observed:

> The problem of violence against women brings into sharp focus an issue that has been troubling the international community—State responsibility for the actions of private citizens. In the past, a strict judicial interpretation had made the State responsible only for actions for which it or its agents are directly accountable. In this case it would relate to issues such as women in custody and women in detention and perhaps the problem of women during armed conflict. The question of domestic violence, rape and sexual harassment, etc., were seen as the actions of individuals and thus beyond the "human rights" responsibility of the State.[22]

By specifying a proactive role for the State in all situations in which women are more likely than men to be victims of violence, the Declaration on the Elimination of Violence against Women makes it possible to conceptualize even private acts of violence against women (for example, domestic violence) as violations of women's human rights. Inasmuch as the equal protection of all citizens from violence on account of race, class, religion, or sex is fundamental to any functional and operational definition of equality, the Declaration provides a major advance in establishing the equality of women and men worldwide.

The four actions taken between May 1990 and December 1993—the actions of the UN'S Economic and Social Council in 1990 and CEDAW in 1991, the Vienna Declaration in June 1993, and the UN Declaration on the Elimination of Violence against Women in December 1993—were the first concrete signs of the international community's moral and legal commitment to eradicating this global, age-old problem. They are among the most significant developments in human-rights law in the twentieth century and are the first to challenge the legal and moral foundations on which misplaced justifications for allowing gender-based violence to continue are based.

In its resolution 44/82, the UN's General Assembly designated 1994 the International Year of the Family. This act catalyzed a number of processes that resulted in clarifying the steps necessary to protect and promote the advancement of women and girls. At its thirteenth session, for example, the Committee on the Elimination of Discrimination against Women chose to mark the International Year of the Family by analyzing three articles in the Convention on the Elimination of All Forms of Discrimination against Women that have special significance for the status of women in the family: Articles 9, 15, and 16.

Article 9(1) of CEDAW disallows nationality laws that discriminate against women by limiting their nationality rights in situations in which men's rights are not so limited. In some countries, for example, women are unable to confer on foreign husbands such rights as may be conferred by men on their foreign wives (such as the right of residency or the right to become a citizen after a brief residency period). Furthermore, inasmuch as Article 9(2) provides women and men with equal rights with respect to the nationality of children, women who are now prevented from doing so may soon be able to pass citizenship onto their offspring. (At present the constitutions of several nations provide that children born outside of the country may become citizens only if their father is a citizen.) Commenting on the significance of Article 9, Marsha Freeman, the director of International Women's Rights Watch, observed:

> Nationality is fundamentally related to women's exercise of personal liberty and freedom of movement. If a woman's nationality or that of her children is dependent upon her husband's nationality, her ability to make adult decisions as to residence, travel, her children's welfare, or even marriage is severely limited.[23]

Article 15 of CEDAW provides for the equality of women before the law. The right of women to attain the age of majority (or legal age) at the same age as is applied to men; the right of women to undertake contractual obligations and to sell, buy, and administer property; the right of women to inherit and admin-

ister estates; the right of women to appear before the court on their own behalf and to have their testimony given weight equal to that of men; and the right of women to choose freely where they will live or travel without male consent are all provided for under Article 15.

Article 16 covers marriage and family law and is designed to promote equality within the family and to protect women from the discriminatory effects of customary laws, traditions, and religious practices that usurp the rights of women and/or girls to choose their own spouse and to give their consent to marriage. Article 16 also provides that during marriage men and women should be equally responsible for household and family responsibilities, should have equal rights to family decision-making, should be equally responsible for children, and have equal power in discharging familial authority.

In September 1995, during the fiftieth anniversary year of the United Nations, the Fourth World Conference on Women was held in Beijing, China, with delegations from 189 countries. This gathering represented the largest United Nations Conference ever held. The Platform for Action and the Beijing Declaration emerging out of the Conference were adopted unanimously by 189 countries and are among the most comprehensive human-rights documents ever articulated on behalf of the world's women. The Platform for Action seeks to uphold the Convention on the Elimination of All Forms of Discrimination against Women (1979) and to build on the Nairobi Forward-Looking Strategies for the Advancement of Women (1985). While the Platform for Action's overall objective—empowering all women—conforms to the purposes and principles of the Charter of the United Nations, its immediate aim was to establish a basic group of priority actions to be carried out during the five-year period between 1995 and the turn of the century. The Platform for Action contained twelve areas of critical concern that were to receive special attention:

1. The persistent and increasing burden of poverty on women;
2. Inequalities and inadequacies in and unequal access to education and training;
3. Inequalities and inadequacies in and unequal access to health care and related services;
4. Violence against women;
5. The effects of armed and other kinds of conflict on women, including those living under foreign occupation;
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources;

7. Inequality between men and women in the sharing of power and decision making at all levels;
8. Insufficient mechanisms at all levels to promote the advancement of women;
9. Lack of respect for and inadequate promotion and protection of the human rights of women;
10. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment;
12. Persistent discrimination against and violation of the rights of the girl child.[24]

In its effort to contribute in new ways to the eradication of all forms of inequality and abuse, the Platform for Action outlines specific actions to be taken by governments to address each of the problem areas adumbrated above. In its comprehensiveness it has left almost no institution of civil society untouched. Included in the Platform are actions prescribed for national and local governments, community organizations, nongovernmental organizations, educational institutions, the public and private sectors, and the mass media as directed by the State. Thus the Platform for Action is one of the most comprehensive documents ever articulated in the interest of promoting and protecting women's human rights.

Since articulation of the Platform for Action measures have been undertaken to improve the status of women within the United Nations itself. For example, the numbers of women in professional and decision-making positions at the UN has increased and are expected to continue to increase. These changes not only facilitate the realization of the important goals outlined in the Platform for Action but also serve as greater evidence of the UN's commitment to the advancement of women in all fields of human endeavor. Beyond these steps, the United Nations has, since the Beijing Conference, sought to forge even stronger bonds with nongovernmental organizations at the grass-roots levels and has begun to work to encourage a wider spectrum of civil society to contribute to the advancement of women and their protection from human-rights abuses.

Where Do We Go From Here?

Despite the progress made during the last half century, and notwithstanding the detailed and much-needed prescriptions for change addressed to governments and institutions of civil society, violence against women and girls continues to be a public-health scourge of global proportions. According to the UN's Special Rapporteur on Violence against Women, appointed just before the Beijing Conference in 1994, violence against human beings, and particularly against women and girls, continues to be a major factor hindering the realization of human rights goals:

> War, repression, and the brutalization of public and private life have destroyed the possibility of human rights being enjoyed as a universal phenomenon. Violence against women, in particular, has inhibited women as a group from enjoying the full benefits of human rights. Women have been vulnerable to acts of violence in the family, in the community and by States. The recorded incidents of such violence have reached such unprecedented proportions that they have shocked the conscience of the world.[25]

As is clear from the review of significant milestones over the course of the last half-century, international discourse and actions aimed at uprooting the essential causes of gender-based violence and discrimination have tended to be centered on international law and human rights and on the transformation of institutions. The underlying assumption appears to be that, when the national and international legal instruments necessary for securing gender equality and for protecting women's rights have been fashioned and applied, gender-based discrimination and abuse will find an inhospitable environment and will gradually disappear.

As vital as legal and human-rights measures are, they are insufficient to effect the magnitude of change necessary. Inasmuch as the various forms of violence perpetrated against women and girls in the privacy of the home and under the eye of the State are sustained by long-standing cultural and psychosocial conventions, legal strategies that are not accompanied by efforts to address the intra-personal dimensions of the problem are likely to prove ineffective. More specifically, as long as human beings, collectively and individually, fail to understand the essential roots of violence, as long as they remain morally, spiritually, and psychologically underdeveloped, they will tend to allow the perpetration of violence-related cultural norms and meanings regardless of the rule of law. Indeed, unless cultural norms and outworn modes of thinking receive sustained attention, legal and human-rights measures, however vital they may be, will prove to be insufficient. A global campaign to elevate the

status of women, to promote gender equality, and to eradicate gender-based violence must be fueled and upheld not only by enforceable local and international laws but also by educational processes that address the inner terrain of human consciousness, human values, and human spiritual and moral development.

Moreover, even in countries that uphold the rule of law, as legal theorist and researcher Amede Obiora suggests, the impact of the broad legal culture on the persistence of gender-based discrimination and violence cannot be overlooked. The term "legal culture" has been described as "the network of values and attitudes which determine why, when, where and how people employ legal structures and why legal rules work or do not work." It is, according to Obiora, "the legal culture that provides the impetus for the use, abuse, or avoidance of the law."[26] If the legal culture of a nation is not oriented toward the advancement and protection of women, a proliferation of laws, however much needed, will not remedy gender-based violence and discrimination.

There are at least three dimensions to a legal culture—the outer form, or legal structure of a community; the inner form, or the philosophical principles that animate that structure; and the actors within a community who embody in their deeds the degree of commitment they have to the principles that animate their legal and/or social system. The outer aspect of a legal culture is utilitarian and has to do with mechanisms designed to facilitate applying a community's constitution and/or body of laws. The inner aspect is abstract and has to do with metaphysical principles that the laws of a community are designed to embody, protect, and advance. Thus, more than the facilitation of order and social processes, the desire to promote such metaphysical values as justice, equality, human nobility, and truth are the implicit or explicit goals that buttress most non-totalitarian legal systems. Indeed, even in contemporary western cultures where law is presumed to be merely utilitarian or functional, the strength of the law rests, to no insignificant degree, on its ability to evoke a sense of respect, and sometimes even reverence, for the legitimacy of the social order that the law is designed to protect.

A people's awareness of and appreciation for the underlying metaphysical values that serve as the foundation of law give a legal culture its enduring strength and render a legal system more than "a mere code of laws."[27] In the absence of a concern for the metaphysical values, laws are powerless to protect against human and civil-rights abuses. Harold Berman, one of the world's foremost legal historians, notes that, in the final analysis, what empowers law is the "deeply or passionately held conviction that law is not only an instrument of secular policy but also part of the ultimate purpose of life."[28] Thus, underlying the failure of nations, communities, and families to protect and advance the

rights of women and girls and to protect them against gender-based violence are not only legal and human-rights standards that leave women vulnerable but also maladaptive values, attitudes and patterns of behavior that require attention. It is for this reason that in the global effort to eradicate gender-based violence, exploitation and abuse, the much-neglected body of world literature concerned with moral refinement and self-mastery deserves renewed consideration.

Self-Mastery

As has been noted throughout the ages, no effort to eradicate violence and abuse within a society can be successful without giving due consideration to the challenges of moral growth and self-mastery. Notwithstanding the violence and abuse carried out in the names of the world's spiritual traditions, most of these have linked the preservation of human rights, honor, and dignity to the control and/or proper expression of aggression and desire. Islam, for example, encourages the followers of Muhammad to engage in *jihad*, or "holy war." While jihad is frequently invoked to justify acts of terrorism and violence, the jihad spoken of in the Koran may also be understood as a call to the holy war to conquer one's self. One who engages in jihad seeks to achieve a state of inner purity and self-control. Commenting on this fact, the Islamic Sufi mystic Bawa Muhaiyaddeen observed: "For man to raise his sword against man, for man to kill man, is not holy war. True holy war is to…cut away the enemies of truth within our own hearts. We must cast out all that is evil within us, all that opposes God. This is the war we must fight."[29] The Bahá'í scriptures also explain that the Cause of God "belongeth not to the material world. It cometh neither for strife nor war, nor for acts of mischief or of shame; it is neither for quarrelling with other Faiths, nor for conflicts with the nations. Its only army is the love of God, … its only battle the expounding of the Truth; its one crusade is against the insistent self, the evil promptings of the human heart."[30] Similar guidance on conquering the self may be found in Judaism, Hinduism, Christianity, African spiritual beliefs, the Zoroastrian Faith, Buddhism, and so on.

Although self-mastery need bear no relationship to the self-denying, self-righteous, or puritanical spirit that often masquerades in its name, it does require that constant attention be given to developing those human qualities that may come forth through training and significant effort. For example, inasmuch as compassion is an antidote to exploitation and abuse, many spiritual traditions of the world continually exhort their followers to cultivate it. Expressing the sublime longing of the soul for the quality of compassion, the Buddhist poet-saint Shantideva pleads:

May I be a balm to the sick, their healer and servitor until sickness come never again;

May I quench with rains of food and drink the anguish of hunger and thirst;

May I be in the famine of the age's end their drink and meat;

May I become an unfailing store for the poor, and serve them with manifold things for their need.

My own being and my pleasures, all my righteousness in the past, present and future, I surrender indifferently,
That all creatures may win their way to their end.[31]

At the core of a spiritual perspective is not ideology but a heartfelt sense of self-transcendent values, an acute awareness of what is sacred in life, and the capacity to translate such an awareness into one's relationships with others. More than anything else, it is the longing to protect and cultivate that which is sacred—both within oneself and within others—that induces the desire for self-mastery. When this desire is awakened, individual behavior is conditioned, not so much by ideology, the force of law, or by the threat of punishment as by a deep appreciation of the beauty inherent in what the Buddha referred to as *right action*.

Addressing the Millennium Peace Summit of Religious and Spiritual Leaders, held at the United Nations on 28—31 August 2000, Albert Lincoln, the Secretary-General of the Bahá'í International Community, put a turn-of-the-millennium face on the results of traditional education and appealed to the assembled delegates, on behalf of the world's children, for moral and spiritual education:

> Looking beyond immediate crises and conflicts, one of the greatest dangers facing mankind comes from a generation of children growing up in a moral vacuum. Our hearts go out to the child-soldiers of Africa, the child-prostitutes of Asia and the desperate scavengers of the world's countless slums and refugee camps, victims of poverty which is both spiritual and material. But we must not forget the millions of young people growing up in societies whose traditional value systems lie in ruins, or those deprived of spiritual training by generations of dogmatically materialistic education. And lest we oversimplify the causes or the remedies, let us also call to mind the young products of permissive liberalism in the West, some of whom are as well-armed and violence-prone as their age-mates in less prosperous lands. Each child is potentially the light of the world, and its darkness. Lighting the lamps of these souls is a responsibility we must collectively assume if civilization is to thrive. Children must not be deprived of the light of moral education, especially the girl

> child, who is the transmitter of values to future generations. Indeed, educated women are the most important keys to world peace.[32]

Development of the "inner life and private character" has long been understood as critical to the civilizing process.[33] In *The Nicomachean Ethics* Aristotle avers: "the end of political science is the supreme good; and political science is concerned with nothing so much as with producing a certain character in the citizens or in other words with making them good, and capable of performing noble actions."[34] Such notions are not limited to the Western liberal tradition. In the East the Buddha promoted a system of moral education based upon the "eightfold path." His teachings affirm that, until right knowledge, right aspiration, right speech, right behavior, right livelihood, right effort, right mindfulness, and right absorption characterize the inner and outer life, neither the person nor the society can be well-ordered. In the *Great Learning*, a book written by the Chinese sage Confucius, the preservation and the development of the empire are both linked to the moral refinement and development of the individual:

> The ancients who wished to illustrate illustrious virtue throughout the empire, first ordered well their own States. Wishing to order well their States, they first regulated their families. Wishing to regulate their families, they first cultivated their persons. Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge. Such extension of knowledge lay in the investigation of things.[35]

Likewise, Christianity, a moral and spiritual philosophy that embraces the globe, teaches that "man cannot live by bread alone" and that the refinement of human character is indispensable to the life and health of a community. We find similar assertions in all the world's major faiths. There is thus some transcultural basis for giving consideration to the moral and spiritual dimensions of human rights abuses.

The Authenticity Group

The International Moral Education Project, also known as the "Authenticity Group," is an international team working on the development of materials that might frame a global approach to moral and spiritual development. Founded by the Bahá'í-inspired mathematician and philosopher, William S. Hatcher, the Au-

thenticity Group grounds its approach to moral development in the assumption that the highest values that a civilization can promote are the cultivation of human consciousness and the development of authentic human relationships. All other values, they suggest, should be evaluated in light of the extent to which they are in harmony with these overarching goals.

Moral education, according to the Authenticity Group, is concerned, first with understanding the nature of value, and second, with applying this understanding in one's relationships with others. There are two types of value: *intrinsic* value, which arises from the inherent properties and capacities of an entity; and *extrinsic* value, which is ascribed to an entity through subjective preferences and social conventions. An example of the latter is the value generally ascribed to money. Although little more than ink on paper and although highly ephemeral, money derives a great deal of value by social agreement. Its value is thus *extrinsic* to its inherent qualities and nature. Things of intrinsic value, by contrast, derive their value, not by social agreement, but from the inherent qualities and potentialities of the entity in question. The sun is of value irrespective of any individual's opinion about it. Its value is inherent in the fact that it is the primary source of light and warmth in our biosphere and is thus a *sine qua non* for life and development in the natural world.

Similarly, the human person is of inherent value. The value of the human person is inherent in the facts that persons represent the fruit and arrowhead of evolution on earth and that the maintenance and advancement of civilization—in all of its forms—depends upon the cultivation of persons. The protection and development of this value is the supreme objective of any legitimate social order. Any system of government, any set of laws, any ideology or cultural practice that unduly jeopardizes the realization of the inherent potential of a human being is in violation of that person's inalienable right to become. Such a society has betrayed its legitimate raison d'être.

According to the Authenticity Group, true morality consists in apprehending the inherent value of the self and others, and in living in relationship in such a way as to afford the development and expression of humanity's full potential. The creation of the capacities necessary for authentic relationships is the objective that fuels the work of the Authenticity Group.

The signs of authenticity in relationships are said to be the practice of justice and the presence of self-sacrificing love. Nonauthentic relationships, by contrast, are characterized by conflict, disharmony, manipulation, cruelty, jealousy, and so forth. "Altruistic love," the Group writes, "is not just a feeling of emotional warmth towards others, but is an objective, attractive force that operates according to certain objective laws and principles. Moral education means

learning these laws and principles so that we become ever more subject to the force of love in our lives. Morality, then, *is the pursuit of authentic relationships* or, stated more fully, *the process of developing our innate capacity to sustain authentic relationships*." The Authenticity Group illustrates this unique perspective with an analogy from physics:

> Current physical theory has discovered four fundamental forces. The force of gravity and the strong nuclear force are purely attractive forces. The weak nuclear force, however, is a purely repulsive force: it has no (currently known) attractive form. Finally, electromagnetic force has both an attractive and a repulsive form. Now [we] affirm that altruistic love, like gravity, is a purely attractive force. True love *cannot* be the cause of conflict or estrangement between two people any more than the force of gravitational attraction between two physical bodies can push them apart.
>
> Of course, physical bodies can be pulled apart by forces that overcome their mutual gravitational attraction. But, whenever we observe two physical bodies moving away from each other, we know that such a configuration is occurring in spite of their mutual gravitational attraction, not because of it. In the same way, whenever we see conflict and disharmony in human relationships, we know that it is due to some factor other than love.... Thus, moral education is the pursuit of relational authenticity by learning the laws that govern the action of love and then implementing that knowledge in our relationship with others. The moral person is one who has acquired the capacity for genuine love and self-sacrifice. He demonstrates this by his integrity and trustworthiness in his relations with others, by consistently treating others with genuine kindness and encouragement.... In other words, the basics of morality are stark in their simplicity: either a person has acquired the capacity for self-sacrifice, which he demonstrates through active, humble, reliable service towards others, or he has not, in which case his behavior will reflect various pathologies of inauthenticity... (such as greed, untrustworthiness, jealousy, self-centeredness, coldness, indifference, anger, cruelty).[36]

Because the acquisition of the capacity for authentic morality requires continual, often painful self-evaluation, a number of strategies have been developed throughout history to transform basic morality into something else that can be more easily achieved. For example, although one of the overarching goals of religion is to facilitate the achievement of authentic moral relationships, this goal is frequently transmuted in such a way that religion becomes primarily an ideology. As an ideology, the doctrines of religion become the supreme value, and morality is conceived as their protection and propagation by all possible means. Although all religions present a philosophy of life and teach the belief in certain doctrines and ideas, "authentic religion conceives of belief in such doctrines, not as an end in itself, but as a means for developing the capacity for authentic relationships (both with God and with other human beings)."[37] Thus, the error of ideologized religion lies not in seeking to propa-

gate and advance certain doctrines, but rather in exalting these doctrines above authentic relationships, thereby interchanging means and ends:

> We will use the term *ideology* to designate any philosophy which holds that certain doctrines, ideas, or propositions are more important than human beings. Thus defined, any ideology (irrespective of what its specific doctrinal content may be) contradicts the basic assumption of authentic religion, which holds that (while God may be the Supreme Value in Existence) the human being is the supreme value in creation. Moreover, any moral system holds that lesser values may be sacrificed to obtain greater values. An ideology thus sanctions (at least implicitly) the deliberate sacrifice of human beings, or of authentic human relationships, if it is deemed necessary for the propagation of the doctrines of that ideology. In regarding its doctrines as more important than human beings, an ideology considers these doctrines as God—as the supreme value in existence. Ideology is thus idolatry. It is the worship of certain ideas.[38]

As it is with ideology, culture-specific values and traditions are also frequently invoked in support of the continuation of practices that may be harmful to the equal participation, development, and/or well-being of subgroups such as women and girls within a culture. The continuation of such practices is inspired by the belief that cultural values are the only ultimate values and that these values are necessarily local and accidental, rather than intrinsic and universal. Inasmuch as this perspective renders all cultural values fundamentally equivalent, the argument is that each cultural group must be left free from outside interference in deciding the values that should animate community life.

Legitimate as is the concern for preserving a people's right to determine the nature and course of their own lives, the work of the Authenticity Group assumes that there are also intrinsic, universal values that derive from the universal nature and needs of all human beings—irrespective of race, culture, or historical time period. The global community is said to have a moral responsibility to safeguard these values, even when the parties concerned would prefer to operate free from external influence. To do otherwise would be to render the preservation of culture the supreme value, irrespective of the impact of culture-specific practices on the lives of human beings. The articulation of an international body of laws designed to preserve human rights is an explicit rejection of the assumption of absolute cultural relativity by the community of nations. At the same time, inasmuch as the adoption of a universal set of moral values on the local level is not likely to be realized unless large segments of the population are persuaded of their logic and need, the promotion of such values depends upon processes of education and persuasion. The Au-

thenticity Group is in the process of developing and testing a variety of materials that might achieve these objectives.

Reflections on The Nature of Moral Education

An approach to moral education that nurtures in children and youth a hunger for moral and spiritual growth, while also developing morally relevant *capacities* is likely to be more effective in eliminating the root cause of abuses of power in the family, the community, and the State than are approaches that focus only on transmitting moral lessons or rules. As has been suggested, what is needed is the development of an inner agent of self-control that encourages right action because of its own inherent beauty. Iraj Ayman, a scholar specializing in moral philosophy, refers to this capacity as the capacity for "spiritual discernment."[39] According to educator Irene Taafaki, developing spiritual discernment requires that institutions around the world promote moral growth. The role of educators is to use a variety of processes to nurture children and youth to go beyond knowing what constitutes moral ideas to developing moral insight and practicing moral behavior, the goal being to develop moral wisdom, rather than a rote following of rules. Moral wisdom then becomes the "inner lens" through which children are both able to discern what is right and are able to do those things that enhance the well-being of their own self and others.[40]

A pedagogy of moral education, notes Taafaki, would include active learning rather than the passive inculcation of moral lessons; a loving and encouraging environment wherein educators demonstrate in their own lives the qualities they wish to teach; using the arts, literature, and folklore from the various cultural and religious communities around the world; and cooperative learning exercises that enable children and young people of diverse backgrounds to work together in exploring and resolving a range of socially and morally relevant problems. The promotion of a spirit of service to humanity is an integral part of the pedagogy of moral education. Such service enables children and youth to enhance their understanding of the relevance of moral behavior for the development and solidarity of family and community, and for the cultivation of a sense of "at-oneness" with others.[41]

In its recent commentary, *The Prosperity of Humankind*, the Bahá'í International Community notes:

> To an extent unimaginable a decade ago, the ideal of world peace is taking on form and substance. Obstacles that long seemed immovable have collapsed in humanity's path; apparently irreconcilable conflicts have begun to surrender to processes of consultation

> and resolution; a willingness to counter military aggression through unified international action is emerging. The effect has been to awaken in both the masses of humanity and many world leaders a degree of hopefulness about the future of our planet that had been nearly extinguished.[42]

The Bahá'í International Community goes further to note that immense intellectual and spiritual energies are seeking expression throughout the world and that "[e]verywhere the signs multiply that the earth's people yearn for an end to conflict and to the suffering and ruin from which no land is any longer immune. These rising impulses for change must be seized upon and channeled into overcoming the remaining barriers that block realization of the age-old dream of global peace."[43] It may be reasonably argued that few barriers to peace stand so strongly as does the global problem of gender-based violence. Over the course of the foregoing century, legal and human-rights advocates have been mobilized effectively in the global campaign to eradicate it. The bevy of international laws, conventions, declarations, and resolutions articulated over the last half century in particular attest to the importance of the legal victories achieved in advancing women's human rights. What is needed now is an awakening and mobilization of humanity's hunger for moral and spiritual refinement. When these inner dimensions of human life receive the same attention that has been thus far accorded the outer legal dimensions, a context will be created in which the eradication of gender-based abuses and the advancement of women and girls in all fields of human endeavor will be finally realized.

Footnotes

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Rights and Responsibilities in the Bahá'í World Order: From "Me" to "Us"—Confronting the Fear

BY MARTHA L. SCHWEITZ

The international field of human rights is fraught with conflicting assumptions and worldviews, accusations of cultural hegemony or alternatively of self-serving cultural relativity, and arguments about whether universality is desirable, necessary, or possible. These disputes reach an impasse most readily when they concern the priority of the individual versus the community, often expressed in terms of choosing to confer priority either on individual human rights or on individuals' responsibilities to society. This essay proposes that this presumed conflict—between the need to fully protect human dignity and equality and the need to foster the well being of society as a whole—is false. It is submitted that the essential goals of the liberal human rights regime can be achieved while also creating communities that are more unified and conducive to the common good than is generally believed possible in modern Western societies. Bahá'í principles offer a way to do both, and Bahá'í communities in every culture around the world offer emerging models, still in infancy, of how to put these principles into practice.

To Western human rights advocates, any attempt to legally link human rights with human responsibilities is suspect. Such linkage is a hallmark of socialist legal traditions, under which the exercise of individual rights is dependent upon the performance of duties to society. In such legal systems, rights are a contingent grant of the state, rather than an entitlement belonging to every human being.[1] The socialist position is anathema to the essential liberal concept of human rights, defeating the very purposes for which that concept was historically created: to protect individuals from tyranny, and from oppressive and abusive claims of social duty or the collective good as determined by unaccountable authorities. Nevertheless, as U.S. society is reportedly beginning to rediscover the value of community, and to entertain the thought that an individual rights approach alone may not be sufficient to achieve social justice and human fulfillment, the question is before us again: where is the ideal balance

between individual freedom and the good of society as a whole? Is this image of a "balance"—implying that for one side to go up the other must go down—the right image?

All people are conditioned in our thinking, our concept of self, our relationships and worldviews by what we have experienced and learned growing up in our native cultures. As incontrovertible as this fact may be, and as frequently acknowledged as it is in human rights debates, its full implications are still usually ignored in the first person. The Western human rights tradition is not only a legal heritage but a set of cultural and social assumptions that permeate individuals' views of themselves and of their relationships to others, to society, and to governmental institutions. People in Western societies do not disavow social responsibilities. Most would acknowledge that they have countless responsibilities, either voluntarily assumed or flowing from citizenship, to a range of people and institutions, including family, friends, neighbors, employer, civic or private organizations, government, and perhaps even to society at large. The question is whether these responsibilities have any direct connection to rights, and how the exercise of rights affects all of these human relationships.

It is not within the very limited scope of this essay to explain systematically the Bahá'í teachings on human rights, the Bahá'í view of service to humanity as an essential purpose of life, the new institutional order ordained in the Bahá'í writings, or even the Bahá'í principles on community building, as essential as these are to the points being made. Much of this is set out elsewhere in the present work.[2] The purpose is rather to suggest some perspectives—cultural, legal, and psychological—to help explain why those of us with a generally Western upbringing have such difficulty imagining how a unified society could be created without unacceptably compromising individual rights. Unless we understand why we believe what we believe, we cannot loosen the hold that culture and upbringing have on our minds. Recasting the boundaries between individual and society requires probing the assumptions and wholly legitimate fears underlying Western individualism. These are evaluated here in light of Bahá'í principles. It also requires a mind open to the possibilities of social evolution, based on changed assumptions and a new institutional order. To be independent in our investigation of truth, a core Bahá'í principle, demands no less.

There are passages in the Bahá'í writings that, taken alone, could support the liberal Western view of human rights; others could support the socialist approach (which also resembles the approach of many traditional "non-modern" societies). There are countless references in the Bahá'í writings to individual rights, to abolishing prejudice and all forms of discrimination, to the duty to

speak one's views frankly, and to the central spiritual duty to investigate truth without bias. The individual is "the focus of primary development" in society, and the Universal House of Justice has the constitutional duty to "safeguard the personal rights, freedom and initiative of individuals."[3] Shoghi Effendi wrote:

> The unity of the human race, as envisaged by Bahá'u'lláh, implies the establishment of a world commonwealth in which all nations, races, creeds and classes are closely and permanently united, and in which the autonomy of its state members and the personal freedom and initiative of the individuals that compose them are definitely and completely safeguarded.[4]

Such passages confirm the Western view of the necessity and even centrality of individual rights in creating a just society in which all can flourish. Other passages in the Bahá'í writings suggest a different view:

> The Bahá'í conception of social life is essentially based on the principle of the subordination of the individual will to that of society. It neither suppresses the individual nor does it exalt him to the point of making him an antisocial creature, a menace to society. As in everything, it follows the 'golden mean.'[5]

To some readers, the foregoing statement comes as welcome assurance of restoring balance to an unbalanced world, of promoting the good of both individuals and society as a whole, without sacrificing the well being of either. For others, reference to "the principle of the subordination of the individual will to that of society" is a red flag. Governments, armies, and others (certainly not limited to those of socialist heritage) have waged atrocities against human beings the world over in the name of perverse claims of the "good of society" or the "good of the state." But what are we to make of "the principle of the subordination of the individual will to that of society" when it is joined in the Bahá'í writings with powerful defenses of human rights? This is new. This combination raises questions that communities and governance systems have not yet addressed, much less resolved. This is the basis for the claim that, in the Bahá'í system, human dignity and equality can be fully protected while also fostering the well being of society as a whole and building unified communities.

It is more accurate to say that the Bahá'í writings blend seemingly diverse ideals, rather than balancing them or compromising between them. A 1988 letter of the Universal House of Justice to the Bahá'ís in the United States, published under the title, Individual Rights and Freedoms in the World Order of

Bahá'u'lláh (hereinafter Rights Statement), is a preeminent example of such blending with respect to free speech rights and the responsibility to build unity in one's community and society. This letter was motivated by noticing Bahá'ís in the United States "invoke Western liberal democratic practices when actions of Bahá'í institutions or some of their fellow Bahá'ís do not accord with their expectations."[6] The Rights Statement emphasizes the nature of the Bahá'í administrative order and its distinction from previous governance structures, the requirements of freedom, the appropriate avenues and methods for criticism within the Bahá'í community, the role and right of freedom of expression, and the love that is necessary to build peace and unity on the foundation of justice. The Rights Statement is a model of how to approach the blending of ideals, based on an analysis of ultimate purpose. It also goes a long way towards bringing to light the assumptions of Western tradition, both those that are worthy of the future of humanity and those that need to evolve. This essay attempts no such comprehensive analysis, but does in its conclusion return to the question of ultimate purpose: development of the individual not only as a political or economic actor but as a spiritual being, who requires relationships and community to achieve full human potential.

So, how does one begin to achieve independence in the investigation of truth? What is at issue here is not the possibility of attaining truly objective knowledge, which has preoccupied philosophers for centuries and is now, in the age of quantum physics, considered virtually impossible, but rather increasing degrees of detachment from the views of others. Bahá'u'lláh, the Founder of the Bahá'í Faith, wrote that through justice, "thou shalt see with thine own eyes and not through the eyes of others, and shalt know of thine own knowledge and not through the knowledge of thy neighbor."[7] The more highly educated we are, the more we like to believe that we are the masters of our own thoughts, free of external control, but the persistence of cultural differences belies this notion. Education is one way to escape cultural conditioning, but it must be an education that challenges one's assumptions rather than consistently and implicitly reinforcing them.

Another path to increased detachment from one's upbringing is to live in a foreign culture long enough for it to cease being foreign, long enough to discover that your view of your home culture has changed and that your thought patterns are shifting. The following sketch comparing life in Japanese society to life in the United States demonstrates, lest there be any doubt, that there is more than one way to live. Generalizations are offered not as accurate descriptions of every member of a given society, but as reflecting ideas that Japanese and Americans in fact hold about themselves and about each other. This observer has lived in each country long enough to become thoroughly unsure as to

which extreme—U.S. individualism or Japanese communitarianism—is more threatening to human well being or holds more promise of evolving towards the "golden mean."

The United States and Japan—One Planet?

A Western foreigner newly settling in Japan will at first be surprised by stories of junior high school students who are ostracized or worse for wearing the wrong socks with their school uniform, or who are expelled from school for coloring their hair. Surprise will give way to deep concern when this Western foreigner realizes that most of her Japanese university students are incapable of formulating an interesting question for class discussion, in either Japanese or English, and that even those who could do so will never voluntarily speak in class unless coerced. Concern yields to distress when this foreigner learns that her own outspoken seven-year-old daughter, after only one year in Japanese school, now refuses to answer a teacher's question until she is sure what answer the teacher is looking for, in fear of making a m-i-s-t-a-k-e. The teenage suicide rate in Japan is off the charts. Widespread domestic violence is only now beginning to emerge from being shrouded as a private family matter. The Japanese saying, "the nail that sticks up gets hit down," takes on ever deeper and more pernicious meaning the longer one remains in Japan and understands the implications of Japanese-style communitarianism.[8]

A Japanese foreigner newly settling in the United States will at first be surprised by the sloppy appearance of students on their way to high school and by how much free time students enjoy, with few evening or weekend classes. Surprise will give way to concern when this Japanese foreigner realizes that most of her American university students not only eat their lunches during lectures, but expect their teachers to be available at their beck and call to discuss at length any idle question that occurs to them or to challenge their grade on a quiz. Concern yields to horror when this foreigner learns that anyone in the United States, not only police officers, may own a gun, most of them legally. In the United States, the likelihood that one will be a victim of violent crime (other than domestic violence) is heavily dependent on the neighborhood in which one lives and works, which in turn depends primarily on one's economic advantages, which correlate strongly with one's race or ethnicity. The American advertising slogan, "have it your way," takes on ever deeper and more pernicious meaning the longer one remains in the United States and understands the implications of American-style individualism.

Americans are shocked at the lack of individuation in Japan, at the lack of what is viewed in the United States as personal moral maturity and autonomy

typical for an adult, and the low level of apparent public debate and concern over profound issues of social justice, such as the status of permanent residents of Korean ancestry. But Japan is a country where every child receives a decent public education, where the differences between the best and the worst public schools are tiny by U.S. standards, where virtually every (legal) resident is covered by affordable national health insurance, and where the levels of poverty and violent crime are a small fraction of those in the United States. Granted, all of these systems are coming under increasing stress in Japan with the current economic recession, but the differences in how these human needs are handled in the two countries remain astounding.

Japanese are shocked by the lack of personal security in the United States, physical and otherwise, by public incivility and rudeness, and by the extreme segregation by economic level of housing, from mansions and sprawling suburbs to inner cities and dangerous subways. But the United States is a country where almost anyone (relative to Japanese practice) has a chance to train for a new job at any stage of life, where women are (almost) the peers of men in many public and private institutions, where university education is among the best in the world, where public interest groups have some effective voice in politics, where it is no longer publicly acceptable to be overtly bigoted or extremely sexist, and which is struggling severely but making some progress in figuring out how to create a harmonious and just society out of the hugely diverse population that is the United States.

Are all of these differences between Japan and the U.S. (and these are only some of the most obvious) due to the two societies' respective views of the individual and society, of human rights and human responsibilities? Probably not. Japan and the United States are radically different cultures, each with long histories of social and political evolution and revolution that barely intersected with one another. But their respective communitarian and individualistic roots clearly have something fundamental to do with all of the social, political, and cultural differences between them.

The Spectrum

Japan and the United States do not represent opposites but rather points on a line. Societies or governments that place primary value on the individual, and those that place primary value on the collective or community, can be located along a spectrum of possibilities. The United States may be considered a state of strong individualism, and Japan a state of strong communitarianism.

In the individualistic state, even young children are imbued with an individual rights orientation, prone to argue loudly about whether a game is fair, about what they have a right to do (such as take their ball and go home), and how no one (often including their parents) has the right to tell them differently. Such a society tends to perpetual disruption and conflict, as competing rights claims clash. Given ordered systems for public and private dispute resolution, however, members of such a society generally accept this persistent contention as a fact of life, as a necessary part of the process for resolving rights claims and thereby achieving some level of social justice, since it appears that no better way has been found.

In the communitarian state, young children are imbued with a sense of their responsibilities to the group, with the need to belong and to find their identity in belonging, and they are punished by exclusion, be it to the hallway of a school or to the outdoor back steps of their home.[9] In Japan, children and adults alike are largely defined by relationships to their "sempai" (seniors) or "kohai" (juniors), and by the respective duties or privileges that flow from these relationships of status. Such a society has rigid structures of authority, in both public and private life and institutions, and obedience to rules and to those in power is generally considered a virtue.

In the individualistic society, the overall aim of social organization may be described as "social justice," whatever that may mean to various segments of the population. Unfortunately, justice is often reduced to meaning getting one's way, taking revenge, or proving someone else wrong. In the communitarian society, the overall aim is "social harmony." While harmony obviously has much to commend it, it can also be reduced to meaning only a superficial quiet, a lack of overt conflict or a condition of prevailing homogeneity and passivity, born of tight social controls and the need or desire to please certain others.

As far apart as the United States and Japan are on the spectrum of individualism and communitarianism, this spectrum continues further in both directions. Beyond the individualistic state to the "left" is libertarianism and anarchy. To the "right," beyond the communitarian (but politically democratic) state is totalitarianism and autocracy. It would seem that human civilization, on the global scale and through the long ages of history, has in the main managed to advance from both primitive extremes. Compared to these poles, Japan and the United States represent considerably more moderate forms of governance and social structure, in terms of the balance between wholly unfettered individual will and absolute unfettered and unaccountable authority. The challenge and opportunity offered to humanity by Bahá'u'lláh is to take the remaining steps toward the golden mean, to the ideal blending of individual autonomy and community cohesion, called in the Bahá'í writings, "unity in diversity."

Shoghi Effendi describes the future "world federal system" not as a compromise or trade-off among various prevailing systems, but as "blending and embodying the ideals of both the East and the West."[10] It is generally perceived that one ideal of Eastern cultures is their emphasis on community and relationships; one ideal of Western societies is their emphasis on individual autonomy and moral choice. The mandate of the nascent global Bahá'í community and institutions is to blend these ideals. In a blending, as distinct from a compromise, the essence and virtue of both individualism and communitarianism are preserved. What is jettisoned are the unfortunate extremes to which East and West have both succumbed. An individualistic society does not necessarily have to be self-centered, fractured, morally adrift, and greedy. A communitarian society does not necessarily have to be conformist, exclusionary, authoritarian, and ethnocentric. A characteristic of the maturity of civilization should be the capacity to blend ideals, and to distinguish between the core of an ideal value and its mutation into a harmful or even pathological extreme.

Assumptions Underlying the Liberal Concept of Human Rights

Western attachment to the moral and social primacy of the individual is intimately linked with the traditional Western concept of human rights. That concept, which has been both defended and critiqued eloquently and repeatedly, need not be addressed at length here. But it is useful to identify certain assumptions underlying the Western human rights concept, and to pay particular attention to free speech rights in the United States in comparison with international treaty standards. This example shows that even free speech is not an absolute right under U.S. law (as is sometimes supposed by non-lawyers), and that the judicial interpretation of what is and is not protected speech reflects value choices that may not serve the present needs of the highly pluralistic U.S. society, let alone the world.

Human rights are a very distinct category of rights claims, distinguished, for example, from contractual, legal, or moral rights. Contractual rights are acquired voluntarily by a party upon entering into a valid contract, and generally depend upon performing one's duties to the other party. For example, in a sales contract in which money is to be exchanged for a computer, the seller has no claim to the buyer's money apart from the contract, and only has a claim to the money under the contract if she delivers the computer. Legal rights are those that the relevant legal system recognizes, generally implying that there are legal means available to pursue a remedy if the right is violated. Such rights may flow from private agreements (contracts), from laws and governmental regulations, or from the national constitution directly. Moral rights is a term most often used to

assert a claim to a right that is not a legal right. While many legally enforceable rights are also considered moral entitlements, a right is sometimes said to be "only" a moral right when the legal system does not recognize it. Legal rights differ among countries, but moral rights claims may be even more diverse, reflecting the different values held by individuals and groups within a single society.

In contrast to contractual, legal, and moral rights, the traditional Western concept of human rights is that they are rights belonging to every human being, simply by virtue of being human.[11] They are not given by any government, and therefore cannot be taken away by any government. Thus, they need not be legal rights. The concept assumes the moral equality of every human being, positing that every person is equally entitled to respect and to protection of his or her dignity. One's human rights are expressly not contingent on fulfilling duties of any sort. To condition human rights on performance of responsibilities would be to assert that human rights derive from some social relationship rather than from one's simple humanity, and this would gut the concept.

The independence of human rights from responsibilities does not mean that an individual cannot be deprived of the enjoyment of a right, through legitimately constituted criminal justice procedures, as a consequence of criminal conduct. For example, a person may be imprisoned (restricting the right to freedom of movement) as punishment for theft, in some places sentenced to death (terminating one's right to life) upon conviction for murder, or have their children taken away (restricting parental rights) as a consequence of being convicted of child abuse. But in no case does proving the absence of criminal conduct or fulfillment of a duty come first. In other words, one does not need to show that one is a good parent in order to have parental rights, that one is a good citizen in order to have the right to vote, that one does not discriminate against others in order to be entitled to equal protection of the laws, or that one has something worthwhile or truthful to say in order to be entitled to freedom of speech.

The question of what particular rights are or are not human rights consistent with the traditional Western concept remains a subject of some debate, but at the core are the essential civil and political rights plus the right to own property. The overall purposes of these rights are generally to provide equal opportunity to all (as distinguished from equality of outcome or results), to allow everyone to participate on an equal basis in the democratic political process and the legal system, and to ensure that otherwise the government leaves people alone to speak, choose, and do as they please. Due to the nature of these rights, the party with primary responsibility for protecting them is the government and its agents. For example, the government has a legal duty not to discriminate

based on race, religion, national origin, sex, etc., but individuals have no such duty, provided that they are acting in their individual capacity in a "private" sphere of activity.

In the traditional Western concept of human rights, can rights ever be limited or restricted? The theory holds that the only justification for limiting a human right is to protect another person's human right. There is only one right which may be said to be "absolute," subject to no limitations whatsoever, and that is freedom of belief and conscience, because its exercise can never interfere with another's right. All other rights may be limited, including how one practices one's beliefs or expresses one's conscience. For example, one may not handle snakes dangerous to the public in the name of religious practice, nor burn crosses in another's front yard. There is also a doctrine that gives narrow play to protecting "public order," that has been invoked, for example, to prohibit bigamy in the name of religious observance, but other examples of its use are rare. When courts must choose between two competing rights claims, they engage in a balancing process. It is instructive, for example, to examine the limitations in U.S. constitutional law on free speech, perhaps the most cherished U.S. rights tradition, to see in what circumstances other rights are given priority.

The principal exceptions to the free speech right guaranteed in the First Amendment to the U.S. Constitution are obscenity, defamation, and creating an immediate physical danger. The reason for excluding obscenity from protection is not some competing right not to be exposed to it (although this concern does enter into zoning restrictions for pornographic but not obscene establishments), but is based on an analysis of the kind of "speech" Congress had in mind when it adopted the Amendment. For similar reasons, "commercial speech," i.e., advertising, enjoys some but not full constitutional protection. Defamation laws prohibit speaking or publishing that harms another's reputation in certain ways, but only if the statement is false. In other words, people have a right not to have their reputation smeared by false statements, but have no right to be protected from damaging but accurate statements. The other right that may supercede another person's right to free speech is the right to physical security. According to the classic example, one has no right to scream "Fire!" in a crowded movie theatre when there is no fire.

The central principle in free speech doctrine is that, absent the foregoing exceptions, speech must not be restricted on the basis on its content. The First Amendment, as currently interpreted and applied by the U.S. Supreme Court, protects an individual who wishes to say or publish even the most hate-filled racist muck, provided that it will not be likely to create immediate physical danger. Thus, a racist speech given to a group of like-minded listeners is per-

mitted. The same speech given on a street corner where it is likely to provoke a riot is not. The danger of future riots, not to mention all other forms of human suffering and social conflict that will predictably flow from a proliferation of hate groups, is considered legally too remote or speculative to justify denying the right to free speech.

The foregoing example illustrates how out of step the U.S. system is now with international standards. States parties to the Convention on the Elimination of All Forms of Racial Discrimination, that entered into force in 1969, agree to "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and … shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred … ."[12] In comparing this standard to U.S. law, it is apparent that the U.S. system (that is, the Constitution as currently interpreted by the Supreme Court) places a higher value on individual free speech rights than it does on creating a racism-free society, or at best feels that it is too hard to define hate speech without endangering constitutionally protected speech. On wonders whether the U.S. public generally would agree.

The supreme value placed on free speech under U.S. law is based on the notion of the "free marketplace of ideas." The remedy for "bad" speech (that which arguably has no value or is destructive of social values) is not to censor it but to allow more speech, on the assumption that flooding the system with information is how the public shapes its opinions and learns to distinguish, according to each individual's own value system, what is good and what is bad.[13] Nevertheless, to allow racial hate speech seems prehistoric, as if the government is trying to maintain a stance of moral neutrality toward the issue, a neutrality that is belied by our nation's more recent legal and social history. The human right of an individual to be a racist cannot be disputed, as there can be no justification for a government to dictate permissible beliefs to individuals. But that does not imply the right to act on those beliefs nor to disseminate such ideas, when they are socially divisive in the most profound way: by explicitly denying the principle of human equality on which the concept of human rights is supposedly based.

The U.S. Constitution has been referred to by one writer as embodying a "morality of noninterference," viewing individuals as "atoms of self-interest" and the struggle for power as a zero-sum game. Safety from man's "insatiable appetite for power" was presumed to flow from rules reinforcing separation: separating legislative from executive from judicial, federal from state, government from commerce, government from the people, and people from people.

This mindset is identified by that (male) writer with a prototypical male view, that equates adulthood with autonomy and individual achievement. He contrasts this with the prototypical female view, which equates maturity with responsibility and the capacity to care for and empower others. The female approach seeks security in relationships and in connections, and is suspicious of the male view as justification for indifference and unconcern.[14] The argument is not that the female view should replace the male, but that both need to be reflected in our laws and institutions to create a balance which is more fully human.

This gender analysis is one approach to understanding the need for further evolution in Western constitutional rights structures. Another is to see the shift from a highly individualistic approach to an approach that gives wider scope to an individual's sense of concern and responsibility as the move from an adolescent stage of newly discovered individuation to a more mature concern with one's place in the larger world. Another may be to see this stage of radical individualism, along with the strong Western human rights tradition that accompanies it, as a historically necessary stage in order to obliterate, permanently, any claim of legitimacy for tyranny and oppression. The argument can be made that in order to overcome these evils it has been necessary to place the individual squarely above society, to ensure that human rights trump any collective-good policy justification. But evolution of civilization need not stop there.

The conclusion suggested by this look at the assumptions underlying the traditional Western concept of human rights is not that they have all been superceded or become unnecessary. On the contrary, by giving rise to national governments based on a central purpose of protecting individual rights, humanity has gradually discovered and developed over the course of recent centuries the concept of limited government or constitutional government. This is a profound step forwards in political organization, particularly considering that it followed on the era of the divine right of kings. In a constitutional system, by definition, there are limits placed on the powers of government, the structure of government is set out along with provisions about how the system can accommodate change over time, basic rights are guaranteed, and a system is established to ensure authoritative interpretation of the constitution itself. Constitutional government is an advance in civilization that is to be treasured and guarded. The question is, what kind of constitution is necessary for the next stage in the evolution of human society? Bahá'ís believe that the writings of the Faith contain, as Shoghi Effendi terms it, the "charter" of future world civilization.[15]

The Bahá'í writings that compose this "charter" set out laws and principles, ordain an institutional system from the local through international levels, allocate the powers of interpretation and elucidation of the charter itself, and form

the basis upon which a full legal system may be developed in the future. By addressing issues from obligatory prayer to the prohibition of slavery, from the requirements for marriage to condemning tyranny and violence, from exhortations to truthfulness to punishments for certain crimes, it is unlike any constitution known.[16] Its universal, comprehensive, and irrevocable principles, all of which may be said to derive from and promote the central value of the oneness of humanity, constitute the framework within which all Bahá'í institutions must operate. The overarching social purpose of these principles is to create unity in diversity, and to create it through justice. "The light of men is justice. Quench it not with the contrary winds of oppression and tyranny. The purpose of justice is the appearance of unity among men."[17] "Justice and equity are two guardians for the protection of man."[18]

Preserving and defending the body of rights that today are considered internationally to be fundamental civil and political rights (although not necessarily entirely as now interpreted in U.S. law) would seem to be an essential element in achieving this justice and in accomplishing the aims both explicit and inherent in the concept of the oneness of humanity. But in the Bahá'í system justice alone is not the final goal. The purpose of justice is unity, and unity requires that rights be joined by responsibilities. Unity does not require that a new raft of responsibilities become legally enforceable, and, in this writer's view, fundamental rights should remain wholly legally independent of responsibilities.[19] But in tandem with legal development, achieving unity requires a profound psychological shift in how we understand both our rights and our selves in relation to our community and society.

The Psychological Factors—What Are We Afraid Of?

Those of us who have been raised with American-style individualism face a number of real barriers if we venture to consider recasting the relationships between ourselves and our families on the one hand, and our society and social institutions on the other. At both the personal level and the level of social policy, we seem to be held back by certain fears, all of which are entirely rational, given our circumstances. Nevertheless, these fears may be examined and questioned. As has been emphasized earlier, it is a great challenge to separate what is meritorious in individualism from the cultural habits of self-centeredness, supposed moral neutrality, and greed that it has engendered, while at the same time recognizing that the alternative is not to bounce to an opposite extreme of stifling conformity. The principles of community building in the Bahá'í teachings express an unusual blend.

At the most basic personal level, the primacy of individual autonomy appears to be so extreme that we are afraid we will lose our selves if we become part of anything at all (the image of imprinting at birth on John Wayne, archetypal cowboy of American movies, comes to mind.) We seem to fear, consciously or otherwise, that if we join a group or commit to being part of a community, without keeping a substantial psychological distance:

1. I will have to be like everyone else and act like them;
2. I will have to agree with what others say or at least pretend to agree;
3. I will have to like everyone else or at least be nice to them all;
4. I will have to take on responsibilities to others that I may not always feel like fulfilling;
5. my independent initiative will be limited; and/or,
6. I might have to admit dependence on others or that I am not fully self-sufficient.

What are the assumptions about the characteristics of community implied in these fears? How do these assumptions compare to principles of Bahá'í community building? If this list is even partially accurate, it is apparent that fear of having to conform (#1 and 2 above) is a basic problem in community building in our society. Of course, many groups (social, religious, political) do demand from their members a high degree of conformity, and to this extent the notion of belonging has been given a bad name. According to Bahá'í principles, a community must thrive on diversity of all kinds: race, gender, ethnic background, social class, language, culture, educational experience, religious temperament, family styles, personality types, even diverse styles of learning and expression. As Shoghi Effendi stressed, uniformity in matters of principle is essential, diversity in everything else is encouraged.

Conformity in thought or behavior should not be confused with the consequences of the exercise of choice. A fundamental purpose of our Western freedoms is to enable individuals to make their own life choices. Every significant choice one makes necessarily forecloses other options. For example, when one becomes a Bahá'í, one is choosing to give up the prerogative to join the KKK, to run for partisan political office, to drink alcohol, and to engage in other behaviors that are contrary to Bahá'í laws and principles. The fact that all members of the community make these same choices is not evidence of conformity, but of acting on shared principles and values, freely chosen as a result of one's faith in Bahá'u'lláh. Every choice exercised is a choice to forsake the freedom to choose that which is incompatible with the first. That is the meaning

of the verb, "to choose." A perpetual state of total freedom, meaning a continuing state of available but unexercised choice, would not seem to have much value in adult life.

As for other elements in the list above, independent initiative (#5) is preserved in a Bahá'í community; in fact individual initiative is referred to in the Bahá'í writings as the source of power of a community. It is also raised to an additional community level, as individuals should discover in a Bahá'í community that their own initiative can often contribute to progress in collective action, as well as be improved itself through consultation with others. Acknowledging one's dependence on human relationships (#6), as well as one's capacity to learn to care for and be responsible for others (#4), are essential to community life, and reflect spiritual reality described in the Bahá'í writings. These are necessary aspects of personal spiritual growth.

As for the remaining element above, Bahá'í community life does require being nice to others (#3). More specifically, "love, respect and courtesy" are among the "spiritual requisites for all successful Bahá'í relationships."[20] Why do we have such trouble with this, to the point of sometimes even claiming that such "manners" (itself a mischaracterization) are a limitation on freedom of expression? In American society, does one have a "right" to be rude, insulting, or thoughtless? This is not an entitlement included in the U.S. Bill of Rights or in any human rights treaty, and would seem somewhat contradictory to protecting human dignity, but it is not uncommon for Americans to claim that they are entitled to speak to anyone in any manner they please at any time. Perhaps this claim is based on the assumption that anything not prohibited by the government is acceptable. If so, this assumption reflects an extremely limited view of human society. Laws have never been intended to be the sole guides of human behavior, but simply the last resort and safety net to prevent behavior most destructive to society or harmful to others. To imagine that the safety net is the standard itself, that law has replaced morality (regardless of the extent to which moral standards are agreed in a given society), seems to be a characteristic of our individualistic rights-oriented society. On some level, we seem to think that we should "feel free" to do anything at all that a law does not proscribe, even though very few people actually live their lives that way. People generally do impose upon themselves all kinds of extra-legal limitations and requirements, and may or may not be aware of where those values have come from in their lives.

It is useful to compare the foregoing list of fears and apprehensions with those that underlie the stereotypical fear of commitment upon entering into marriage. Marriage is sometimes portrayed in our society as the most severe encroachment on personal freedom, e.g., "ball and chain." Yet anyone fortunate

enough to have experienced a good marriage, or who is closely acquainted with someone who has, knows that nothing could be further from the truth—in a good marriage. The freedoms, prerogatives, and greater level of autonomy that one "sacrifices" to be part of a good marriage are not considered a loss by the partners. A partner in a good marriage has learned by experience that the value of the relationship far exceeds what was given up, and may even deny that anything of value had been sacrificed. The same is true for those who have successfully entered into community with others in forms less intimate than a marriage.

When considering political questions of human rights and governmental authority rather than personal issues of autonomy, why are we afraid to let go of the supremacy of the individual? Subordinating the individual will to the good of society means, to our knowledge, that the state can dictate where you live, where you work, how many hours you must work, what you will earn, who will take care of your children while you work, how many children you may have, who you may marry, with whom you may associate, what you must profess to believe, and what you can read. This is expressly not what "subordination of the individual will" means in the Bahá'í system. Bahá'í law and principles directly contradict such repressive governmental restrictions. It may tax our imagination to discover other meanings of "subordination of the individual will" that are compatible with basic human rights, but it can be done.

Beyond the specific practices of oppressive governments, past and present, we are afraid of what we cannot foresee. We are afraid of what we do not know and have not experienced. Even if we are inspired to try to blend the ideals of East and West, we do not know exactly where we are going. It is hard enough to handle a change process when one knows with some confidence what the outcome will look like. But to work for change based on principles—on applying both the transcendent and more specific principles of the Bahá'í writings to whatever may be the current conditions at a given time and place—is a severe psychological challenge. This process is bound to produce anxiety and discomfort, along with excitement, inspiration, and enticing glimpses of the possibilities. For example, to approach gender equality, we need to give up many of our gender-stereotyped identities, but in the Bahá'í writings there are no clearly defined definitions of masculinity and femininity with which to replace them. This is what principle-based learning is about, as distinguished from rule-based learning or following a developed model, and it is what Bahá'ís are called to do. As the popular book title (on time management) reads, "feel the fear and do it anyway." Bahá'u'lláh has prepared us to expect radical change: "The world's equilibrium hath been upset through the vibrating influence of this most great, this new World Order. Mankind's ordered life hath been revolutionized through

the agency of this unique, this wondrous System—the like of which mortal eyes have never witnessed."[21]

Along the path of this process of blending ideals, there seem to be two particularly deep pitfalls to avoid. The first is myopia. Because the Bahá'í writings embody a combination of ideals on a variety of subjects, it is extremely easy to read selectively and thereby justify or feel comfortable with one's own current assumptions, whatever they may be. One can emphasize honesty and the frank expression of one's views or the responsibility to be courteous and respectful; the sanctity of motherhood or the requirement that women become the peers of men in public life; the prohibition on backbiting or the desirability of consultation with one's Assembly to solve problems. In all of these cases, it is not a question of choosing one or the other. It is figuring out how to do both at the same time. The same is true with respect to blending the rights of individuals with the responsibilities necessary to create unified societies.

The other pitfall is the pendulum swing. When our values are questioned, a human tendency is to assume that the only alternative is an opposite extreme. Or, as we try to engage in a change process and to move away from our habits, we overshoot the golden mean and land on the other side. This is a consequence, again, of the principle-based learning process. We are not comfortable with this process, and habitually seek a model to follow. The only alternative models available are likely to be just as far from the mean in the other direction. This can happen, for example, when someone who has generally distrusted authority and institutions becomes a Bahá'í, thus finding good reasons as well as a spiritual basis to come to think that authority in certain forms is a good thing. But the result may be that he or she behaves for a time in a manner that is rigid or domineering, or otherwise displays negative expressions of authority. Principle-based learning, intertwined as it must be in the Bahá'í system with personal spiritual growth, is a perpetual challenge.

The greatest fear likely to be aroused by the Bahá'í teachings on social evolution is that it is advocating not only values but a system of governance derived from revealed religion. It is beyond the scope of this essay to explain how the Bahá'í administrative order differs from other systems, to further describe the protections inherent in its constitution, or to explain why the principle of obedience to decisions of elected Bahá'í institutions instills confidence in the Bahá'í community rather than fear. The Bahá'í governance system needs to be examined on its merits, as well as in light of its claim to divine origins. It would be a great loss if our devotion to our Western traditions, that have given rise to such progress in governance, would render us incapable of considering that they too must evolve and develop in response to change and in order to release still-untapped human potential. The advances and lessons of the past

few hundred years are a vital foundation for the future, but they are not the end of the story.

An Emerging Sense of Responsibilities—A Proposed Universal Declaration

As high as the psychological barriers to community building may be, and as strict as the Western tradition has been about separating rights from responsibilities, few have ever supposed that a good society could be created on the basis of rights alone. The difficulty has been to reach agreement on what responsibilities members of society share, and on whether they should be legally codified.

The debate about the relationship between rights and responsibilities goes back, in the Western tradition, at least as far as the French Revolutionary Parliament of 1789. Nearly half of the members of that Parliament who voted for the Declaration of Human Rights voted also for a proclamation of human responsibilities. More recently, the drafters of the Universal Declaration of Human Rights, adopted as a United Nations General Assembly resolution in 1948, included one article on responsibilities. Article 29 states, "Everyone has duties to the community in which alone the free and full development of his personality is possible." The Declaration also acknowledges the needs of the general welfare, stating that the only limitations on rights are those necessary to protect the rights of others or to meet "the just requirements of morality, public order and the general welfare in a democratic society." A few years ago, in honor of the 50th anniversary of that Declaration, a significant initiative was launched to increase individuals' sense of responsibility to each other without compromising human rights. The InterAction Council proposed a Universal Declaration of Human Responsibilities.[22] Its primary drafter was Dr. Hans Küng, President of the Global Ethic Foundation, who also drafted the Declaration Toward a Global Ethic, adopted by the Parliament of the World's Religions in Chicago in 1993.

The Universal Declaration of Human Responsibilities was intended as an ethical appeal, put forward for international debate, in an attempt to establish a standard that can be adopted by all people. It was intended as a complement to the Universal Declaration of Human Rights, to reinforce and strengthen it. Whereas the latter eventually led to the adoption of many human rights treaties, the initiative of the InterAction Council is specifically not aimed at legal codification. "Precisely because community and morality cannot be prescribed [as legal obligations], the personal responsibility of citizens is indispensable."[23] In nineteen very brief articles, the Universal Declaration of Human Responsibilities sets forth duties concerning non-violence and respect for life, justice and solidarity, truthfulness and tolerance, and mutual respect and partnership. It

begins with the general principles that every person has a "responsibility to treat all people in a humane way" and to "strive for the dignity and self-esteem of all others." All persons, groups and organizations, including states, armies and police, are "subject to ethical standards." It also includes the negative converse of the Golden Rule: "What you do not wish to be done to yourself, do not do to others." The provisions of the Declaration may represent emerging global consensus on the core responsibilities necessary to create more humane societies.

With respect to non-violence, the Declaration includes the responsibilities to respect life and to resolve disputes without violence, denies the right to injure, torture, or kill (except in self-defense), and prohibits genocide, terrorism and the abuse of civilians as instruments of war. "The animals and the natural environment also demand protection. All people have a responsibility to protect the air, water and soil of the earth…" As the dominant rights-oriented approach in the U.S. legal system has forced even environmental issues into the rights mold, leading to arguments about whether or not plants or animals or natural resources have legal "standing" in order to claim a right to protection, this alternative approach based on responsibilities might be considerably more sensible and productive (if, in this case, tied to enforcement measures).

With respect to justice and solidarity, the Declaration states that, "Every person has the responsibility to behave with integrity, honesty and fairness." In contrast to the rights approach of the United Nations Declaration on the Right to Development, the InterAction document asserts that, "All people, given the necessary tools, have a responsibility to make serious efforts to overcome poverty, malnutrition, ignorance and inequality [and to] promote sustainable development…" "All people have a responsibility to develop their talents through diligent endeavor;… Everyone should lend support to the needy, the disadvantaged, the disabled and to the victims of discrimination."

Other articles in the Declaration include the responsibility of all men and women "to show respect to one another and understanding in their partnership. No one should subject another person to sexual exploitation or dependence." Representatives of religions "should not incite or legitimize hatred, fanaticism and religious wars, but should foster tolerance and mutual respect between all people." Every person, "however high or mighty," has a "responsibility to speak and act truthfully." "General ethical standards," such as truthfulness and fairness, apply to politicians, public servants, business leaders, scientists, writers, artists, and others. This extends to the media as well. "Freedom of the media carries a special responsibility for accurate and truthful reporting."

One additional provision deserves comment, as it seems particularly forward-looking. Article 11 states:

> All property and wealth must be used responsibly in accordance with justice and for the advancement of the human race. Economic and political power must not be handled as an instrument of domination, but in the service of economic justice and of the social order.

To even begin to put this provision into practice would require a profound shift in perspective on the social function of wealth and on the rights and duties associated with property ownership. Presently, the control of property is used as a means of acquiring power over others and of gaining independence from those who could do one harm. It is widely believed that wealth confers privileges that the owner is free to use in an entirely self-serving manner. According to the Bahá'í principles on economics, possession of property or resources carries responsibilities and imposes on the owner duties to others. This is central to the Bahá'í vision of economic justice and is fundamental to the process through which the extremes of wealth and poverty are to be eliminated. In addition to governmental measures, voluntary action on the part of individuals and enterprises is essential to the Bahá'í economic model.[24]

Similarly, Article 11 states that political power must not be used to dominate but to serve justice and the social order. This also comports with Bahá'í teachings. The Bahá'í administrative order is based on the attitude of service. The possibility of individual political power has been structurally eliminated, replaced with corporate decision-making by elected bodies. The concept of leadership itself is changed, from control to empowerment. "[L]eadership is that expression of service by which the Spiritual Assembly invites and encourages the use of the manifold talents and abilities with which the community is endowed, and stimulates and guides the diverse elements of the community towards goals and strategies by which the effects of a coherent force for progress can be realized."[25]

This proposed Universal Declaration of Human Responsibilities is a worthy attempt to promote thought and dialogue. Efforts like this, or the Earth Charter with respect to environmental issues, work to create a global ethic by articulating standards that can be agreed worldwide—not by seeking the lowest common denominator but by encouraging all people to learn from each other and to move forwards in the development of their own thought and traditions. The global moral dialogue continues. In the meantime, the worldwide Bahá'í community is both contributing to this process and learning from it, while devoting primary effort to bringing into being the spiritualized habits, rela-

tionships, and institutions that it believes are ultimately necessary to the maturity and unity of humanity.

Conclusion—Some New Assumptions: Transcending Self to Find Self

Blending the ideals of East and West does not require abandoning most of the assumptions underlying the Western human rights tradition or even individualism itself, but it does require adding new dimensions. In addition to assuming that members of society require physical security and moral autonomy, the Bahá'í writings assume that we also require community, an environment of mutual support and cooperation. The individual is a political and economic actor but is more fundamentally a spiritual being, requiring relationships and community to achieve full human potential. This requires that we operate on the principle of unity in all of our affairs, in order to achieve unity through justice. This sounds circular, but is quite rational. Unity in diversity is not only the ultimate social goal in the Bahá'í writings; it is also the basic operating principle, the means and method. As a recent letter of the U.S. National Spiritual Assembly states, "Unity is the precondition of all progress. The expectation of unity, the perspective of unity, and unswerving compliance with the requirements of unity are the disciplines that every member must master…"[26] These new assumptions about human spiritual reality are what require a realignment of our sense of self and community, of rights and responsibilities.

It is awkward or impossible to carry out this realignment piecemeal. The necessary changes in attitude, environment, and institutions are tightly interrelated. For example, it is a blessing for an individual to act selflessly, putting the concerns of others first, in a situation where this can build intimacy and community. It is dangerous to be selfless in a situation where it would lead to being abused or taken advantage of. Likewise, Bahá'ís are enjoined to trust their institutions (Local and National Spiritual Assemblies and the Universal House of Justice), not only because they are divinely ordained but because they are organized to function in ways that render them deserving of trust. All component parts of the system, at the individual, community, and institutional levels, must function together for any of them to achieve their purpose.

An analysis of any part of the Bahá'í system must take into account other components as well. To compare in isolation parallel aspects of entirely distinct systems is unproductive. For example, the issue addressed in the Rights Statement of the Universal House of Justice—the form and manner of expression that is appropriate and necessary in Bahá'í community life—can only be understood in the context of the Bahá'í governance and community system. Contrast the article on the media in the Universal Declaration of Human Responsi-

bilities with an excerpt from the Rights Statement. Article 14 of the Declaration states:

> The freedom of the media to inform the public and to criticize institutions of society and governmental actions, which is essential for a just society, must be used with responsibility and discretion. Freedom of the media carries a special responsibility for accurate and truthful reporting…

The Universal House of Justice wrote in the Rights Statement:

> [T]he code of conduct of the press must embrace the principles and objectives of consultation as revealed by Bahá'u'lláh. Only in this way will the press be able to make its full contribution to the preservation of the rights of the people and become a powerful instrument in the consultative processes of society, and hence for the unity of the human race.[27]

Both of these passages prescribe ethical standards for the media. The first emphasizes truthfulness, accuracy, responsibility and discretion, but is predicated on the belief that it is necessary to a just society for the media to criticize social institutions and governmental actions. The second prescribes for the press the principles and objectives of Bahá'í consultation, which would not include criticism of the kind assumed to be necessary in the first. These two prescriptions, different as they are, are each consistent with their own frame of reference. They diverge because they are based on different assumptions about the overall purposes of their governing institutions and about how these institutions most effectively evolve and mature.

Progress in modern democratic systems is thought to depend on continuous public comment and criticism of government and direct, often accusatory, challenge. Progress in the Bahá'í governance system depends on "consultative processes." Briefly, Bahá'í consultation is collective truth-seeking. It is a way to make decisions, solve problems, and increase understanding, whether in a meeting of a Spiritual Assembly, between wife and husband, within a Bahá'í community, or in any other group. The spirit required for consultation is selflessness and detachment from one's own ideas, as well as frankness, respect, and courtesy. Other essential elements in the Bahá'í governance system include a structured appeals process, from the local to national to international levels, as well as appointed institutions whose members work closely with individuals and communities in a support and advisory role but without decision-making authority. Frequent and regular opportunities for the members of a Bahá'í

community to consult with its Local Spiritual Assembly are intended to create an intimacy, trust, and sense of co-partnership that have no parallel in other models of governance. Other structures in the Bahá'í system serve a similar purpose at the national level. In this system, cooperating with (rather than publicly criticizing) an institutional decision that one believes to be in error is what creates the encouraging (rather than confrontational) environment in which mistakes can most readily be recognized, learned from, and corrected. It should not be surprising that operating this way within the Bahá'í institutional system, based on the expectation, perspective, and requirements of unity, could be more productive than the methods we see around us, that create neither unity nor sufficient change to meet urgent needs.

Thus, the first principles of the Bahá'í order regarding the spiritual nature of human beings are complemented by an institutional system worthy of spiritual beings, and conducive not only to individual growth but to collective spiritual transformation. In order to evolve in this direction, the individualist must look beyond herself, to see herself as part of a community that has a value greater than the sum of its parts. It requires the communitarian to look within himself, to see himself as an individual that has value as more than a constituent element of a group. Which is easier? Is the American culture or the Japanese culture better positioned to evolve toward the golden mean? As people of the West fear conformity and oppression as destructive of what they value most, people of the East fear excessive self-indulgence and social chaos as destructive of their most cherished values. But Bahá'u'lláh has called us all to change, and this demands courage as well as detachment from cultural conditioning. The most profound way to achieve independence of thought and spirit is to immerse oneself in the Bahá'í writings, the Creative Word of God for this age, and thereby approach a divine knowledge that transcends human limitations.

Ultimately the next advance in human civilization would seem to depend, most fundamentally, not on new structures or systems but on a change in how people conceive of their own selves. In the Bahá'í writings, the word "self" is used in two senses:

> [O]ne is self, the identity of the individual created by God. This is the self mentioned in such passages as "he hath known God who hath known himself," etc. The other self is the ego, the dark, animalistic heritage each one of us has, the lower nature that can develop into a monster of selfishness, brutality, lust and so on. It is this self we must struggle against, or this side of our natures, in order to strengthen and free the spirit within us and help it to attain perfection.

> Self-sacrifice means to subordinate this lower nature and its desires to the more godly and noble side of our selves. Ultimately, in its highest sense, self-sacrifice means to give our will and our all to God to do with as He pleases. Then He purifies and glorifies our true self until it becomes a shining and wonderful reality.[28]

The Western human rights tradition has established and vigilantly sought to protect our right to choose what we do with our God-given talents and capacities. Beyond that it cannot take us, as the modern democratic state is intended to allow for as wide a range of moral choices in a pluralistic society as possible. It seems, unfortunately, that in becoming preoccupied with protecting our right to choose we may forget to think about our greater purpose in making choices. For a Bahá'í, "an individual finds fulfillment of his potential not merely in satisfying his own wants but in realizing his completeness in being at one with humanity and with the divinely ordained purpose of creation."[29]

> [T]he honor and distinction of the individual consist in this, that he among all the world's multitudes should become a source of social good. Is there any larger bounty conceivable than this, that an individual, looking within himself, should find that by the confirming grace of God he has become the cause of peace and well-being, of happiness and advantage to his fellowmen? No, by the one true God, there is no greater bliss, no more complete delight.[30]

World religions have invariably called believers to transcend self, to discover a spiritual perfection that is both beyond themselves and within themselves, and to put others before themselves. Selflessness has always been identified as spiritual freedom. In the Bahá'í era, this freedom now finds not only individual but community and institutional expression as well, in an order conducive to close relationships and loving communities. Shoghi Effendi wrote that the Bahá'í community is "one spiritual family, held together by bonds more sacred and eternal than those physical ties which make people of the same family."[31] The institutional order has been ordained solely to facilitate community building, in the broadest sense and on a global scale. "World order is nothing else than the administrative aspect of brotherhood."[32]

Bahá'ís are among the staunchest supporters of human rights, because we know their spiritual value. Human rights are necessary in order to allow free reign to our higher selves. But we also know that our purpose lies beyond gratification of the individual will, and that our happiness depends on what we do in relationship with others.

God has given us eyes, that we may look about us at the world, and lay hold of whatsoever will further civilization and the arts of living. He has given us ears, that we may hear and profit by the wisdom of scholars and philosophers and arise to promote and practice it. Senses and faculties have been bestowed upon us, to be devoted to the service of the general good; so that we, distinguished above all other forms of life for perceptiveness and reason, should labor at all times and along all lines, whether the occasion be great or small, ordinary or extraordinary, until all mankind are safely gathered into the impregnable stronghold of knowledge. We should continually be establishing new bases for human happiness and creating and promoting new instrumentalities toward this end. How excellent, how honorable is man if he arises to fulfil his responsibilities; how wretched and contemptible, if he shuts his eyes to the welfare of society and wastes his precious life in pursuing his own selfish interests and personal advantages. Supreme happiness is man's, and he beholds the signs of God in the world and in the human soul, if he urges on the steed of high endeavor in the arena of civilization and justice.[33]

Footnotes

1 Donnelly, J. (1989). Universal Human Rights in Theory & Practice . Ithaca, NY: Cornell University Press. pp. 55-57.

2 For a comprehensive introduction to Bahá'í history, teachings, and practice, see Hatcher. W. S. and Martin, J. D. (1984). The Bahá'í Faith: The Emerging Global Religion. San Francisco, CA: Harper & Row. More specifically, see Weinberg, M. (1998). *The Human Rights Discourse: A Bahá'í Perspective*. In Bahá'í International Community. The Bahá'í World 1996-97. Haifa, Israel: World Centre Publications. p. 266.

3 Universal House of Justice (1972). Declaration of Trust of the Universal House of Justice . Haifa, Israel: Bahá'í World Centre. The Universal House of Justice is the international governing body of the global Bahá'í community, elected every five years by all of the members of all National Spiritual Assemblies. The latter are national Bahá'í governing bodies, elected annually and currently numbering about 180.

4 Shoghi Effendi (1974). The World Order of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 203. Shoghi Effendi was the grandson of Bahá'u'lláh, the Founder of the Bahá'í Faith. Shoghi Effendi served as the appointed Guardian of the Bahá'í Faith until his death in 1957, and his writings constitute an authoritative source of Bahá'í teachings. Since 1957 there has been no individual head of the Faith, this role now having passed to the Universal House of Justice, first elected in 1963.

5 Shoghi Effendi, quoted in Universal House of Justice (1989). *Individual Rights and Freedoms in the World Order of Bahá'u'lláh, a Statement to the Followers of Bahá'u'lláh in the United States of America*. Wilmette, IL: Bahá'í Publishing Trust. p. 20. This guidance is given in general terms and is stated as a "principle," but it may be useful to note that it was written in the context of answering a question concerning "absolute pacifists." Shoghi Effendi explained that not only is non-cooperation "too negative" and "too passive a philosophy to become an effective way for social reconstruction," which requires spiritual vitalization, but the attitude of absolute pacifists "is quite anti-social and due to its exaltation of the individual conscience leads inevitably to disorder and chaos in society. Extreme pacifists are thus very close to the anarchists, in the sense that both these groups lay an undue emphasis on the rights and merits of the individual." Shoghi Effendi (1981). *Letter dated 21 Nov. 1936 to the Bahá'ís of the British Isles*. Unfolding Destiny: The

Messages from the Guardian of the Bahá'í Faith to the Bahá'ís of the British Isles. London: Bahá'í Publishing Trust. pp. 435-36.

6 ibid. p. 1.

7 Bahá'u'lláh (1994). The Hidden Words. Wilmette, IL: Bahá'í Publishing Trust. Arabic no. 2.

8 The term "communitarianism" has various connotations for social theorists, but here it is used for its essential meaning that values of the community or group are given moral and policy priority over individual rights or concerns.

9 It is interesting in comparison that punishment in the United States, rather than forced exclusion, is often in the form of grounding, a limitation on the child's autonomy.

10 Shoghi Effendi. World Order of Bahá'u'lláh. p. 204.

11 Whether being human means having a soul or simply being capable of reason depends on the particular variation of the concept, of which there are several. Also not addressed here is the fundamental contradiction between this basis for human rights and the fact that all women and many groups of men (based on race, ethnicity, or land ownership) were for long periods of history not considered entitled to many "human rights" in legal systems generally professing adherence to this concept.

12 Art. 4. Close to 150 states are parties to the Convention, including virtually all of Western Europe.

13 The validity of this assumption, given the dense concentration of ownership and control in the media industry today, may be questioned.

14 Karst, K. L. (1984). *Woman's Constitution*. Duke Law Journal. 448.

15 This consists of Bahá'u'lláh's Kitáb-i-Aqdas (The Most Holy Book) and the Will and Testament of 'Abdu'l-Bahá, which constitute "inseparable parts of one complete unit." Shoghi Effendi (1974). God Passes By. Wilmette, IL: Bahá'í Publishing Trust. p. 213; Shoghi Effendi. World Order of Bahá'u'lláh. p. 4. 'Abdu'l-Bahá was the son of Bahá'u'lláh, and served as his appointed successor and head of the Faith.

16 An intensely succinct summary of the Kitáb-i-Aqdas appears in Shoghi Effendi. God Passes By. pp. 213-16. For an attempted description of the Kitáb-i-Aqdas in relation to modern constitutional and international law, see Schweitz, M. (1994). *The Kitáb-i-Aqdas: Bahá'í Law, Legitimacy, and World Order*. Journal of Bahá'í Studies, vol. 5, no. 35.

17 Bahá'u'lláh (1988). Tablets of Bahá'u'lláh revealed after the Kitáb-i-Aqdas. Wilmette, IL: Bahá'í Publishing Trust, pp. 66-67.

18 Bahá'u'lláh, quoted in Shoghi Effendi (1971). The Advent of Divine Justice. Wilmette, IL: Bahá'í Publishing Trust. p. 28.

19 It would be a valuable research effort to determine whether there is any explicit basis in the Bahá'í writings for tying legal rights to the performance of duties, but none are immediately evident. In fact, wholly unenforced duties are common, such as obligatory prayer, fasting, contributing to the Bahá'í funds, and being generous to those in need, suggesting that the fulfillment of certain responsibilities is most valuable when it springs from moral choice and understanding of purpose rather than from threat of punishment.

20 Universal House of Justice (19 May 1994). *Letter to the National Spiritual Assembly of the United States*.

21 Bahá'u'lláh, quoted in Shoghi Effendi. World Order of Baha'u'llah. p. 109.

22 The InterAction Council is a group of some 35 former heads of state, from all regions of the world. It was founded by Takeo Fukuda. The text of the Declaration is available at www.asiawide.or.jp/iac.

23 Küng, H. (1999). *Commentary on Two Declarations*. In Kunugi, T., Schweitz, M., eds. Codes of Conduct for Partnership in Governance: Texts and Commentaries. Tokyo: United Nations University. pp. 297-98.

24 For more on the Bahá'í teachings concerning economics, see Huddleston, J. (1996). *Principles of Economic Justice*. In Lerche, C. O., ed. Towards the Most Great Justice . London: Bahá'í Publishing Trust. pp. 137-52.

25 Universal House of Justice. *Letter to the National Spiritual Assembly of the United States*. A Spiritual Assembly is a governing body of the Bahá'í community, at either the local or national level. An Assembly has nine members, elected annually by written ballot and without campaigning or nominations.

26 National Spiritual Assembly of the Bahá'ís of the United States (April 2001). *Annual Report of the National Spiritual Assembly of the Bahá'ís of the United States, Ridván 2001*.

27 Universal House of Justice. *Individual Rights and Freedoms in the World Order of Bahá'u'lláh, a Statement to the Followers of Bahá'u'lláh in the United States of America*. p. 17-18. Shoghi Effendi wrote about the press in the future age of a world commonwealth: "The press will, under such a system, while giving full scope to the expression of the diversified views and convictions of mankind, cease to be mischievously manipulated by vested interests, whether private or public, and will be liberated from the influence of contending governments and peoples." Shoghi Effendi. World Order of Bahá'u'lláh. p. 204.

28 Shoghi Effendi (10 December 1947). *Letter Written on his Behalf to an Individual Believer*. In Hornby, H., comp. (1994). Lights of Guidance: A Bahá'í Reference File . New Delhi, India: Bahá'í Publishing Trust. no. 386.

29 Universal House of Justice. *Individual Rights and Freedoms in the World Order of Bahá'u'lláh, a Statement to the Followers of Bahá'u'lláh in the United States of America*. p. 21.

30 'Abdu'l-Bahá, quoted in Universal House of Justice. *Individual Rights and Freedoms in the World Order of Bahá'u'lláh, a Statement to the Followers of Bahá'u'lláh in the United States of America*. p.21.

31 Shoghi Effendi (1970). Dawn of a New Day: Messages to India 1923-1957. New Delhi, India: Bahá'í Publishing Trust. p. 106.

32 Bahá'í International Community (February 1947) *A Bahá'í Declaration of Human Obligations and Rights*. Presented to the first session of the United Nations Commission on Human Rights, Lake Success, NY. (Bahá'í International Community Document #47-0200).

33 'Abdu'l-Bahá (1970). The Secret of Divine Civilization. Wilmette, IL: Bahá'í Publishing Trust. pp. 3-4.

The Right to Education: The Case of the Bahá'ís in Iran

BY TAHIRIH TAHRIRIHA-DANESH

For the Bahá'ís the world over, the most familiar case of obstruction of human rights is that of the members of the community living in Iran, the birthplace of the Bahá'í Faith. Since the inception of the Bahá'í Era in 1844, the central figures and their followers have faced continuous waves of religious persecution in various forms and levels of intensity. One of the most prominent features of these sixteen decades of religious intolerance is the harassment of Bahá'í students and educators. Amongst the earliest state-sponsored actions of the post-revolution government in Iran, was the expulsion of thousands of members and children of members of the Bahá'í community from educational institutions. The following paper takes a brief look at this phenomenon.

The Islamic Dispensation began after the first encounter of Muhammad with Archangel Gabriel. It happened on the night of the 26th of Ramadan in 610 AD, in a cave on Mount Hirra in what is known today as Saudi Arabia. The next twenty some years of Prophet Muhammad's ministry were filled with victories, wars and sacrifice. It is believed that he passed away in 632 AD and that immediately upon his passing, the Islamic nation faced its first division into two factions of Shiite and Sunni. This was a result of disagreement over the rightful successorship of the community of the "Faithful." The Sunnis began the Caliphate regime starting with Abú Bakr, the father-in-law of Muhammad. The Shiite Muslims went on under the leadership of eleven Imams following the first Imam, "Alí, the son-in-law and cousin of the Prophet. The twelfth Imam, Muhammad al-Mihdí, the five-year-old son of Imam Hasan al-Askari is said to be hiding in a hole in Samarra[1] in Arabia. It is believed that "though invisible, he is living and 'when the earth is full of cruelty he will appear and bring justice.'"[2]

Islam was introduced to Iran in 634 AD. Since then, Shiite Islam and the Muslim clergy or *ulamá* have remained as integral parts of the Iranian community and culture. The thirst for the return of the twelfth Imam has dominated Muslim activities in Iran over the past centuries. Many believe that the twelfth Imam will reappear one thousand years after his disappearance in 260 A.H. (844 AD). Around the 1840's many ulamá and their followers began their search for the promised Qá'im in Iran. Among them were the renowned scholar Shaykh Ahmad-i-Ahsá'í, his student Siyyid Kázim-i-Rashtí, and finally Mullá Husayn-i-Bushru'i. The Bahá'ís believe that Mullá Husayn was the first man to have met the Promised Qá'im, Siyyid 'Alí Muhammad, or the Báb, in Shiraz, Iran. The Báb revealed to Mullá Husayn that He was the bearer of a Divine Message from God. The essence of His message was that the time had come to prepare for the establishment of justice on earth. This was to be accomplished through the teachings of one who was to come after Him. The Báb described His own station as the herald to a second Divine Manifestation whom He referred to as *Him Whom God Shall Make Manifest.*[3]

The Iranian church-state sent various individuals to investigate the claims of the Báb. The most trusted and established amongst them left all worldly possessions and positions to follow His teachings. Similar to the early days of other divinely-revealed religions, the power-seeking clergy and the government felt threatened by the increasing popularity of the new faith, gained in a short period of time. Thus, the political and religious leadership of Iran began their opposition towards the Bábís. The promised Qá'im, along with Mullá Husayn and thousands of followers, were killed at the hand of their fellow countrymen who still awaited the coming of the twelfth Imam, and who were encouraged by the ulamá to consider the Báb as an impostor.[4] With the public execution of the Báb, the ulamá and the government had hoped to put an end to the Bábí movement. However, shortly after the death of the Bab, one of his young followers named Mirzá Husayn 'Alí-i-Núrí, a nobleman, claimed to be *Him Whom God Shall Make Manifest*. He later came to be known as Bahá'u'lláh, the Glory of God. The Bahá'ís around the world believe that He is the promised one of all ages, the hallmark of whose teachings is the belief that "The fundamental purpose animating the Faith of God and His Religion is to safeguard the interests and promote the unity of the human race."[5]

The persecution of the followers of the Bábí and later, the Bahá'í community began with the beating of Mullá 'Alí-i-Bastámí,[6] one of the first followers of the Báb, and has continued until today. Over the years various governmental and non-governmental organizations all over the globe have condemned such crimes against the Bahá'ís. After the establishment of the Universal Declaration on Human Rights in 1948, the situation of the Bahá'ís in Iran saw no improvement.

Soon after this Declaration, the Iranian Bahá'ís suffered one of the most intense waves of persecution under the leadership of Ayatu'llah Falsafí, and the elite in the Iranian government and army in 1955.[7] This anti-Bahá'í campaign and many others are based on false accusations against the Bahá'í community. These accusations accompany deep-rooted religious prejudice that "is, paradoxically, combined with an almost universal ignorance of the religion's nature, teachings, and history."[8]

Over the decades the clergy have encouraged all Muslims to shun the Bahá'ís for they are considered as apostates and "unprotected infidels"[9]. By creating this division they rule the mindset and beliefs of religious Iran against the Bahá'ís. Historically, the clergy are the only ones with exclusive knowledge of the Scripture, as they "forbade the translation of the Qur'án into Persian."[10] Thus, the clergy occupied the elite position of ruling on various issues including the case of the Bahá'ís.

Since the inception of the Bahá'í Faith, but more explicitly after the 1979 Islamic revolution, the Bahá'ís have been accused of spying for various countries such as Russia, the United Kingdom, the United States, Spain and Israel. The 1979 revolution expanded this list to include charges of ties with Zionism, the Shah's regime and SAVAK,[11] thus portraying the Bahá'í community as an entirely ungodly, dangerous and political sect of infidels. Therefore, Bahá'ís are not mentioned in the Iranian constitution, even though they are the largest religious minority in that land. This act on the part of the government in Iran is a proof of the Islamic Republic's denial of the most basic human rights of the Iranian Bahá'ís. In an official secret document, the government of Iran summarizes their policies toward the Bahá'ís so "that their progress and development shall be blocked."[12] This is in direct conflict with the spirit and articles of the Universal Declaration on Human Rights. Furthermore, it demonstrates the fact that "the campaign against the Bahá'ís is centrally directed by the Government."[13]

Some Basic Islamic and Bahá'í Rights and Obligations

The treatment of the Bahá'í community since its early days by the Muslim clergy can give the impression that Islam validates the oppression of the Bahá'ís and the tenets of the Bahá'í Faith. However, as an example, the Qur'án and the Aqdas, the holy books of Islam and the Bahá'í Faith, have much more in common than in contradiction. Both books, much like other holy books proclaim the oneness of God, the sacredness of human nature and establish various rights for the individual. They outline a number of duties on the part of the individual and society, thus setting the framework within which principles such as equality, justice, freedom and unity are acknowledged and promoted. Among the first

words recorded in the Qur'án, and attributed to Muhammad are: "Read in the name of your Lord who createth, Created man from a clot…"[14]

This sentence embodies the notion that human beings have both spiritual and material attributes. To satisfy the needs of both dimensions, the Qur'án attributes various rights and responsibilities to the body of believers. These rights include freedom (from slavery) for all men based on the principle of equality, the right to education, the right to belief, and Jihad, the right to defend oneself and one's beliefs. On the other hand the Qur'án prescribes a number of responsibilities to its followers. These are based on the fundamental belief of submission to the Will of God (Islam). These responsibilities include daily prayers, fasting, charity and pilgrimage among others. They are necessary factors in the concept of Muslim community expressed as "brotherhood." Muslims were the first to organize themselves based on "religion, rather than blood."[15] Religious affiliation or membership is then the point of unity for Muslims. This unity implies that by becoming a Muslim, human beings of various backgrounds attain an equal station. Also, in submission and obedience to the Will of God, lies the key to dignity: "We exalt in dignity whom We please; surely your Lord is Wise, Knowing."[16]

The Bahá'í Writings also emphasize that God is the creator of human beings,[17] whose nature has spiritual and material attributes.[18] Bahá'ís also have rights and obligations. Such rights and obligations include the right to education, the right to freedom of religion, equal gender and racial rights, the right to participate in the administrative affairs of the community, the right to prayer, fasting, economic development and welfare, and consultation as the means to resolve conflict.

The fundamental difference between the Bahá'í Writings and Islamic teachings is the all-inclusive definition of unity. The unity of humankind in the Bahá'í sense is not a given fact based on race, or religious affiliation. It is based on the oneness of humanbeings as equal in station and yet diverse in the degree to which each endeavors to develop his or her capacities. They are seen as "the fingers of one hand, the members of one body."[19] The entire body of humanity benefit from equal rights. Indeed, all humanbeings:

> …at the time when they first become manifest in the world of the body, are equal, and each is sanctified and pure. In this world, however, they will begin to differ one from another, some achieving the highest station, some a middle one, others remaining at the lowest stage of being. Their equal status is at the beginning of their existence; the differentiation followeth their passing away.[20]

What is clear in this statement is that the process of life for a human being contains a series of decisions and actions, which ultimately determine various stations of individuals, not in this life, but in the life to come.

This paper is concerned with these decisions and actions in light of human rights and obligations. The above quotation implies that the span of a human lifetime is the period in which the individual has the choice to fulfill his or her rights and obligations in order to develop. The manners in which this is carried out are diverse. But the common element in this process is that of development and progress of individuals *and* communities. The Bahá'í concept of community moves beyond the Muslim notion of "brotherhood" based on religious affiliation. It ultimately covers the globe, and embraces all members of the human race without any exemption based on race, religion, gender, age or class. This is reflected in one of the best-known statements of Bahá'u'lláh: "The earth is but one country, and mankind its citizens."[21]

The Foundation of Human Rights from a Bahá'í Perspective

The human rights implications of Bahá'u'lláh's statement are great. By defining the globe as one single country, Bahá'u'lláh defines the framework for civil and political rights, as well as economic, social and cultural rights of humanity. One of the essential elements for both categories is the right of self-determination.[22] In other words, members of the human community have the right to freely pursue their common interests in political, economic, social, cultural and civil development. This right of self-determination is one of the most important because it is closely linked to human dignity and self-realization, which sum up all human rights.[23]

Thus, Bahá'u'lláh defines the right of self-determination in its fullest sense. By stating that the earth is as *one* country and the entire body of *mankind* its citizens, He incorporates all (political, cultural, civil, economic, social) of the planet's resources to provide the highest (global) level possible for each individual's and each community's right to self-determination. This directly affects the self-realization of all members of the human race.

Self-realization from a Bahá'í perspective is based on an awareness of the source and purpose of human rights. As noted earlier, "the source of human rights is the endowment of qualities, virtues and powers which God has bestowed upon mankind…"[24] at an equal level and at the beginning of life. The purpose of human rights is "to fulfill the possibilities of this divine endowment…"[25] through each individual's understanding of their rights and obligations according to a system of law. Such a vision is in harmony with the very

purpose of life on earth to prepare the soul for life after death.[26] However, a Bahá'í-inspired perspective does not exclude a prosperous and happy life on this earth.

The Bahá'í understanding of human nature as both material and spiritual calls for a perspective on human rights that accommodates the development of both aspects of a human being. This implies a system that is based on both material and spiritual concepts of reality. Freedom, justice and peace, three concepts called for in the first part of the Universal Declaration on Human Rights, are examples that embody both material and spiritual realities. The Bahá'í Writings present all three in light of the comprehensive concept of unity. All members of the human society are invited to "cherish and protect that unity of spirit which is their highest mutual obligation."[27] Unity of spirit calls for "a conscious awareness of human relationships."[28] Such consciousness is not only based upon the social aspects of human relationships, but also the spiritual forces that animate them. In other words, human relationships are based upon a spiritual force, that of unity.

Perhaps one of the implications of the declarations and covenants on human rights that are often termed "universal" or "international," is the need for an international or universal code of law.

Such a need is the direct result of the historical setting in which the United Nations and later the Declaration on Human Rights emerged after "the Nazi atrocities of World War II."[29] The Nazis promoted what was called unity through ethnic cleansing. In action, Nazism demonstrated uniformity and superiority of the Aryan race, and not the unity and oneness of the entire human race. Bahá'u'lláh clarifies the Bahá'í view that "The fundamental purpose animating the Faith of God and His Religion is to safeguard the interests and promote the unity of the human race."[30]

Unity is viewed as a law that embodies material and spiritual realities. In one way, it is expressed as attraction between elements. 'Abdu'l-Bahá uses the example of a flower to explain this law:

> The law of attraction has brought together certain elements in the form of this beautiful flower, but when that attraction is withdrawn from this centre the flower will decompose, and, as a flower, cease to exist. So it is with the great body of humanity. The wonderful Law of Attraction, Harmony and Unity, holds together this marvelous Creation.[31]

Based on 'Abdu'l-Bahá's explanation, the law of unity or attraction amongst elements can apply to a human body. When this unity is extracted from the

human body, the force of life is removed. After this point of separation between consciousness and the body, or absence of unity between the elements of a human being, the body begins to decompose. If these remains are examined by a physician as to why they do not function, systematic deficiencies such as a beating heart, the need for blood flow and other functional organs throughout the body are identified. The physician sums up such deficiencies in one sentence, that the body lacks the force of life. In other words, the law of unity governing life in the human being is absent.

A similar process applies to the body of humanity, which has suffered much through wars, crimes against humanity, genocide and other atrocities. It has now identified the need for justice, an international code of law, peace, cooperation and other conditions in which the global society can progress. Such needs require a harmonious and coordinated system to ensure proper function. Much like the organs and individual cells of a human body, various organs and individual members of society benefit from reciprocal relationships. The 1947 Bahá'í statement[32] expresses these relationships, in light of the law of unity, as rights *and* obligations. The difference between these two types of relationships is that rights and obligations are the result of conscious acts. In reality, through signing the Declaration on Human Rights the global society calls for conscious acts that result in equal rights, freedom, justice and peace for all.

A Bahá'í-inspired perspective argues that equality, freedom, justice and peace are closely linked with unity. In light of unity, equality is an awareness of the inherent oneness of the station of all humanity, as creations of one God. Such equality frees humanity from all previous ties of race, religion, class, creed or gender. Accordingly, an understanding of the inherent oneness of mankind results in regarding rights and obligations as two sides of one coin. For the good of one is the good of all and the good of all is the good of one. Thus, rights and obligations become expressions of justice, as their reciprocity supports a just system. In other words, if "The purpose of justice is the appearance of unity among men,"[33] then the just distribution of rights and obligations would involve all and not only some individuals or institutions of the human community.

Education and Development

Following the very first words revealed to Prophet Muhammad on the dual nature of man's being, Gabriel continued to express what seems to be another human right, the right to education. Gabriel revealed: "Read: And thy Lord is the Most Bounteous, Who teacheth by the pen, teacheth man that which he knew not."[34] A Bahá'í view on education is inspired by similar elements: first, the right or obligation to education, and second, the need for a holistic approach to

education, to satisfy both the material and the spiritual needs of humanity. Thus, education is the ideal path to development, as it encompasses both of the fundamental elements of reality. Furthermore, education helps to transform attitudes and values, a main purpose of life and as the result of interactions between the material and the spiritual.

During recent decades, the sciences have confirmed the principle of the oneness of humanity. Accordingly, all education and development efforts are most effective when the aims and themes of the curriculum are based on the concept of unity and its underlying principle, the oneness of the human race. Such a foundation, the Bahá'ís argue, will ease the tensions felt on a global scale in regards to the illusive contradictions between global and local, or the spiritual and material values in life.[35]

Article 26 of the Universal Declaration on Human Rights states: "Everyone has the right to education." According to the International Commission on Education for the 21st Century, education must facilitate "the full development of the human personality and the sense of its dignity." Bahá'u'lláh emphasizes the importance of education and development at a higher level: "Regard man as a mine rich in gems of inestimable value. Education can, alone, cause it to reveal its treasures, and enable mankind to benefit therefrom."[36] Hence, education plays a central role in development of the inherent capabilities of a human being and ultimately the society at large. In other words, the right to development is embedded in the process of education.

A fundamental aspect of education is the transference of culture from one generation to the next as part of the "full development of the human personality."[37] Education, when based on unity and diversity, helps to preserve and promote local cultural identity, and at the same time, enhance global culture. This is achieved through sharing of values and practices cherished by each group. In today's world, and based on the International Bill of Rights, cultural preservation and progress is recognized as part and parcel of human rights and human rights education.

One of the areas of inequality in education is based on gender. No doubt the material development and advancement of women has been slower than that of men. Some attribute this challenge to custom and religion.[38] Such categorizations usually imply genetic-based inferiority in women, or the necessity of gender-based social roles. Others view such inequality as a result of violation of the right to education. The Bahá'í Writings clearly state: "The difference in capability between man and woman is due entirely to opportunity and education."[39] Therefore, education of both male and female members of the society is a pre-requisite to the understanding and practice of equality.

Education also promotes the right to economic welfare, desperately needed in various parts of the globe. One of the educational points that is often shared from a Bahá'í perspective is viewing work and earning one's livelihood, as worship. It is through this holistic perception (inspiring the material through the spiritual) that the motivation for progress in economic welfare is heightened. Accordingly, the aim for economic welfare is shaped differently by the Bahá'í Writings. The aim is no longer that of competition or survival of the fittest. Economic welfare must "equip the peoples and institutions of the world with the means to achieve the real purpose of development; that is, the cultivation of the limitless potentialities latent in human consciousness."[40]

In short, a Bahá'í-inspired view on human rights stands firm on the need for education. In the words of the Bahá'í International Community, a program of education based on the "recognition of the oneness of humanity, appreciation of unity in diversity, and a sense of citizenship in a world community will be the best guarantee of improved protection of human rights in the years to come."[41]

The Right to Education: The Bahá'í Community in Iran

The Bahá'í community and the history of its development has been closely linked with education. Once again, based on the Bahá'í perspective of the oneness and unity of the human race, education was not reserved for Bahá'ís, but for all members of their communities. It has been through education that the basic rights to live, serve humanity and contribute to collective advancement have been cultivated. The history of development and contributions of the Bahá'í community in Iran remains as an outstanding example. During the later years of the 19th Century, at a time when the earliest members of the Bahá'í community were persecuted, Iran suffered from one of the highest rates of illiteracy and economic downfall. This was due to a number of factors. One was that according to the Muslim clergy, girls were not to excel in education.[42] During that period, the highest level of education was the knowledge of the Qur'án, its traditions and Islamic jurisprudence. Classes or *maktabs* were open to male students alone.

However, one of the basic tenets of the Bahá'í Writings is the equality of rights and educational opportunities for men and women, and this aroused much opposition amongst the clergy and the regime. Such opposition led to the strangulation of Tahirih, the Qurratu'l'Ayn, one of the foremost learned women of Iran in the late 1800's[43] and continued well into the 1900's when masses of Bahá'ís were killed, Bahá'í teachers or students in public schools were persecuted and Bahá'í schools were closed down.[44] This is the climate in which Bahá'ís began to promote equal rights to education, and developed a number of schools for boys

and girls. Parallel to the persecution and exclusion of Bahá'ís from all parts of society, and inspired by the importance of education, by 1973 the Bahá'ís were the first to have "achieved a literacy rate of 100 per cent among women under the age of 40, despite the national literacy rate of 15 per cent."[45]

Such a high rate of literacy caused many Bahá'í women and men to lead the development of the Iranian society and the world at large. Zhínús Ni'mat Mahmúdí was the first female physicist in Iran. Manúchihr Hakím's contributions were received by the most outstanding circles and publications in the world of medicine. General 'Alaí's management skills made Iran Air one of the most successful airlines in the region. Buzurg 'Alavíyán was one of the foremost Iranian engineers. Bahá'í-inspired education and dedication made these and other professionals, leading assets of the country. Their contributions to the Iranian society stand as proofs of their loyalty to and a genuine belief in the cause of advancement of the world of humanity.[46]

After the 1979 revolution, hundreds of Bahá'ís were killed and imprisoned, and thousands were expelled from all official positions and their private and public properties were confiscated or destroyed. This campaign against the Bahá'ís also included the expulsion of masses of Bahá'í professionals and teachers from employment, as well as Bahá'í students from schools and universities.

No official document has yet been released by the government of Iran to explain the specific reason for the attacks. However, the 1991 "Iranian government document on the Bahá'í question"[47] summarizes the essential components of the policies, which underlie this action of the government of Iran:

Educational and cultural status:

1. They can be enrolled in schools provided they have not identified themselves as Bahá'ís.
2. Preferably, they should be enrolled in schools, which have a strong and imposing religious ideology.
3. They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá'ís.
4. Their political (espionage) activities must be dealt with according to appropriate Government laws and policies, and their religious and propaganda activities should be answered by giving them religious and cultural responses, as well as propaganda.

5. Propaganda institutions (such as the Islamic Propaganda Organization) must establish an independent section to counter the propaganda and religious activities of the Bahá'ís.

6. A plan must be devised to confront and destroy their cultural roots outside the country.

It is clear that the systematic expulsion of Bahá'í students and teachers was a direct result of such policies. What stands unclear is the nature of "political (espionage) activities" of the Bahá'í community at large. The government of Iran has not provided the international community with any evidence on the so-called political activities of the Bahá'í community.

"As many observers have long pointed out, the Bahá'ís of Iran pose no threat to the Government. Their religious principles call on them to obey the law, to refrain from involvement in partisan politics and to practice non-violence. They seek wholeheartedly to join with their countrymen in an atmosphere of religious freedom to help in the construction of a more just and prosperous Iranian nation."[48]

During the later years, the authorities in Iran have neglected legal procedures and have failed to provide any form of written verdict to the victims of persecutions. The execution of Ruhollah Rohani in July of 1998 was an example of such shortcomings on the part of the local and national authorities.[49] What is of interest to the international community and the Bahá'ís around the world is the plan that, as stated above in article 6, is "devised to confront and destroy" the cultural roots of the Bahá'í community "outside the country."

Article 26 of the Declaration on Human Rights states that "Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."[50] The expulsion of Bahá'í students from universities according to article 3 of the above-mentioned plan of the Islamic government in Iran, followed by the attacks on the Open University[51], stand as testimony to the systematic violation of rights of the Bahá'ís in Iran. That the practical implications of the Islamic Republic's understanding of *merit* are based on *religion* requires that the Bahá'í youth can obtain education only if their identity as Bahá'ís is repressed. Thus, Article 18 of the Declaration on Human Rights is also violated. Now that the Islamic government plans to destroy the cultural roots of the Bahá'ís outside Iran, it means that the political agenda of the Islamic government of Iran remains above the civil and cultural rights of the Bahá'ís world-over. Members of the Bahá'í community include citizens of more than one hundred and seventy nations. Therefore, the persecution of the Bahá'ís is truly the concern of the world community.

Some of the more moderate clergy also voiced their opposition to the ongoing and illogical persecution of the Bahá'í community. The Iran Press Service on the Worldwide Web reported the following on Áyatu'lláh Mehdi Haeri-Khorshidi, during a demonstration outside the Iranian Embassy in Germany: "He also denounced the government for not recognizing the right of the Iranian Bahá'í to worshipping freely their faith. 'Why should hundreds of thousands of fellow Iranians be denied all basic rights, including that of a decent, open life, just because they follow another religion?'"[52] The article went on to affirm that the Bahá'í Faith is:

> …not recognized by the Ayatollahs as an official religion like Judaism, Christianism [*sic*] or the Zoroastrians, the Bahá'ís are ruthlessly suppressed under the present Islamic rule, their temple burned down and destroyed, their situation being similar of that of the Jews [*sic*] in Hitler's Germany. Tens of Bahá'ís have been executed or hanged, some of them as recently as a month ago…[53]

Many individuals, government representatives and international organizations have launched a number of campaigns to put an end to the wrongs committed against the Bahá'ís in Iran. But the discriminations continue in one way or another. At the Asian Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Iran, representatives of the Bahá'í International Community were not permitted to take part in the conference. "The Bahai delegates were given the run-around by Iran authorities," stated Mary Robinson, the UN High Commissioner for Human Rights "I took a strong stand on this. It undermines all the values of the conference."[54]

Conclusion

This paper explores a number of issues regarding the human rights of the Bahá'ís in Iran. The fundamental spiritual teachings of Islam are in harmony with those of the Bahá'í Faith and do not provide the grounds for persecution of any religious minority. The persecution of the Bahá'ís in Iran began soon after the inception of the Bahá'í dispensation in 1844. The church-state system of Iran is directly responsible for the systematic and centrally based persecution of the Bahá'ís in that country since then.

The foundation of a Bahá'í-inspired perspective on human rights is that of unity, with an aim to develop spiritual and material capabilities latent in human nature. Such development is seen as the goal of human life and education is one of the most effective means towards the achievement of this goal. Both the

Qur'án and the Sacred Scripture of the Bahá'í Faith endorse a right to education. Therefore, preventing Bahá'ís from obtaining education is one of the most effective ways to ensure *that their progress and development shall be blocked*.

The members and friends of the worldwide Bahá'í community have launched many campaigns to openly share the tenets of the Bahá'í Faith, its activities, history and concerns. The hope of all those who appreciate the nature of the message and aims of the Bahá'í Faith is to put an end to all crimes and atrocities against humanity, including those committed against the Bahá'í community in Iran.

Footnotes

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3 For a discussion see: The Báb (1978). Selections from the Writings of the Bab. London: Bahá'í Publishing Trust.

4 Historical records of the events in Nineteenth Century Persia left by Western scholars such as Edward G. Browne, Comte de Gobineau and A.L.M. Nicholas testify to the atrocities committed by the government and ulamá to eradicate the infant community.

5 Bahá'u'lláh (1988). Gleanings from the Writings of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust., p. 215.

6 abíl-i-A'zam [Muhammad-i-Zarandí], trans. and ed. Shoghi Effendi (1975). The Dawn-Breakers: Nabíl's Narratives of the Early Days of the Bahá'í Revelation. London: Bahá'í Publishing Trust. p. 60.

7 For a discussion on the history of the persecution of the Bahá'ís in Iran see: Martin, J. D. (1993). *The Case of the Bahá'í Minority in Iran*. In Bahá'í International Community. The Bahá'í World 1992-93. Haifa, Israel: World Centre Publications.

8 ibid. p. 247.

9 See Bahá'í International Communiy (2000). *Update on the Situation of the Bahá'ís in Iran*. In Bahá'í International Communiy. The Bahá'í World 1999-2000. Haifa, Israel: World Centre Publications.

10 Root. p. 19.

11 The intelligence agency in Iran during the Pahlavi regime.

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19 Bahá'u'lláh (1992). The Kitab-i-Aqdas. London: Bahá'í World Centre. p. 40.

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21 Bahá'u'lláh. Gleanings from the Writings of Bahá'u'lláh. p. 250.

22 Self-determination appears in the first article of United Nations (1966). *United Nations International Covenant on Civil and Political Rights;* and, United Nations (1966). *United Nations International Covenant on Economic, Social and Cultural Rights*. Both in Ishay, M. R., ed. (1997) The Human Rights Reader: Major Political Essays, Speeches, and Documents From the Bible to the Present. New York, NY: Rutledge. pp. 424-440.

23 Matas, D. (1994). No More: The Battle Against Human Rights Violations. Toronto, Canada: Dundurn Press Limited. p. 181.

24 Bahá'í International Community (February 1947) *A Bahá'í Declaration of Human Obligations and Rights*. Presented to the first session of the United Nations Commission on Human Rights, Lake Success, NY. (Bahá'í International Community Document #47-0200).

25 ibid.

26 For further discussion see Hornby, H. B. (1994). Lights of Guidance. New Delhi, India: Bahá'í Publishing Trust. p. 360.

27 Bahá'í International Community. *A Bahá'í Declaration on Human Rights and Obligations.*

28 For further discussion see Danesh, H. B. (1998). *CRES 520: The Concept of Unity*. Unpublished course materials. Wienacht, Switzerland: Landegg International University.

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30 Bahá'u'lláh. Gleanings from the Writings of Bahá'u'lláh. p. 215.

31 Abdu'l-Bahá. Paris Talks. p. 139.

32 Bahá'í International Community. *A Bahá'í Declaration on Human Rights and Obligations.*

33 Bahá'u'lláh (1988). Tablets of Bahá'u'lláh. Wilmette, IL: Bahá'í Publishing Trust. p. 67.

34 Pickthall. p. 96: 1-2.

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46 Individuals named here amongst those Bahá'ís who were put to death in various ways during the early years of the Islamic Republic of Iran. For further information see Bahá'í World Centre(1986). The Bahá'í World, vol. XVIII. Haifa, Israel: Bahá'í World Centre.

47 For further discussion see the Bahá'í World Web site at www.bahai.org.

48 Bahá'í International Community (1998). *A Litmus Test for Iran.* www.bahai.org/article-1-8-3-16.html.

49 The White House, Office of the Press Secretary (23 July 1998). *Statement by the Press Secretary.* usnsa-oea@usbnc.org.

50 Ishay, M. R. (1997). *The United Nations Declaration of Human Rights.* In Ishay. The Human Rights Reader: Major Political Essays, Speeches, and Documents From the Bible to the Present. pp. 407-412.

51 After the expulsion of Bahá'i students and teachers from institutions of higher learning, the community organized itself to educate its youth. This resulted in what came to be known as the Open University.

52 Iran Press Service (1998). www.iran-press-service.com.

53 ibid.

54 See: www.cnn.com/2001/WORLD/meast/02/23/un.iran.racism.ap/index.html.