

Fine-Tuning Human Rights for Spiritual Well-Being

Rethinking needs, harms, and development.

KEY POINTS

- Spiritual well-being is a broad and dynamic concept that concerns spirituality-based needs, rights, advocacy, and reparations.
- Efforts are underway to centralize spirituality-based understanding of human needs, development, and harms in human rights law.
- Studies in psychology on spiritual well-being, spirituality-informed interventions, etc. can be noteworthy for human rights outcomes.

I. Introduction

There are many reasons to suggest that human rights have a spiritual flavor. Grounded in the understanding that individuals and communities have spiritual interests, the idea of human rights has been called upon time and again to protect and provide for them. This development has raised questions about what spiritual interests are and what role human rights can play in this regard.

On a cursory glance, linking human rights to spirituality benefits three right-holders: individuals, communities, and humanity as a whole. Human rights contribute to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological, and spiritual needs (UNFPA: 2005). And the spiritual interests of communities reflect in the specific rights—namely cultural rights, land rights, environmental rights, the right to peace, etc. In addition, commitments to the spiritual rights of human beings and the planet could be considered essential for the survival and evolution of humanity. (Universal Declaration of Spiritual Rights).

Noteworthy in human rights cases is the use of spirituality-based concepts—namely spiritual development, spiritual needs, spiritual rights, spiritual reparations, etc.—as benchmarks for research, policy interventions, and reforms.

II. Spirituality and Human Rights

There are mainly five sources that illuminate the engagement of human rights with the spirituality-based interests of individuals and communities.

1. Text of human rights instruments

Several human rights instruments mention spirituality-based interests.

The [African Charter on the Rights and Welfare of the Child](#) (1999), for instance, provides that "every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health" (Article 14). The [UN Convention on the Rights of the Child](#) (CRC: 1989), provides that "state parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development" (Article 27).

2. Scholarly literature and interpretations

Scholars interpret human rights instruments to advance spiritual interests. Lefebvre, for instance, refers to the provisions of the [Universal Declaration of Human Rights](#) (UDHR: 1948) as a source for spiritual exercises i.e. techniques and practices by which an individual becomes a philosopher—that is, someone who loves and pursues wisdom—and strives to bring about a comprehensive change in his or her way of living. And by being the source of spiritual exercises, human rights are deeply concerned with personal transformation (Lefebvre: 2020).

Seiber advances the concept of spiritual rights within the framework of existing human rights instruments, including the UDHR. Spiritual rights, according to Seiber, concern the essence of an individual, i.e., the spirit, body, and emotions. According to Zhang and Tan, spiritual rights would include the protection or fulfillment of a set of conditions of human life. In such a case, an understanding of spiritual needs is important to provide a protective framework for those needs (Zhang and Tan: 2010).

3. Content of specific human rights

Specific human rights have been defined (and re-defined) to incorporate the spiritual dimensions of human life. In the case of cultural human rights, for instance, culture is regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature,

lifestyles, ways of living together, value systems, traditions, and beliefs ([Universal Declaration on Cultural Diversity](#): 2001).

Environmental degradation, under the human right to the environment also includes spiritual harm and contamination (New Zealand Law Commission: 2006). On the right to health, interdisciplinary studies examine the spiritual dimensions of health and health care ([The Spirit of Global Health](#): 2022).

In terms of human rights to land, Dannenmaier argues that people with a unique relationship to the land and natural environment should be able to call upon human rights protection to preserve that relationship. Further, the spiritual connection that indigenous communities have to land is integral to the increasing assertion and recognition of indigenous land rights at many levels. ([Dannenmaier](#): 2009).

The human rights case of the [Mayagna \(Sumo\) Community of Awas Tingni v. Nicaragua](#) is a landmark decision in this regard. The Inter-American Court of Human Rights protected the community's land rights and relationship with ancestral lands and natural resources.

4. Spirituality-based reform proposals

The basis for several reform agendas is the advancement of spiritual well-being. In the context of the rights of children, the CRC and its provisions have been relied on to advance the spiritual rights and spiritual development of children (Seden: 1998). Conrad, in light of [Article 14](#), advocates a bio-psycho-social-spiritual perspective on the needs of the human family with emphasis on the needs of children. According to Conrad, the CRC should be reviewed based on biological, psychological, social, cognitive, and spiritual perspectives (Conrad:2010).

For Ojalehto and Wang, spirituality informs children's understanding of the conflicts and questions in daily life, enriching an integrated and meaningful understanding of self, others, and the world. And the "study of spiritual development will enable more effective human rights protection of child development in situations of war and forced displacement."

In light of [Article 27](#) in particular, Ojalehto and Wang pose pertinent questions about how spiritual development under the CRC be conceptualized, protected, and implemented. What's more, questions on what cognitive and cultural processes of spiritual development allow children to develop an integrated understanding of self, others, and the world in a meaningful way (Ojalehto & Wang: 2008).

In light of the UN [Convention on the Rights of Persons with Disabilities](#), Whiting and Gurbai find that the exclusion of spiritual rights from the provisions of the Convention has deep-seated implications that ought to be addressed (Whiting and Gurbai: 2015).

5. Spiritual advocacy and rights of nature

Human rights recognize the spiritual connection of right-holders to nature/environment. This finds evidence in the recognition of rights and legal personhood of nature (rivers, mountains, oceans, forests, etc) in different parts of the world. While speaking about this connection, an Indian court (High Court of Uttarakhand), in [Salim v. State of Uttarakhand](#) wrote,

"... to protect the recognition and the faith of society, rivers Ganga and Yamuna are required to be declared as the legal persons/living persons... the rivers have both physical and spiritual sustenance to all of us from time immemorial. Rivers Ganga and Yamuna have spiritual and physical sustenance. They support and assist both the life and natural resources and the health and wellbeing of the entire community... There is utmost expediency to give legal status as a living person/ legal entity to rivers Ganga and Yamuna."

The importance of spiritual practices is also discussed by Pastor and Santamaria in the context of post-conflict peacebuilding processes. In the cases of armed conflict, the pursuit of justice must reflect on the spiritual perspectives and practices of the communities entitled to reparations for the harm caused to them and their territories. Harms, in these cases, are physical and spiritual, and reparations include spiritual reparations ([Pastor & Santamaria:2021](#)).

III. Psychology and Spiritual Well-Being

Human rights and psychology are interested in the conceptualization and measurement of spirituality and spiritual well-being. Both are working towards building spiritual competence for the sake of making meaningful interventions.

For these reasons and more, studies in psychology can be noteworthy for human rights. Psychological studies on health, for instance, refer to the spiritual dimension of well-being in terms of a "sense of connection with others, sense of life, and relationship with a transcendent force" (Bozek, Nowak & Blukacz: 2020). Other complex agendas addressed in psychology include distinctions between religiousness and spirituality, the distinctness of the mental and psychological dimensions of health from the spiritual dimensions, etc. In addition, universal values or virtues of hope, gratitude, forgiveness,

and self-compassion have been the subject matter of empirically validated interventions (APA Handbook: 2013).

In the paper "[Development of the Spiritual Transcendence Index](#)," the authors situate cognitive and motivational dimensions of spirituality in the concept of spiritual transcendence. Spiritual transcendence is a 'subjective experience of the sacred that affects one's self-perception, feelings, goals, and ability to transcend difficulties'. This definition centralizes the cognitive or subjective experiences involved in transcending or coping with life circumstances and suffering.

One can see that these cognitive and motivational dimensions inform and align with the human rights objectives of building resilient, self-aware, and empowered individuals and communities. These dimensions also inform the ongoing efforts to facilitate reconciliation and healing for people subjected to situations of violence, suffering, and injustice.

To sum up, a workable definition of spiritual well-being would require the integration of interdisciplinary perspectives on the subject. In addition, spiritual well-being in the human rights landscape needs to evolve and transform from being a general and universal concept/right to being a specific one based on the external and subjective experiences of the right-holders. This transformation would necessitate also a rethinking of needs, development, harms, redressal, and justice from the spiritual point of view.

References

Agnieszka Bożek , Paweł F. Nowak, Mateusz Blukacz (2020), The Relationship Between Spirituality, Health-Related Behavior, and Psychological Well-Being, *Frontiers in Psychology*.

Alexander Sieber, Protecting Spiritual Rights In The Era Of Empire.

Alexandre Lefebvre (2020), Human Rights as Spiritual Exercises, in Danielle Celermajer and Alexandre Lefebvre (eds.), *The Subject of Human Rights*, at 194.

Ann Patrick Conrad (2010), Needs, Rights, and the Human Family: A Bio-Psycho-Social-Spiritual Perspective, Vol. 85 No.9 *Child Welfare*

Bethany Ojalehto, Qi Wang (2008), Children's spiritual development in forced displacement: a human rights perspective, 13:2 *International Journal of Children's Spirituality*, at 129-143.

Eric Dannenmaier (2013), Beyond Indigenous Property Rights: Exploring the Emergence of a Distinctive Connection Doctrine, *Washington University Law Review*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1115340

Janet Seden (1998) The spiritual needs of children, *Practice*, 10:4, at 57-67. <https://doi.org/10.1080/09503159808411504>

Kaili Chen Zhang, Charlene Tan (2010), Exploring the Spiritual Needs of Adolescent Girls, 37:2 *Religion & Education*, at 146-161. at 148.

Larry Seidlitz, Alexis D. Abernethy, Paul R. Duberstein, James S. Evinger, Theresa H. Chang, Barbara L. Lewis (2002), Development of the Spiritual Transcendence Index, 41:3 *Journal for the Scientific Study of Religion* 439-453.

Lejandrina Pastor, Angela Santamaria (2021), Experiences of Spiritual Advocacy for Land and Territorial Itineraries for the Defense of Wiwa Women's Rights in Postconflict Colombia, *International Journal of Transitional Justice*, Volume 15, Issue 1, March 2021, Pages 86–107.

Mark S. Rye, Nathaniel G. Wade, Amanda M. Fleri, and Julia E. M. Kidwell (2013), The Role of Religion and Spirituality in Positive Psychology Interventions, in *APA Handbook of Psychology, Religion, and Spirituality*.

Russell Whiting and Sándor Gurbai (October 2015), Moving from the Implicit to the Explicit: 'Spiritual Rights' and the United Nations Convention on the Rights of Persons with Disabilities *Canadian Journal of Disability Studies*.

UN Convention on the Rights of the Child, 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-...>

Universal Declaration of Human Rights. <https://maitriyana.com/2016/09/04/universal-declaration-of-spiritual-ri...>

New Zealand Law Commission (2006), *Converging Currents: Customs And Human Rights In The Pacific*, Study Paper 17.

Inter-American Court of Human Rights, *Mayagna (Sumo) Community of Awas Tingni v. Nicaragua*

About the Author

Deepa Kansra is an Assistant Professor at the Human Rights Studies Programme, School of International Studies, Jawaharlal Nehru University, India.