

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”, 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 human-kind: “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

Bringing Rights Home

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

Bringing Rights Home

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 principles⁶⁷ 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.

Bringing Rights Home

- 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.
- 24 Universal House of Justice, letter to an individual believer, quoted in Hornby. p. 221.
- 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.

Bringing Rights Home

- 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 Universal House of Justice, quoted in Universal House of Justice (1990). *Preserving Bahá'í Marriages*. www.commonlink.com/~drc/index/mar/pres/blpres1.htm.
- 48 Bahá'u'lláh, quoted in Bahá'í International Community (30 January-10 March 1995) *Ending Violence Against Women*. Presented to the 51st session of the United Nations Commission on Human Rights, Geneva, Switzerland. (Bahá'í International Community Document #95-0201).
- 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.
- 59 *ibid.* www.bcca.org/~kalantar/writings/compilations/bahai.edu/dir-piece-3/sec-19.html.
- 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).

Bringing Rights Home

- 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 of 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*.