

Building bridges between religious traditions and modern human rights



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The question of how international human rights relate to various religious traditions has attracted increased attention in recent years. Obviously, this question is not of merely academic significance. Many human rights activists feel a profound loyalty towards their personal religious traditions and beliefs; and many religious people show a practical commitment on behalf of the implementation of international human rights. So it must be possible to somehow combine both sets of values and, moreover, create positive synergies. Indeed, this is more than just an abstract possibility, since we have quite a number of impressive examples of persons who, in credible and persuasive ways, epitomize a successful synthesis between their religious convictions and their human rights commitment.

At the same time, we are also faced with tensions, conflicts and frictions between religious traditions and human rights, which is not unique to one religion or another. Take the example of gender equality, a normative requirement enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other human rights instruments. CEDAW norms obviously collide with traditional gender roles which nonetheless continue to be backed up by many (albeit not all) religious leaders or believers. One may also think of corporal punishments which some religious believers may still consider as belonging to their religious heritage, even though they violate the prohibition of torture and cruel punishment as established in the Convention against Torture (CAT). At the same time, other religious leaders and believers feel that such practices are in profound

conflict of their religious values, and they base this on a different interpretation than the one dominant in the first case. Thus, a critical reconciliation of religious traditions and modern human rights is not easy, but is possible. It constitutes a practical task which itself must be undertaken on the basis of a clear concept of human rights.

Human rights are a specifically modern response to the experience of injustice in our increasingly pluralistic societies in which people of very different religious and non-religious orientations often live side by side. In order to address various experiences of discrimination, contempt, unfairness, neglect, exclusion and other phenomena of injustice, we have to define a common level of normative interaction which we all share across our various religious or non-religious convictions. Human rights provide for this possibility. Their underlying basic idea is universal respect: All human beings should respect one another, and the diversity of convictions (sometimes irreconcilably different convictions), religious rituals (not shared by everyone) and various ways of leading one's life (individually and in community with others) should be respected as manifestations of the universal human faculty of responsible agency. Furthermore, what is new is that this basic respect nowadays manifests itself institutionally in legally enforceable rights to freedom and equality for everyone. All human beings should be able to enjoy their equal rights to freedom of expression, freedom of assembly, freedom of religion or belief, fair trial, physical integrity, right to health, right to education, etc.

In order to build bridges between human rights and religious traditions, one should bear in mind that human rights ultimately point to the dignity of every human being. Just like respect, human dignity is an indispensable keyword in the context of human rights. Indeed, both terms are closely intertwined and mutually presuppose each other. Respect for human dignity constitutes the very precondition for any normative interaction, thus having an axiomatic status in all areas of morality and law. This insight is also reflected in the first sentence of the preamble of the "mother document" of codified international human rights law, the 1948 Universal Declaration of Human Rights (UDHR) which proclaims that "recognition of the inherent



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This article was originally published in the Middle & East-North Africa e-bulletin N°2 of summer 2012, published by the Association for the Prevention of Torture (APT). The article reflects the view of the author alone and not necessarily those of the APT. For a full archive of MENA e-bulletins see www.apr.ch/en/resources/mena-e-bulletin/

dignity [...] of all members of the human family is the foundation of freedom, justice and peace in the world”.

The concept of human dignity has a long history and strongly resonates within most different religious, philosophical and cultural traditions. For this concept to function as the ultimate normative reference in international human rights law, however, it is crucial to make sure that the notion of dignity is not claimed as a monopoly by any of those traditions. Proposals made during the discussions on the drafting of the UDHR to explicitly base human dignity on the Biblical idea that humanity has been “created in the image and likeness of God” – thereby simply equating human dignity with the Biblical tradition – were in fact rejected by a clear majority of delegates. This indicates the awareness that the concept of human dignity, at least in the context of international human rights, must remain open for a wide diversity of religious or philosophical readings.

Such openness does not mean emptiness, though. Different interpretations of what human dignity may signify have the precise function of reminding us of the universalistic nature of those basic rights which all human beings have a claim to just because they are human beings. Human dignity thus represents the idea of normative universalism. Respect for human dignity at the same time receives an institutional backing in terms of legally binding rights of freedom and equality for everyone. The connection between the normative idea of human dignity and the institutionalization of international rights comes to the forefront in the preamble of the UDHR which links “the inherent dignity” of all human beings to their “equal and inalienable rights”. Article 1 of the UDHR again highlights that link by stating that “all human beings are born free and equal in dignity and rights”. In a nutshell, this most famous sentence of the UDHR represents the normative profile of the human rights approach in general.

Human rights can encourage and stimulate interpretation of religious sources. Given their liberating and egalitarian spirit, they may empower persons who previously were marginalized within some interpretations of religious traditions to undertake and publicly present their own “alternative” readings of religious sources. Again, the example of gender roles is a telling one. In many religious interpretation and traditions, woman used to have subordinate roles: The positions of clerics, preachers, imams, rabbis, gurus or priests typically were reserved to male members of the

community (although there have always been exceptions to this rule). Human rights norms such as the principle of gender equality can become an incentive for or support the process of challenging such hierarchies. Whether and to which degree this actually happens, depends on the initiatives taken by persons stemming from different religious traditions.

At the same time, religious values can stimulate further commitment to human rights. For example, the prohibition of torture and ill-treatment, including of those detained or captured during war, is an important concept in many religions. This can be used to bring more people to accept these prohibitions as reflected in international human rights law, for example in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Rejection and prohibition of violence against women, which is a form of ill-treatment and torture, can also gain more commitment on the basis of religious values which support the prohibition of violence against women, and therefore reinforce such prohibition in international human rights law.

As I said earlier, building bridges between human rights and various religious traditions is not easy. Tackling this task, however, is possible and useful for both sides.