

HUMAN RIGHTS IN INDIA

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ANCIENT PERIOD

The Classical Civilizations: China and India

Classical civilizations The expansive civilizations that developed in China, South Asia and the Mediterranean during the final millennium BCE all established political institutions, cultures, and social systems that continued to affect these regions long after the great classical empires themselves tumbled (between about 200 and 600 CE). The traditions had varying implications when it comes to rights – though again it is vital to note that none of them developed a full concept by modern standards.

India In India, the rise and gradual elaboration of the caste system, and its relationship to the Hindu religion, seriously complicated any idea of rights. Caste membership was hereditary, and each caste had certain obligations in life. The upper castes, at least, arguably had certain rights that protected their work roles and social contacts from interference by the lower castes (though definitions of caste privilege did not use a rights language). Pretty clearly, however, the caste system complicates any claim that Indian tradition developed concepts of rights that foreshadowed current notions. To be sure, Hinduism also emphasized the sanctity of life and the importance of not taking life except in a just war. And Indian rulers might display considerable religious tolerance, particularly in interactions between Hinduism and Buddhism. But formal rights concepts were not really suggested.

Conclusion None of the classical societies really generated a clear concept of rights, and this applies to Greece and Rome discussed in the next chapter. India and China may however have been a bit more removed from even precursors of rights than the classical Mediterranean, though the Confucian approach, with its clear interest in the public good, will continue to complicate discussions of rights in East Asia even into modern times.

Study questions:

1. Would Hinduism, stripped of the caste system, provide a basis for ideas of rights?

Further reading:

Randall Nadeau, "Confucianism and the Problem of Human Rights," *International Communications Studies* 11 (2002): 107-18.

POSTCLASSICAL PERIOD

The World Religions and the Example of Buddhism

The world religions The centuries after the fall of the great classical empires saw a substantial increase in the role of religion, particularly the great missionary religions of Buddhism, Christianity and Islam – and Islam itself was a major new entrant. All three of these religions ultimately claimed a mission to convert as many people as possible, across political and cultural boundaries, because each claimed the possession of ultimate religious truth. The resultant question, of whether the religions contributed to a preparation of human rights thinking, or added new limitations, becomes increasingly important for the centuries after 600 CE, in many parts of Asia, Europe and Africa. And it is not easy to answer.

Universality and spiritual equality The three religions introduced two innovations relevant to later thinking about human rights. First, they conveyed some active awareness of a common humanity, in the

sense that they aimed at wide conversions and were not confined, as previous religions had been, to focusing on a single people. Second, they posited a basic spiritual equality among all believers. All faithful, rich or poor, male or female, were in principle endowed with a soul or a portion of the divine essence. This did not necessarily generate a sense of rights: equality might be seen more in terms of equal obligations to the divine or equal opportunities for spiritual advancement after life on earth. But the modification of the easy acceptance of inequality characteristic of all the classical civilizations could be a relevant step forward, at least in principle.

New boundaries and intolerance Against this, however, the religions introduced two new complications to any human rights approach. First, while they envisaged humanity to some extent, they also heightened the importance of new religious boundaries. The sense of shared fellowship with co-religionists also created a sense of superiority over non-believers, and this could easily lead to a belief that non-believers had inferior rights. Shading off from this, emphasis on possession of ultimate religious truth easily led to new levels of legal intolerance for members of society who were attached to a different faith. Issues of religious tolerance were not brand new in the postclassical period, but many earlier religions – and particularly polytheistic religions – had been rather flexible. Now, however, boundary lines became sharper, heightening one of the key problems modern human rights thinking would seek to attack.

Inequalities Furthermore, all three religions introduced tensions between statements of spiritual equality and ongoing divisions into unequal categories. Most obviously, all three religions excluded women from most official positions in the religion and urged obedience of wives to husbands. They introduced certain gains for women, but in some ways heightened gender inequality.

Buddhism Of the three religions, Buddhism proved the most flexible, frequently (though not invariably) coexisting with other belief systems. Not a legalistic religion, and lacking a single doctrinal statement, Buddhism's general aversion to violence could lead to new concerns about protecting human life and avoiding cruelty; these tendencies were not framed in terms of rights, but they might prove compatible with human rights thinking later on. A few Buddhist leaders spoke forcefully about women's spiritual role and the importance of giving women a voice in matters religious. Certainly, in the contemporary world, many Buddhist groups are actively interested in the fulfillment of rights as a precondition for greater peace and justice. In its original iterations, however, given the absence of legalism and the otherworldly focus, Buddhism had fewer implications for rights than was true of the other two missionary faiths.

Study questions:

1. Was the idea of spiritual equality an important step toward human rights thinking?
2. What were some key features of Buddhism that were not conducive to thinking in terms of rights?

Further reading:

Carmen Meinert and Hans-Bernd Zollners, eds., *Buddhist Approaches to Human Rights: dissonances and resonances* (Transcript, 2010).