

**HUMAN RIGHTS CULTURE:
A WAY FORWARD TO PEACE
EXPLORING THE RELATIONSHIP BETWEEN
RELIGION AND HUMAN RIGHTS**

DAVE D. CAPUCAO

This paper will examine the relationship between human rights, social integration and religion. Given the multi-religious and multi-cultural setting of the country, this paper argues that human rights are indispensable components of social integration. Furthermore, it contends that the significant role of religion in the quest for peace in the land is to contribute to the development of social integration through human rights culture. This paper will be developed by describing human rights discourse in contemporary societies. It will trace the beginnings of human rights in the revolutions of the 17th-18th centuries. Further, it will explicate the evolution of the 'three generations rights' and some contentious issues related to it. Next, it will show the attitudes of the church on human rights in history. Then, it will examine the tension between individual and collective rights, between universal and particular rights in the human rights discourse. It will discuss the underlying principles of human rights like the principle of 'mutual recognition,' differentiated universalism, overlapping consensus, etc. It will also examine the underlying secular and religious 'legitimations' of human rights through the concepts of 'human dignity' and 'image of God.' After examining the substantial elements of human rights culture in the foregoing sections, the paper will demonstrate the link between human rights and social integration. And finally, it will draw some insights as to how religion can contribute in the development of social integration through human rights culture.

INTRODUCTION

In the Philippines today, human rights discourse has been considerably contested due to the policies of the present government regarding issues affecting its campaign on the 'war on

drugs.’ Thousands have been killed without due process. The government justifies their total disregard for due process and rule of law through public vilification and attacks on the reputation and dignity of suspected drug users and drug dealers. On several occasions, the president manifests aversion towards human rights advocates who question his methods and policies.¹ On August 16, 2017, the president ordered the police to “shoot those who are part of [drug activity]. If they [members of human rights organizations] are obstructing justice, shoot them.”²

Some opposition leaders were detained on allegations of drug involvement. Families of the victims of the so-called ‘extra-judicial killings’ (EJK), opposition leaders and other concerned sectors clamor for justice on the ground of their human rights. Cases have been filed to the Courts of the United Nations Human Rights Council (UNHRC). However, the current president defies the investigation of the International Commission and withdrew the country’s membership to the said institution. Many are anxious as to what will happen to our country when the human rights of its citizens are disregarded?

The Philippines has been a member country of the United Nations since its foundation in 1945. It is also a signatory to the Universal Declaration of Human Rights (UDHR) established in 1948. As a signatory, the Philippines adheres to the fundamental

¹ In his State of the Nation Address (SONA) last July 24, 2017, President Duterte threatened to abolish the Commission on Human Rights (CHR). Subsequently, the House of Representatives reduced its budget to 1,000 pesos for the entire year of 2018 against the request for Php. 623,380,000 budget.

² “Duterte Threatens Human Rights Community”, August 17, 2017, accessed Sept. 14, 2018. <https://www.hrw.org/news/2017/08/17/philippines-duterte-threatens-human-rights-community>. A year later, in his State of the Nation (SONA) address, he rants: “When illegal drug operations turn nasty and bloody, advocates of human rights mock our law enforcers and this administration to no end... Sadly I have yet to really howl of protest from human rights advocates and church leaders against drug lordism, drug dealing and drug pushing as forceful and vociferous...Your concern is human rights; Mine is human lives...” Felipe Villamor, “Your Concern Is Human Rights, Mine Is Human Lives,” Duterte Says in Fiery Speech,” *New York Times*, July 23, 2018, accessed September 14, 2018. <https://www.nytimes.com/2018/07/23/world/asia/philippines-duterte-speech-muslims.html>.

and inalienable rights of its people. This is evidenced by its place in the Bill of Rights spelled out in Article 3 of the 1987 Philippine Constitution. Ideally, human rights have been a central feature of the country's democratic principle where freedom and equality of all its members are protected and advanced. It is on this particular democratic milieu where our church members are embedded into. In this setting, therefore, we may presuppose that church members may have imbibed on varying degrees, the human rights culture that permeates this social context. It is important to examine whether human rights attitudes are part and parcel of their consciousness as 'religious' members of society.

In this article, I want to argue that one of the reasons for the growing violence and culture of impunity in the Philippines is the lack of human rights culture. I contend that human rights culture is an indispensable component in the pursuit of peace and of social integration in a multi-religious and multi-cultural context. Further, I assert that religion must contribute to the development of human rights culture in the present Philippine context.

HUMAN RIGHTS DISCOURSE IN CONTEMPORARY SOCIETIES

The birth of 'human rights' in modern day society came in after the Second World War, when the United Nations was founded in 1945, and the adoption of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly in 1948.³ The declaration of human rights in December 10, 1948, was perceived as a momentous event in the history of humanity—a universal triumph of humanity. It claimed for 'the inherent dignity and the equal and inalienable rights of all members of the human family.' This same document jubilantly announced that "the advent of a world in which human beings shall enjoy freedom of speech

³Although there are a number of treatises or international agreements affecting humanitarian issues before WW II, and also some antecedents of protection of human rights on a domestic level, it is only with the entry into force of the United Nations Charter in 1945 that it is possible to speak of the advent of systematic human rights protection within the international system. Scott Davidson, *Human Rights* (Buckingham PA: Open University Press, 1993), 1.

and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.” It is a common standard of achievement for all people and all nations. It was also after this event that the term “human rights”⁴ emerged in the day to day language. Its ideals and principles have informed both the practice and theory of international law and politics. Although its weaknesses as an ideology or state practice are evident, that ideal of human rights has become a part of modern consciousness, a lens through which to see the world, a universal discourse, a potent rhetoric and aspiration.⁵

Furthermore, as Nussbaum (1997) remarks, it has become unavoidable to speak of human rights in contemporary political discourse particularly because of its ‘moral resonance.’⁶ The 1948 Declaration concomitantly catapulted the ‘human rights’ jargon as a ‘moral *lingua franca* for global politics.’⁷ It has acquired such a quotidian status to which some would even venture to claim that it is not only a *lingua franca* of contemporary societies but the *lingua sacra*. It has not only become part of the global or universal language, but has also become arguably a ‘worldwide secular religion,’⁸ or a ‘new civic faith and world religion.’⁹

⁴ In this study we do not aim to seek for an adequate definition of human rights. We however deem this definition of David Little (1996) to be helpful for our purpose. He defines *human rights* as “(1) a moral right advanced as a legal right; 2) protecting something of indispensable human importance; 3) ascribed naturally; 4) non-derogable (if primary) , or subject to limitations under prescribed conditions; 5) universally claimable by all people against all others or by certain generic categories of people such as ‘women,’ or ‘children.’”

⁵ Henry J. Steiner and Phillip Alston, *International Human Rights in Context*, 2nd Ed. (Oxford: Oxford University Press, 2000).

⁶ Martha Nussbaum, “Capabilities and Human Rights,” *Fordham Law Review* 66 (1997): 273-300.

⁷ William A. Barbieri, “Group Rights and the Muslim Diaspora,” *Human Rights Quarterly* 21 no.4 (1999) :907.

⁸ Elie Wiesel, “A Tribute to Human Rights,” in *The Universal Declaration of Human Rights: Fifty Years and Beyond*, eds. Y. Danieli et al. (Amityville, N.Y.: Baywood, 1999), 3, quoted in Michael Ignatieff, “Human Rights as Politics and Human Rights as Idolatry,” *Tanner Lectures on Human Values* 22 (2001): 320.

⁹ Some dissenting voices against human rights in this regard may be illustrated by the following statements: Human rights has itself become a *religion*

These observations demonstrate the inexorable position of human rights in any discourse in the present context of modern society, whether social, political, and perhaps even religious. For this reason, we are also prompted in this study to probe on the human rights attitude of church members. The need to discover points of contact between Christian believers with human rights is deemed vital not only because it is necessary for the survival of Christianity in the contemporary democratic society but also because of the ideals and values which human rights represent and uphold like the preservation of human liberty, the enhancement of the economic, ecological and political conditions of human beings, and the protection of cultural and religious identities of people. Awareness of human rights is, therefore, not only a privilege but also a necessity. It is likewise important to get involved in thinking critically about the subject as a whole.

REVOLUTIONS AND HUMAN RIGHTS

Most of the recurring themes, concepts, controversies, and debates related to human rights originate from the English,¹⁰

or *belief* which is in itself as intolerant of other forms of value systems which may stand in opposition to its own central tenets as any of those it seeks to redress.” “Human rights movement tend to be governed by an internationalized elite or global new class which proclaims a transcendent universal order, but whose goal is premised on the interest of global capital.” Kenneth Anderson, “Secular Eschatologies and Class Interests of the Internationalized New Class,” in *Religion and Human Rights: Competing Claims?*, eds. C. Gustafson and P. Juviler (Armonk, N.Y.: M.E. Sharpe, 1999).

¹⁰ The English revolution, or the so-called Glorious Revolution in 1688 and the Bill of Rights in 1689, although criticized by the Marxists as the triumph of bourgeoisie that puts in power the gentry and the merchant class over the monarchy, can also be seen as the triumph of liberty over despotism and of the protection of Englishmen (women had little say on this matter at that time) from the absolutist and arbitrary government. The Glorious Revolution set the precedence that rulers can be removed by popular will if they fail to observe the requirements of constitutional legitimacy. As John Locke remarked, bad government violated the social contract which rulers enjoyed with the government and empowered the latter to rid themselves of the former. Davidson, *Human Rights*, 3.

American,¹¹ and French revolutions in the 17th and 18th centuries.⁹ These pivotal events contributed in each own way to the development of forms of liberal democracy which basically aimed to secure legal protection of individuals against the arbitrary excesses or abuses of the state. These ‘rights’ were fundamentally individualistic and libertarian in character¹²; they are mainly ‘freedoms from’ rather than ‘rights to.’

Among the principal ideas popularized by these ‘revolutions’ are the following: (1) rights are by nature inherent, universal, and inalienable: they belong to individuals simply because they are human beings and not because they are the subject of a state’s law; (2) that the protection of rights is best afforded within a democratic framework; effective protection of human rights can only be effectively protected within the bounds of democracy; and (3) that the limits to the exercise of rights could be determined or abrogated only by law.¹³ Instruments and institutions for the protection of human rights on a universal and regional basis have developed exponentially since the end of World War II. Several ‘tributaries’ of the ‘ever expanding and evolving river of human rights’ have become available in the last 50 years.

THREE GENERATION RIGHTS: ‘LIBERTÉ, ÉGALITÉ, FRATERNITÉ’

Karel Vasak, the former director of the division of Human rights and Peace of UNESCO, represented analogously the development of human rights in recent history by the slogan of the

¹¹ The founding fathers of American independence sought justification in the social contract and natural rights theories of John Locke and the French *philosophers* as demonstrated in the American Declaration of Independence (1776) drafted by Thomas Jefferson: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness...” Ibid., 3.

¹² Political philosophers like Burke, Hume, Mill, Bentham and Austin, rejected the notion of natural rights as being nothing more than ‘unverifiable metaphysical phenomena’ Ibid.,

¹³ Ibid., 5.

French revolution, ‘*liberté, égalité, fraternité*’. Each of these terms correspond, more or less, to the development of distinct categories or generations of rights.

Vasak identifies the first generation rights (*liberté*) as the civil, political, and juridical rights. This set of rights seeks to uphold, as we said, the rights of the individuals against abuse or arbitrary interference by the state. They are also sometimes called as the ‘blue rights.’¹⁴

The civil rights (freedom of speech, freedom of the press, freedom of assembly, right to privacy, freedom of lifestyle, and freedom of religion) are considered ‘liberty’ rights’ since they are derived from the Western liberal democratic ideals especially during the 17th and 18th centuries. These rights are called upon to guarantee the rights of each citizens against intrusion and abuse of the state.

The second category in the ‘blue rights’ are the so-called political rights which were substantially developed in the early 19th century. They are not considered as ‘new rights’ that were created as it were, but are the natural extension of the civil rights from which one can speak of the freedom of each citizens in a democracy. These political rights is stated in article 21 of UDHR: ‘everyone has the right to take part in the government of his country, directly or through freely chosen representatives.’

The judicial rights, the third category of the first generation rights, uphold the right of each citizen to fairness and justice in the judicial process of law. This right involves both a vertical relations (relations between government and citizens) and a horizontal relations (between citizens). In both instances, it implies, as the Universal Declaration of Human Rights of 1948 puts it— ‘no one shall be subjected to arbitrary arrest, detention or exile (art. 9). A

¹⁴ These first generation rights can also be found in the Bill of Rights of the 1987 Philippine Constitution, particularly in Article 3. In Article 3 Section 1, it states: No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws. Other civil rights can also be found like the right to privacy in section 3; right to freedom of speech, expression and press in section 4; freedom of religion in section 5; right to information in section 7, right to association in section 8; right to private property in section 9, etc.

corresponding provision in the ICCPR read: “All persons shall be equal before the courts and tribunals” (art. 14).

The second generation rights (*égalité*), correspond to the economic, social and cultural rights: the right to the creation of conditions by the state which will allow every individual to develop their maximum potential. In contrast to the ‘freedom from’ character of the first generation rights, this ‘red rights’ emphasizes the ‘rights to’ of peoples, thereby allowing them to oblige the state to put in place programs for the full realization of the rights. They are also referred to as the *rights of credit* because they demand an active role for the state. These ‘equality rights’, or the so-called ‘red rights’ are considered as a ‘socialist legacy.’ They were later appended at the later stage of the compilation after the blue rights. This second generation rights are basically formulated in the 20th century and is said to be strongly influenced by Marxist’s or socialist’s thought.

The third generation rights (*fraternité*) or ‘rights of solidarity’, have been derived from the struggles of the developing states who aspires to see the creation of an international legal and economic order that will guarantee the right to development, to disaster relief assistance, to peace and to a good government.¹⁵ This set of rights is also called ‘people’s rights’ or ‘collective rights’ (*nomen est omen*). It covers environmental rights, the right to a healthy environment, minority rights, the right to co-ownership of the common heritage of humankind, the right to communicate, the right to peace, and other developmental rights. These rights are said to have evolved mainly from the needs and interests of developing countries. Karl Vasak argues that individual rights belonging (mainly) to the first (and second) generation rights have to be augmented by super-individual, collective rights. Proponents of these third generation rights maintain that human rights should also involve a scope for collective rights of cultural minorities based on the principle of equality particularly when special measures are required when unchosen inequalities at a collective level have to be rectified, for instance in the case of language, schooling, culture and

¹⁵ Davidson, *Human Rights*, 6.

religion within the context of a democracy.¹⁶ They assert that these minority groups have a right to cultural identity and cultural heterogeneity, in the sense of a right to be different in a multi-ethnic, multicultural society.

From the discussion above, it becomes clear that this evolutionary process of human rights through the three generation rights are to be seen as historical products of struggle and discernment in the ever changing environment and time.¹⁷ It is a continuing sensitivity to protect the disenfranchised, the marginalized, the 'leftovers', and the victims of oppression and social injustice at every changing context. In other words, human rights evolve because of its biased perspective, that is, of the 'victims.'

CHURCH AND HUMAN RIGHTS IN HISTORY

How and where does the church stand on human rights? Where is the church in these modern developments in history? What role did it play in the overall picture of these developments?

History tells us that it took some time for the church to recognize human rights (and even then, only outside the church, not within it). After the French Revolution and the concomitant Declaration of the Rights of Man and of the Citizens in 1789, the Catholic Church saw the anti-clerical and the anti-church sentiments of these turns of events prompting Pius VI and his successors to condemn or rebuff anything that pertains to human rights. In the document *Church and Human Rights* (1974), it admits that the attitude of the church towards human rights in the past two centuries have often been marked by "hesitations,

¹⁶ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. (Oxford: Clarendon Press, 1995).

¹⁷ This is not to deny contentious issues related to these rights. An example would be whether these three generations rights are to be taken in whole or in parts. Another is the conflicting claims on these rights like when a state or a certain polity stresses one group of rights in favor of another, like when a state shelves political and civil rights in favor of economic rights, as in the case of many developing nations. There are other contentious issues but they are beyond the scope of this paper.

objections, reservations and, on occasions, even vehement reaction on the Catholic side to any declaration of human rights made from the standpoint of liberalism and laicism” (CHR 18). In the text that follows in this same document, it states the reasons for such attitude: “The profound changes kindled by the new ideals of liberty, progress and the defense of human or civic rights by the Illuminists and the French Revolution, the secularization of society in reaction to clericalism, the urgent need to resist indifferentism, naturalism and above all a totalitarian and anti-clerical laicism (liberal in thought but hostile to any form of religion) were often factors in motivating Popes to adopt attitudes of *caution, negation*, and sometimes even of positive hostility and condemnation.”

The church however was not totally inimical towards the underlying ‘substance’ of human rights as can be gleaned in her earlier history. Lactantius, an early Christian author who served as advisor to Emperor Constantine in the 3rd - 4th centuries, defended the principle of religious freedom, on the basis of which, forced conversion is to be rejected. Peter Abelard (9th c) stated that one always has to follow one’s conscience, even an ‘erring conscience’. Thomas Aquinas (13th c) did not use the word ‘human rights’, but said that everyone alike is entitled to in a commonwealth under God. He lists some violations of rights, like the right not to be intentionally killed or physically harmed by another private person; the right not to be falsely accused or to be subjected to loss or damage of property. He argues that ‘right’ is *a work that is adjusted to another person according to some kind of equality*. So, what is due to another may be either: (1) by natural right, (2) by human law – positive right, which may be either Public— a right established by public law (applying to all), e.g., the right to a minimum wage; or Private – right that derives from a contract between citizens, also protected by law. Thomas Aquinas speaks of the Roman concept of ‘civil right’ (*ius gentium*), as “whatever natural reason decrees among ALL men and is observed by all equally.” Other important Christian contributors to the development of human rights are Francisco de Vitoria and Bartolome de las Casas who championed the rights of the Indians against the conquistadores in the Americas. De las Casas is known to have appealed the case of the

Indians to Pope Paul III and Emperor Charles V which paved the way for the promulgation of the “New Laws of the Indies” in 1542, a document considered by some as the very first legal document on Human rights as a whole. The contributions of Hugo Grotius (17th c) in the development of religious freedom, and the right to freedom of conscience is undeniably patented. Even in the 18th c. American revolution did not detach from its religious foundation by invoking God to have bestowed her the right to secede from England. In the American Declaration of Independence of 1776, it held that some self-evident truths follow from this, namely, that all people are created equal; that man is endowed by the Creator with certain inalienable rights, including the rights to life, liberty and the pursuit of happiness. It appeals to the Appeal to the Supreme Judge of the World concerning the sincere intentions of the signatories and pledge an oath that they will remain true to one another under the protection of Divine Providence. Deism was the prevalent image of God during that time. It abandons the Judeo Christian notion of the God who liberated them from Egypt, or the God of the covenant and the prophets, nor the God and Father of Jesus. It confines itself to creation, providence and the last judgment of good and evil.

One can also discern the presence of these deistic ideas in the framers of the first Constitution of the Philippines in 1899. It speaks of God as sovereign legislator of the universe. In the 1935 Constitution which was approved by the Commonwealth of the Philippines (1935-1946) and later used by the Third Republic of the Philippines (1946-1972), it also speaks of God as Divine Providence. However, in the 1987 Constitution, it only speaks about God as Almighty God, without any (deistic) legislative or providential prerogatives. As one can see, the early ‘appearances’ of human rights were more or less closely related to religion.

It was during the pontificate of Leo XIII when the Magisterium started to initiate a more open attitude towards human rights. He took a pragmatic approach by tolerating some freedoms if public order and respect for human person so require. He speaks of ‘modern liberties’ in his Encyclical *Libertas* in 1889, although with some strokes of ambivalence and defensiveness, wherein he admits that the good that is in there is as ‘old as truth

itself, and that the church, “so far from denying them has always approved them and put them into practice” (no. 2). Vatican II has ‘flung open her windows’ towards human rights. The encyclicals *Mater et Magistra* (1961) and *Pacem in Terris* (1963) made a real breakthrough in such attitude of openness towards human rights. It manifested a full recognition of the substantial elements, at least of the first and some second generation rights, which can be found particularly in the documents *Dignitatis Humanae Personae* and *Gaudium et Spes*. Pope John XXIII applauded the promulgation of the Universal Declaration of Human rights by the United Nations and commended it as an ‘act of the highest importance.’¹⁸ This twist in the attitude of the church may substantiate a plausible hypothesis that an ‘open minded church, in fact, supports people’s rights, narrow minded ones do not.’¹⁹ Hence, as history tells us, one can recognize the ambivalent attitude of the church towards human rights.

On the one hand, the church cannot help but support the underlying principles of human rights which uphold ‘mutual recognition’, community building, and solidarity. It cannot help but agrees with its principles when it protests against asymmetric relations in situations of exploitation and oppression, especially the *personae miserae*. On the other hand, the church remained cautious and on several instances, rejected the notion of human rights especially in the thought and practice of the first generation rights because of its inherent individualizing character as a result of the rise of bourgeois cities and market economy.²⁰

HUMAN RIGHTS: INDIVIDUAL OR COLLECTIVE RIGHT?

As we mentioned earlier, the church and other sectors of society have been wary of the individualizing tendency inherent in

¹⁸ Cuius consilii providentiae perspicuo est argumento Professio Universalis iurium humanorum *Pacem in Terris* 47; see also nos. 142-143.

¹⁹ Johannes A. Van der Ven, Jaco S. Dreyer and Hendrik J.C. Pieterse, *Is there a God of Human Rights?* (Leiden, The Netherlands: Brill Academic Publisher, Martinus Nijhoff Publishers and VSP, 2004), 312.

²⁰ *Ibid.*, 309

the notion of human rights as manifested particularly in the first generation rights. They alleged that human rights is a product of the growing concern of the West on the individual, especially the individual rights to freedom and property. It is said to be catering to an individualistic culture of the West. As critics would argue, they are so saturated with western individualism that they cannot rightly be called universal; in fact, they are more expressive of western particularism.²¹ Although some authors have stated that these criticisms served as ‘smokescreen’ to cover up the abuses and corruptions made by repressive state in their own nations.²² But are these rights essentially ‘individualistic?’ How do we reconcile the individual and the collective nature of human rights, for instance when ‘civil or individual rights’ like the religious rights, are conceived as essential to the protection of the collective rights of minority, indigenous and other groups?

PRINCIPLE OF MUTUAL RECOGNITION

If one examines the philosophical foundation of human rights, one may come to the awareness that the idea of human rights has rather a social basis rather than an individual one, namely the principle of mutual recognition.²³ Human rights is derived from the social constitution of man based on this principle of mutual recognition which is in fact oriented towards the promotion of the social structure of human life. This principle of mutual recognition is what human rights seeks to protect and promote by the law in modern democracy. Hegel discloses that the core of human being’s identity and difference in interpersonal relations is a symmetric relationship of mutual recognition. In this sense, human rights serve to protect the principles of mutual recognition that is implicit in this symmetry—human dignity, freedom and equality. They do

²¹ Ibid., 12.

²² Jürgen Habermas, *The Inclusion of the Other* Massachusetts, (Cambridge: The MIT Press. 1998), 186.

²³ The negative side of this social constitution is the so-called ‘mechanism of retribution’ which is based on the principle of *lex talionis* (“an eye for an eye, a tooth for a tooth”).

so by explicating, generalising, legitimising, positivising, formalising and universalising these principles.²⁴ In the society, human rights cannot simply be instrumentalized to satiate one's own appetite by treading on or simply annihilating the 'other'. There is no such thing as absolute individual right. Every person's right is conditioned by the rights of another. This mutual recognition can also be derived from the cognitive-emotional process of reciprocity. This process of reciprocity²⁵ is based not so much on the self-sacrificing character of love but on the process of giving and receiving in return, of giving favour and receiving favour, of retaliation and counter retaliation.

Moreover, we should be reminded that human rights does not consist only of the first generation rights. It has also the 'red rights' and the 'collective rights' which cater to the demands of collectivity and solidarity.²⁶ Ted Gurr claims that the growing respect for minority rights around the world is reducing the incidence of ethno-political conflict.²⁷ The idea of 'groups rights' has been formulated in the current discourse on multiculturalism and cultural self-determination, in which religious identity often features prominently.²⁸

HUMAN RIGHTS: UNIVERSAL OR PARTICULAR?

Another tension that relates to the issue of human rights is the polarity between the universal and particular. In recent times, the universalizing discourses of human rights have been severely

²⁴ Van der Ven et al., *Is there a God of Human Rights?*, 307.

²⁵ In the process of reciprocation, one may also distinguish between kin altruism and reciprocal altruism. Kin altruism refers to the love, solicitude, empathy, compassion which parents render to their children, children to their parents, and among siblings, with a diminishing degree of self-sacrificing love.

²⁶ The protections of these collective rights of indigenous peoples are enshrined in the ICCPR articles 18 & 27 which uphold their rights to maintain their language, culture, and religion. This has been protected also by the instrument of the United Nations on the Rights of Indigenous Peoples.

²⁷ Ted Robert Gurr, *Peoples versus State: Minorities at Risk in the New Society* (Washington, DC: United States Institute of Peace Press, 2000).

²⁸ Kymlicka, *Multicultural Citizenship*.

criticized by various groups. Contemporary 'post-modern' attitudes assail grand narratives and tend to suspect universalistic claims to be 'naïve' and even 'dangerous' to the sophisticated and disenchanted post-modern spirit. Universalism often evokes scepticism and reservations from people. Sceptics reject the universal validity of the 'western conception of human rights.'²⁹ Furthermore, protests against the 'Western politico-ideological hegemony have been aired by several Islamic communities, suspecting human rights claim as disguised western 'imperialist ideology'. As one author comments: "Trust in the fairness of the collective operations in enforcing international norms and implementing human rights has been undermined, and so cynicism about these norms and rights has been engendered, by the blatant double standards, callous indifference to the 'collateral' civilian casualties, and lack of sincere and sustained commitment to humanitarian aid that were shown by the major powerful western countries that have been taking initiatives to carry out these operations."³⁰

DIFFERENTIATED UNIVERSALISM, OVERLAPPING CONSENSUS

There are some authors however who stress the inevitability of universalist projects to date while calling for more global participation in the construction of the human rights ideal.³¹ They perceive that one of the greatest challenges is how to be sensitive to believers' positions, while not conceding to their

²⁹ One should be aware, however, that the striving for hegemony is not just a Western prerogative. It can also be traced in all known civilizations, and also in struggles within countries that are inhabited by groups of different civilizations. Aside from the major factors that play a role in these hegemonic processes like technology, economy, and politics, there are also some socio-cultural factors at work like ethnocentrism, chauvinism, patriarchy, proselytism, expansionism, imperialism, etc., which help promote and bolster the struggle against hegemony.

³⁰ See Rosalind Hackett, "Human Rights: an Important and Challenging New Field for the Study of Religion", *New Approaches to the Study of Religion* 2. eds. P. Antes, A. Geertz, and R. Warne (New York: Walter de Gruyter, 2004).

³¹ Abdullahi Ahmed An-Na'im, "Islam and Human Rights: Beyond the Universality Debate," *American Society of International Law Proceedings* 95 (2000).

relativist arguments. Women groups also speak of models of citizenship which are dialogical in character and of relations that are embedded in cultural and associational life, rather than positing an opposition between individualist and communitarian models. They propose the idea of 'differentiated universalism' and dialogic universalism.³² There is also a move to look into 'overlapping consensus' with regards human rights concepts. Some look for cross-cultural applicability of human rights; and some human rights formulations of the tensions between global and the local have also been looked at. A number of scholars also admit that ideas of human rights have been appropriated by many indigenous peoples in their struggle for cultural and political self-determination. These are current attempts to link the universal and particular or the global and the local character of human rights.

LEGITIMATION OF HUMAN RIGHTS

In this section, we want to answer the question: what could be the legitimate basis for our claim for human rights? Legitimising³³ means that "laws or human rights, including their creation, codification, interpretation and application, are or should be rationally acceptable to the populace, or at any rate to the majority of the people and hence to the parliamentary majority (majority rule), but at the same time showing due tolerance and respect to the minority."³⁴ It implies the popular acceptance of the laws or, at least, the willingness to accept it. This popular acceptance (or willingness to accept) is or ought to be based on rational ground or grounds that can be rationally explicated since using tradition or authority as its foundation is inappropriate for a deliberative democracy despite its vulnerability and no matter how its existence has constantly been attacked.³⁵

³² Ruth Lister, "Citizenship and Difference: Towards a Differentiated Universalism," *European Journal of Social Theory* 1, no. 1 (07/1998): 71-90.

³³ This is distinguished from the term *legality* which implies that laws are passed, interpreted and applied according to procedures conforming to the rule of law. Van der Ven et al., *Is there a God of Human Rights?*, 77.

³⁴ *Ibid.*

³⁵ *Ibid.*, 78

This does not mean, however, that authority and tradition do not figure in democracy (see for instance frequent references to judicial, political, cultural and religious traditions in clarifications of judicial issues and the very real influence wielded in such discussions by persons, past and present vested with such authority or reputation). But the decisive factor is not whether a particular view accords with some tradition; the decisive criterion is or ought to be the substance of that tradition/authority that is rationally acceptable.³⁶

THEOLOGICAL, METAPHYSICAL, AND THE SECULAR PHASE

In order to obtain a perspective from which to view the process of codification and legitimation of human rights, it is helpful to consider the division made by Habermas of the history of human rights into three phases which he based on the overall framework of the history of Western philosophy. These three phases consist of the theological, metaphysical, and the secular phase.

In the theological phase, human rights are considered to dwell in God's will or revelation and are inferred from it. In this phase, human rights is said to be already codified in the books of the Sacred Scriptures and all that one has to do is to discern and to locate these revealed truths as they are explicitly told in the bible and tradition. In the second phase—the metaphysical phase, human rights is conceived to be founded on natural law and are inferred from natural law relatively independent of God's revelation or will. In this regard, Grotius contributed to the development of this idea by advancing the notion of natural rights without introducing God as a logical or conceptual necessity—'as if God does not exist.'³⁷ In the third phase, or the secularized phase—human rights are

³⁶ Ibid.

³⁷ Some political philosophers like Burke, Hume, Mill, Bentham, and Austin rejected this notion of natural law as basis for human rights saying that they are nothing more than an 'unverifiable metaphysical phenomena.' Davidson, *Human Rights*, 1993.

positivised, that is, they are turned into laws deriving from the will and the contract of the people. In this phase, human rights are regarded as human products, proclaimed and sanctioned with no religious reference whatever.³⁸ From this historical process, we saw the shifts in the development of the codification of human rights, from the divine order to an order of contract, from the principle of God's will to the principle of human dignity, and from natural rights to human rights. In short, this is the process which led to the secularization of human rights as we have them now.

Two prominent notions serve to legitimize human rights, namely: 'human dignity' and 'image of God.' The former is perceived as a 'secular' legitimation while the latter is regarded as 'religious' legitimation. Albeit distinct from each other, both of these concepts can actually complement and reinforce each other.

SECULAR LEGITIMATION OR RELIGIOUS LEGITIMATION?

Is it possible to legitimize human rights on both secular or religious grounds? In order to answer this question, one should make a distinction between a juridical sense of human rights and a cultural one. The juridical sense of human rights refers to the codified form of human rights as we can find them in several international and domestic instruments. From a cultural sense, human rights can refer to concepts, principles, and ideals that are implied in the codified form of human rights. In short, the cultural sense of human rights can simply be called as the human rights culture. It is from this cultural sense that the Judeo-Christian tradition, despite not using the term 'human rights', has served as a fertile source where human rights culture can draw its moral ideals, principles, obligations, and rules of conduct for a society. It is on the basis of this human rights culture were religious legitimations can find solid foundation for its claim on the dignity of human person, mutual respect, justice, and solidarity.

Is it then necessary to have a religious legitimation for human rights? Some would object saying that such attempt would already be redundant, if not outmoded. Some would argue against

³⁸ Van der Ven et al., *Is there a God of Human Rights?*, 252.

any use of religious symbols as legitimation for human rights claiming that religion or theology has nothing to do with giving legitimation to human rights because human rights were established not on any religious symbolic order but on the dignity, freedom and equality of human beings who are ultimately the personal possessors of human rights.

However, as we already pointed out earlier, human rights draw its foundation from what we call human rights culture. One cannot fully discount the fact that human rights have also derived some of its inspiration, moral ideals, convictions, and rules of conduct in society from the human rights culture, especially the positive socio-economic human rights culture from the Judeo-Christian tradition. Furthermore, to claim that religion is exclusively a private matter, implying that everyone can have their own conviction and express them privately is an inadequate riposte. Albeit religion may be rooted in the individual's innermost self (ideally speaking), it has also a universal message for the whole of society which cannot be denied. And to chuck this out would simply infringe on the very core of religion itself especially Christianity. For this reason, some authors would agree that religious legitimation may help illuminate some enigmatic aspects of human rights, or as Ricoeur would say, its anteriority. Religious legitimation of human rights may not necessarily replace the secular naissance of human rights. Instead, it should aim at clarifying the enigmatic implications and elicit new insights that emerges from its reflections concerning the dynamic development of human rights.

However, in order to make religious legitimation plausible and acceptable as basis for human rights, it has to serve both an internal and an external objectives. Internally, religious legitimation of human rights consists of explicating the meaning and basis of human rights using available metaphors, symbols, concepts, etc derived from one's tradition. If necessary, this internal goal also implies criticizing and rectifying aspects within its tradition especially those which hinder the emergence of the ideals of human rights within its tradition. This would also imply clarifying and explaining the meaning of human rights in its own tradition in view of its future existence and survival. In this way, it

also needs to nourish and legitimize human rights within its tradition.

Religious legitimation can also serve an external aim by contributing its own discoveries and insights to the general discourse on human rights in other disciplines. It can contribute to opinion and will formation in civil society in the context of a deliberative democracy in order to engender an authentic human rights culture. Theology and the so-called 'religionists' are also capable of rendering a fruitful contribution in this regard by keeping abreast with information from other sciences regarding basic ideas and current issues pertaining human rights. Surely, they can considerably play a part on the ethical and moral aspects of human rights which are the arena where religious tradition and theology have been so enriched throughout history. Hence, religion should not be dissuaded to simply withdraw to a wholly spiritual affair (as critics would say, be quiet since it is an issue not of your territory (*silete theology in muner alieno*), but has to take a positive and active part in the enrichment and the future configuration of human rights. It may contribute to the 'overlapping consensus' which could champion human rights not just on the profane level but also on religious grounds.

HUMAN RIGHTS CULTURE AND ATTITUDE

Offhand, we should mention that when we speak of human rights culture, we are not dealing with a static, invariable, or immutable phenomena. Rather, we speak of human rights culture as a constantly shifting project that is directed to an ever changing process. It is always subjected to frequently changing perspectives and critical reflections. Hence, its output may reasonably be considered as (relatively) provisional that is subject to critical reflection and improvement in every changing times and places. Given these considerations, one can therefore describe human rights culture in general as the "culture that is contained in the declarations of human rights, hence the totality of beliefs, principles and values underlying these, and respect for that

culture.”³⁹ This human rights culture must be rooted in the concrete life experiences of people in the civil society. It must be grounded on the day-to-day discourse in the communicative praxis of civil society where people exchange differing perspectives, deliberate on issues, and settle conflicts. It is in such atmosphere of the human rights culture where the global human rights movement are protected from deteriorating into possessive individualism, utilitarianism and a petty contract mentality.⁴⁰

Human rights culture consists of the following four aspects: principle, arena, object, and aim of that culture.⁴¹ These aspects are essentially interrelated.

First, the principle of human rights culture. This has something to do with publicity. It means that the issues or any discourse is not concealed, inaccessible, or private. It must be a topic of shared concern and that everyone has an access to participate freely and actively. There is however a limitation to this aspect especially when dealing with the ‘voices’ of today’s non-person like the refugees, asylum seekers and illegal migrants.

The second aspect is the arena. It refers to the marketplace, the public sphere, which includes the public that actively participates and the audience that engages in it. There must also be an awareness of the ‘hermeneutics of suspicion’ where self-serving interests may occur; to be alert of the ideological processes that may be at work.

The third aspect is the object of a human rights culture. In principle, it comprises all topics raised by any individual, group or community for which a public, no matter how small, can be found. These topics may involve problems arising from the application of human rights and conflicts or the clash of human rights the resolution of which is assessed and regarded differently by individuals and groups. Conflicts on issues like abortion (pro-life

³⁹ Van der Ven et al., *Is there a God of Human Rights?*, 82.

⁴⁰ *Ibid.*, 308.

⁴¹ This is based on Rieu and Duprat’s definition of ‘public opinion’ using the trichotomy of principle, arena, and object. See Alain-Marc Rieu and Gerald Duprat, eds., *European Democratic Culture* (Abingdon, Oxfordshire: Routledge, revised edition 1995). Van der Ven (2004) Proposes ‘aim’ as additional to the Trichotomy of Rieu and Duprat.

versus pro-choice positions), conflicts about the right to the freedom of religion (freedom of religious expression; religious freedom and other human rights, e.g. the right to non-discrimination).

The fourth aspect relates to the aim. Since human rights is not a static concept but a dynamic and a reflexive process, it involves the processes of analysis, evaluation, and synthesis. There is a constant analysis of one's position and arguments; it regularly questions one's presuppositions about democracy, the rule of law and the principles of human rights (i.e. freedom, equality and especially human dignity), and above all about the relation between law and religion, church and state. It also involves a critical evaluation of views and ideas. One can use an internal criteria which relates to the logic in the relations between arguments and conclusion, relations between arguments themselves, and relations to (tacit) assumptions, or an external criteria which is related to perspectives outside the discourse which are adopted to legitimize their views or ideas.

The domain of human rights includes principles of freedom, equality, principles of law, social principles of law like good faith, fairness, undue influences, legitimate expectations, etc. Criteria from the religious domain consist of insights from the scriptures, traditions, etc. Note that an evaluation need not hold true all the time, since it is intrinsically fallible. Lastly, synthesis involves taking or maintaining a stance or pursuing a decision, with requisite arguments. A synthetic activity implies that one scrutinizes the concrete situation, ascertain which human right or rights are applicable, and reviews the arguments pertaining to this application so as to meet the criterion of coherence.

DELIBERATIVE DEMOCRACY: A CONDITION FOR HUMAN RIGHTS CULTURE TO FLOURISH

In order for human rights to work effectively, the state has to create adequate conditions for it to flourish. It has to cultivate a legal and human rights culture not by coercion and force, nor by indoctrination and manipulation, but by creating an atmosphere where its citizens can debate with each other on an equal footing

and issues are resolved based on the merits and strength of the arguments. This kind of conditions can be met through what Habermas calls a 'deliberative democracy.' A human rights culture can flourish within the context of deliberative democracy. In deliberative democracy, the principle of sovereignty of the people, and the principle of human rights could band together.⁴² In such a deliberative democracy, a human rights culture merits a distinctive and in a sense, primary place. The idea of deliberative democracy entails grounding its human rights discourse not on natural law or natural rights, but on a sovereign people with its culture of reflection; it grounds its democracy on its parliament.

Although in the context of deliberative democracy, the parliament is established with a view to will formation and renders the final legislative stamp to this 'will,' yet this process of will formation has to be nourished by public opinion and opinion formation; otherwise, "it loses touch with the people whose sovereignty it represents and is overruled by the state bureaucracy, thus culminating in hollow formalism, proceduralism and legalism."⁴³

Within the context of deliberative democracy, any institution both civil and religious is given a 'space' and the 'right' to actively contribute for the furtherance of the development humanity as a whole, and also lend its prophetic task in criticizing its misgivings. The latter is particularly crucial since human rights is often threatened to be dominated by forces and powers deriving from the economic and bureaucratic system which therefore needs to be constantly calibrated and criticized in relation to the actual needs of people in their concrete situation. The church can contribute in the deliberative process of a democratic system towards *opinion and will formation*, and perhaps even in the creation of conditions so that it gets codified juridically in the long run.⁴⁴

⁴² See Habermas, *The Inclusion of the Other* (1998).

⁴³ Van der Ven et al., *Is there a God of Human Rights?*, 78.

⁴⁴ It should also be noted that Christianity has contributed in subjectifying the concept of 'right' (*ius*) in medieval theological and judicial thinking. It may even have originated within its tradition especially in canonical circles. In the middle ages, Gerson modified the 'objective' character of the Roman concept of

Furthermore, in a deliberative democracy, a three-fold civic culture is to be established and maintained: a political, legal, and human rights culture. The political culture aims at exchanging ideas on politically relevant issues, dealing with political views adversarially and discussing political attitudes, which leads to political mobilization. A legal culture is needed to channel issues that warrant legislative attention to parliament, promote legislative work on it and, if necessary, enforce this by non-violent means, which leads to legal mobilization. A *human rights culture* is needed to keep clarifying their changing meaning; to understand them in terms of the varying contexts in which they originated and have been interpreted in the past; occasionally to liberate them in the face of various traditions in these contexts; and to universalize them in the twofold sense: universalization in the sense of substantive expansion, as in the case of collective rights, and in the sense of growing inclusion of previously excluded groups and communities. For human rights is not a product but a process, or rather a project. In this way, such a human rights culture acquires human rights mobilizing power.⁴⁵

HUMAN RIGHTS ATTITUDE

The formation of human rights attitude⁴⁶ is a necessary condition for a human rights culture. As a matter of fact, it is the support base from which human rights culture can either rise or

ius into a subjective, individual quality and capacity, and even an individual claim right (Van der Ven 2004:309). Obviously the church did not launch any protest against this development.

⁴⁵ Habermas, *The Inclusion of the Other*, 633-651; Van der Ven et al., *Is there a God of Human Rights?*, 69.

⁴⁶ An *attitude* means an affectively governed evaluation of a statement regarding a particular state of affairs. In the case of human rights, an attitude refers to the affectively governed evaluation of statements about the state of affairs in the field of human rights. For instance, in the statement 'I feel that every unemployed person should be paid an allowance', the phrase 'every unemployed person should be paid an allowance' belongs to the field of human rights, and the phrase 'I feel,' is the affectively governed evaluation of that statement. Van der Ven et al., *Is there a God of Human Rights?*, 97..

fall. As Safran argued, neither “a long tradition of individual liberties (like in France), nor even a deep public ‘internalization’ of civil rights expectations (like in Britain), is a sufficient guarantee against the non-enforcement or erosion of civil rights.”⁴⁷ If human rights are not rooted in a positive attitude, a positive mind-set, a positive engagement on the part of those who have to realize a human rights culture, then the entire culture of critical reflection that forms the core of it is illusory. If the human rights culture is not based on human attitudes rooted in the depths of human personality, and there is nothing resonating in the hearts of participants in discourses on human rights, the whole idea of human rights is worth no more than the paper on which it is written.⁴⁸

HUMAN RIGHTS CULTURE AND SOCIAL INTEGRATION

Human rights culture is an essential element to achieve social integration.⁴⁹ Van der Ven and Francis-Vincent Anthony propose some strategies for social integration, namely: tolerance, respect, and recognition.

The first strategy is tolerance which simply means that the ‘other religions are politely tolerated. Tolerance can be unilateral, i.e. a majority population tolerates the minority group through which the latter is allowed to practice its religion without being slaughtered or subjected to ethnic cleansing. It is established on assent or permission. Tolerance can also be bilateral, that is seen from an equally shared power. This tolerance implies peaceful co-existence. It works on openness to compromise aimed at achieving a viable *modus Vivendi*. This also means accepting a neutral third party which functions to maintain the mutual tolerance of differing groups. The Constitution state may take the role of a third party whose task is to pass jointly agreed, impartial laws, administers

⁴⁷ William Safran, “Civil Liberties in Democracies,” in: *Global Human Rights*: eds. V. P. Nanda et al. (Boulder: Westview Press 1981), 198.

⁴⁸ Van der Ven et al., *Is there a God of Human Rights?*, 96.

⁴⁹ Johannes A. Van der Ven & Francis-Vincent Anthony, “Impact of religion on social integration from an empirical human rights perspective”, in *Human Rights challenges of 21st century* (Delhi: Kalpaz Publications, 2008).

them impartially and, when there is conflict, adjudicates impartially. One must however be keen on the latent religio-ethnocentric undertones in this seemingly 'impartial' and ideal conditions.⁵⁰

The second strategy is 'respect' which means "treating each other as a human person with dignity regardless of their differences." Founded on human rights, respect is rendered to the 'other' based on the right of free, equal individuals to hold these views and perform these rituals and not so much on the basis of beliefs and rituals *per se*. One has to respect the person, and tolerate his or her diverse views and practices. There is some kind of 'partial respect' manifested in courtesy among parties. A distinction can be made between a secular approach and a pluralist approach. The former implies respecting religious freedom as long as it remains on the private sphere; religion in the public domain is taboo. A pluralist approach to respect allows religion to take part in the public domain, especially in the civil society as long as it does not infringe the equality of all religions under the law; religious activities are tolerated as long as they don't violate civil liberties.

The third strategy is 'recognition.' It implies respect not only for the adherents of religions but also for their beliefs and rituals. The underlying principle of recognition is not so much 'honor' of one social class based on family or ethnic descent as in pre-modern societies. Shame is perceived as the effect of violating honor which needed to be avenged in order to redeem it. This 'honor-based' relation in pre-modern society is replaced by the universal equality and dignity of human beings in modern society. Equality is not so much attached to one's office or function in society but seen as intrinsic to all human beings. On the basis of dignity, no one must be instrumentalized for another's purpose. The mutual recognition of equal dignity is therefore a necessary condition. Inversely, the non-recognition leads to violations of human dignity. According to Van der Ven and Anthony, of these three strategies, recognition is the best strategy that fits integration because it incorporates not only the dialogue partners as persons but also their religious convictions and rituals.

⁵⁰ Ibid.

In what sense then can human rights facilitate social integration? Van der Ven and Anthony argue that human rights can cultivate “mutual recognition of human dignity into entitlements. Human rights can point toward the conditions to be fulfilled for the realization of mutual recognition. Moreover, human rights may also provide a “framework for moral and judicial guidelines for national and international social processes, rules that are endorsed by countries around the world as binding, implying that they will be brought to book for any violation thereof.”

However, room for a pluriform and differentiated interpretation and application of human rights ought to be allowed for historical and contextual variation. In this sense, the scholastic idea of *epikeia* to mean that in “applying any legal rule whatsoever to a concrete situation the contingency and uniqueness of the circumstances should always, without exception, be taken into account and the relevant alternative applications should be weighed up reasonably and fairly.”

From a religious perspective, human rights can be used as a legitimate condition for the common good life and consider them applicable not only to society at large but to their own religious community as well. There are groups however, who reject human rights or tolerate them skeptically, those who subscribe to them opportunistically, and those who embrace human rights as a legitimate condition for the common good life.

In the context of multi-religious character of Mindanao, one needs to develop not only inter-religious dialogue but also interreligious interaction.⁵¹ Inter-religious interaction implies constructive and communicative ways in which religions relate to

⁵¹ Van der Ven & Francis-Vincent Anthony (2008) distinguishes four ideal types of interaction, namely: (1) integration which refers to the community's striving to keep its own heritage and identity alive and at the same time maintain intensive, lasting contacts with other communities; (2) Assimilation which stands for a community's aspiration to develop contacts with other religious and secular communities, but without concern for its own heritage and identity; (3) Separation whose concern is vitally present, but the ambition for enduring contact is lacking; and, (4) Marginalisation which is characterized by the absence of both interest in its own identity and interest in contacts. Ibid.

one another in a spirit of mutual support and solidarity. It must also address the sphere of neutrality and indifference that may exist between them, the positions of mutual isolation and ‘apartheid’ that may divide them, especially the tensions, conflicts, struggles and forms of violence that exists between them.⁵² In this perspective the goal of inter-religious dialogue refers or should refer to the endeavor—negatively, to push back all these forms of ‘hotwar’ and ‘cold war’, and positively, accomplish a step-by-step process of integration.⁵³

CONCLUSION

To conclude, let us glean some lessons from the foregoing discussions in order to contribute to the path towards peace and justice in our country based on human rights culture.

Based on the discussions above, one can only expect an inverse relationship between the culture of impunity and human rights culture. As human rights culture decreases, human rights abuses is expected to increase. Unless human rights culture is not cultivated among each Filipino citizen, human rights abuses will continue to escalate.

Religion should actively participate in the enhancement and the future configuration of human rights. It ought to take an active role in educating the public opinion on emerging human rights issues, especially by fostering human rights culture. We ought to be reminded that human rights are not drawn from books but, as Ton Danenberg asserts, they are “borne not out of the concrete struggle of people....They are born out of pain and conflict. They are the fruit of life.”⁵⁴

Religion has to contribute to the ‘overlapping consensus’ and not relegate this task to secular agents alone in a condition of deliberative democracy. Moreover, we need to be reminded of the

⁵² Van der Ven and Anthony, “Impact of religion...”

⁵³ Ibid.

⁵⁴ Ton Danenberg, “The Rights of the Human” in *We Did Not Learn Human Rights from the Books: The Philippines and Human Rights in the Period 1986-1996*, eds. Evert de Boer, Huub Jaspers and Gerard Prickaerts, (Quezon City: Claretian Publications, 1996), 163.

substantial foundations of human rights like mutuality, deep respect for others, tolerance, recognition, etc.

When invoking human rights, one should not focus only on 'individual' rights, in as far as one could become numb to the rights of others and to the common good. *Gaudium et Spes* reminds us that 'rights' come hand in hand with responsibility. It insists that all must contribute to the common good (GS 30). Furthermore, one should also broaden our understanding of human rights by including responsible attitudes toward ecology which is our common good.

Christianity may even go further by inviting others to empathize with the victims, the vulnerable, the marginalized and the 'leftovers' of society. Our human rights culture allows us to look at the 'sacredness' of the other because of their dignity or being made in the image and likeness of God.

The church also needs to cooperate with other committed people who are working for the protection of human rights like KARAPATAN, Task Force Detainees of the Philippines (TFDP), Amnesty International, Commission on Human Rights, etc.

By fostering human rights culture, one also needs to promote the virtue of hope—amidst violations, cynicism, and despair. Our contemporary life as it is enmeshed in the problems of daily counts of human rights violations in the context of the Philippines drift towards an uncertain and directionless process. Religion could best serve humanity by providing a vision and by activating the fountains of hope for the future. The Indian theologian Felix Wilfred speaks of the role of religion in the new millennium. He said: "A new century and a new millennium without vision will be very frightening. What is most worrying is that a future without utopias is going to cost the poor a great deal... To strip the poor of vision and hope—and much more terrible—to step on their dreams, is the worst crime."

I guess, hoping today in the Philippines would allow us to say: It is not that human rights have failed; It has yet to be tried!

Dave D. Capucao

St. Vincent School of Theology
frdave2000@gmail.com